

<b>Address:</b>	Kentish Town Underground Station 276 Kentish Town Road London NW5 2AA		<b>6</b>
<b>Application Number:</b>	2014/6620/P	<b>Officer: Jonathan McClue</b>	
<b>Ward:</b>	Kentish Town		
<b>Date Received:</b>	17/10/2014		
<b>Proposal: Alterations to entrance and front elevation, erection of rear extension at first floor level, alterations to rear elevation, installation of secondary access staircase in rear lightwell and installation of plant at roof level in connection with proposed use of part of station building (sui generis) as a restaurant (A3 use).</b>			
<b>Background Papers, Supporting Documents and Drawing Numbers:</b> Location Plan, (01)01; 02 Rev B 03; 04; 31, (03)01 Rev B; 03; 04; 05, (04)12, (06)01; 02; 03; 04; 05; 06; 09, (24)05, Plant Noise Assessment (Report 6466/PNA) 17 October 2014 Rev 1 and Planning, Design and Access Statement (14118) October 2014.			
<b>RECOMMENDATION SUMMARY: Grant Conditional Permission</b>			
<b>Applicant:</b>		<b>Agent:</b>	
c/o Firstplan Ltd		Firstplan Ltd Golden Cross House 8 Duncannon Street London WC2N 4JF	

### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	A1 (Shop)		16.02m <sup>2</sup>
	Sui Generis (Station building/light industrial)		539m <sup>2</sup>
Proposed	A1 (Shop)		16.02m <sup>2</sup>
	A3 (Restaurants and Cafes)		547m <sup>2</sup>

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	0	0

## **OFFICERS' REPORT**

### **Reason for Referral to Committee:**

**This application is reported to the Development Control Committee as it involves the creation of an A3 use [Clause 3(iv)].**

#### **1. SITE**

- 1.1 This application relates to the Kentish Town Underground Station located to the east of Kentish Town Road at the end of a terrace adjacent to the railway line to the north. The property lies within a core frontage of Kentish Town which includes a number of commercial uses (A1-5) at ground floor level with residential and office uses located on the upper floors. The building is 2 storeys above ground with station platforms and a basement underneath. The site is not located within a conservation area nor is it subject to a statutory listing.
- 1.2 The main ground floor entrance to the Underground Station is located to the northern end of the building and fronts Kentish Town Road. To the south of this entrance a greengrocer 'Kentish Town Fruit Bowl' (A1) occupies part of the ground floor and forecourt. Adjacent to the greengrocers (to the south) is a separate entrance to the host building providing access to the first floor with ancillary space at ground and basement floors. This space is currently vacant and has had a number of previous light industrial uses, including a printing warehouse.
- 1.3 The application site is also accessed from Frideswide Place to the rear.
- 1.4 The adjacent property to the south is a 3 storey building with commercial units (A1, A2 and B1a) on the ground floor with residential flats (C3) and a dental surgery (D1) above.

#### **2. THE PROPOSAL**

##### **Original**

- 2.1 Planning permission is sought to change the use of the vacant unit within the station building, which occupies the entire first floor with space on the ground and lower ground levels, into a restaurant (A3); alterations to the entrance of the building; a first floor rear extension and alterations to the rear elevation; the construction of a secondary access staircase within the rear lightwell and the installation of plant equipment at roof level.
- 2.2 The proposed restaurant would have its main seating area and kitchen on the first floor. Additional seating and staff facilities would be at ground level and storage within the basement. The proposal is for a Wahaca (Mexican themed chain) restaurant. The proposed hours of operation are 10.00-00.00 Monday to Thursday; 10.00-00.30 on Fridays and Saturdays and 10.00-23.00 on Sundays and Bank Holidays.
- 2.3 Changes would be made to the front elevation including new double glazed entrance doors with a glazed transom above; rendering to the recessed areas

around the entrance way (which currently contain modern tiles) and a new stair lift to provide wheelchair access (outline in paragraph 2.9).

- 2.4 The proposed first floor rear extension would have a maximum depth of 3.25m to align with the adjoining rear wall of the adjacent building to the south (274 Kentish Town Road). It would have a flat roof with a height to match the host building. Matching materials are proposed, with rendered and painted blockwork walls and a timber and joist substrate roof. The area would allow for a lift to be installed.
- 2.5 A secondary access staircase is proposed in the rear lightwell. It would be constructed of steel with a glazed roof. 2 fire escape ladders are proposed to the rear and 2 rooflights at first floor level would be replaced.
- 2.6 Plant equipment would be installed on the roof of the building containing the kitchen extract; an air handling unit; 6 heat pumps and 2 catering condensers. An enclosure is proposed to screen the equipment from surrounding views. A Plant Noise Assessment has been submitted by a qualified acoustic engineer.

### **Revisions**

- 2.7 The original proposal included the change of use of the greengrocers into a burrito bar. This was revised on 05/12/2014 and the greengrocer would now be retained (i.e. it would no longer form part of the proposal). Revised plans showing this on the front elevation and ground floor plans were submitted.
- 2.8 Revisions to the front entrance were submitted on 22/01/2015 to retain the existing steps and to introduce a stair lift. The stair lift would remain at the top of the stairs folded away. It would be operated by staff members who could be called via intercom to assist with holding the doors open. This revision resulted in the entrance doors being relocated back 470mm from their existing location to allow a 1m landing at the top of the stairs.
- 2.9 Details regarding servicing were submitted on 15/01/2015. Servicing would take place from Frideswide Place to the rear where there are single yellow lines. There would be 2 deliveries a day and a refuse collection. Goods would be taken around the side of the building and up to the first floor via a proposed staircase and access way.

### **3. RELEVANT HISTORY**

- 3.1 **2014/4357/PRE:** Pre-application advice was sought regarding the change of use from the vacant station unit to a restaurant (A3); alterations to the front elevation; rear extensions; a first floor terrace and plant machinery. No objection was raised to the change of use subject to conditions relating to hours of operation; the extensions and alterations were considered acceptable subject to design details; a noise report for the machinery was recommended and concerns were raised regarding the external terrace due to the likelihood of noise and disturbance. Based on the advice given the applicant submitted the proposal without the terrace.

### **4. CONSULTATIONS**

## **Statutory Consultees**

- 4.1 *London Underground Limited*: No objection subject to the applicant fulfilling the legal requirements in place and formed under agreement with London Underground.

## **Conservation Area Advisory Committee**

- 4.2 *Kentish Town CAAC*: Objects to the loss of the fruit and vegetable stand as it is important to local amenity. A takeaway use at ground floor level would cause overcrowding on the pavement which is not appropriate in close proximity to the underground station and bus stop

## **Local Groups**

- 4.3 *Bartholomew Estate*: Objects to the loss of the fruit and vegetable stand as it is important to local amenity. A takeaway use at ground floor level would cause overcrowding on the pavement which is not appropriate in close proximity to the underground station and bus stop.

## **Adjoining Occupiers**

	<b>Original</b>
<i>Number of letters sent</i>	26
<i>Total number of individual responses received</i>	9
<i>Number of electronic responses</i>	7
<i>Number in support</i>	2
<i>Number of objections</i>	6
<i>Petitions</i>	1 against with 1048 signatures

- 4.4 A site notice was displayed from 19/11/2014.
- 4.5 Resident in Kentish Town (objection):
- The loss of a fruit and vegetable stall to a restaurant would harm the Kentish Town Centre and result in a concentration of this type of use.
- 4.6 60 Fortess Road (objection):
- The closure of the fruit and vegetable stand would result in the loss of a valuable community asset.
  - Noise and disruption from proposed use would harm residential amenities.
- 4.7 Flat 3, 25 Prince of Wales Road (in support):
- Would bring a derelict part of the building back to use adding vibrancy to Kentish Town.
  - The fruit and vegetable store blocks the public highway.

