

## The Planning Inspectorate

### QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. Any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

Appeal Reference

APP/X5210/C/23/3316906

Appeal By

JACUNA KITCHENS LIMITED

Site Address

Land at 178B Royal College Street and Arches 73, 74 and 75 Randolph Street  
London  
NW1 0SP

#### PART 1

1.a. Do you agree to the written representation procedure? Yes ☒ No ☐

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? Yes ☐ No ☒

2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☒ No ☐

To assess impact on the amenity of the area, pedestrian and highway safety. To assess impact on local residents and local road users. To assess impact on biodiversity.

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes ☒ No ☐

Please describe:

It is unclear to me as to whether the venue is in operation.

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself? Yes ☐ No ☒

#### PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s) Yes ☒ No ☐

Please provide our reference numbers:

APP/X5210/W/22/3312728

4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? Yes ☒ No ☐

5.a. Is the appeal site within a conservation area? Yes ☒ No ☐

Please give the name of the conservation area, provide a plan and indicate when the conservation area was designated.

Conservation area: Camden Broadway

Designated: 2009

Plan of the conservation area:

☒ see 'Questionnaire Documents' section

5.b. Is the appeal site adjacent to a conservation area? Yes ☒ No ☐

Please give the name of the conservation area, provide a plan and indicate when the conservation area was designated.

Conservation area: Regent's Canal

Designated: 2008

Please select from the options below:

☒ see 'Questionnaire Documents' section

### PART 3

6.a. Does the notice relate to building, engineering, mining or other operations? Yes ☐ No ☒

6.b. Is the area of the alleged breach different from the above? Yes ☐ No ☒

6.c. Does the alleged breach create any floor space? Yes ☐ No ☒

Does the enforcement notice relate to a change of use of land to use for:

7.a. the disposal of refuse or waste materials? Yes ☐ No ☒

7.b. the deposit of materials remaining after mineral extraction? Yes ☐ No ☒

7.c. the storage of minerals in the open? Yes ☐ No ☒

8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))? Yes ☐ No ☒

9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012? Yes ☐ No ☒

### PART 4

10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by Yes ☐ No ☒

section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site?

11. Has any planning permission been granted previously in respect of the development? Yes ☐ No ☒

12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes ☒ No ☐

If YES, please provide

12.a. the date of the relevant application 24/09/2021

12.b. the date of the LPA's decision (if any) 26/07/2022

12.c. a copy of the decision (if any)

☒ see 'Questionnaire Documents' section

12.d. the reference number

2021/4163/P

13. Has a planning contravention notice been served? Yes ☐ No ☒

14.a. the appeal site is within 67 METRES OF A TRUNK ROAD? Yes ☒ No ☐

If YES, please state which one.

A503

14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)? Yes ☐ No ☒

14.c. a STOP NOTICE has been served in addition to the enforcement notice? Yes ☐ No ☒

14.d. the appeal site is in or adjacent to or likely to affect a SSSI? Yes ☐ No ☒

14.e. any protected species are likely to be affected by the alleged development? Yes ☐ No ☒

14.f. the appeal site is in a Green Belt or AONB? Yes ☐ No ☒

14.g. any part of the site is subject to a Tree Preservation Order? Yes ☐ No ☒

14.h. the appeal site is within 400m of an area of underground or surface mineral interest? Yes ☐ No ☒

14.i. the appeal site is within 250m of a waste landfill site? Yes ☐ No ☒

14.j. does the development affect the setting of a listed building or ancient monument? Yes ☒ No ☐

Please attach a copy of the listing.

☒ see 'Questionnaire Documents' section

14.k. has importation of waste materials been involved in the development? Yes ☐ No ☒

14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority? Yes ☐ No ☒

## PART 5

15. Please provide a plan of any public rights of way affected by the site.

☒ see 'Questionnaire Documents' section

16.a. Is the appeal site subject to an ARTICLE 4 Direction? Yes ☐ No ☒

17. Have any development rights been restricted by means of a planning Yes ☐ No ☒

condition?			
18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
<b>Environmental Impact Assessment - Schedule 1</b>			
20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
<b>Environmental Impact Assessment - Schedule 2</b>			
20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
<b>Environmental Impact Assessment - Environmental Statement (ES)</b>			
20.e. Has the appellant supplied an environmental statement?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
If YES, please supply any related correspondence from statutory consultees and others that you may have had about the adequacy of the environmental information contained in the ES, having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.			
<input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			
<b>PART 6</b>			
21.a. a copy of the letter with which you notified people about the appeal.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			
21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			
the deadline you gave for their comments to be sent to us.	28/04/2023		
21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			
21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			
<b>Policies/Planning Guidance</b>			
22.a. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text.			<input checked="" type="checkbox"/>
List of policies			

