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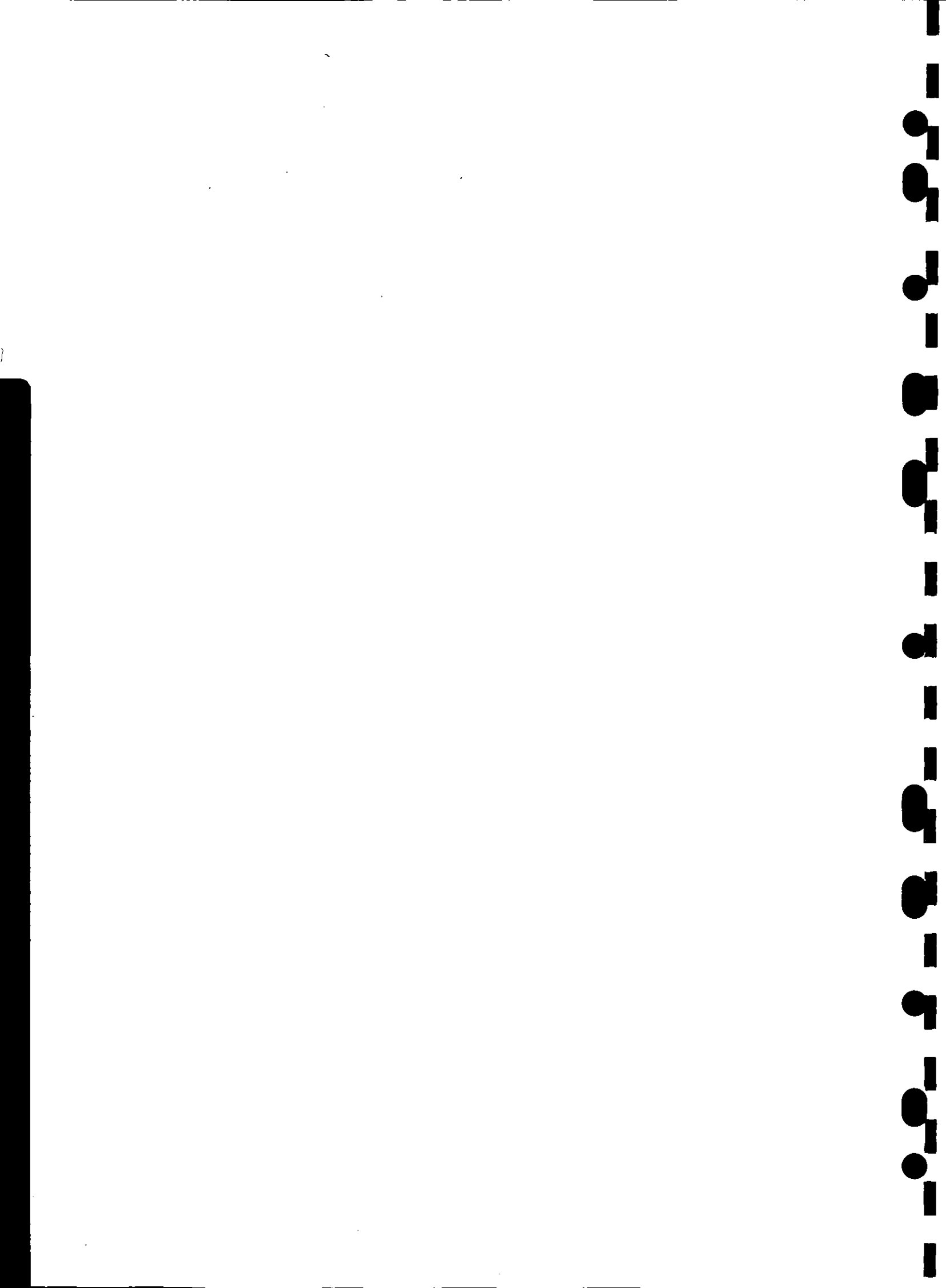
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RBKC - Planning and Conservation - Card Index - Site Map

110 Kensington Church St

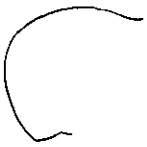


Ordnance Survey Map Extract - Crown Copyright Reserved - RBKC Internal Use Only

QuickMap(08/01/2002)

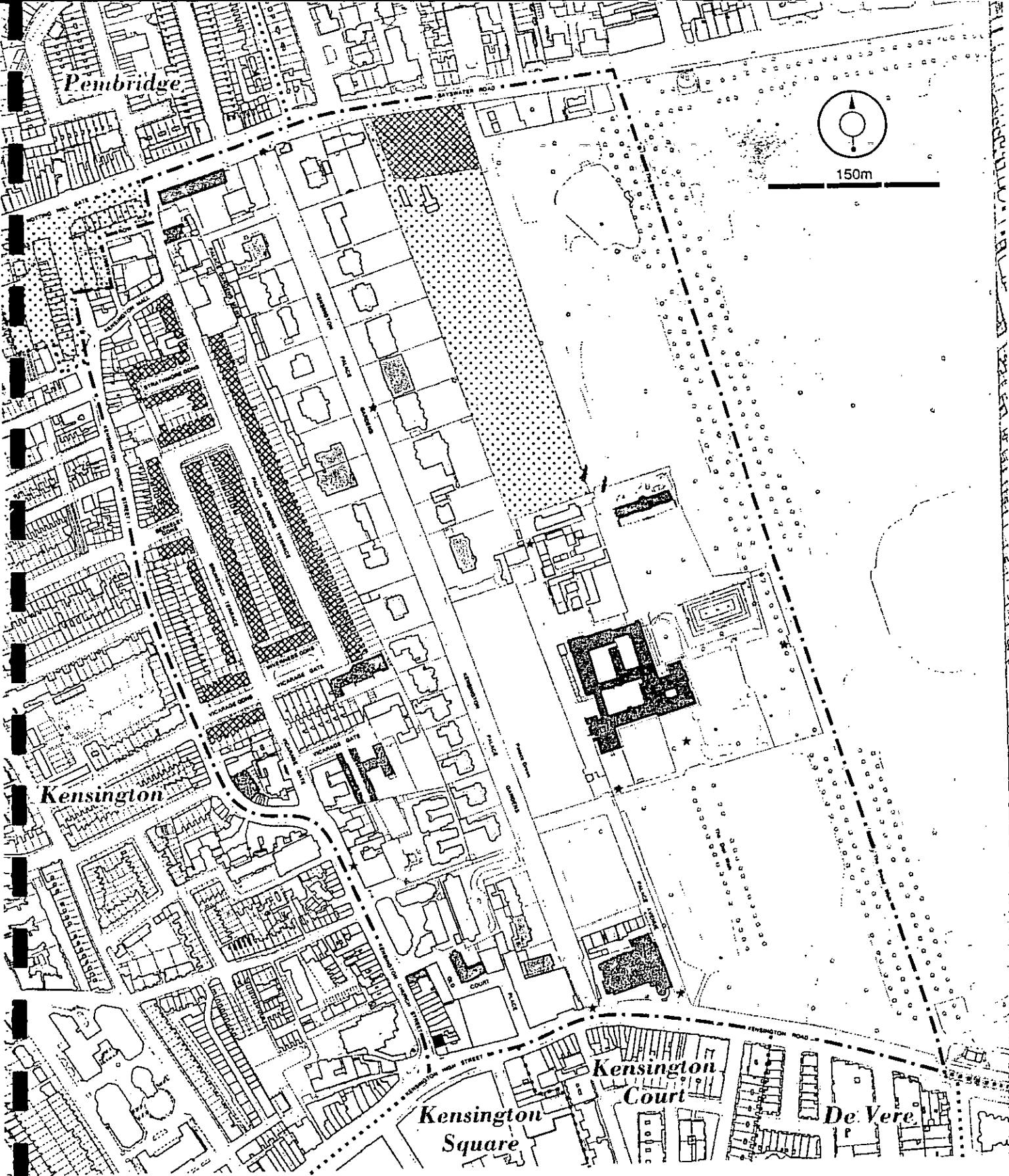
Map width : 195.00m

Scale 1 : 1000



01





THE ROYAL BOROUGH OF
KENSINGTON AND CHELSEA

KENSINGTON PALACE

Conservation Area
Proposals Statement
Townscape analysis

BOUNDARIES	SPECIAL CONTROLS	AREA APPRAISAL
Borough	Grade I listed	Detracting buildings
Conservation Area	Grade II* listed	Neutral buildings
Adjacent Conservation Area	Grade II listed	Detracting Areas
Not in Conservation Area	Article 4 direction	Neutral Areas





DFZ Ae

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
MEMORANDUM - SECTION 101 - LOCAL GOVERNMENT ACT, 1972

To: Chief Administrative Officer (Planning)
From: The Executive Director, Planning & Conservation

Date: 19 December 2001
Our Ref: PP/01/02402

Application Date: 27/09/2001 Complete Date: 24/10/2001

Revised Date:

Agent: T. Merali, Prichard Holdings Ltd., 58-60 Kensington Church Street, London W8 4DB

Address: 58 Kensington Church Street, London, W8 4DB

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 - 8th Schedule development

Class - Listed building consent for above Classes.

Class - shop fronts

Class - Conservation area consent

Class - conversion from non s/c dwellings etc

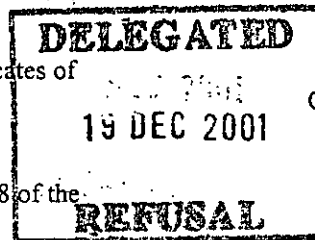
Class - approval of facing materials

Class - amendments as required by T.P. 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

Class - grant or refuse certificates of Lawful development under



Class - grant permission license or no objection

Class - Crossover under S.108 of the Highways Act 1980

Sections 73, 74, 138, 143, 152, 153, 177 & 180 of the Highways Act

Consent under T&CP Control of Advertisement Regulations 1984-90; incl. refusal of consent for Reg. 15 applications.