- 4.8 121 Leighton Road (in support):
- A restaurant would support economic growth of the high street.
  - The fruit and vegetable stand could be relocated to a more suitable area.
- 4.9 3 The Green, 19 Rochester Terrace (objection):
- The loss of the fruit and vegetable stall would harm the local community.
- 4.10 22 Parliament Hill Mansions, Lissenden Gardens (objection):
- Objects to the loss of the fruit and vegetable stall due to the loss of a local shop and its replacement with a chain restaurant.
- 4.11 15 Evangelist Road (objection):
- The fruit and vegetable stand is a valuable community asset and local shops are needed within Kentish Town.
- 4.12 54 Patshull Road (objection):
- Objects to the loss of the fruit and vegetable stand.
- 4.13 A petition was received objecting to the proposal on the basis of the loss of a retail unit and the creation of another restaurant. Removing the fruit and vegetable stand would result in the loss of a community asset. The petition was signed by 1048 individuals. *See paragraph 6.7 for an assessment of this and a response to the objections in relation to the loss of the fruit and vegetable stand.*

## 5. **POLICIES**

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

- CS1 – Distribution of growth
- CS5 – Managing the impact of growth and development
- CS7 – Promoting Camden’s centres and shops
- CS8 – Promoting a successful and inclusive Camden economy
- CS11 – Promoting sustainable and efficient travel
- CS14 – Promoting high quality places and conserving our heritage
- DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses
- DP16 - The transport implications of development
- DP17 – Walking, cycling and public transport
- DP18 – Parking standards and limiting the availability of car parking
- DP19 - Managing the impact of parking
- 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

### 5.2 **Supplementary Planning Policies**

- 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 and summarised as follows:

- Land Use;
- Design and Visual Amenity;
- Neighbouring Amenity;
- Transport, Access and Servicing

### Land Use

6.2 The host unit relates to ancillary space within the Kentish Town Station and the landlord, Transport for London (TfL), has permitted development rights to implement works as a statutory undertaker as long as they comply with planning legislation. The existing space that is subject to this application is considered to have a sui generis use. It is now vacant and in a poor condition and has had previous industrial uses.

6.3 Due to the nature of the existing use and the condition of the unit, there is no objection in principle to changing the use of this part of the building.

6.4 Policy CS7 seeks to protect and enhance Camden's centres; provide a range of shops, services, food, drink and entertainment uses and make sure 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 needs to be taken into account.

6.5 The host property lies within a core frontage of the Kentish Town Centre, however, the unit itself would primarily be located on the first floor of the building with the ground floor used for access and additional seating and facilities to the rear. 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 would therefore comply with CPG5.

6.6 Given the proposal's accessible location above a railway station within a mixture of commercial uses, it is considered that the restaurant use would be acceptable in principle. The proposed use would add to the range of uses within the Kentish Town Centre without resulting in a concentration of the development type. Due to the area of the building being vacant for an extended period of time, the proposal would contribute positively to the character, function and vitality of a centre by bringing it back into use.

Greengrocer

- 6.7 Following Officer negotiations, the adjacent greengrocer 'Kentish Town Fruit Bowl' no longer forms part of the proposal and would remain in use. Therefore, this retail use would remain and no harm to the local character or retail prominence of the area would result. The new use would largely function on the first floor so would not detract from the frontage or the parade of uses at street level.
- 6.8 Based on the above, it is considered that the proposal complies with policies CS7, DP12 and CPG5 and the proposed change of use would be acceptable in principle. Further aspects of the proposal will be assessed below.

### **Design and Visual Amenity**

- 6.9 The proposal includes a number of external changes including alterations to the entrance and front elevation; a first floor rear extension; a new staircase and fire escape ladders and the installation of plant equipment at roof level. Each of these will be assessed separately in the paragraphs below.
- 6.10 The proposed changes to the front elevation are considered acceptable and they would be in keeping with the host building while would not resulting in a significant level of harm its appearance. There is no objection to the loss of the modern tiled areas of the façade or the existing entrance doors. The replacement doors would be of an appropriate contemporary style and the rendering would cover non-original elements. The new stair lift would fold away within the recessed entrance way and not materially detract from the appearance of the building or the streetscene.
- 6.11 The first floor rear extension would be of an appropriate scale so that it would be subservient to the host building and in keeping with the prevailing pattern of development. It would have a height, design and materials to match. In addition it would not be visually prominent from within the public realm as it would be screened from the rear by the adjoin station building and timber screening adjacent to the railway line.
- 6.12 The other external works to the rear would be acceptable in terms of design and visual amenity. The replacement rooflights would result in an enhancement and the proposed bin store would be constructed of wooden panels to blend in with the existing screening.
- 6.13 The proposed new access staircase and enclosure to lightwell would be located on the north side, adjacent to the in/outlet shafts and behind the 2 storey linked building. It would only be partially visible from Leighton Road opposite and, owing to its largely light-weight appearance comprising steel frame and glazed roof, would not be visually prominent in long views from the public realm. Similarly, its visual impact on private views (from residential properties due east) would be satisfactory owing to its use of materials and setting. Furthermore, the structures would be screened by the existing fencing facing the railway line. It is considered that this element would be of an acceptable design and would not unacceptably detract from the character or appearance of the surrounding area.
- 6.14 The proposed plant equipment would be contained within an enclosure to screen it from views and to reduce noise pollution. The enclosure would be subject to a

planning condition requiring further details of the materials to be used and its height. Indicative drawings show that the screening would be setback a minimum of 8m from the front (west facing) elevation of the building and 400mm higher than its parapet meaning that it would not be visible from the front of the building. In relation to the north facing (side) elevation, it would have a minimum setback of 5.39m and largely be screened by existing structures on the roof. To the rear (east) the proposed screening would be shielded from view by the building adjacent two storey structure which is higher than the proposed enclosure. Overall, the proposed plant machinery and screening would be well setback and obscured on the roof of the building and the enclosure would only be visible through glimpses from long views.

### **Neighbouring Amenity**

- 6.15 The closest residential occupiers are located within the upper floors of 272 Kentish Town Road as the adjacent building at 274 comprises of offices at these levels. The proposed extensions and introduction of a mechanical lift is not expected to cause any amenity concerns for the adjacent commercial use.
- 6.16 Due to the town centre location and its position above a busy railway station, 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 are considered appropriate as they are similar to the operating hours of the Kentish Town Underground and they would be compatible with other food, drink and entertainment activities within the locality. A condition is recommended to ensure control through the planning permission.
- 6.17 A noise report has been submitted with the application. The assessment included a site visit, ambient noise monitoring and calculations of the plant noise. The Council's Noise Officer has assessed the acoustic information and is satisfied that the proposal would not result in any undue harm to the neighbouring occupiers. This is subject to a condition requiring the submitted noise criteria being implemented and permanently retained. On this basis, it is not considered that the proposed plant machinery would result in a material level of harm by way of noise or general disturbance to the surrounding residential occupiers.

### **Transport, Access and Servicing**

- 6.18 Due to the location of the proposal within the Kentish Town Centre and accessibility to public transport, the proposed development would not give rise to a significant increase in traffic demand or lead to any significant levels of harm to the surrounding highways.
- 6.19 The proposed access arrangements would be acceptable on highways grounds as the entrance steps would remain as existing and the chair lift would fold away so that it would not obstruct the public footway or result in a reduction of its width. A condition is recommended with this permission to ensure that the chair lift does not obstruct the highway when it is not in use.



- 6.20 The applicant has submitted that there will be approximately 2 deliveries a day and a refuse collection. Deliveries would be limited to short waiting times to allow for loading/unloading only. Suppliers would be requested to switch off engines where possible to reduce disturbance and deliveries would be timed to avoid school drop-off and collection times. These details have been reviewed by the Council's Transport Planner who considers them to be sufficient in this instance. A Servicing Management Plan would not be required.
- 6.21 No cycle parking is being proposed which is considered acceptable given the very constrained nature of the site and its town centre location.
- 6.22 Due to the nature of the works proposed and the site's accessibility to the rear, a Construction Management Plan is not considered necessary in this instance.

## 7. **CONCLUSION**

- 7.1 Based on the location of the proposal and the nature of the surrounding development the principle of the change of use is considered acceptable. Pursuant to the recommended conditions being adhered to, the restaurant use would be compatible within the surrounding area and would not be likely to result in any material impacts on neighbouring occupiers. The proposed external alterations are considered to be compatible with the host and surrounding buildings and they would not materially harm the character or appearance of the surrounding area.
- 7.2 The proposed development would be appropriate and in accordance with relevant National and Regional Policy, Core Strategy and Development policies and Camden Planning Guidance for the reasons noted above.
- 7.3 Planning Permission is recommended subject to the following conditions listed within section 8 below.

## 8. **LEGAL COMMENTS**

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

### 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 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London

Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans Location Plan, (01)01; 02 Rev B 03; 04; 31, (03)01 Rev B; 03; 04; 05, (04)12, (06)01; 02; 03; 04; 05; 06; 09, (24)05, Plant Noise Assessment (Report 6466/PNA) 17 October 2014 Rev 1 and Planning, Design and Access Statement (14118) October 2014.

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

- 4 The use hereby permitted shall not be carried out outside the following times 10:00 to 00:00 Mondays to Thursdays, 10:00 to 00:30 on Fridays and Saturdays and 10:00 to 23:00 on 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.