A1 Managing the impact of development A4 Noise and vibration C1 Health and Wellbeing C5 Safety and Security C6 Access for all CC4 Air quality CC5 Waste D1 Design D2 Heritage D3 Shopfronts D4 Advertisements E1 Economic development E2 Employment premises and sites H3 Protecting existing homes G1 Delivery and location of growth TC1 Quantity and location of retail development TC2 Camden's centres and other shopping areas TC3 Shops outside of centres TC4 Town centre uses TC5 Small and independent shops T1 Prioritising walking, cycling and public transport T2 Parking and car-free development T3 Transport infrastructure T4 Sustainable movement of goods and materials

✓ see 'Questionnaire Documents' section

22.b. extracts of any relevant policies which have been 'saved' by way of a Direction. ☐

22.c. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when. ☒

List of supplementary planning guidance

Access for all (2019) Adverts (2018) Air Quality (2021) Amenity (2021) Design (2021) Employment sites and business premises (2021) Planning for health and wellbeing (2021) Town centres and retail (2021) Transport (2021)

✓ see 'Questionnaire Documents' section

22.d. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached. ☐

22.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded; ☐

22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued; ☐

22.g. your Authority's CIL charging schedule is being/has been examined; ☐

22.h. your Authority's CIL charging schedule has been/is likely to be adopted. ☒

Please provide the date of adoption:

30/10/2020

22.i. any other relevant information or correspondence you consider we should know about. ☒

✓ see 'Questionnaire Documents' section

## PART 7

23. A true copy of the Enforcement Notice

✓ see 'Questionnaire Documents' section

24. The Enforcement Notice Plan (if applicable)

✓ see 'Questionnaire Documents' section

25. A list of those served with the Notice

✓ see 'Questionnaire Documents' section

26. Do you wish to attach your statement of case?

Yes

☒ No

☐

☒ see 'Questionnaire Documents' section

### LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today. ☒

LPA's reference

EN21/0681

Completed by

Karina Wujek

On behalf of

London Borough of Camden

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

**Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.**

## QUESTIONNAIRE DOCUMENTS

Appeal Reference	APP/X5210/C/23/3316906
Appeal By	JACUNA KITCHENS LIMITED
Site Address	Land at 178B Royal College Street and Arches 73, 74 and 75 Randolph Street London NW1 0SP

### The documents listed below were uploaded with this form:

<b>Relates to Section:</b>	PART 2
<b>Document Description:</b>	5.a. Plan of the Conservation Area.
<b>File name:</b>	Camden Broadway CAAMS (2009).pdf
<b>File name:</b>	Camden Broadway Urban Grain.pdf
<b>File name:</b>	Camden Broadway Townscape appraisal.pdf
<b>File name:</b>	Camden Broadway Topography.pdf
<b>File name:</b>	Camden Broadway CA boundary.pdf
<b>File name:</b>	Camden Broadway CA designation date.pdf
<b>File name:</b>	Camden Broadway 1914 OS.pdf
<b>File name:</b>	Camden Broadway 1894 Os.pdf
<b>File name:</b>	Camden Broadway 1875 OS.pdf
<b>File name:</b>	NORTH ROAD BRIDGE OVER THE GRAND UNION - listing 1244157 Historic England.pdf
<b>Relates to Section:</b>	PART 2
<b>Document Description:</b>	4.a. Plan of the Conservation Area.
<b>File name:</b>	Regent's Canal CAAMS (2008).pdf
<b>File name:</b>	Regents Canal Topography map.pdf
<b>File name:</b>	Regents Canal Townscape appraisal map.pdf
<b>File name:</b>	Regents Canal Urban Grain map.pdf
<b>File name:</b>	CAMDEN ROAD STATION - listing 1244154 Historic England.pdf
<b>Relates to Section:</b>	PART 4
<b>Document Description:</b>	12. A copy of the decision.
<b>File name:</b>	2021_4163_P Decision.pdf
<b>Relates to Section:</b>	PART 4
<b>Document Description:</b>	14.j. A copy of the listing.
<b>File name:</b>	25-28 Randolph Street - listing 1245491 Historic England.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	15. A plan of any public rights of way affected by the site.
<b>File name:</b>	Public rights of way not affected.docx
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	20.e. Any related correspondence from statutory consultees and others that you may have had about the adequacy of the environmental information contained in the ES, having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
<b>File name:</b>	cover letter 26 Aug 21.pdf
<b>File name:</b>	Noise_Jacuna_Camden-REV-E_Final 6 Sept 21.pdf
<b>File name:</b>	Jacuna Kitchens - Operational Management Plan.pdf
<b>File name:</b>	Odour_Jacuna_Camden-REV-B_Final.pdf 19 Aug 21.pdf