DESCRIPTION OF PROPOSED DEVELOPMENT

Change of use of ground floor from Class A1 retail use to Class A2 use.

RECOMMENDED DECISION Refuse planning permission

RBK&C drawing(s) No. PP/01/02402 Applicant's drawing(s) No. Untitled Site Plan completed by the Applicant and returned on 24/10/2001; A1/1368/01; and photograph submitted, titled 58 Kensington Church Street.

Number of Objections - 1

I hereby determine and grant/refuse this application (subject to HBMC Direction/Historic Building authorisation) 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

Head of Development Control

Area Planning Officer

PP/01/02402: 1

hdwy
19/12/01

ME 19/12/01

REASONS FOR REFUSAL

1. **The proposal would result in a stretch of four non shop units which will create a sterile stretch of shopping frontage which will adversely affect the vitality and viability of the principal shopping centre contrary to Policies in the Shopping chapter of the Unitary Development Plan in particular Policies STRAT 29, STRAT 30, S1 and S15a.**

2. **The proposal involves the loss of a shop unit which would adversely affect the special character of this part of the conservation area and would therefore be contrary to policies in the Unitary Development Plan, particularly Policies CD48 and CD52.**

INFORMATIVE

You are advised that a number of relevant policies of the Unitary Development Plan **and proposed alterations thereto** were used in the determination of this case, in particular, Policies STRAT6, STRAT29, STRAT29C, STRAT 30, S1, S6, S15, S15a, CD48 and CD52. (151)

1.0 THE SITE

- 1.1 The property is a retail unit located on the eastern side of Kensington Church Street at the ground floor level. Numbers 58-60 Kensington Church Street includes the entrance lobby to residential/office uses on the upper floors, known as Vicarage House. The area has been split into the lobby area and an L-shaped unit that also fronts onto Melon Place. The L-shaped area is the proposal site, referred to as 58 Kensington Church Street, which is currently subdivided into 15 small antique stalls connected by a central hallway.
- 1.2 The property is located in the Kensington Palace Conservation Area, and the non-core frontage of the Kensington High Street Principal Shopping Centre.
- 1.3 Numbers 54/56 and 62 Kensington Church Street are two existing Estate Agents (Class A2).

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the change of use of the ground floor from Class A1 (retail use) to Class A2 (financial and professional).

3.0 PLANNING HISTORY

- 3.1 There have been a variety of applications and enforcement notices on this property in the past, relating to additions and roller shutters, the most recent of which was in 1991. These are not considered to be relevant to this application.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations in this case relate to the effect on the vitality and viability of the Shopping Centre and its impact on the general streetscape and character and appearance of the Conservation Area.
- 4.2 The relevant planning Policies are contained in the "Conservation and Development" and "Shopping" Chapters of the UDP. Policies STRAT6, STRAT29, STRAT29C, STRAT 30, S1, S6, S15, S15a, CD48 and CD52 are of particular relevance to this application.
- 4.3 The property is located in the non-core frontage of the Kensington High Street Principal Shopping Centre. The site is currently in Class A1 use as an art gallery/antique centre. It contains several small 'shops' with the appearance of an indoor market, and the floorspace is approximately 175 square metres.
- 4.4 The Public Inquiry for the Altered UDP concluded in February 2001 and Council received the Inspector's Report in July 2001. The Inspector considered Policy S15a (altered) and Policy S1 (altered) and recommended that only further modifications be made to these policies was to delete the word 'normally'. Policy S15a (altered) and Policy S1 (altered) have significant weight and should be considered as the relevant planning policy for this

application.

- 4.5 STRAT 29 seeks to enhance the vitality and viability of Principal Shopping Centres and continue to provide shopping facilities in The Royal Borough and STRAT 30 is to ensure the continued enhancement of international, national and required retail role of the Principal Shopping Centres.
- 4.6 Policy S1 is normally to resist the loss of shop units and floorspace particularly where this would reduce the range of choice of local convenience shops.
- 4.7 S 15a Normally to permit uses falling within Use Classes A2 and A3 in the non-core frontage of a Principal Shopping Centre, subject to the following:

Environmental Criteria

Proposals will be resisted where they are likely to cause:

- (a) Any material increase in traffic or parking; or
- (b) Any material reduction in residential character or amenity including by smells or late night noise.

Retail Character and Function Criteria

- (a) More than one third of the ground floor units in the relevant street frontage are occupied by non-shop uses; or
 - (b) There are more than three adjoining units at ground floor level in the same use class as proposed; or
 - (c) There is a break in the relevant ground floor retail frontage of more than three times the average width of units in the non-core frontage of the centre
- 4.8 With regard to the Environmental Criteria above, it is considered that this proposal is in accordance with these as there will be no material increase in traffic or parking if the property was in Class A2 use. In addition, it is considered that there will be no reduction in residential character and amenity, as Class A2 uses typically have similar opening hours to that of a Class A1 use.
- 4.9 Criterion (a) of the Retail Character and Function Criteria requires that no more than a third of ground floor uses in the relevant street frontage are in non shop-use, before or as a result of an application such as this one. The entry to the lobby of Vicarage House is a substantial feature that is the visual equivalent of a separate unit for the purposes of applying this criterion. The the relevant street frontage is from 36 to 62 Kensington Church Street. Based on the Principal Shopping Centre Survey (2001), currently 22% of the units are non shop uses. If permission is granted for this proposal, 28% of the units would be non shop. Therefore this proposal complies with this criterion.
- 4.10 Criterion (b) considers the number of adjoining units in the same Use Class. The proposal would not create more than three adjoining units, but includes the entrance to Vicarage House and there would be three Class A2 units and

another non retail unit.

4.11 The break in the retail frontage is considered by Criterion (c). There is a break in the retail frontage of 25.15 metres which is larger than three times the average unit width of the non-core frontage. The proposal therefore does not comply with this criterion.

4.12 Policies CD48 and CD52 (Adopted UDP 1995, Proposed Alterations 2000) are also relevant in considering this proposal.

CD48 To pay special attention to the desirability of preserving or enhancing the character or appearance of each Conservation Area.

CD52 To ensure that any development in a Conservation Area preserves or enhances the character or appearance of the area.

4.13 As identified in the Kensington Palace Conservation Area Proposals Statement, this section of Kensington Church Street has a distinctive character. A striking feature is the dominant presence of specialist retail outlets, particularly antique dealers, galleries and others retailing items of aesthetic interest. This character is long established. The Principal Shopping Centres Survey prepared in 2001 confirms this unique character. Of the 18 units which make up the block of shops between Vicarage Gate and Melon Place, 8 of these are Antique Dealers, Galleries, or retailers of specialist goods (including the application site).

4.14 The application site is called the Kensington Church Street Antiques Centre and contains at any one time, between 10 to 15 small retailers selling antiques and other specialist goods. It is considered that the loss of these small retailers will have a detrimental impact on the character of the street.

4.15 Further to the detrimental impact on the character of the area generally, it is considered that this proposal will have an adverse impact on the northern stretch of this block. The application site is located between two existing Class A2 uses (both estate agencies). The proposal does not comply with criterion (c) of policy S15a and this proposal will essentially result in three Class A2 uses and another non retail unit located in this stretch. It is considered that this will result in the northern stretch of this block in the Principal Shopping Centre having a sterile frontage, which is a material consideration in assessing this application.

4.16 The proposal does not comply with Policy S15a and it does not comply with Policies CD48 and C52. Other material considerations when considering the merits of this application, are the impact of the proposal the distinctive character of this area, on the loss of 10 to 15 small retail units, and the creation of a sterile stretch of shop front by having three Class A2 units and a residential entrance lobby. The proposal is considered to adversely affect the vitality and viability of this part of the Principal Shopping Centre which would be contrary to Policies in the Unitary Development Plan particularly Policies STRAT 29, STRAT 30, S1 and S15a. It is considered that the matters

outlined above are such, that this application warrants refusal.

5.0 PUBLIC CONSULTATION

- 5.1 Twenty seven letters of notification were sent to properties in Kensington Church Street. Furthermore, at the request of a member of the public, letters of notification were sent to each of the Dealers in the 'Kensington Church Street Antiques Centre'.
- 5.2 One letter of objection has been received to date. This is from the Estate Agency which is located at 54/56 Kensington Church Street. The following concerns are raised;
- 5.3 The proposal is in breach of Criteria (b) and (c) of Policy S15 and (b) of Policy S15A, as the granting of this permission would in effect create 5 consecutive non-retail units on this side of Kensington Church Street.

As discussed in Paragraph 4.4, Policy S15 has not been assessed for this proposal. With regards to Policy S15a, it has been concluded in paragraph 4.8 of this report, that whilst this proposal complies with Criterion (b) it does not comply with Criterion (c). It is considered that the objector has incorrectly interpreted the shop fronts in this stretch of Kensington Church Street. The unit which Knight Frank occupies, should be classed as one unit, rather than two, and the entrance lobby to Vicarage House classified as a separate unit. However as discussed in paragraph 4.15, in practice the units will create four non retail units located side by side.

6.0 RECOMMENDATION

- 6.1 Refuse planning permission.

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

Background Papers

The contents of file PP/01/02402 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: NC
Report Approved By: PK/LAWJ
Date Report Approved: 19/12/2001

PP/01/02402: 6

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING SERVICES COMMITTEE

17/11/98

APPLICATION NO.

AGENDA ITEM

TP/98/1306/L/29

2171

REPORT BY THE EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

APPLICANTS NAME/ADDRESS

Application dated 09/07/98

Knight Frank,
20 Hanover Square,
London, W1R 0AH

Revised

**RECOMMENDATION
ADOPTED.**

Completed 13/07/98

Polling Ward IA31

ON BEHALF OF : Knight Frank,
INTEREST : Not known

<u>District Plan Proposals Map:</u>			<u>CONSERVATION AREA</u>		<u>A/O Consulted</u>	<u>Objectors (to date)</u>
<u>Cons.Area</u>	<u>CAPS</u>	<u>Article 4 Direction</u>	<u>Listed Building</u>	<u>HBMC Direction</u>		
7	YES	NO	NO	N/A	14	6

RECOMMENDED DECISION :-

(1) SUBJECT to a Planning Obligation to ensure that Nos. 67/67A Kensington Church Street are made available and only used in the future for Class A1 (retail) use.