- 5 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

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 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The installation is to be carried out with regard to the noise criteria set out in the applicant's 'Plant Noise Assessment' Ref: 6466/PNA Rev 1 dated 17th October 2014 and additional steps to mitigate noise shall be taken as necessary. Approved details shall be implemented prior to commissioning of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site & surrounding premises is not adversely affected by noise from plant equipment.

- 7 Prior to the first occupation of the development, full details of the screening enclosure for the plant equipment including the materials used and the height and location proposed, shall be submitted to and approved in writing by the local planning authority. The screening approved shall be erected on the roof of the building prior to commencement of use of the approved use and shall be permanently retained.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework

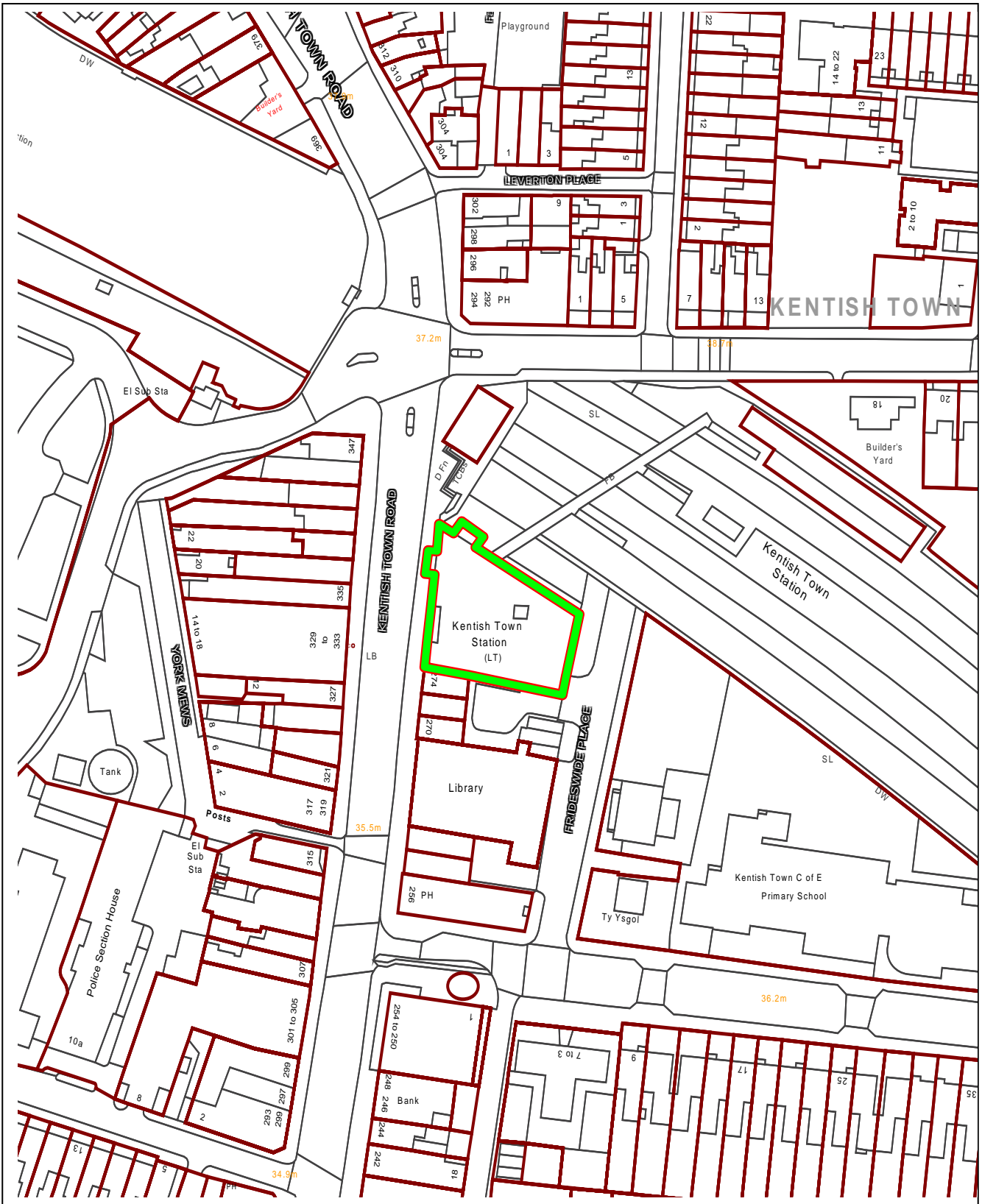
Development Policies.


- 8 The proposed stair lift for wheelchair access to the front entrance of the approved restaurant use (as shown on drawing numbers (01)02 Rev B and (03)01 Rev B) shall be stored within the steps of the building and not on the public highway when it is not in use.

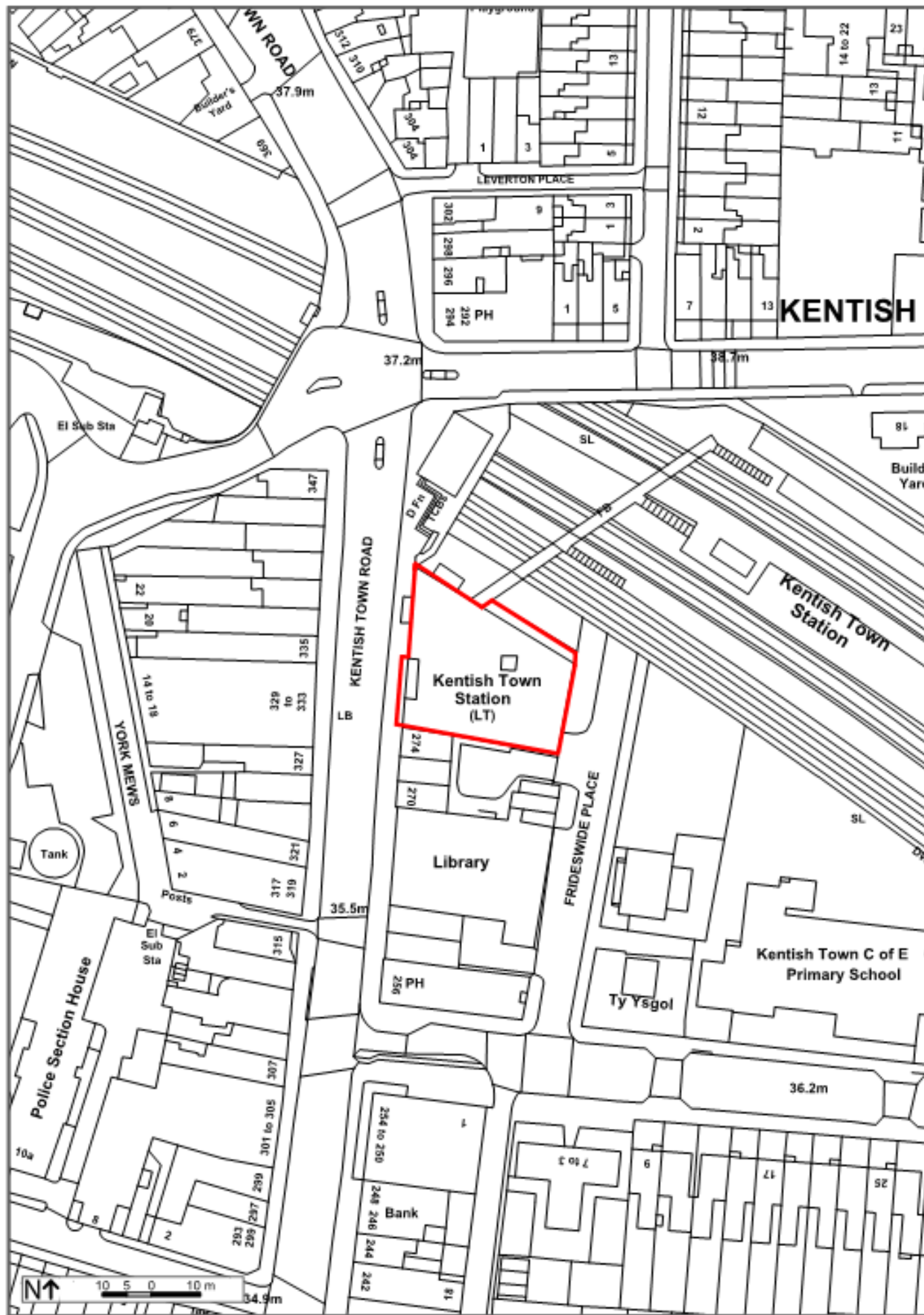
Reason: To avoid obstruction of the adjacent footpath to the detriment of pedestrians and highway safety and to be in accordance with policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP16 and DP17 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 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.



