

Appendix A:

Suggested conditions should the Appeal be allowed:

1. The use hereby permitted shall be for a limited period being the period of 12 months from the date of this decision. The use hereby permitted shall cease on or before that date and all external plant and equipment facilitating the use shall be removed from the site no later than 14 months after the date of this decision.
Reason: In order that the long term use of the site may be properly considered in accordance with policy A1 of the London Borough of Camden Local Plan 2017.
2. The development hereby permitted shall be carried out in accordance with the approved plans.
Reason: For the avoidance of doubt and in the interest of proper planning.
3. The site opening hours shall be restricted to 0800 – 2200hrs only.
Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.
4. The number of kitchens on the premises shall at no time exceed fifteen.
Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.
5. Collections from the premises to deliver to customers shall be carried out by foot, bicycle or electric two wheeled vehicle only and not by any other mode of transport.
Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.
6. No collection from the premises to deliver to customers shall be carried out outside the following times: 1000 to 2200 hours.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

7. No deliveries shall be taken at or despatched from the premises and no loading or unloading of goods from servicing vehicles shall take place outside the hours of 0800 to 1600 Monday to Saturday. No servicing/deliveries shall take place on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

8. No collection of orders from the premises shall take place by customers at any time.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

9. The level of noise emitted from all fixed plant on the site shall not exceed a value which is 10 dB below the background noise level at 1 metre from the façade of any dwelling or premises used for residential purposes or an alternative representative location approved in writing by the local planning authority. Background noise level is 50 dB, LA90 during the day (between 0700 and 2300 hours) and is 45 dB, LA90 at night (between 2300 and 0700 hours). The assessment period shall be 1 hour during day time periods and 15 minutes during night time periods. If the plant hereby approved has a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps) the level shall be 15 dB below the background noise level instead of 10 dB below.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

10. For so long as the use continues the odour control equipment shall provide a Very High level of odour control.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

11. A plant management plan with regards to maintenance of the odour filtration and ventilation system shall be submitted to the LPA for approval within 3 months of the decision. The Plant Management Plan shall at all times cover cleaning of washable grease filters and frequency of inspection of all filters (grease filters, pre-filters and carbon filters). There shall be no primary cooking or reheating of food on the premises unless the odour filtration and ventilation system is being operated and maintained in full accordance with the Plant Management Plan.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

12. An operational management plan shall be submitted to the LPA for approval within 3 months of the decision. The approved operational management plan shall be followed in full for the duration of the sui generis use.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

13. A designated cycle and moped parking plan shall be submitted to the LPA for approval within 3 months of the decision. The approved details shall be installed on site and shall thereafter be kept for the parking of bicycles and mopeds in relation to the use hereby approved.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and T1 of the London Borough of Camden Local Plan 2017.

Suggested obligations should the Appeal be allowed:

PLANNING OBLIGATIONS SHOULD THE INSPECTOR BE MINDED TO GRANT PERMISSION

Reasons for refusal 3-5 relate to the failure of the Appellant to enter into a section 106 legal agreement (s106) to secure various elements. The Council and the Appellant are working together to agree a s106 to address the relevant reasons for refusal to ensure the appeal development is acceptable on these grounds should the Inspector allow the appeal. It is hoped these matters can be resolved before the hearing to allow an agreed position to be presented to the Inspector. The matters involve complex issues and/or financial contribution in lieu. The requirements are also not contained within the site boundary and therefore conditions would not be appropriate.

Employment and Training Package

Local Plan Policy E1 (Economic Development) confirms the Council will support businesses of all sizes, in particular start-ups, and medium-sized enterprises, and would also safeguard existing employment sites and premises that meet the needs of industry and other employers. Policy E2 requires that schemes should increase employment opportunities for local residents, including training and apprenticeships. Whilst the development results in more jobs than the likely lawful use, but we have not been given any information on the quality of the jobs, especially given not all employees are directly employed by the appellant. CPG acknowledges that businesses bring a number of benefits to their local area. They can provide employment for local people and new business development can benefit the local economy and existing businesses as employees use local shops, facilities and services. Through their support for training and employment opportunities policy E1 (Economic development) and policy E2 (Employment premises and sites) aim to ensure that the borough's economy will be strong and diverse and that Camden's residents can play a role in this.

Accordingly, if planning permission were to be approved the Council would seek to secure a Employment Skills and Training Supply Plan, to help recruit local people into those jobs, a commitment to apprenticeships and work experience as well as local recruitment. The Employment Skills and Training Supply Plan should include the following;

- 1 end use apprenticeship recruited on a rolling programme basis for 5 years and recruited through the Camden Apprenticeship Team.
- Provision of 1 work placement (45 days) for a student from William Ellis School – this supports the school's introduction of the new T-Level qualification in Hospitality and Catering.
- Commitment to local recruitment by sharing vacancies with Good Work Camden

The range of measures to be secured by the proposed planning obligation are considered necessary for the development to accord with the development plan and are proportionate and reasonable given the scale and use of the site and its proximity to residential properties.

Bats

Policy A3 (Biodiversity) states the Council will protect and enhance sites of nature conservation and biodiversity. CPG states that 'Protected species such as bats, may be found throughout Camden in buildings, in structures or trees and using features for foraging or commuting'. In general, it is expected that all surveys and baseline ecological information collected from the site must be submitted at the planning application stage. CPG states that bat boxes should be incorporated into the development. The Bat report submitted with the application states that one or more wall-mounted bat boxes in suitably elevated, secure and dark locations on the site, to provide a net enhancement of roosting opportunities over and above the current situation should be included. Whilst the appellant has claimed that it will not be possible to get permission from TfL/Network Rail, the Council does not consider that given the lines are disused that this would be an issue. If this was the case a condition could be recommended to secure the bat boxes. However, despite the lack of evidence to confirm this if it is not possible the Council suggests that a financial contribution to bat boxes at Bayes Street Canalside Garden, a nearby (<100m) Site of Importance for Nature Conservation and Council site would be suitable. An amount of £500 is considered appropriate. It is considered that this amount is justified given the use and scale of the development.

Operation Management Plan (including Community Working Group).

Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, odour, daylight and sunlight. Policy T4 Sustainable movement of goods and materials states that the Council will promote the sustainability movement of good and materials and seek to minimise the movement of goods and materials by road. Policy T1 Prioritising walking, cycling and public transport states that the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.

Whilst the Council considers the current draft OMP submitted as part of the appeal is not sufficient nor is it currently not being followed, if the Inspector is minded to approve the development we consider that a OMP should be secured. Provision should be made for its monitoring and review and a dispute resolution procedure. The proposed development, in the absence of a planning obligation securing an Operational Management Plan, would operate without any controls resulting in even greater detrimental impacts on highway safety and the amenity of the high proportion of residential properties. Whilst each case must be determined on its merits, a planning obligation is considered to be the most appropriate mechanism for securing an OMP in this case. The purpose of the proposed Community Working Group is to facilitate consultation between the appellant and the local community with a view to minimising disruption to amenity and the environmental harm arising from operations taking place at the site. Success would depend on the continuing involvement of residents and accountability of the appellant and a useful forum for enabling dialogue between parties. The obligation is necessary because the OMP seeks to control operations and procedures that extend beyond the site boundary that are unable to be dealt with by planning condition.

Suggested informatives should the Appeal be allowed:

1. The Appellant is reminded of the requirement to regularise the signage displayed at the shop-frontage of 178B Royal College Street and should submit an application for advertisement consent to the LPA forthwith.
2. Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

3. All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444).

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

4. This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.