

Delegated Report		Analysis sheet		Expiry Date:	02/09/2024
		N/A		Consultation Expiry Date:	05/08/2024
Officer			Application Number(s)		
Ewan Campbell			2024/2456/P		
Application Address			Drawing Numbers		
256 Kentish Town Road London NW5 2AA			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Retrospective permission to retain mechanical plant, storage containers and louvre screen and extension of louvre screening.					
Recommendation(s):		Refuse planning permission and warn of enforcement action			
Application Type:		Full planning permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
	No. of responses	00	No. of objections	00	
Neighbour Consultation	A site notice was displayed from 12/07/2024 and expired on 05/08/2024 No comments were submitted				
Kentish Town Neighbourhood Forum	The Kentish Town Neighbourhood Forum have been consulted and not commented on the proposal				
Site Description					
<p>The Parakeet Bar at 256 Kentish Town Road, is a 3-storey, Public House of mid 19c provenance located on the east side of Kentish Town Road, identified as a Primary Shopping Area within the Adopted Camden Local Plan. The building lies approximately 100m to the south of Kentish Town overground/underground rail station.</p> <p>The building occupies an end-of-terrace, corner site, fronting Kentish Town Road with return elevation onto Islip Road, a predominantly residential road. The Bartholomew Estate Conservation</p>					

Area lies to the south-east of the site. A Primary School lies directly to the east on the opposite side of Frideswide Place, a cul-de-sac serving the rear of properties fronting Kentish Town Road.

The building is a non-designated heritage asset in accordance with the Local List (adopted 21 January 2015) of significance, due to its Architectural, Townscape and Social value and continues to serve its original function as a public house.

Local List Description:

‘Address: 256 Kentish Town Road, The Oxford PH Significance: Architectural, Townscape and Social Significance Asset Type: Building or Group of Buildings Ward: Kentish Town
‘Mid 19th century public house on corner site. Grey brick with stucco decoration and timber joinery. Although the immediate neighbours have been redeveloped it still reflects the scale and form of this building by virtue of its similar roofline and building line. It relates very closely to the high-quality terraces to the south (234-248 & 204- 208/218-228) and contributes much to the quality and consistency of the townscape, and provides a strong marker to this particular corner, which is an entrance to the Bartholomew Estate Conservation Area’.

Relevant History

Relevant planning history on the application site:

2024/1079/INVALID - Retrospective permission to retain mechanical plant, storage containers and louvre screen and extension of louvre screening. (Withdrawn by the Council 22/05/2024)

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

Policy C4 Public Houses
Policy D1 Design
Policy D2 Heritage
Policy A1 Managing the impact of development
Policy A3 Biodiversity
Policy A4 Noise and Vibration
Policy CC1 Climate Change Mitigation
Policy CC2 Adapting to Climate Change
Policy TC2 Camden’s Centres and other Shopping Areas
Policy TC4 Town Centre Uses

Kentish Town Neighbourhood Plan 2016

Policy D3: Design Principles
Policy D4: Non-designated heritage asset
Policy CC1: Pre-application Consultation

Assessment

1. PROPOSAL

1.1. The application is for retrospective permission and seeks the following:

- Retention of external mechanical plant with large exhaust flue
- Outbuildings on the roof used for storage
- Erection of louvre screening

2. CONSIDERATIONS

2.1. The material considerations for this application are as follows:

- Design and Heritage
- Amenity
- Air Quality
- Biodiversity

3. ASSESSMENT

Design and Heritage

3.1.1. The Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings. Neighbourhood Plan policies D3 and D4 requires proposals to be well integrated into their surroundings and reinforce and enhance local character, and draw upon key aspects of character from the surrounding area.