	<p><b>Application No: 2014/6620/P</b></p> <p><b>Kentish Town Underground Station</b>  <b>276 Kentish Town Road</b>  <b>London</b>  <b>NW5 2AA</b></p>	<p><b>Scale:</b>  <b>1:1250</b></p> <p><b>Date:</b>  <b>6-Feb-15</b></p>	<p><b>N</b></p> 
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**Location Plan**  
 Kentish Town Underground Station, 276 Kentish Town Road, London, NW5 2AA



PROFESSIONAL MAPPING INTELLIGENCE  
 Scale 1:1,250  
 Date 14/10/14







Above: Front elevation of the Kentish Town Underground Station



Above: Side elevation from Leighton Road





Above: The rear elevation of the Kentish Town Underground Station is obscured from Frideswide Place by a two storey building to the rear.



Above: The rear elevation of the adjacent buildings at 270-274 Kentish Town Road and the Kentish Town Library



Above: The existing roof above the station.

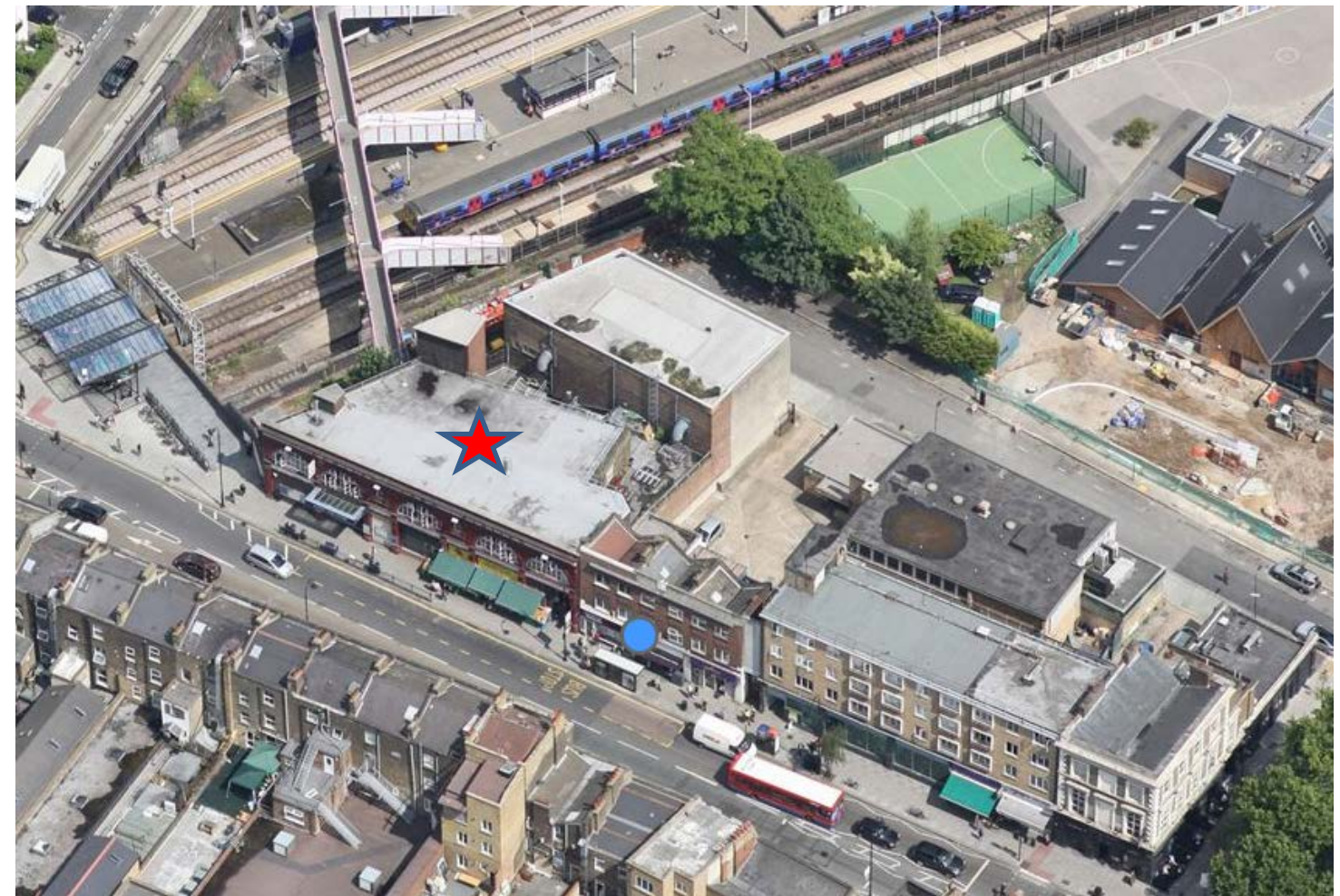


Above: The existing rooflights that would be replaced

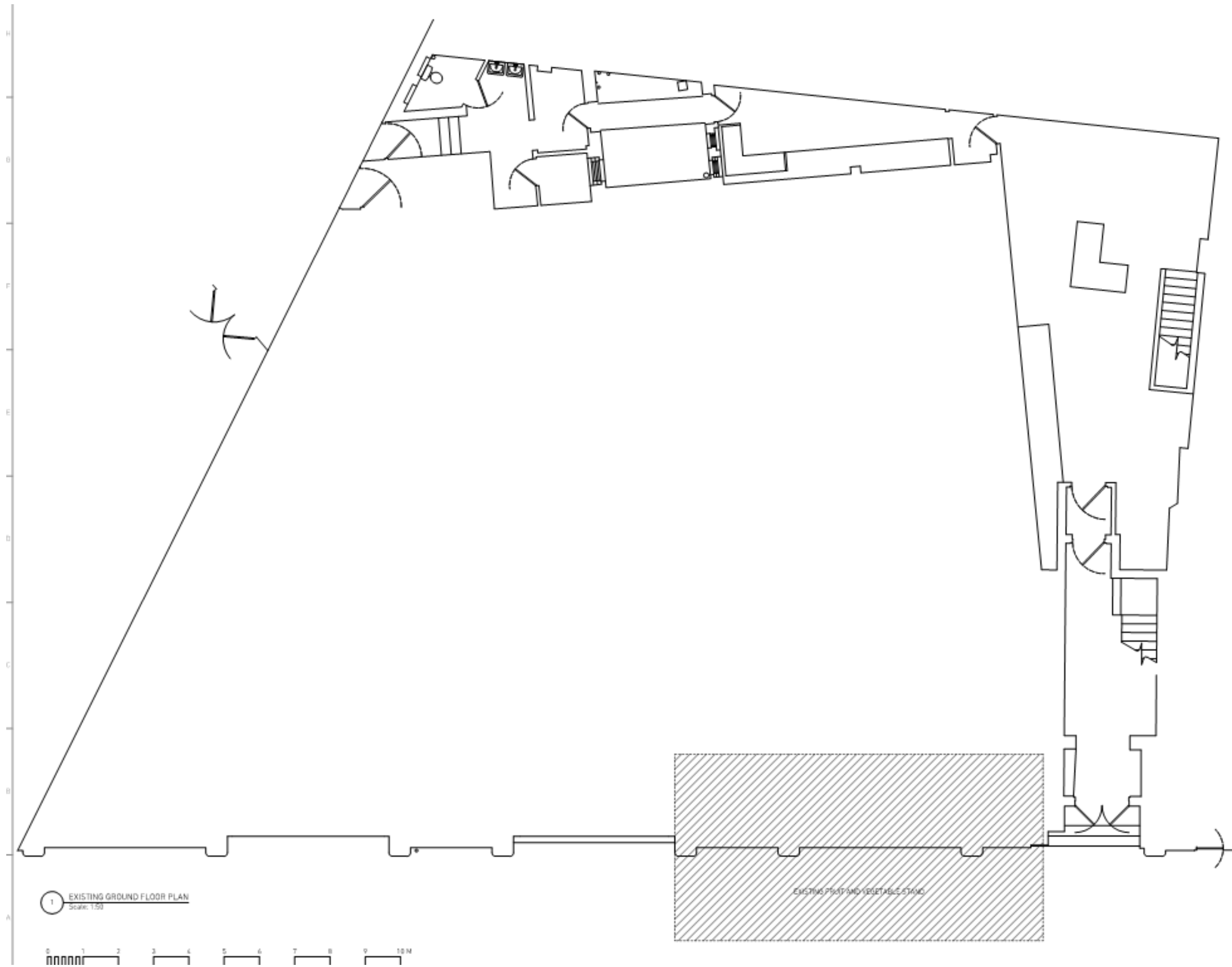




Above: The Kentish Underground Station (labelled with red star) and the nearest residential accommodation (blue star).