(2) GRANT planning permission for the change of use of the ground floor from Class A1 (Retail) to Class A2 (Financial and Professional Services)

At: 54-56 KENSINGTON CHURCH STREET, KENSINGTON, W.8

As shown on submitted drawing(s) No(s): TP/98/1306

Applicant's drawing(s) No(s) : KF-KEN3.

**APPROVED BY
PLANNING SERVICES CTTEE**

17 NOV 1998

CONSENT REF.....

CONDITION

C.1

REASON FOR THE IMPOSITION OF CONDITION

R.1

INFORMATIVE

I.8

1.0 The Site

- 1.1 Nos. 54-56 Kensington Church Street are located along the eastern side of the road, directly opposite the junction with Campden Grove.
- 1.2 They comprise a double fronted retail unit at ground floor level located within the non-core frontage of the Kensington High Street Principal Shopping Centre. The property is currently vacant having formerly been used as a furniture shop.
- 1.3 The property is within the Kensington Conservation Area.

2.0 The Proposal

- 2.1 The application proposes the change of use of the ground floor from Class A1 (Retail) to Class A2 (Financial and Professional Services), to be occupied as an estate agency.
- 2.2 The applicants (Knight Frank) currently occupy No. 67/67A Kensington Church Street. As part of the proposal, Knight Frank have offered to return this property to retail use if a planning permission is forthcoming.

3.0 Relevant Planning History

- 3.1 Planning permission has been granted for new shop fronts in 1963, 1964 and 1967.
- 3.2 In March 1997, planning permission was granted for the erection of a rear conservatory and new shop front.

4.0 Planning Considerations

- 4.1 The main consideration raised by this proposal concerns the effect on the retail character and function of the Principal Shopping Centre.
- 4.2 The relevant policies are contained within the "Shopping" Chapter of the Council's Unitary Development Plan. Policy S1 seeks normally to resist the loss of shop units and floor space, with Policy S6 which seeks to safeguard and improve the vitality, viability and function of the shopping centres. Of particular relevance, is Policy S15 which applies specifically to changes of use to Class A2 and A3 at ground floor level in both core and non-core frontages of the Principal Shopping Centres. This policy sets out criteria on which to assess acceptability of these non-retail uses. The policy normally permits the change of use from Class A1 to either Class A2 or A3 unless the proposal fails to satisfy the criteria or would threaten the character and function of a centre.

- 4.3 Nos. 54-56 are located towards the end of the non-core shopping frontage of Kensington High Street Shopping Centre. This section of the centre is dominated by small specialist shops (antiques and other similar goods) and is primarily in retail use. The immediate parade comprises 17 units of which two are currently in non-retail use. Nos. 38A is a Japanese restaurant (Sushi Wong) and No. 62 an estate agents (Computer Link) which was granted permission for Class A2 use in March 1998.
- 4.4 Examining firstly Policy S15 of the Unitary Development Plan which has parts (a) - (e). Part (a) relates to core frontages and is therefore not applicable. Part (b) accepts such a change of use in a non-core frontage unless it would result in less than 65% of the total non-core ground floor units being in retail use. Following approval of the change of use of No. 62 in March 1998, the percentage of ground floor units in shop use is 59% in the non-core area as a whole. This percentage would normally indicate that a proposal should be resisted. Part (c) refers to the concentration of non-retail uses and seeks to resist any change of use which would result in three adjacent units being in non-retail use. The immediately neighbouring properties are all in retail use and the proposal therefore complies with this part of the policy. Similarly, the proposal is considered to comply with remaining criteria (d) and (e) which refer to amenity and parking problems. The proposed use is considered unlikely to lead to a significant increase in traffic or parking, or cause a reduction in the area's residential character or amenity.
- 4.5 The unit in question is double fronted with a floor space of 186 square metres, all on ground floor and a frontage length of 10 metres. The loss of this large unit could be seen as detrimental to the retail character and function of the centre. However, as part of the proposal under consideration, Knight Frank have offered to revert their existing premises at Nos. 67/67A Kensington Church Street to Class A1 retail use. No. 67 operates under a planning permission granted on 13/05/87 which has a condition attached limiting the use to an estate agents only and not for any other purpose within Class II of the Town and Country Planning (Use Classes) Order 1979. No. 67A was subsequently added in 1989 with a condition imposed on this planning permission stipulating that the premises could only be used in conjunction with No. 67 Kensington Church Street. The applicant and the respective freeholders have offered to enter into a planning obligation to ensure that the combined unit at Nos. 67/67A is returned to Class A1 use if planning permission is granted for the change of use of Nos. 54/56 Kensington Church Street. The use of Nos. 67/67A for Class A1 (retail) would, under the provisions of the Town and Country Planning (General Development) Order 1995, not require express permission.

4.6 Knight Frank's existing premises at No. 67/67A Kensington Church Street comprise 128 square metres of floor space on the ground and basement floor levels of this property. Its frontages to Kensington Church Street (5.5 metres) and Campden Grove (5.5 metres) total 11 metres. The office is currently split between sales and lettings teams, each with six members of staff, with the sales team located at the Kensington Church Street end with a small reception area immediately adjacent to the entrance. The lettings team are based at the rear (No. 67A) and have an independent access from Campden Grove. Ancillary facilities such as WC's, storage, meeting rooms, etc. are all located at basement level. From site inspection, the offices appear to be cramped and the applicants, Knight Frank, wish to provide a more appropriate working environment and are therefore seeking larger premises in close proximity to their current operation.

4.7 The proposed swap of uses will involve a net reduction in floorspace of approximately 58 square metres overall and 120 square metres at ground floor level which is contrary to Policy S1. However, on the basis of the proposed planning obligation, there will be no change in the number or proportion of retail units in the non-core shopping centre. In terms of the character of this part of the non-core frontage in which the application premises are situated, as advised above, this is heavily dominated by specialist retail uses and the loss of a large retail unit to A2 use in this context could be seen as undesirable. However, the proportion of retail uses in this parade will still be 82% and therefore it will, by comparison with other parts of the designated non-core frontage, retain a strong retail presence. Furthermore, if the existing estate agents at Knight Frank revert to Class A1 use, the Class A1 retail use would increase to 100% in that particular parade.

4.8 It is therefore concluded, on balance, subject to the applicants entering a planning obligation, that despite non-compliance with part (b), the proposal as a whole would be unlikely to cause any harm to the vitality, viability, function and character of the shopping centre. This takes into account the character of this part of the centre as an antique shopping concentration, and the decrease in Class A1 floorspace, the reinstatement of a retail use in a prominent location and the fact that the number and percentage of units in retail use in the context of the Unitary Development Plan Policy S15 remains the same.

5.0 Public Consultation

5.1 A total of 14 letters of notification were sent to the neighbouring properties in Kensington Church Street. In total, six letters of objection have been received including letters from Councillor Freeman, Councillor Buckmaster and from the Chairman of the Kensington Church Street Antique Dealers' Association.

- 5.2 Councillor Freeman is against the proposed change of use to Class A2 and comments that the street is a predominantly retail area serving the antique and fashion trades in addition to local needs and that the loss of this unit to retail trade would be an unacceptable erosion of the character of the area.
- 5.3 Councillor Buckmaster objects to the change of use, commenting that Kensington Church Street has a very special place in the Borough dominated by small shops, many of which are antique shops and this character should be preserved.
- 5.4 The Chairman of the Kensington Church Street Antique Dealers' Association advises that Kensington Church Street is now firmly established as one of the foremost streets to buy antiques in the world with over 85 dealers. The Association feels that to lose one of the largest retail spaces in the street to offices would be highly undesirable and create a dangerous precedent. The street has retail premises along its whole length, apart from a small section of private houses and to lose this attractive retail mix would change the character of the street irreversibly and reduce the street merely as a thoroughfare between Kensington High Street and Notting Hill Gate.
- 5.5 The remaining objections from the surrounding commercial premises can be summarised as follows:
- Business dependent on Class A1 shop use in the area which generates foot traffic.
 - Object to offices need to keep the ambience by encouraging more antique dealers.
- 5.6 The points raised by the objectors have all been fully covered in the report.

6.0 Recommendation

- 6.1 Grant planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of the file number TP/98/1306 referred to at the head of this report save for exempt or confidential information as defined by the Local Government (Access to Information) Act, 1985.

Officer Contact

The above documents can be inspected by prior appointment with Tracey Rust in the Planning Information Office, Room 325, The Town Hall, Telephone 0171-361-2080.

REPORT PREPARED BY: SLW
REPORT APPROVED BY: PK/LAWJ
DATE REPORT APPROVED: 05/11/98

PSC9811/SLW.REP

ROYAL BOROUGH OF KENSINGTON & CHELSEA

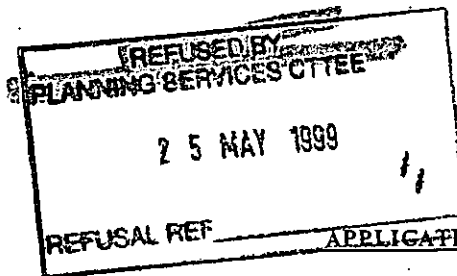
REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE APP NO. TP/98/1546/L/CUSE/03
25/05/1999 AGENDA ITEM NO. 2049

ADDRESS

140-142
KENSINGTON
CHURCH
STREET,
KENSINGTON,
W.8

APPLICATION DATED 12/08/1998



APPLICATION COMPLETE 17/08/1998

APPLICATION REVISED 18/01/1999

APPLICANT/AGENT ADDRESS:

Andrews Downie
and Partners,
6 Addison Avenue,
Holland Park,
London, W11 4QR

CONSERVATION AREA 7

CAPS Yes

ARTICLE '4' NO

WARD Campden

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 34

OBJECTIONS 6

SUPPORT 0

PETITION 0

Applicant Glynbrochan Ltd.