3.1.2. The supporting text for policy D1 (Design) states:

7.2 The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider: • character, setting, context and the form and scale of neighbouring buildings; • the character and proportions of the existing building, where alterations and extensions are proposed; • the prevailing pattern, density and scale of surrounding development; • the impact on existing rhythms, symmetries and uniformities in the townscape; • the composition of elevations; its contribution to public realm and its impact on views and vistas; and • the wider historic environment and buildings, spaces and features of local historic value

7.5 Design should respond creatively to its site and its context including the pattern of built form and urban grain, open spaces, gardens and streets in the surrounding area. Where townscape is particularly uniform attention should be paid to responding closely to the prevailing scale, form and proportions and materials.

3.1.3. Within policy D2 (Heritage) it states:

The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets...

Other heritage assets and non-designated heritage assets The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares. The effect

of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

3.1.4. The supporting text states:

7.69 The borough also has many attractive, historic, locally significant buildings and features which contribute to the distinctiveness of local areas, but which are not formally designated. The National Planning Policy Framework identifies these features as non-designated heritage assets. Non-designated heritage assets may either be identified as part of the planning process or on Camden's Local List. Camden's Local List identifies historic buildings and features that are valued by the local community and that help give Camden its distinctive identity but are not already designated in another way (for example a listed building). When planning permission is required for any proposal that directly or indirectly affects the significance of a non-designated heritage asset (either on the Local List or not) then the Council will treat the significance of that asset as a material consideration when determining the application.

3.1.5. As the local listing above states the building is an important building along Kentish Town Road with strong period features and contributes to the 'quality and consistency' of the townscape character.

3.1.6. The proposed flue is very large and significantly impacts on the appearance of the side elevation of the building along Islip Street. The Council appreciates the building is a public house use and therefore kitchen facilities and extract equipment may be required. However in this instance, the extract flue is very large, in a prominent location and highly prominent. This means the flue significantly disrupts this side elevation, awkwardly adjacent to one of the original rear windows and therefore appearing as an ad-hoc incongruous element, adversely impacting the character of the locally listed building.

3.1.7. In terms of the timber screening, this again, significantly detracts from this side elevation. The original building has a clear architecture and stepped design as you move away from the prominent corner on Kentish Town Road. The screening, whilst also appearing as a semi-permanent, ad-hoc structure which is low in quality, also impacts on this architectural feature of the building and is therefore unacceptable. The fencing to the rear is in a location of low public visibility and does not contribute much to the character of the building and is therefore acceptable.

3.1.8. The proposal also includes large storage units on the roof at first floor. These add to the rooftop clutter at this location and contribute to significantly detracting from the refined character of the locally listed building. The height and size of the units mean these appear on longer views along Islip Street and clutter the rear elevation.

3.1.9. Overall the proposal fails to comply with policies D1 (Design), D2 (Heritage) of the 2017 Local Plan and policies D3 and D4 of the Kentish Town Neighbourhood Plan.

Amenity

3.1.10. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook and implications on daylight and sunlight. This is supported by the CPG Amenity.

3.1.11. Because the equipment is located in this rooftop location and away from neighbours, any issues of overlooking, outlook, enclosure or daylight are not considered

adverse.

- 3.1.12. In terms of noise, a noise assessment has been submitted by the applicant for the installation of multiple items of plant on the rear first floor roof of The Parakeet, 256 Kentish Town Rd, London NW5 2AA. The proposal include multiple items of plant have been installed on the rear roof of the Parakeet, including a kitchen extract fan, condenser and chiller units.
- 3.1.13. In consultation with the Council's environmental health officer, appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, BS 8233 Guidance on sound insulation and noise reduction for buildings, BS 4142:2014 "Methods for rating and assessing industrial and commercial sound" and the Camden Council's Local Plan, version June 2017. In the event of an approval the Council would place conditions on the application secured adequate noise levels.
- 3.1.14. No information has been submitted assessing implications and controls for odour, although further information would be secured via condition in the event of an approval.
- 3.1.15. In the absence of an recommendation of an approval, these issues, normally secured via condition are unresolved and will be listed as a reason for refusal.

Air Quality

- 3.1.16. In terms of air quality, the planning application form states that the emissions of NOx and particulate matter (PM) are 0kg (see below screenshot). This is obviously incorrect because cooking produces at least some level of air pollution. The use of solid fuel for cooking in this case such as charcoal (see attached two images as evidence) especially so.