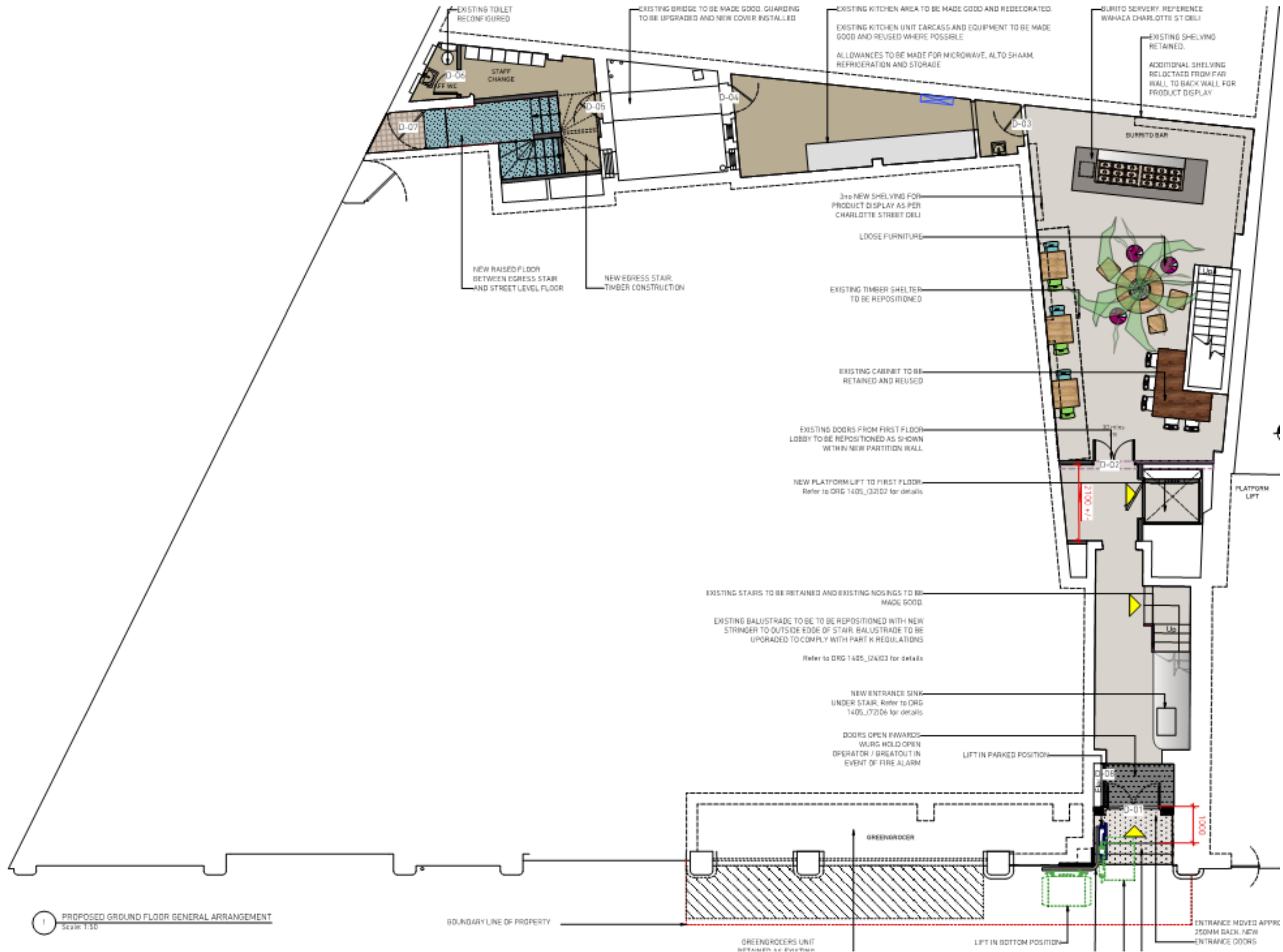


Above: Aerial view of the Kentish Underground Station (labelled with red star).