RECOMMENDED PROPOSAL:

Partial change of use of the existing ground floor and basement unit to create one retail unit (Class A1) and one unit to be used for estate agency purposes (Class A2).

RBK&C Drawing No(s): TP/98/1546 and TP/98/1546/A

Applicant's drawing(s) No(s): 2892/1, 2892/2, 2892/3A and photograph

RECOMMENDED DECISION:

Grant planning permission

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. The use hereby permitted shall be retained for a limited period only until 25.05. 2004 on or before which date the use shall be discontinued. (C004)
Reason - There is insufficient evidence available at this stage to assess the impact of the development, and permission for a limited period will allow the authority to reassess the development in the light of experience of the use. (R004)
2. 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)

INFORMATIVES

1. I05
2. I09
3. I10
4. I29
5. I30
6. I39

1.0 THE SITE

- 1.1 Nos. 140-142 is a double fronted retail unit located on the eastern side of Kensington Church Street, close to its junction with Peel Street.

2.0 THE PROPOSALS

- 2.1 Planning permission is sought for partial change of use of the existing unit to create one retail unit and one unit to be used for Estate Agent purposes (Class A2).
- 2.2 A separate application has also been submitted for the retention of the new shopfront which was installed earlier this year.

3.0 PLANNING HISTORY

- 3.1 In 1955 planning permission was refused for use of the ground floor as offices. In 1955 permission was granted for redevelopment for use as basement storage, ground floor storerooms and showrooms or offices on the first and second floors. In 1955 permission was refused for use as offices on the first, second, third floors, offices or showrooms on the ground floor and basement storage. In 1956 permission was refused to rebuild and extend for use as first, second, third, fourth floor offices, ground floor showrooms and basement storage. In 1961 permission was granted for use of the basement as a showroom ancillary to the ground floor shop and to carry out alterations to the ground floor.
- 3.2 In 1997 permission was granted for the installation of a new entrance to office accommodation at first and second floors together with alterations to the light motor room housing. In 1997 permission was also granted for the enlargement of one window and for the addition of two windows to the rear elevation at ground floor level.
- 3.3 The current planning application for change of use of part of the ground floor from retail to offices is currently held in abeyance but is likely to be withdrawn in the near future.

4.0 PLANNING CONSIDERATIONS

Proposed change of use

- 4.1 The main considerations with regard to this proposal relate to the loss of retail floorspace and the likely impact which this would have on the vitality and viability of the Notting Hill Gate Principal Shopping Centre.

4.2 Policy S15 is relevant to this proposal and is:

NORMALLY - TO PERMIT USES FALLING WITHIN USE CLASSES A2 AND A3 IN A PRINCIPAL SHOPPING CENTRE UNLESS THE PROPOSAL WOULD THREATEN THE CHARACTER OR FUNCTION OF THE CENTRE OR WOULD RESULT IN:

(a) LESS THAN 75% OF THE TOTAL CORE GROUND FLOOR UNITS BEING IN SHOP (A1) USE; OR

(b) LESS THAN 65% OF THE TOTAL NON-CORE GROUND FLOOR UNITS BEING IN SHOP (A1) USE; OR

(c) THREE OR MORE NON-SHOP USES IN ADJACENT UNITS AT GROUND FLOOR LEVEL; OR

(d) SIGNIFICANT INCREASE IN TRAFFIC OR PARKING; OR

(e) ANY SIGNIFICANT REDUCTION IN AN AREA'S RESIDENTIAL CHARACTER AND AMENITY INCLUDING BY SMELLS OR LATE NIGHT NOISE.

4.3 It is proposed that one ground floor unit, with a floorspace of approximately 64 square metres, would be used for Estate Agent purposes (Class A2). The proposed second unit would be used for retail purposes (Class A1) and would consist of a ground floor unit and associated basement area with a total floorspace of approximately 148 square metres. The ground floor element of the retail unit would have a floor area of approximately 68 square metres. It is proposed that the proposed Class A2 use is subject to a temporary condition of five years.

4.4 The unit at Nos. 140-142 is located within the non-core frontage of Notting Hill Gate Principle Shopping Centre. 62% of the total non-core ground floor units within this Centre are in use for retail purposes. Nos. 140-142 is located within a terrace of twenty-five commercial properties at ground floor level which contains the relatively high percentage of 17 retail units (68%).

4.5 The proposal would not result in a reduction in the number of retail units and would not conflict with criterion (a) of Policy S15.

4.6 It is proposed that the new unit which would be used for Class A2 purposes would be located in the southerly section of the existing unit. The adjoining two properties to the south, Nos. 138 and 136, are in use for office purposes. The proposal, therefore, conflicts with criterion (c) of Policy S15. The adjoining two units are converted dwelling houses and consequently do not have a commercial frontage. They are also set back from the front building line of the adjoining terrace. It is considered that these properties do not register as part of the commercial frontage to the Principal Shopping

Centre due to their domestic appearance and visual separation from the adjoining commercial properties. It is considered that the proposed use of the southern unit at Nos. 140-142 for A2 purposes would not have a significant impact on the retail character of this section of the Principle Shopping Centre as the resultant three adjoining non-retail uses would not read as a group. It would be possible to use the proposed northern unit for A2 purposes. In this case, the proposed change of use would not conflict with criterion (c). However, it is considered that it is preferable to use the northern unit for retail purposes as it allows for a larger proportion of retail floorspace through use of the associated basement area.

- 4.7 It is not considered that the proposal would result in a significant increase in traffic or parking or in a significant reduction in the area's residential character and amenity.
- 4.8 It is considered, on balance, that this proposal is acceptable as there will be no loss of a retail unit, as impact on the retail character and function of the Centre will be limited due to the location of this property within a terrace which has a relatively high percentage of retail units and as the proposed new use would be subject to a temporary condition of five years.
- 4.9 It was originally proposed that all of Nos. 140-142 would be used on a permanent basis for Class A2 purposes. It was considered that this proposal was unacceptable by virtue of the significant impact that such a loss of retail frontage would have on the retail character and function of the Principle Shopping Centre.

Retention of new shopfront

- 4.10 It is proposed that the new shopfront which has been recently installed is retained. It is constructed in blue powder coated aluminium and serves the two new shop units which result from recent sub-division of Nos. 140-142.
- 4.11 With regard to new development within conservation areas Policy CD52 states:
- CD52 - TO ENSURE THAT ANY DEVELOPMENT IN A CONSERVATION AREA PRESERVES OR ENHANCES THE CHARACTER OR APPEARANCE OF THE AREA.
- 4.12 The Council's Conservation and Design Officer considers that the detailed design and materials of the new shopfront are acceptable.
- 4.13 The Council's Access Officer raises no objection subject to the provision of a portable assisted ramp on each of the premises. It is recommended that a condition is imposed, if permission is granted, which requires such provision.

5.0 PUBLIC CONSULTATION

Proposed change of use

5.1 Thirty-three neighbouring properties on Kensington Church Street were consulted with regard to the original proposal. Six letters of objection were received with regard to the original proposal for change of use of the double unit. Respondents included Councillor Robert J. Freeman, the Kensington Society and Kensington Church Street Antique Dealers' Association.

5.2 Councillor Robert J. Freeman states:

"I would oppose an A2 use in what is essentially an important retail area of the borough."

5.3 The Kensington Society state that the loss of shops in this predominantly shopping street would be regretted and contrary to UDP policy.

5.4 The remaining respondents also raised the following objections:

Losing such a large shopfront to offices would damage the character and retail image of the street.

This street has a reputation as a centre for high quality antiques and the proposal could detrimentally affect this character.

Loss of a shop would set a precedent for a loss of retail image for Kensington Church Street.

Would contravene "the spirit of your own rules, which are rightly framed to preserve the almost entirely retail use of even non-core shopping areas. I understand that this applies particularly to ground floors, and that you had previously refused a similar application for this same shop."

5.5 With regard to the revised scheme three of the original respondents, including Councillor Robert J. Freeman, re-iterated their objections.

5.6 With regard to the revised scheme Councillor Robert J. Freeman states:

"This is yet another attempt to change the use of one of the declining number of A1 premises in the principal shopping centre area of Kensington Church Street into a financial or professional service use in Class A2. I believe that this threatens the character or function of the principal shopping centre, which is against S15 of the Council's UDP.

In my view this is a change of use that must be strongly resisted."

5.7 In addition to previously raised concerns the respondents state:

Objection to any change. Concern that the character of the street would be damaged

with another estate agency or office.

Kensington Church Street should grow as a place which is well known for its interesting and specialised shopping and places to eat.

Concern that works have already started to sub-divide the property.

Two objectors state that they understand that further such changes of use would be resisted.

- 5.8 The proposal would not result in a reduction in the number of retail units and would therefore not conflict with criterion a of Policy S15. The proposal conflicts with criterion c of Policy S15. However, for the reasons outlined in paragraph 4.6 it is considered that it would be unreasonable to resist the proposal on this ground. It is considered, on balance, that this proposal is acceptable as there will be no loss of retail unit, as impact on the retail character and function of the Centre and area will be limited due to the location of this property within a terrace which has a relatively high percentage of retail units and as the proposed new use would be subject to a temporary condition of five years. An assessment of each application can only be taken on their merits and in light of current policies. A blanket ban does not exist within the Unitary Development Plan against change of use to Estate Agency use. Planning permission is not required for sub-division of Nos. 140-142 into two retail units.

New shopfront

- 5.9 Thirty-one neighbouring properties were consulted with regard to the proposed new shopfront. Two similar representations have been received from two objectors. They state:

"May I have your assurance that the present shopfront area will remain for shop use, and that no part of the existing frontage will be altered to create a large entrance for the offices upstairs."

- 5.10 This proposal does not relate to an increase in the office floorspace which is located to the rear of Nos. 140-142 or to the carrying out of alterations to the existing entrance.