<b>File name:</b>	Heritage Statement 9 Aug 21.pdf
<b>File name:</b>	Planning Statement August 2021.pdf
<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	21.a. A copy of the letter with which you notified people about the appeal.
<b>File name:</b>	Enf appeal notification 178B Royal College St Arches.pdf
<b>File name:</b>	Hearing site notice and press advert - Enforcement - 178B RoyalCollegeSt&Arches.pdf
<b>File name:</b>	Enf appeal notification 178B Royal College St & Arches -Regent's Canal CAAC.pdf
<b>File name:</b>	Enf appeal notification 178B Royal College St & Arches - Camden Broadway CAAC.pdf
<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	21.b. A list of the people you notified and the deadline you gave for their comments to be sent to us.
<b>File name:</b>	Appeal notification distribution list (postal) (2).pdf
<b>File name:</b>	Appeal notification distribution list (postal) (1).pdf
<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	22.a. Extracts from any statutory development plan policy including the front page, title and date of approval/adoption and status.
<b>File name:</b>	Camden Local Plan - cover and introduction.pdf
<b>File name:</b>	A1 - Managing the Impact of Development.pdf
<b>File name:</b>	A4 - Noise and vibration.pdf
<b>File name:</b>	C1 - Health and Wellbeing.pdf
<b>File name:</b>	C5 - Safety and Security.pdf
<b>File name:</b>	C6 - Access for all.pdf
<b>File name:</b>	CC4 - Air Quality.pdf
<b>File name:</b>	CC5 - Waste.pdf
<b>File name:</b>	D1 - Design.pdf
<b>File name:</b>	D3 - Shopfronts.pdf
<b>File name:</b>	D2 - Heritage.pdf
<b>File name:</b>	D4 - Advertisements.pdf
<b>File name:</b>	E1 - Economic Development.pdf
<b>File name:</b>	E2 - Employment Premises and Sites.pdf
<b>File name:</b>	G1 - Delivery and Location of Growth.docx
<b>File name:</b>	H3 - Protecting Existing Homes.pdf
<b>File name:</b>	T1 - Prioritising Walking, Cycling and Public Transport - Copy.pdf
<b>File name:</b>	T2 - Parking and Car Free Development.pdf
<b>File name:</b>	T3 - Transport Infrastructure.pdf
<b>File name:</b>	T4 - Sustainable Movement of Goods and Materials - Copy.pdf
<b>File name:</b>	TC1 - Quantity and Location of Retail Development.pdf
<b>File name:</b>	TC2 Camden's centres and other shopping areas.pdf
<b>File name:</b>	TC3 - Shops Outside of Centres.pdf
<b>File name:</b>	TC4 - Town Centre Uses.pdf
<b>File name:</b>	TC5 - Small and Independent Shops.pdf
<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	22.c. Extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.
<b>File name:</b>	Access for All CPG March 2019.pdf
<b>File name:</b>	Advertisements CPG March 2018.pdf
<b>File name:</b>	Air Quality CPG January 2021.pdf
<b>File name:</b>	Amenity CPG January 2021.pdf
<b>File name:</b>	Design CPG January 2021.docx
<b>File name:</b>	Employment sites and business premises CPG January 2021.pdf



<b>File name:</b>	Planning for health and wellbeing CPG January 2021.pdf
<b>File name:</b>	Town Centres and retail CPG January 2021.docx
<b>File name:</b>	Transport CPG January 2021.pdf
<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	22.i. Any other relevant information or correspondence you consider we should know about.
<b>File name:</b>	receipt 296.pdf
<b>Relates to Section:</b>	PART 7
<b>Document Description:</b>	23. A true copy of the Enforcement Notice.
<b>File name:</b>	Enforcement Notice - Re-served - without schedule of addresses.pdf
<b>Relates to Section:</b>	PART 7
<b>Document Description:</b>	25. A list of those served with the Notice.
<b>File name:</b>	Enforcement Notice - Re-served - with schedule of addresses.pdf
<b>The documents listed below are to follow by post:</b>	
<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.
<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.
<b>Relates to Section:</b>	PART 7
<b>Document Description:</b>	24. The Enforcement Notice Plan.
<b>Relates to Section:</b>	PART 7
<b>Document Description:</b>	26. Statement of case.
<b>Completed by</b>	Not Set
<b>Date</b>	24/03/2023 11:59:21
<b>LPA</b>	London Borough of Camden