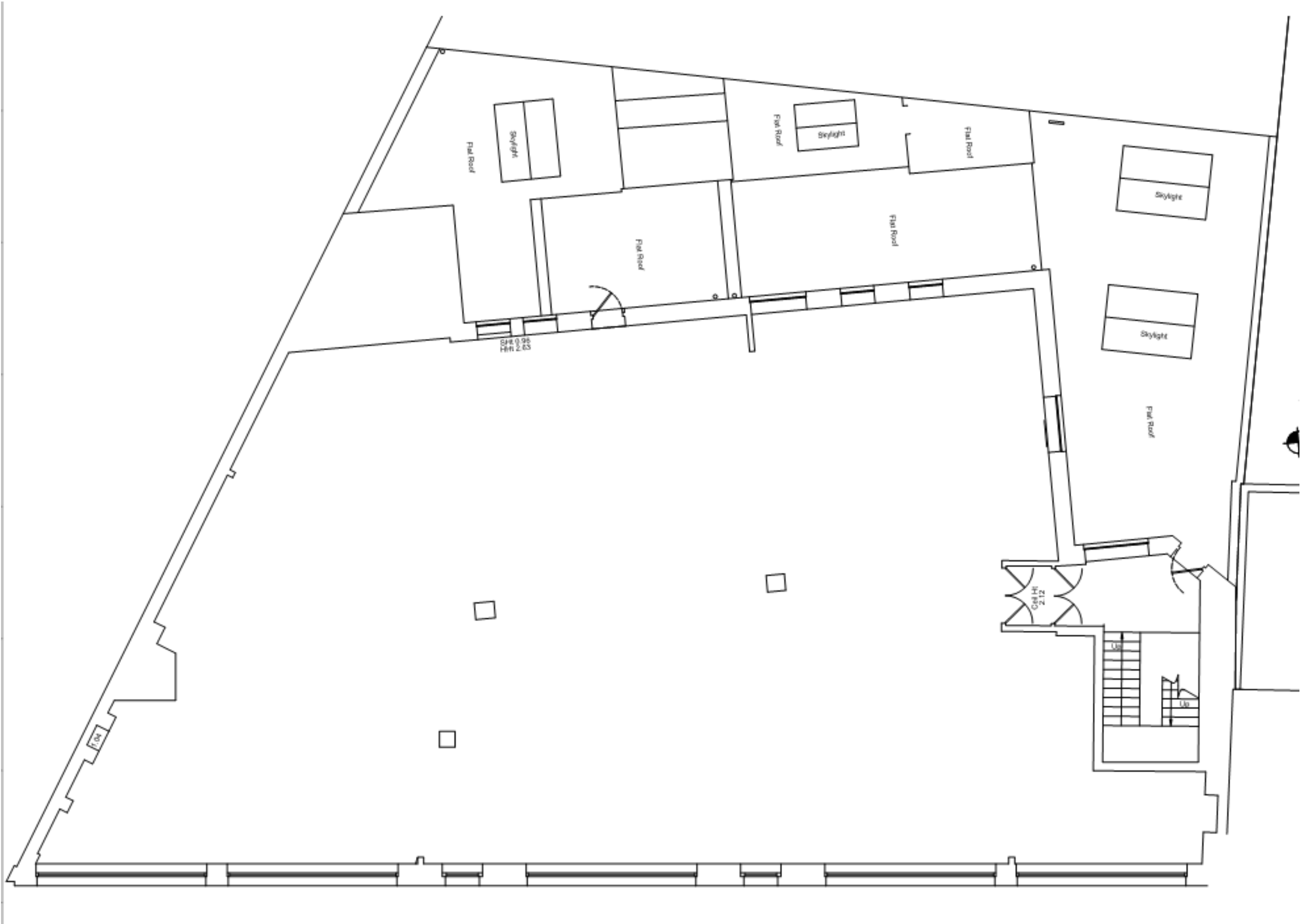


Above: Existing Ground Floor Plan



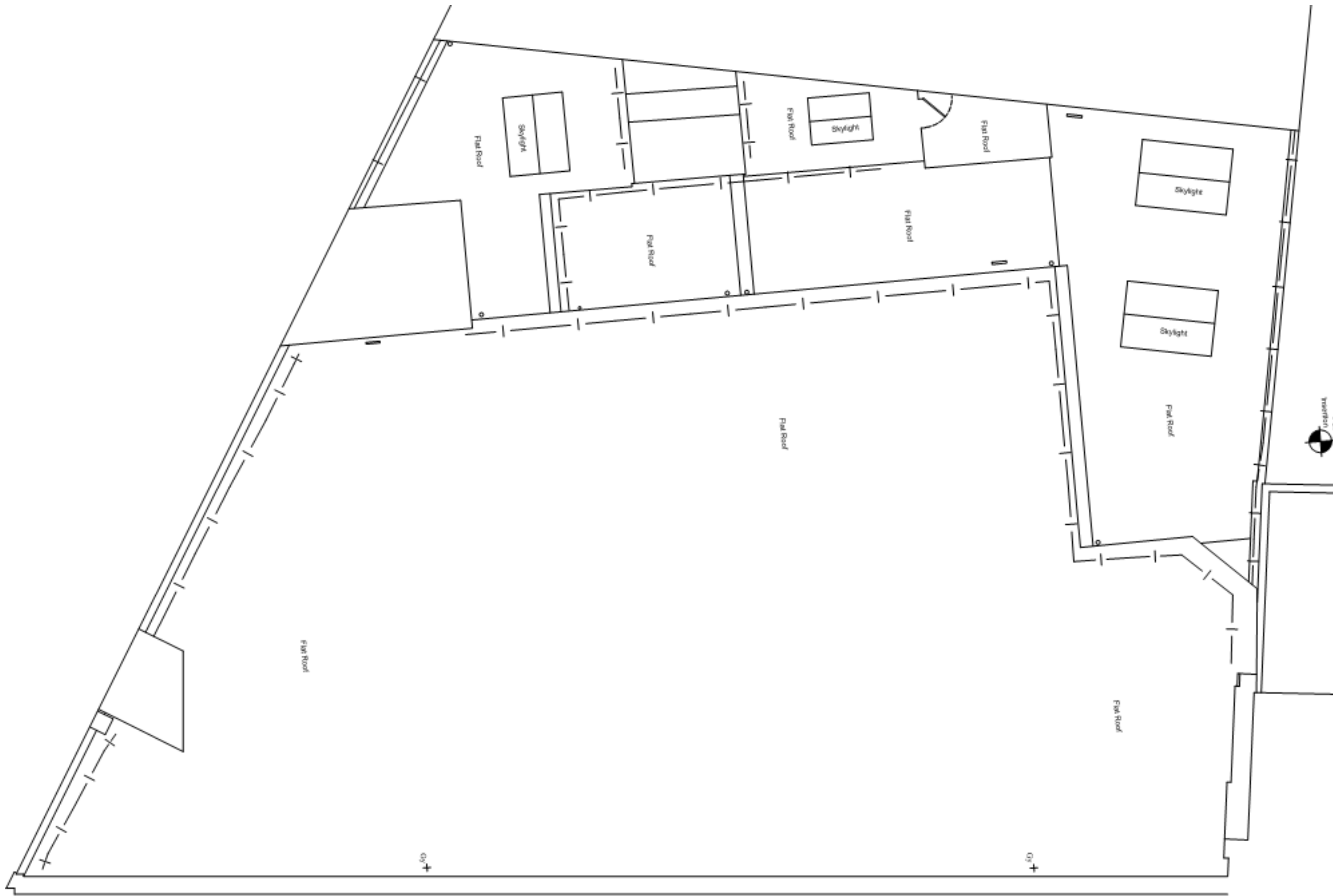


Above: Proposed Ground Floor Plan

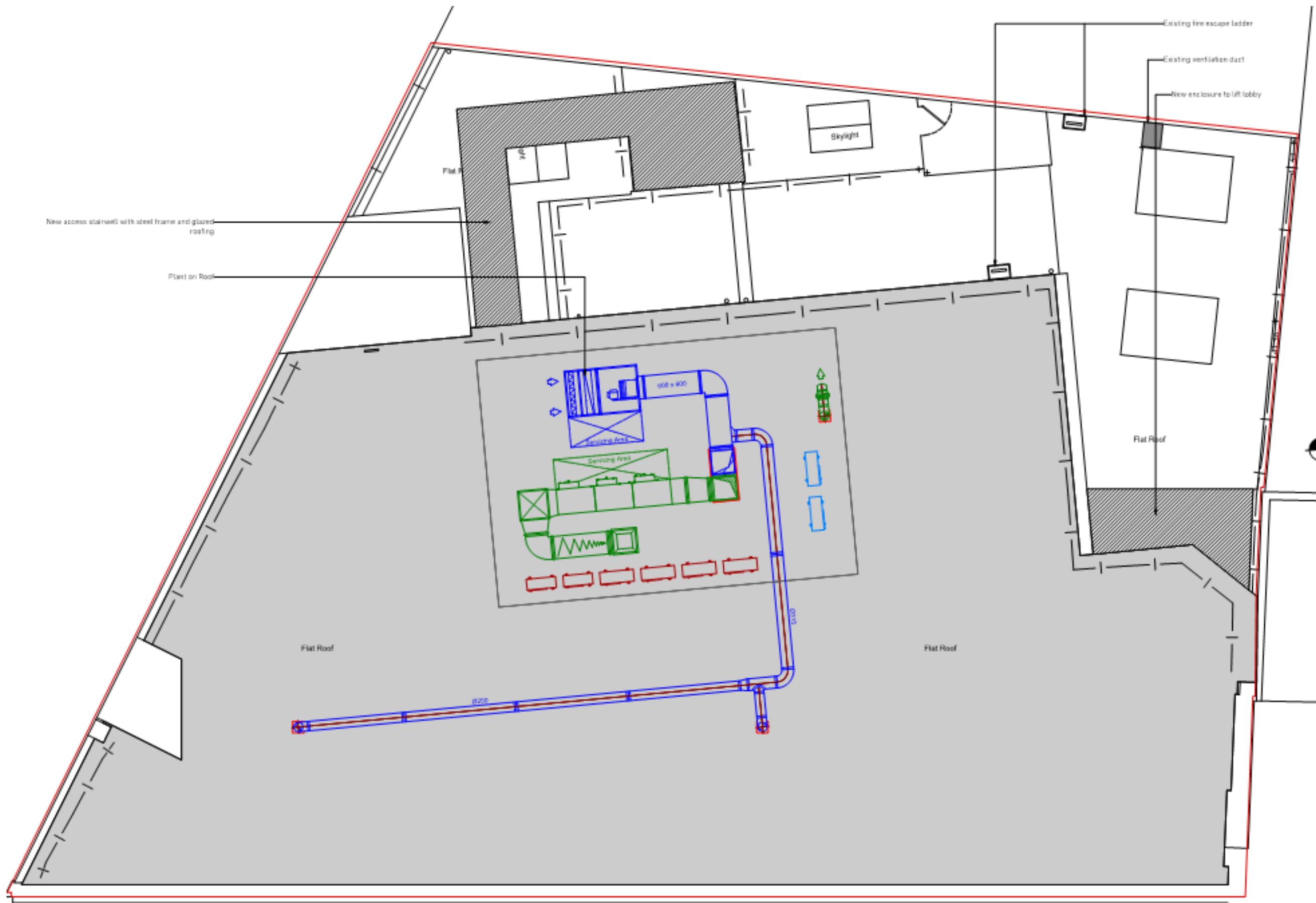


Above: Existing First Floor Plan





Above: Existing Roof Plan