6.0 RECOMMENDATION

- 6.1 Grant Planning Permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of file TP/98/1546 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: KO
Report Approved By: DT/LAWJ
Date Report Approved: 05/05/1999

PSC:99:05:REP.KO

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING SERVICES COMMITTEE

REPORT BY THE DIRECTOR OF PLANNING SERVICES

APPLICANTS NAME/ADDRESS

Stuart Henley & Partners,
18 Friern Park,
London N12 9DA

ON BEHALF OF : Berkeley International,
INTEREST : Not known

06/05/94
APPROVED BY
PLANNING SERVICES
TP/94/0264/L/06
JUN 6 1994
CONSENT REF
RECOM

14

AGENDA ITEM
121

Application dated 08/02/94

Revised

Completed 11/02/94

Polling Ward 125

District Plan Proposals Map:

Cons.Area	CAPS	Article 4 Direction	Listed Building	HBMC Direction	A/O Consulted	Objectors (to date)
NO	NO	NO	NO	NO	51	2

RECOMMENDED DECISION :-

GRANT retrospective planning permission for the change of use of the basement and ground floors from retail (Class A1) to an estate agents office (Class A2).

At: 172 KENSINGTON CHURCH STREET, KENSINGTON, W.8

As shown on submitted drawing(s) No(s): TP/94/0264

Applicants : unnumbered drawings of
basement and ground floors (received
10/02/94).

INFORMATIVES

1. I.44
2. I.1
3. I.3



1.0 Site

- 1.1 The property is located on the eastern side of Kensington Church Street on its corner with Kensington Mall. The premises comprise basement and ground floor retail shop with residential upper floors. The property is not in a Conservation Area.

2.0 Proposal

- 2.1 It is proposed to change the use of the basement and ground floors from retail (Class A1) to an estate agents office (Class A2).

3.0 Planning History

- 3.1 The Council granted planning permission for a temporary period of three years in 1963 for the basement and ground floors to be used as a betting office, after which time it reverted to a retail use.
- 3.2 The Council received a complaint on 12th January 1994 advising that the retail shop, an antique shop at the premises, had opened as an estate agents. Following action by the Council's enforcement section a retrospective planning application was submitted for the retention of the estate agents office.

4.0 Planning Considerations

- 4.1 The premises falls within a terrace of ground and basement retail frontages, the terrace being Nos. 140-172 (even) Kensington Church Street. There are twelve premises, nine are retail units, eight of these are antique shops, one is an estate agents, one is a timber yard and the twelfth is the subject of this application.
- 4.2 The premises, as do the others in the terrace, fall within the non-core shopping frontage of the Notting Hill Principal Shopping Centre and the main consideration must therefore be the loss of a retail unit with ancillary basement usage.
- 4.3 The areas surrounding core frontages where shopping and certain non-shop uses tend to be more mixed, have been defined as "non-core frontages". These areas are considered important as they can accommodate an element of non-shop uses that cannot normally be located in the core frontage, but which can contribute to the centres vitality without threatening its shopping character.

16

4.4 The shopping chapter of the Unitary Development Plan, as deposited, and as proposed to be changed, sets out the Council's policies pertaining to retail and non-retail uses, and policy S.12 as deposited addresses the change of use of retail uses to uses following within either Class A2 (Financial and Professional Services) or Class A3 (Food and Drink) and it states:

"Normally to permit uses falling within Use Classes A2 and A3 at ground floor level in a Principal Shopping Centre unless the proposal would threaten the character of the centre or would result in;

- (a) less than 75% of the total core ground floor frontage being in shop (A1) use;
- (b) less than 65% of the total non-core ground floor frontage being in shop (A1) use;
- (c) three or more non-shop uses in adjacent units".

4.5 The latest shopping survey carried out in April 1993, showed that the non-core frontage of the Notting Hill Principal Shopping Centre had 65% of the frontages in retail use. The parade of shops that the premises falls within has ten of its twelve units in retail use. While the loss of this unit would reduce the overall non-core percentage marginally below 65%, the proposed change of use of the premises would reduce the number in this particular parade to nine which would in percentage terms leave this parade with a healthy 75% of its units in retail use. It is considered that the proposal otherwise meets the criteria of policy S12, and that it would not cause significant harm to the vitality or character of the shopping centre.

4.6 The proposed change of use of the retail, Class A1 to an estate agents, Class A2, is considered to be consistent with the Council's policies relating to such changes of use within non-core retail frontages.

5.0 Public Consultation

5.1 The Council has received two letters objecting to the proposal. The objections relate to the loss of a retail use in preference to an estate agents.

5.2 The Town and Country Planning (Use Classes) Order 1987 categorises on estate agents as being within Class A2, Financial and Professional Services. The Council's policy addresses the change of use from retail, Class A1 to Class A2, and does not legislate as to what uses within Class A2 are acceptable or unacceptable.



5.3 The decision therefore must in essence be whether the proposed change of use from retail, Class A1 to estate agent Class A2, is an acceptable change of use in a non core shopping frontage and on balance it is considered that the proposal complies with the Council's policies.

6.0 Recommendation

6.1 Grant planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

LIST OF BACKGROUND PAPERS

1) The contents of the file number TP/94/0264 referred to at the head of this report save for exempt or confidential information as defined by the Local Government (Access to Information) Act, 1985.

REPORT PREPARED BY: AP
REPORT APPROVED BY: PK/AD
DATE REPORT APPROVED: 18/05/94

PSC9406/AP.REP

JOHN D WOOD & CO

LONDON AND COUNTRY ESTATE AGENTS ESTABLISHED 1872

John D Wood & Co. (Residential & Commercial)
 26 Curzon Street, London W1Y 7AE
 Telephone 071-493 4106 Fax 071-629 6071

- Directors:**
- G M Pope ARICS
 - J H S Homersham (Joint Chairmen)
 - B W Bishop
 - Patricia Greenstone BA
 - Nicholas Hextall FRICS
 - Margaret McKenna
 - A A Buchanan
 - Jennifer Jepp
 - David Nicholson ARICS
 - A S A Coaker
 - Neil Kemp FTA
 - D F Pratt ARICS ASVA
 - Michael Conroy
 - T J Le Blanc-Smith ARICS
 - Mary Ryan
 - P Corbett FRICS
 - John Linke
 - Julien Scandling
 - S M C de Boisville FRICS
 - N N Mahoney
 - C H Warren FSVA
 - P J Conroy ARICS FAV
 - Elizabeth McCallum
 - P D Young
- Regional Director:** S M C de Boisville FRICS

Our Reference: HSH/MT

Director of Planning Services
 North Area Planning Team
 Town Hall
 Hamilton Street
 London W8 7NE

RECEIVED BY PLANNING SERVICES

NOV 1994

SEARCHED	INDEXED	FILED	CLASSIFIED
SERIALIZED	FILED	INDEXED	FILED

10272 SINSINGTON CHURCH STREET, LONDON W11

The above premises were a furniture shop and prior to that a second hand clothes shop-cum-dry cleaners. The premises were used under the Use Classes Order 1987.

Early in 1994 a company called Baxley International opened as an estate agency in the premises, a date of use class 1 (estate agents) Class C2.

A change of use from within one class to within another requires planning permission which in this case was not obtained.

It would be helpful to know what happened and whether it is your intention to do anything about it.

Yours faithfully,



J H S Homersham

JOHN D WOOD & CO. (RESIDENTIAL & COMMERCIAL)
 26 CURZON STREET, LONDON W1Y 7AE
 Telephone 071-493 4106 Fax 071-629 6071

24 MAR 1998

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING SERVICES COMMITTEE

24/03/98

APPLICATION NO.

AGENDA ITEM

TP/97/2610/L/48

2047

REPORT BY THE EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

APPLICANTS NAME/ADDRESS

Application dated 17/11/97

DMG Limited,
140 Cromwell Road,
London, SW7 4HA.

Revised

Completed 26/11/97

Polling Ward IA31

**RECOMMENDATION
ADOPTED.**

ON BEHALF OF : DMG Limited
INTEREST : Not known

District Plan Proposals Map:			CONSERVATION AREA		A/O Consulted	Objectors (to date)
Cons.Area	CAPS Article 4 Direction		Listed Building	HBMC Direction		
7	YES	NO	NO	N/A	4	0

RECOMMENDED DECISION :-

GRANT planning permission for change of use of the ground floor from use Class A1 (Retail) to Class A2 (Financial and Professional Service Use).

At: 62 KENSINGTON CHURCH STREET, KENSINGTON, W.8

As shown on submitted drawing(s) No(s): TP/97/2610

Applicant's drawing(s) No(s) : AG 2 CHS 97, Rev 01

CONDITION

C.1

REASON FOR THE IMPOSITION OF A CONDITION

R.1

INFORMATIVE

I.5

1.0 THE SITE

- 1.1 No. 62 Kensington Church Street is located along the eastern side of the road at the junction of Kensington Church Street and Melon Place within the Kensington Palace Conservation Area.
- 1.2 It comprises a retail unit at ground floor level.
- 1.3 The property is located in the non-core frontage of the Kensington High Street Principal Shopping Centre.

