

# COMMITTEE REPORT

**Please Index As**

**File Number**

**Committee Report**

**Part 1**

**Part 2**

**Part 3**

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING & CONSERVATION COMMITTEE  
PLANNING SERVICES COMMITTEE  
DELEGATED

APP NO. PP/03/01462  
AGENDA ITEM NO.

ADDRESS/SUBJECT OF REPORT:

12 Notting Hill  
Gate, London, W11  
3JE

APPLICATION DATED 30/06/2003

APPLICATION REVISED

APPLICATION COMPLETE 14/07/2003

APPLICANT/AGENT ADDRESS:

West & Partners,  
Isambard House,  
60 Weston Street,  
London,  
SE1 3QJ

CONS. AREA 4 CAPS Yes

ARTICLE '4' No WARD PEB

LISTED BUILDING No

HBMC DIRECTION

CONSULTED OBJ.

SUPPORT PET.

RECOMMENDED PROPOSAL:

RBK& C DRAWING NO(S):

RECOMMENDED DECISION:

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

ROYAL BOROUGH OF KENSINGTON & CHELSEA  
REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

AE

Date: 23/12/2003

**DELEGATED**

APP NO. PP/03/01462/CUSE

This application is for a class of development to be determined under powers delegated to me by the Council on 18th July, 2001 and is not a major, controversial or sensitive application nor one which a Ward Councillor has asked to be considered by Planning Services Committee.

Class - grant of planning permission for a change from one kind of non-residential use to another non-residential use except where this would involve the loss of a shop in a Principal core shopping frontage.

**RECOMMENDED DECISION: Grant planning permission**

I hereby determine and grant this application under the powers delegated to me by the Council, subject to the condition(s) indicated below imposed for the reason(s) appearing thereunder, or for the reasons stated.

Exec. Director, Planning and Conservation

*ndues*  
Head of Development Control

Area Planning Officer

*[Handwritten signature]*  
2/11

23/12/23

*[Handwritten signature]*  
23/12/3

**ADDRESS OF SITE:**

12 Notting Hill Gate, London,  
W11 3JE

APPLICATION DATED 30/06/2003

APPLICATION COMPLETE 14/07/2003

**APPLICANT/AGENT ADDRESS:**

West & Partners,  
Isambard House,  
60 Weston Street,  
London,  
SE1 3QJ

APPLICATION REVISED

**APPLICANT:** Bodycare International Ltd.,

CONS AREA  
Pembridge

CAPS Yes

ART '4' No

WARD Pembridge

LISTED BUILDING No

ENG. HERITAGE N/A

CONSULTED 33

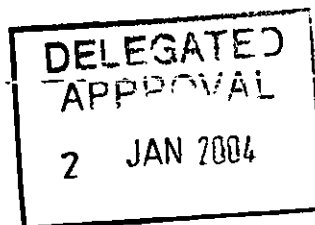
OBJ. 0

SUP. 0

PET. 0

**PROPOSAL:** Continued use of ground floor as a tanning shop within Use Class A1.

RBK&C Drawing No(s): PP/03/01462  
Applicant's Drawing No(s) 418/01Y



**CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:**

1. **No process shall be carried out, or machinery installed, pursuant to this permission so as to cause detriment to the amenity of adjacent property, or of the immediate area, by reason of noise, vibration, smell, smoke, soot, ash, grit, or electrical interference. (C047)**  
*Reason - To safeguard the amenity of neighbouring property and the immediate area. (R047)*
  
2. **No music shall be played within the premises the subject of this permission so as to be audible outside the premises. (C048)**  
*Reason - To safeguard the amenity of neighbouring property. (R048)*
  
3. **The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the Local Planning Authority. (C068)**  
*Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)*
  
4. **Following the commencement of the use hereby permitted, the window glass of the shopfront shall not at any time be painted, screened, or otherwise obscured. (C097)**  
*Reason - To maintain the character and vitality of the shopping frontage. (R097)*

**INFORMATTIVES**



## **1.0 THE SITE**

- 1.1 The site is located on the northern side of Notting Hill Gate. This application relates to the ground floor of the premises.
- 1.2 This property is located within the non core frontage of the Notting Hill Gate Principal Shopping Centre. It is located within the Pembridge Conservation Area.

## **2.0 THE PROPOSAL**

- 2.1 This application seeks permission for the continued use of the ground floor of the property as a tanning ~~salon~~ shop.
- 2.2 An Enforcement complaint was received in March 2003 relating to the unauthorised change of use from a launderette to a tanning shop. This planning application seeks to regularize the new use as a tanning shop.
- 2.3 The tanning shop sells services which are available to members of the public who can come into the property directly from the street (similar to a hairdressers), and it is considered that it falls within Class A1 of the Use Classes Order.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 Planning permission was granted for the use of the shop as a launderette in 1950.
- 3.2 Planning permission was granted for the installation of a new shopfront in 2001.
- 3.3 Air conditioning equipment and extract fans have been installed on the ground floor flat roof without the benefit of planning permission. An Enforcement Notice has been served and requires their removal by February 2004.