Above: Proposed Roof Plan



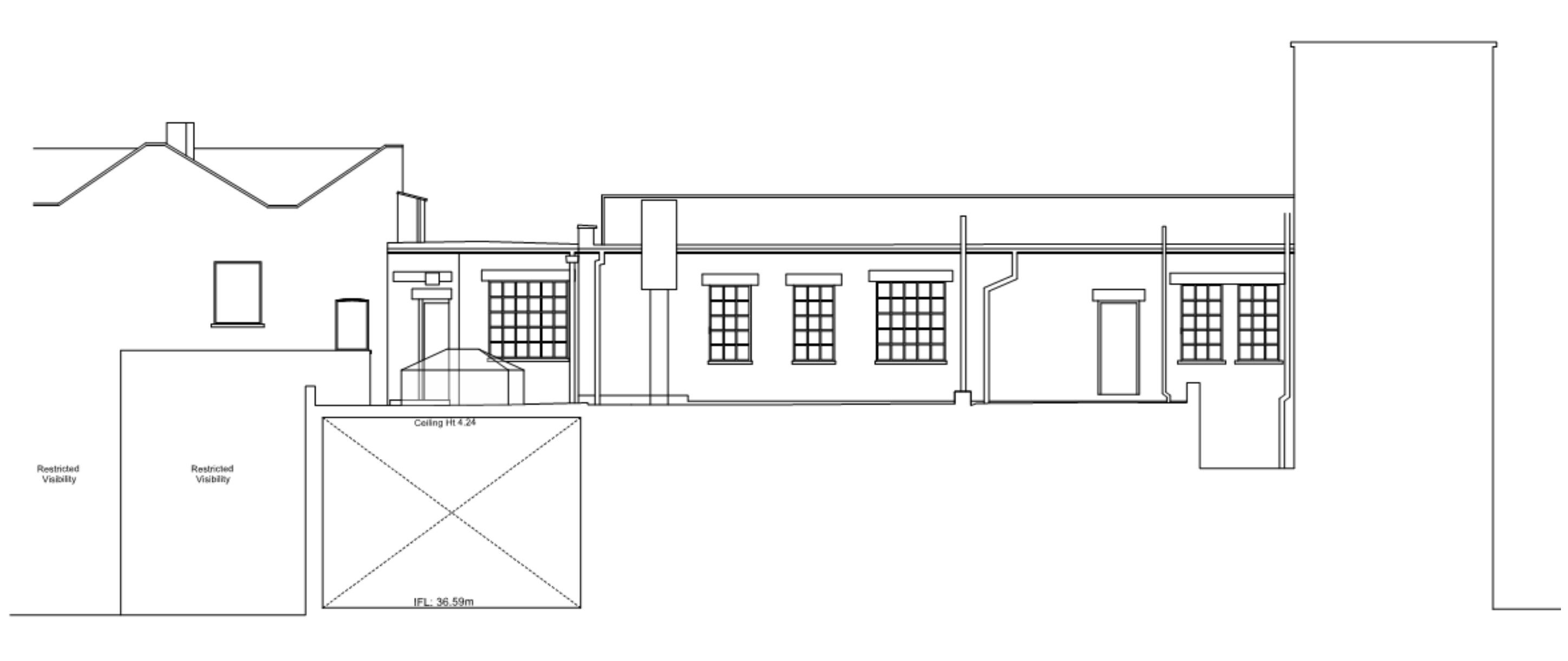


Above: Existing Front Elevation

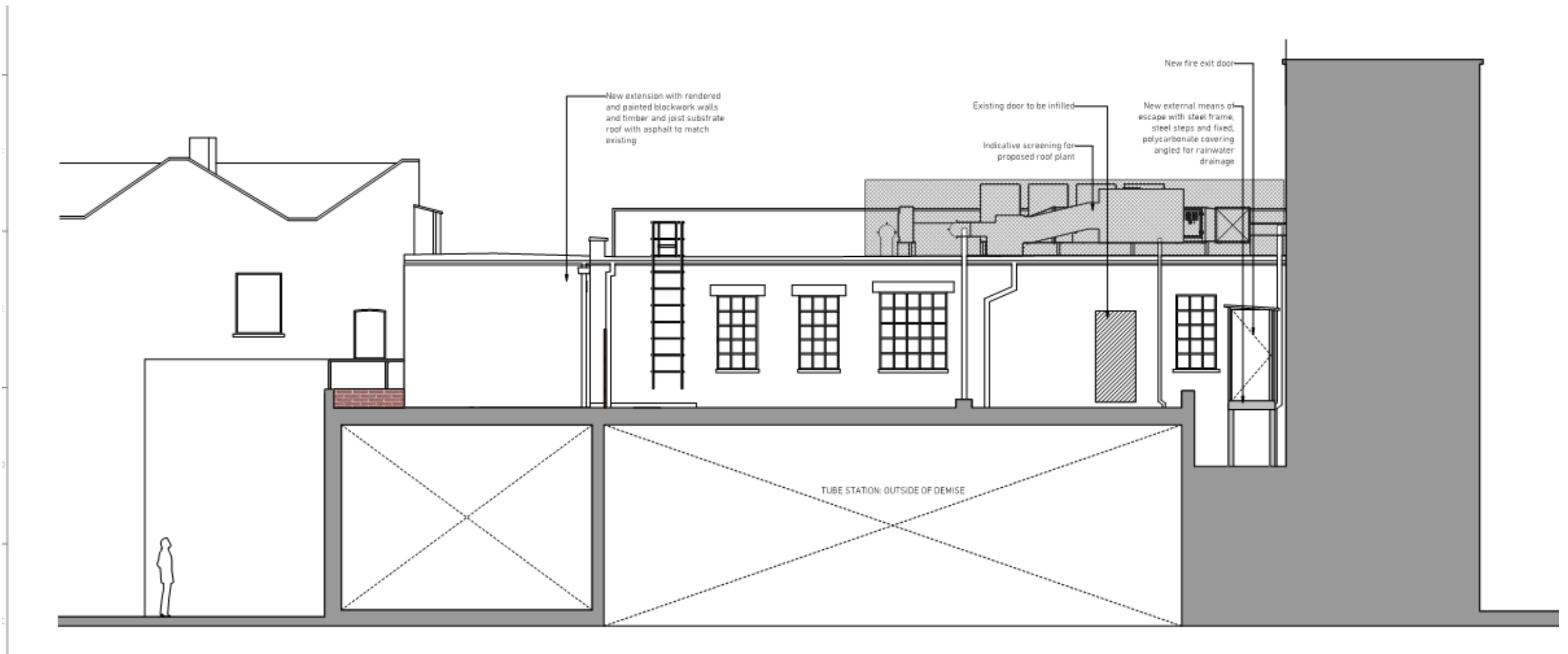




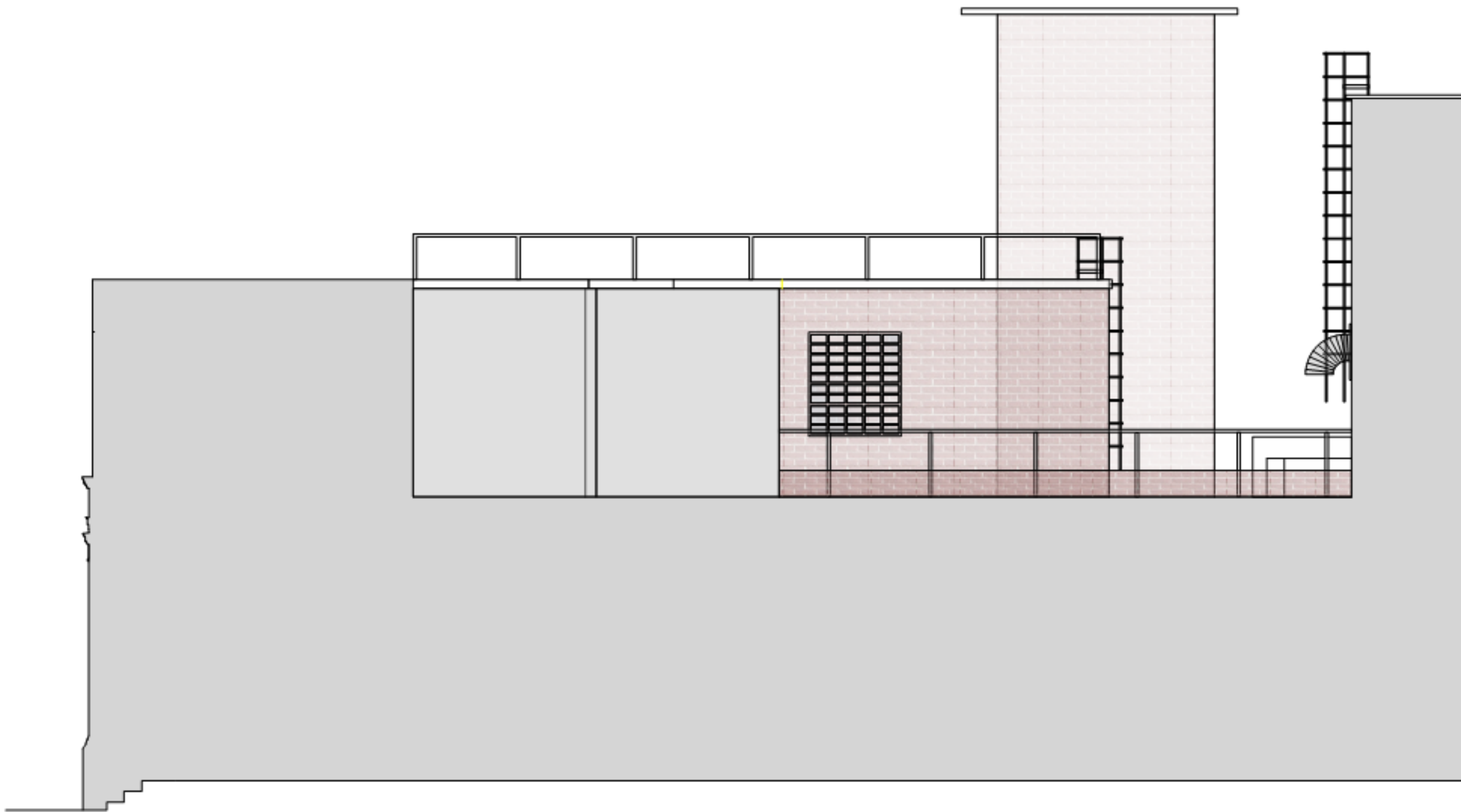
Above: Proposed Front Elevation



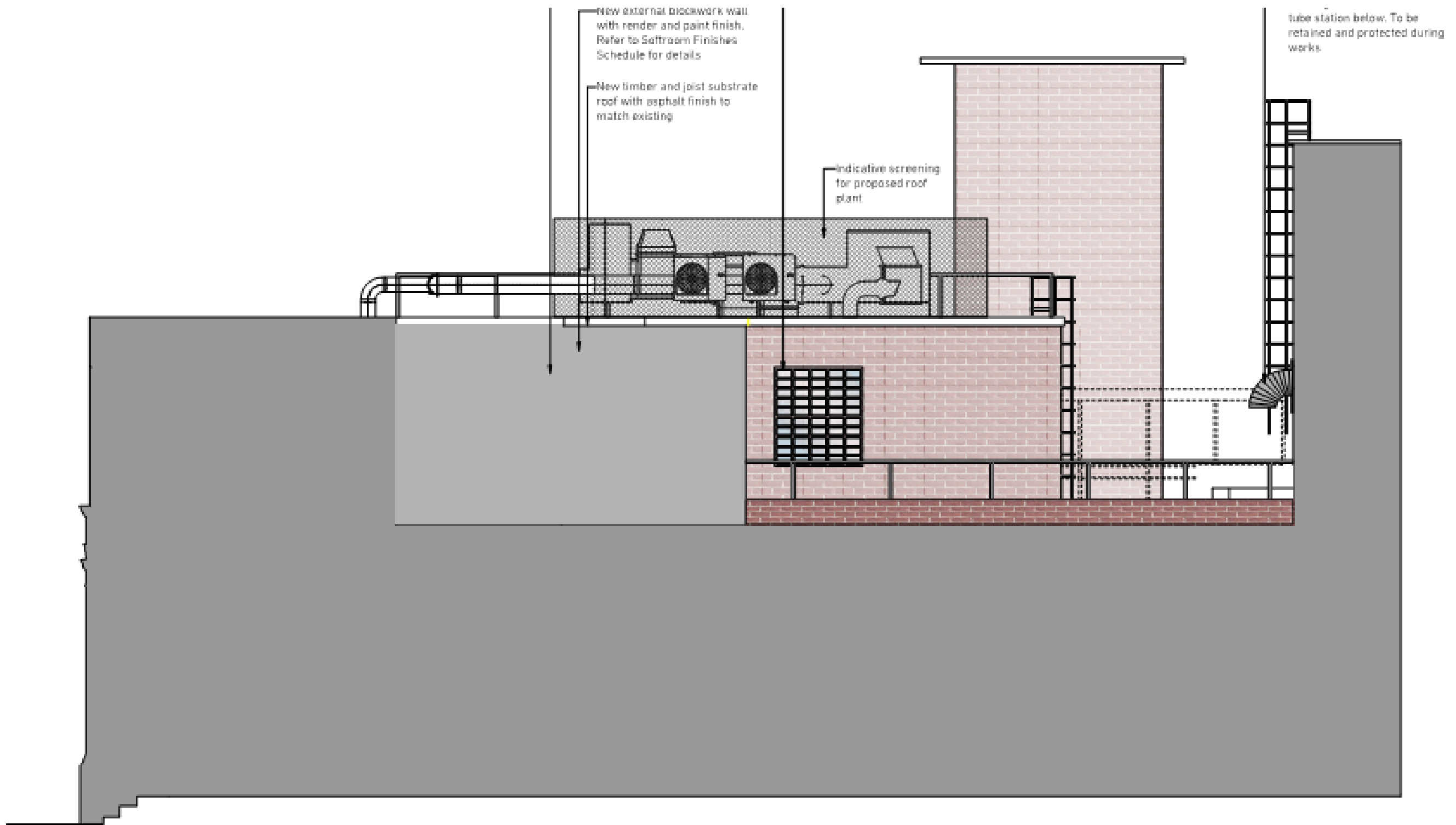