2.0 THE PROPOSAL

- 2.1 The application proposes the change of use of the ground floor from Class A1 (Retail) to Class A2 (Financial and Professional Service Use). It is understood that the unit is intended to be occupied as an Estate Agent.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations this application raises concern the effect of the proposal on the retail character and function of the Principal Shopping Centre.
- 4.2 The relevant policies are contained within the 'Shopping' chapter of the Council's Unitary Development Plan. Policy S1 seeks normally to resist the loss of shop units and floorspace, with Policy S6 seeking to safeguard and improve the vitality, viability and function of the shopping centres. Of particular relevance is Policy S15, which applies to Principal Shopping Centres and sets out the criteria upon which to assess the acceptability of Class A2 and A3 uses at ground floor level within these centres.
- 4.3 No. 62 is located towards the periphery of the non-core shopping frontage of the Kensington High Street Principal Shopping Centre. This section of the Centre is dominated by small specialist shops (antiques and other similar products), and is primarily in retail use. The neighbouring properties are all in retail use.
- 4.4 With respect to Policy S15 of the Unitary Development Plan, part (a) is not relevant, referring specifically to the core area. Part (b) requires that the percentage of non-core ground floor units in A1 use should not be less than 65% of the 1997 shopping

survey indicates that the percentage is now 26% which is below the percentage set out in Part (b). Normally this level would indicate that a change of use from Class A1 use should be resisted. However, this part of the non-core Shopping Centre has a particularly high level of Class A1 retail units with all the immediate properties in retail use. It is considered in relation to this part of the Policy a loss of a unit in this particular case which is positioned at the end of a stretch of retail units would be unlikely to affect the vitality or viability of this part of the shopping centre. Therefore, it is considered that the proposal would comply with Part (c), in that there would not be three or more non-shop units adjacent to each other. The proposed use is unlikely to cause amenity or parking problems (Parts (d) and (e)).

4.5 On balance, therefore, it is considered due to this particular location, where there is an existing high level of Class A1 retail use, a change of use to Class A2 could be accommodated within the frontage without threatening the character or function of the centre.

4.6 Notwithstanding criterion (b) of Policy S15, it is concluded that the proposed change of use would not, in this case, result in demonstrable harm to the vitality or viability of the Shopping Centre, and that a refusal of planning permission would be unjustified.

5.0 PUBLIC CONSULTATION

5.1 To date no representations have been received.

6.0 RECOMMENDATION

6.1 Grant Planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of the file number TP/97/2610 referred to at the head of this report save for exempt or confidential information as defined by the Local Government (Access to Information) Act, 1985.

TP/97/2610 : 4

Officer Contact

The above documents can be inspected by prior appointment with Tracey Rust in the Planning Information Office, Room 325, The Town Hall, Telephone 0171-361-2080.

REPORT PREPARED BY: SLW
REPORT APPROVED BY: DT/LAWJ
DATE REPORT APPROVED: 06/03/98

PSC9803/SLW.REP

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

TOWN PLANNING (APPLICATIONS) SUB-COMMITTEE 28/08/89
" " " 05/09/89

APPLICATION NO.
TP/89/0876/L/20

AGENDA ITEM
313 | 119

26

REPORT BY THE DIRECTOR OF PLANNING AND TRANSPORTATION

APPLICANTS NAME/ADDRESS

Knight Frank & Rutley
20 Hanover Square,
London W1R 0AH

Application dated 08/05/89

Revised

Completed 18/05/89

Polling Ward IA

ON BEHALF OF : Themselves
INTEREST : Not known

District Plan Proposals Map:

Cons. Area	CAPS	Article 4 Direction	Listed Building	HBMC Direction	A/O Consulted	Objectors (to date)
No. 6	NO	NO	NO	NO	9	1

RECOMMENDED DECISION :-

GRANT PLANNING PERMISSION for the change of use from hairdressing salon (Class A1 Use) to an Estate Agents (Class A2 Use).

At: 67A KENSINGTON CHURCH STREET, KENSINGTON, W.8

As shown on submitted drawing(s) No(s): TP/89/0876

Applicants drawing(s) No(s) : 8941/01

RECOMMENDATION
ADOPTED

CONDITIONS

1. C.22
2. The premises shall not be used for, or as, an office, taxi-cab, driving school, messenger service, car hire or other business uses where the use or deployment of vehicles is the primary purpose.
3. There shall be no external lighting by way of spot-lights or any illuminated advertisement.
4. C.57 ... the proposed replacement window in the street elevation.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. R.13
2. R.20
3. R.8 and R.20

INFORMATIVES

1. I.12
2. I.1

APPROVED BY
5 SEP 1989
CONSENT REF.....

APPROVED BY
T.P. SUB-COMTEE.....
5 SEP 1989
CONSENT REF.....

x extra
Card

1.0 SITE

- 1.1 This single storey rear extension (which fronts onto Campden Grove) is situated 10 metres behind the main ground floor premises used by the applicants as an Estate Agents) on the street corner with Kensington Church Street.
- 1.2 The property is presently vacant, and has a floor area of 20 sq. m., and stands immediately to the east of a residential terrace.

2.0 THE APPLICATION

- 2.1 The applicant seeks planning permission for a change of use from a hairdressing salon to an estate agents office, for use in conjunction with the main ground floor premises. The applicants propose to use only the entrance door on the corner.

3.0 PLANNING HISTORY

- 3.1 Planning permission was granted in 1967 for a new shop front to the existing hairdressers shop at no 67(a) Kensington Church Street.
- 3.2 The main ground floor premises at no 67, and the basement, received planning permission in May 1987 for change of use from retail shop to estate agents.

4.0 PLANNING CONSIDERATIONS

- 4.1 Although the Committee refused planning permission in March this year for a change of use to an Estate Agents at no 112 Kensington Church Street no objection is raised by the District Plan Officer to this particular application having taken into account that: (i) only a small amount of retail floorspace would be lost; (ii) it is at the margin of the centre; (iii) it is not in a core frontage.

5.0 PUBLIC CONSULTATION

- 5.1 To date one letter of objection has been received on grounds that there are enough estate agents already in the street.

24

6.0 RECOMMENDATION

6.1 The Committee are recommended to grant planning permission.

C. M. DENT
Director of Planning and Transportation

List of Background Papers

- 1) The contents of file no. TP/89/0876 referred to at the head of this report.

Report Prepared by BR

Report Approved by CMD

Date Report Approved 11.8.89

TP8908BR.REP

32

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

TOWN PLANNING (APPLICATIONS) SUB-COMMITTEE 07/03/89

APPLICATION NO.
TP/88/2276/L/44

AGENDA ITEM
79

REPORT BY THE DIRECTOR OF PLANNING AND TRANSPORTATION

APPLICANTS NAME/ADDRESS

Michael Thorncroft FRICS.,
30 New Bond Street,
London W1Y 9HD

Application dated 15/09/88

Revised

Completed 02/11/88

Polling Ward I

ON BEHALF OF : Private Capital Group Ltd., 8 Hill Street,
INTEREST :

District Plan Proposals Map:

<u>Cons. Area</u>	<u>CAPS</u>	<u>Article 4 Direction</u>	<u>Listed Building</u>	<u>HBMC Direction</u>	<u>A/O Consulted</u>	<u>Objectors (to date)</u>
7	NO	NO	NO	NO	5	4

RECOMMENDED DECISION :-

REFUSE PLANNING PERMISSION for the change of use of the ground and basement floors from Class A1 to an Estate agents office (Class A2)

At: 112 KENSINGTON CHURCH STREET, KENSINGTON, W.8

As shown on submitted drawing(s) No(s): TP/88/2276

Applicants drawing(s) No(s) : unnumbered floorplans

REASONS FOR REFUSAL

1. The proposed introduction of a further Estate Agent's office, located in the middle of a terraced row of antique shops, and within an internationally established trading centre for antiques and fine arts, would detract from the character and function of the street and would be contrary to the District Plan policy, paragraphs 14.5.4.
2. The loss of a ground floor retail use is contrary to District Plan policy 14.5.5 which seeks to retain ground floor retail uses within shopping frontages.
3. The proposed use is considered undesirable and detrimental to the character of the street.

**RECOMMENDATION
ADOPTED**

33

The Property

This property, which comprises of a ground floor antiques shop, with ancillary basement and two upper residential floors, is situated on the east side of Kensington Church Street, 25 metres north of the road intersection with Berkeley Gardens/Bedford Gardens.

The Application

The applicant seeks planning permission to change the use of the basement and ground floors from the existing A1 retail use to an Estate Agent's office (i.e. A2 use).

Planning History

There is no planning history.

Planning Considerations

1. Kensington Church Street is an internationally established trading centre for antiques and fine arts. There are two main concentrations of shops associated with trade: (a) the northern parts of the road between Kensington Mall and Sheffield Terrace, and (b) the central/southern parts between the junctions of Vicarage Gardens and Vicarage Gate. There are a total of seventy-eight antique/fine art shops in the street.
2. The subject property forms part of a continuous line of six antique shops situated immediately north of Berkeley Gardens. There are six antique shops on the immediately opposite side of the road.
3. There is presently a total of eight estate agents offices within the street namely: (i) & (ii) Marsh and Parsons at Nos. 5 and 9; (iii) Winkworths at No. 65; (iv) Knight, Frank and Rutley at No. 67; (v) Aylesford at No. 103; (vi) Barnard Marcus at No. 104; (vii) Alex Neil at No. 118; and (viii) John D. Wood and Co. at Nos. 162-164.
4. The main issue in relation to this application is the proposed location. The subject property is situated within the Notting Hill Gate Principal Shopping Centre, but outside the shopping core frontage. The District Plan has no specific policy towards all shop uses in the Borough, only convenience shops are singled out for this type of protection; however, the intention is to protect shop uses in shopping centres. The District Plan states that regard will be given to the "needs of particular areas" and "the character of the shopping centre concerned" (para. 14.5.2).

(34)

5. The Department of the Environment Policy Note No. 11 (dated 1985) states in paragraph 14 that: "It will be a matter of judgement for the local planning authority whether or when the overall number of service outlets can reach or has reached a level at which further changes from retail shop use should be resisted. This judgement should not be made solely by reference to numbers of outlets, proportions or floorspace or length of frontages, and should always take account of the type of shopping centre, the trends in usage of that centre and the views as far as they may be known, of both those who trade there and those who shop there. The question whether any particular non-retail service is already sufficiently represented in a shopping centre is a matter of commercial judgement; it will not be material to a planning application."
6. The Council granted planning permission in May 1987 for two estate agents offices at nos. 67 and 104 Kensington Church Street.
7. It is considered that a further change from this existing retail shop use should be resisted, for the reasons given.

Public Consultation

The Site Notice advertising this proposal was posted on 26th November, 1988. Letters to adjoining premises were sent on 11/11/88 and 17/02/89.