Planning Portal Reference: PP-13155651

Emissions

NOx total annual emissions (Kilograms)

0.00

Particulate matter (PM) total annual emissions (Kilograms)

0.00

Greenhouse gas emission reductions

Are the on-site Green House Gas emission reductions at least 35% above those set out in Part L of Building Regulations 2017?

☐ Yes

☒ No

Green Roof

Proposed area of 'Green Roof' to be added (Square metres)

0.00

Urban Greening Factor

Please enter the Urban Greening Factor score

- 3.1.17. The development is a 'minor', but is in an area of 'poor AQ' according to the modelled AQ data from London Air. The 'scheme brings air quality impacts' because there is a change to current emissions due to use of solid fuel cooking. A basic Air Quality Assessment (AQA) is therefore required and has not been submitted as part of the proposal and is therefore a listed as a reason for refusal
- 3.1.18. The restaurant is subject to an enforcement action and has consistently emitted smoke from the extract system, which is illegal in a smoke control area. Although this in itself, is not a planning constraint, there is an expectation that the Council would not grant permission to a development if we have a concern that a building's day-to-day operation (according to the development plans) will consistently break the law and cause a risk for public health.

3.1.19. Overall the proposal fails to comply with policy A1 of the 2017 Local Plan

Biodiversity

3.1.20. Based on the information available this permission will not require the approval of a Biodiversity Gain Plan before development is begun because it is below the de minimis threshold, meaning it does not impact an onsite priority habitat and impacts less than 25sqm of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of linear habitat. Therefore the proposal complies with policy A3 of the 2107 Local plan

4. RECOMMENDATION

4.1. Refuse Planning Permission for the following reasons:

The proposed extract flue, timber screening on the Islip Street elevation and storage buildings on the roof by reason of their, design, location, height and visibility would be detrimental to the character and appearance of the locally listed building, streetscene and surrounding area. The proposal is therefore contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and Policy D3 of the Kentish Town Neighbourhood Plan 2016.

In the absence of an air quality assessment and within an identified location of 'poor quality' it has not been satisfactorily demonstrated that the proposed works would not cause an adverse impact on air quality in the area contrary to policy A1 of the Camden Local Plan 2017.

The development has the potential to result in unacceptable levels of harm to neighbouring residents' living conditions through noise pollution, vibrations and harmful levels of odour contrary to policies A1 (Managing the impact of development) and A4 (Noise and vibration) of the Council's Local Plan adopted in 2017.

4.2. Issue a Planning Enforcement Notice-

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring) Act as amended because it appears that there has been a contravention of Section 8 of the Act, and that officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control

The notice shall allege the following breaches of planning control:

The installation of mechanical plant, storage containers and louvre screen and extension of louvre screening on the Islip street elevation.

What are you required to do:

1. Completely remove the mechanical plant, storage containers and louvre screen and extension of louvre screening on the Islip street elevation.

Period of compliance: 3 months

Reasons why the Council consider it expedient to issue the notice:

1. It appears to the Council that the above breach of planning control has occurred within 10 years
2. The extract flue, timber screening and storage containers on the Islip Street elevation and storage buildings on the roof by reason of their, design, location, height and visibility are

detrimental to the character and appearance of the locally listed building, streetscene and surrounding area. The proposal is therefore contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and Policy D3 of the Kentish Town Neighbourhood Plan 2016.

3. In the absence of an air quality assessment and within an identified location of 'poor quality' it has not been satisfactorily demonstrated that the development does not have an adverse impact on air quality in the area contrary to policy A1 of the Camden Local Plan 2017.
4. The development has the potential to result in unacceptable levels of harm to neighbouring residents' living conditions through noise pollution, vibration and harmful levels of odour contrary to policies A1 (Managing the impact of development) and A4 (Noise and vibration) of the Council's Local Plan adopted in 2017.