Above: Existing Rear Elevation



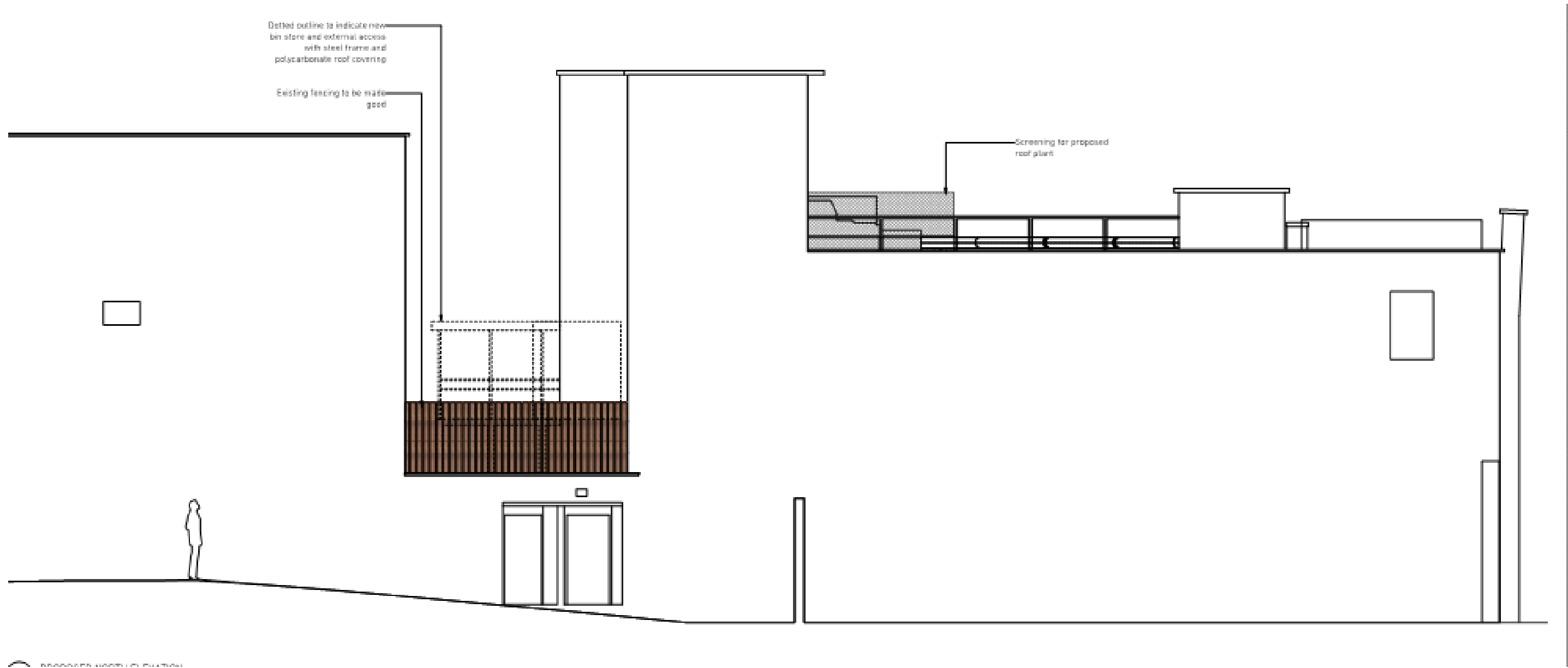
Above: Proposed Rear Elevation



Above: Existing Southern (side) Elevation



Above: Proposed Southern (side) Elevation



Above: Proposed Northern (side) Elevation