To date, four letters of objection to the proposal have been received.

The Chairman for the Kensington Church Street Association has written: "The representations which my Committee have been receiving and about which they and I feel strongly are that another estate agent would destroy the character of the street. There are already eight estate agents in Kensington Church Street; one of them (Alex Neil & Co.) are only three doors away at 118 Kensington Church Street. There are a fair number of estate agents in Kensington High Street with another one (Hamptons) opening just opposite the Prudential; there are also another eight or nine estate agents in Notting Hill Gate so that within half a mile of the centre of Kensington Church Street, the public has access to about 25-30 separate estate agency businesses. Surely this is quite sufficient... In order to preserve the character of the street we need more antique shops and furniture shops but there is also a demand from residents for greengrocers and other similar domestic suppliers."

The Kensington High Street Study Group refer to their previous letter dated 23.4.87 in relation to previous applications, which expressed concern at any erosion of Kensington Church Street's international reputation and note that it is more important than ever that the street retains its character.

Two other letters of objection have been received.

35

Recommendation

The Committee is recommended to refuse planning permission.

E.A.SANDERS
DIRECTOR OF PLANNING AND TRANSPORTATION

LIST OF BACKGROUND PAPERS

- 1) The contents of the file number TP/88/2276 referred to at the head of this report.

REPORT PREPARED BY: BR
REPORT APPROVED BY: MJF
DATE REPORT APPROVED: 16/02/89

APPROVED BY
T.P. COMMITTEE
- 5 MAY 1987

34

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

TOWN PLANNING (APPLICATIONS) SUB-COMMITTEE 28/04/87
5/05/87

APPLICATION NO. TP/87/0489/LA1
AGENDA ITEM 16/57

REPORT BY THE DIRECTOR OF PLANNING AND TRANSPORTATION

APPLICANTS NAME/ADDRESS

Knight Frank & Rutley,
20 Hanover Square, London W.1 0AH

Application dated 04/03/87

Revised

Completed 09/03/87

Polling Ward 1A

ON BEHALF OF: Knight Frank & Rutley,
INTEREST: Not known

District Plan Proposals Map:

Cons. Area	CAPS	Article 4 Direction	Listed Building	H/MC Direction	A/O Consulted	Objectors (to date)
6	NO	NO	NO	NO	12	1

RECOMMENDED DECISION

GRANT PLANNING PERMISSION for the change of use of the ground floor and basement from retail shop to estate agents

At: 67 KENSINGTON CHURCH STREET, KENSINGTON, W.8

As shown on submitted drawing(s) No(s): TP/87/0489
Applicants drawing(s) No(s): MG202/1

RECOMMENDATION ADOPTED

CONDITIONS

1. C:22
2. C:39 "Estate Agents"
3. A window display shall be permanently maintained and the windows shall not be obscured or blanked off.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. R:13
2. R:16
3. In the interests of the visual amenities of the area.

INFORMATIVES

1. I:1
2. I:7
3. I:18
4. This permission conveys no consent for external alterations to the building.

IP/87/0489 : 2

Site

The property which comprises a ground floor (with basement) shop with three residential floors above is situated on the west side of Kensington Church Street on the corner of Campden Grove.

Proposal

A change of use from shop to estate agents is proposed on the ground floor and basement.

Planning History

Permission was granted on 28th November, 1986 for the retention of a new shopfront.

Planning Standards

There are no standards relevant to this case.

Considerations

1. The premises situated in a small parade of retail units fall within the Kensington High Street Principal Shopping Centre but outside of the Core Shopping Frontage. They are currently vacant but were last in use as "W.H. Cullens" delicatessen.
2. The applicants have stated in support of their application that with much of their business being conducted in Kensington and Chelsea a more local office is required. Five staff will be employed in the new premises with 2 of these being transferred from their Sloane Street branch.
3. The loss of a convenience retail shop is regrettable, however a refusal of an application for this reason alone would be unlikely to receive much support at appeal. The applicants actually comment that the last occupants experienced difficulty in sustaining their presence in this particular location.
4. The District Plan Group consider that given the demand for this type of non-shop use and the relatively few non-shop uses outside of the Core Shopping Frontage in this Shopping Centre (25 in August 1986 out of a total of 258 commercial ground floor properties in the Shopping Centre) plus this particular location at the extreme edge of the centre this application should be allowed. No adverse effect on local amenity is seen to arise.

TP/87/0489 : 3

Public Consultation

12 letters of objection from local residents and on behalf of local firms have been received to date raising the following points:

1. There are already quite enough estate agents operating in Kensington Church Street.
2. The use will generate additional on street parking and exacerbate traffic congestion to the detriment of the area.
3. It would add to the plethora of "For Sale" boards.
4. There is already a lack of local shops and trades in the area.
5. This proposal will destroy the "village feeling" and general character of the street.
6. The use will not be of benefit to local residents. The Cherry Trees Residents Amenities Association comment that the proposed use will increase the amount of available office space which goes against the District Plan and the Council's proposed policies regarding office use in this area, that there are already sufficient estate agents in the area and that it will result in the loss of a retail shop previously a delicatessen and encroach into an area well known for the antiques trade.

Recommendation

Having had due regard to Government advice and Circulars and recent planning appeal decisions, conditional planning permission is recommended.

E.A.SANDERS
DIRECTOR OF PLANNING AND TRANSPORTATION

LIST OF BACKGROUND PAPERS

- 1) The contents of the file number TP/87/0489 referred to at the head of this report.

REPORT PREPARED BY: JG
 REPORT APPROVED BY: MJF
 DATE REPORT APPROVED: 07/04/87



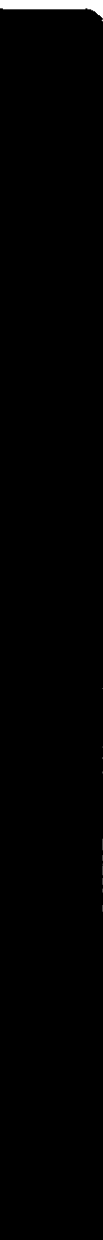
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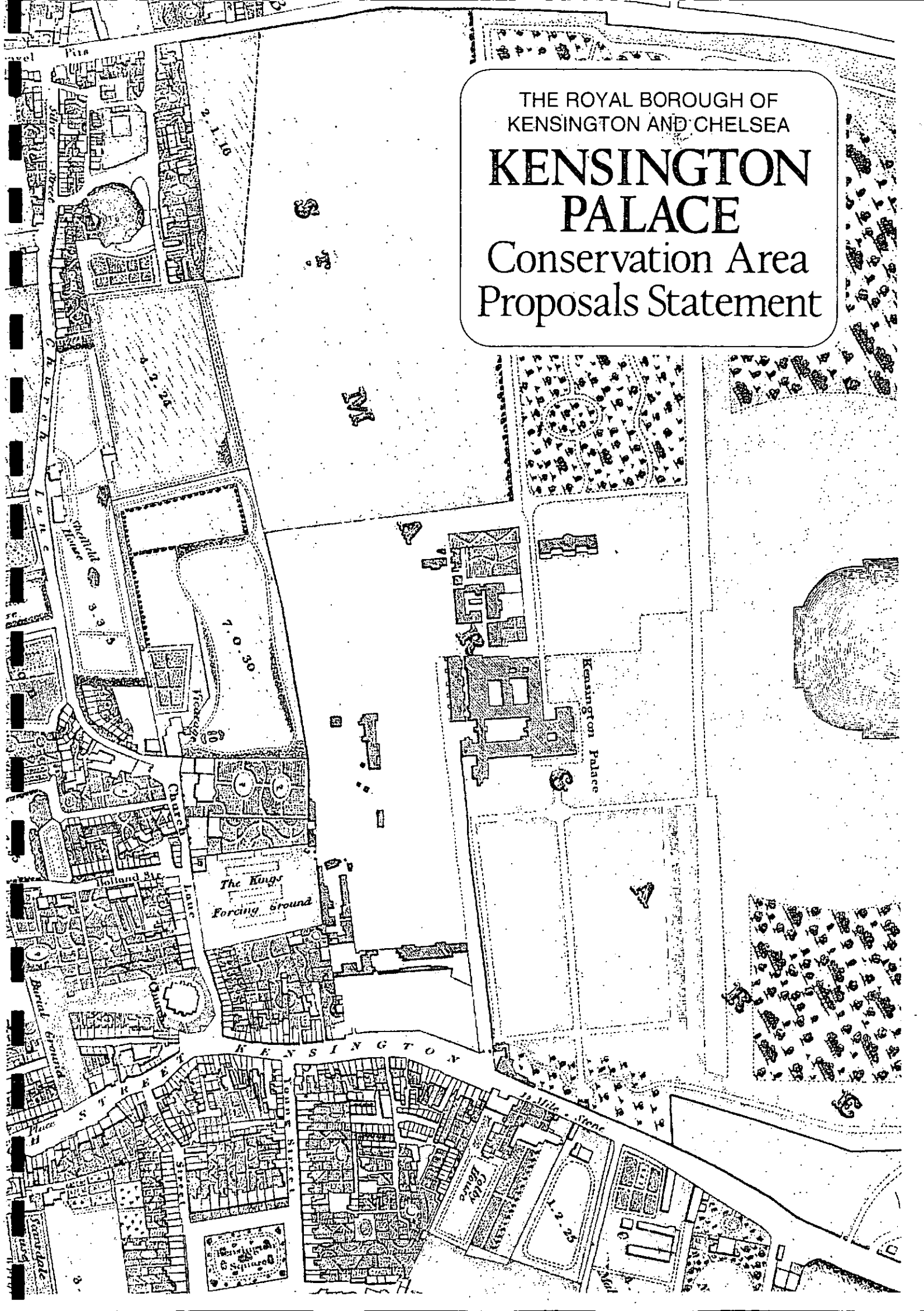
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THE ROYAL BOROUGH OF
KENSINGTON AND CHELSEA

KENSINGTON PALACE

Conservation Area
Proposals Statement



6

Shopfronts and Advertising

The Council has published a Borough-wide guide to shopfronts and advertising entitled "Design and Conservation of Shopfronts and Shopping Streets". This gives a detailed interpretation of UDP policies and has been issued as Supplementary Planning Guidance. It should be referred to in relation to the general design of shopfronts and advertising in this conservation area. Copies of the publication are available from the Planning Information Office.