## **4.0 PLANNING CONSIDERATIONS**

- 4.1 The main issues in this case are the effects of the loss of the launderette use upon local services and facilities and the acceptability of the proposed Class A1 use in the non core frontage of the Principal Shopping Centre.
- 4.2 The relevant Unitary Development Plan policies, contained in Chapters 5 and 8, include;
  - STRAT 38 (Enhance vitality and viability Principal and Local Shopping Centres)
  - Policy H5 (Resist loss of local services and facilities)
  - STRAT43 (Easily accessible shops and services)
  - Policy S6 (Maintain and improve vitality, viability, and function of shopping centres)
  - S12 (Where possible, resist loss of launderettes)

- 4.3 Policy S12 is to where possible, resist the loss of launderettes. Policy H5 is to resist the loss of local services and facilities which support the residential character of the area and STRAT 43 aims to 'ensure the needs of those who live and work in the Royal Borough are met by shops and services which are easily accessible by means of transport other than the car'.
- 4.4 This area, whilst a principal shopping centre, is adjacent to a considerable residential area characterized by a mix of sizes and types of dwellings. It is also well served by public transport and other retail uses that support the residential character of the area. The presumption is therefore to resist the loss of the launderette use in this location.
- 4.5 It would appear that the launderette has not been operating for at least three years. The applicants state that the launderette closed for business in mid 2000. This is consistent with the Council's Shopping Centre survey which shows that in 2000 the launderette was present, in 2001 the launderette was vacant and in 2002 the tanning salon was operating.
- 4.6 Further information has been requested from the agent about why the previous launderette occupier vacated the property in an attempt to assess whether the property would be viable as a launderette. The agent has stated that the launderette did not go bankrupt, but it was their wish to cease trading. They state that their lack of profitability is shown by the fact that they were unable to maintain the property to the extent that they were allowed to leave the property without contributing to dilapidations. In response, to this the Borough Valuer has commented that whilst the tenant vacated the premises, this could have been due to the failure of that particular business and not the viability of any launderette business at the premises.
- 4.7 No evidence has been provided to show that the application property was ever marketed as a launderette. The managing agent for the property is of the opinion that the demand by a launderette for a shell unit in this location would be very limited. The agent comments that when the property was marketed, it took twelve months to find a tenant of any kind and there was limited demand for the property at all.
- 4.8 With regard to the marketing of the property as a launderette, recent planning decisions at 59 St Helen's Gardens and 138 Notting Hill Gate are relevant. Planning permission was granted on appeal on 15<sup>th</sup> May 2003 for a change of use from vacant launderette to estate agency (Class A2) for 59 St Helen's Gardens. In the decision notice, the Inspector noted the Council's policy to resist the loss of launderettes but stated "In this case, the launderette closed in February 2001. Having regard to the poor level of trading prior to closure, the marketing of the premises as a launderette and the views of the Borough Valuer, it seems to me that the unit is no longer viable as a launderette. There is insufficient evidence to suggest that such a use could be re-established at the property." In addition, planning permission was granted in 17<sup>th</sup> October 2002, for 138 Holland Park Avenue from launderette to retail shop. In this case, the applicants re-advertised the premises with results that bore out their contention of non-viability.

4.9 Although both 59 St Helens Gardens and 138 Holland Park Avenue were re-advertised as launderettes, this did not result in either being re-let as launderettes. This supports the agent's opinion that if this property had been solely marketed as a launderette, then it would still be vacant. However, it is recognized that the character of this part of Notting Hill Gate is not the same as Holland Park Avenue or St Helens Gardens, and so a launderette may be more viable in this location.

4.10 Since the equipment was removed by the previous occupiers, the agents conclude that it is unlikely that such a business would afford or justify the setting up costs of fitting out such a use. This unit has not been occupied by a launderette by over three years. This is different to the circumstances of another recent case which was dismissed on appeal on 25 October 2001. This was for a change of use of the launderette at No. 151 Notting Hill Gate to a restaurant and the launderette was still functioning, appeared well used with no actual signs of non-viability and no information was provided by the appellant that this might not be the case.

4.11 The provision of the tanning shop in the non core frontage of this Principal Shopping Centre is considered to be fully supportive of the retail character and function and consistent with the relevant Policies including Policy S6.

4.12 Whilst the associated air conditioning equipment has caused problems, it is not considered that the change of use from a launderette to the tanning salon, in itself has resulted in harm to amenities of neighbouring properties or had transportation implications.

4.13 Given that the property has not been operating as a launderette for over three years, there is a lack of evidence that the use could be re-established at the property and the new use makes a significant contribution to the character and function of the shopping centre, it is considered that, on balance, the loss of the launderette in this particular case is acceptable.

## **5.0 PUBLIC CONSULTATION**

5.1 Thirty two letters of notification sent. No response received.

## **6.0 RECOMMENDATION**

6.1 Grant planning permission.

**M.J. FRENCH**  
**EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

**List of Background Papers:**

**The contents of file PP/03/01462 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

**Report Prepared By:**

**Report Approved By:**

**Date Report Approved:**

**SG**

*[Handwritten signature]*

*28/12/03*

**PSC12/03/SG.REP**