Illustrations of good and bad practice as described in the guide are illustrated on page 33. In addition, more specific advice is set out below for the shops in Kensington Church Street which has a special character which the Council seeks to maintain and enhance.

Kensington High Street and Notting Hill Gate

The Council has prepared separate guidelines for commercial properties on or associated with these shopping areas. Reference should thus be made to these documents as well as the above advice.

Kensington Church Street

Kensington Church Street, together with small groups of shops on side roads closely associated with it, has a distinctive character which deserves some individual analysis. In the Council's opinion its shopfronts make a significant contribution to the character or appearance of Kensington Conservation Area and of Kensington Palace Conservation Area. The preservation of this character and where possible its enhancement will be assisted by general recognition of those features which together establish the Areas' special identity.

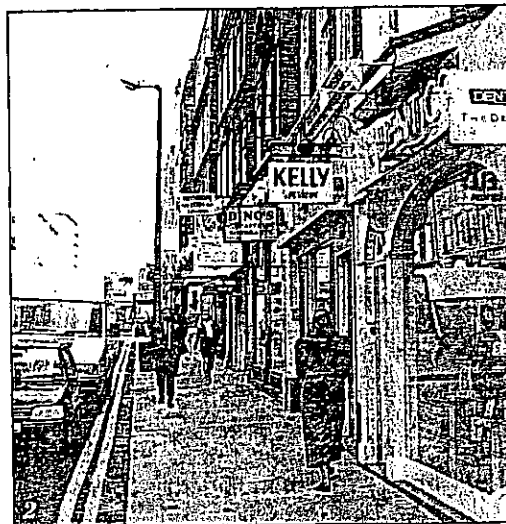
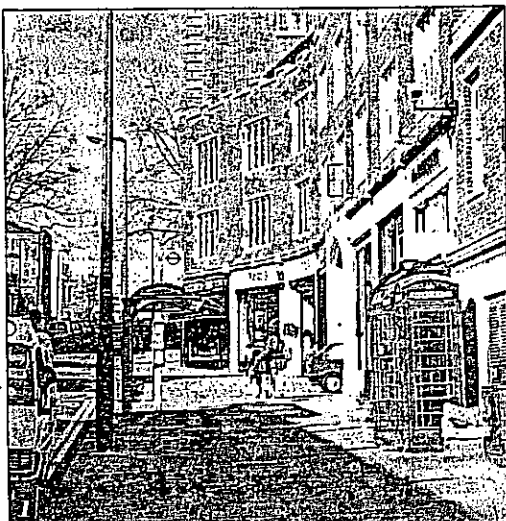
Design guidance for both sides of Kensington Church Street was commissioned as part of the Proposals Statement for Kensington Conservation Area adopted on 9 January 1995. Publication of the Kensington Palace Conservation Area Proposals Statement is being taken as an opportunity to reinforce this guidance.

The strong personality of this shopping centre derives from developments of very different periods. Some buildings survive from the first half of the 18th century, and a range of 20th century styles are represented as well as examples of intervening periods. A striking feature is the dominant presence from the Carmelite Church northwards of antique dealers, fine arts establishments and others retailing items of aesthetic interest.

The street generally displays the benefits of shop surrounds which remain consistent within terraces or groups, creating coherent shopping parades to the mutual benefit of all traders. These surrounds perform the role of design frameworks, and are most evident in the best Victorian terraces and at the well-articulated modern facade of Lancer Square, within which shopfronts with a high degree of individuality can be satisfactorily contained.

Detailed characteristics which can be observed are:

- the use of dark colours in the shopfront designs, most striking when seen below light-coloured stucco;
- the celebration of the skills of sign writers;
- the scarcity of internally-illuminated signs of any sort;
- the relatively few projecting signs to be found.



1 Church Close provides a consistent framework for shopfronts

2 A wider range of shopfront and projecting sign styles at the foot of Kensington Church Street





**Royal Borough of Kensington and Chelsea
Directorate of Planning Services - Policy Observations**

TP No: PP/01/1227	Address: 110 Kensington Church Street, W8	Date Received 12/6/01	Date of Obs. 26/6/01
UDP Prop Alts Paras/Policies		Obj.	No obj. ***
	Development: Change of use from shop (A1) to professional services (A2)	HMO? No	No. of dwelling Units Existing 0
			Proposed 0
		D.C. Officer NC	Policy Officer TA

Site:

Is located within the Notting Hill Gate Principal Shopping Centre (PSC), non-core, in the shopping parade between Kensington Mall and Berkley Gardens (east side).

Existing Use:

Is a retail shop, at ground floor.

Proposal:

To change the use to an estate agent, no external alterations are proposed.

Issues:

The relevant shopping frontage is 106 through 172 (even). There are twenty-six units within the frontage, of which five are currently in non-shop use. Criteria of *adopted* Policy S15 states that a proposal should not result in less than 65% of the total non-core ground floor units being in A1 use. 64% of the total non-core ground floors units are in A1 use. As the proportion is finely balanced the location of the unit and the health of the individual parade is crucial.

The relevant shopping frontage is 106 through 172 (even). There are twenty-six units within the frontage, of which five are currently in non-shop use. The proposal accords with *altered* Policy S15a 'retail character and function criteria', as it would not before or after result in, (a) more than one third of the ground floor units in the relevant street frontage and occupied by non-shop uses, or (b) there are more than three adjoining units at ground floor level in the same use class order, or (c) there is a break in the relevant ground floor retail frontage of more than three times the average width of units in the non-core.

The criteria of policies S15 and S15a that discuss potential adverse impact on traffic or amenity remain to be satisfied. Policy S15 resists proposals that would result in, (d) significant increase in traffic or parking, or (e) any significant reduction in an area's residential character and amenity including by smells or late night noise. The 'environmental criteria' of Policy S15a, resist proposals where they are likely to cause, (a) any *material* increase in traffic or parking, or (b) any *material* reduction in residential character or amenity including by smells or late night noise.

Recommendation:

On balance there is no policy objection.

M.W. Sonch 26.6.01

PLANNING AND CONSERVATION
INTERNAL MEMORANDUM

TO: George Allpress (DC Central) ROOM NO: -
CC: Jonathan Wade (DC South East), Paul Kelsey, Nicola Cowley (DC Central), Justin Ayton (Design),
LeVerne Parker (Legal), Rebecca Gill (Appeals), Steve McCormack, David Rafael (Policy)
FROM: Tony Appleyard (Policy) ROOM NO: 331
TELEPHONE: (020) 7361 2092 EMAIL: tony.appleyard@rbkc.gov.uk
DATE: Monday 7 January 2002 REF: -
SUBJECT: Appeal: 110 Kensington Church Street, W8 (PP/01/1227)

The following are my comments regarding the letter to Councillor Freeman dated 21 December 2001 from Mr de Lotbiniere (GVA Grimley) on the above appeal (copy attached).

Para 6 of the letter refers to the Council's figure of 64% of the total of the Notting Hill Gate Principal Shopping Centre (PSC) No 2 non-core being in Class A1 use. The accuracy of this figure is challenged by Mr de Lotbiniere's calculations in that, '...the non-core ground floor units are those defined on the UDP proposals map, and which form the cluster around the northern section of Kensington Church Street on both sides of the road', a total figure of 71 units. In fact the calculation of the non-core of the PSC under *adopted* Policy S15 is based on the total non-core frontage of the Centre, which also includes addresses to the eastern and western extremities of Notting Hill Gate and also the southern end of Portobello Road. The Council's PSC Survey of 2000 found that there were 99 units within the entire non-core and not 71 as suggested by Mr de Lotbiniere.

Mr de Lotbiniere goes on to state that were retail units south of Bedford Gardens (addresses not specified) taken into account then this would further support his arguments that the Council's approach is incorrect. This contention is also mistaken, for the reason that the units are not contained within a PSC and therefore not taken into account when making the assessment.

Para 7 of the letter questions the actual number of units within the parade 106-172 (even) Kensington Church Street. The Council's report gives the number at 26 (5 in non-retail use), which is what I also found on surveying the parade. Mr de Lotbiniere argues that there are in fact 28 units in the parade, although no specific detail on their uses or addresses is given. The Council's 2000 PSC Survey puts the number of units at 25 (5 in non-retail use) in 1990 the figure was 24 (7 in non-retail use). It should also be acknowledged that there are several combined units within the parade that have a history of changing over time. The PSC Survey of summer 2001 puts the number of units in the parade at 25 (6 in non-retail use). It is considered that Mr de Lotbiniere fails to give specific evidence that there are 28 units. In any case, the proposal fails under *adopted* Policy S15 and complies under *altered* Policy S15a.

Para 8 of Mr de Lotbiniere's letter refers to the Inspector's Report on the proposed revisions to the UDP. The survey of the parade and observations by Forward Planning were completed on 6 June 2001 while the Inspector's Report was not received until 3 July 2001. It was anticipated in the comments that the *altered* policies S15 and S15a would not face any significant modifications as a result of the Inspector's findings and this was taken into account when applying *altered* Policy S15a to the proposal. Generally the Inspector supported the revisions to Policy S15 and the introduction of Policy S15a. In particular, Mr de Lotbiniere misinterprets the Inspector's intention in the definition of shop frontages. The Inspector stated:

'As the explanatory text refers to "individual street frontages and parades" I consider it unlikely that this could be interpreted to relate to two separate shopping frontages on opposite sides of the street. However, the Council has suggested additional wording if I consider it to be necessary. I am not fully convinced that it is, but no harm can be caused by the insertion of the words "on either side of the street" after "In any one street frontage", as a "belt and braces" approach. (Para 8.77)

Cont...