

Application No:	Consultees Name:	Received:	Comment:	Response:
2024/4733/P	Richard Simpson for Primrose Hill CAAC	01/12/2024 19:32:19	OBJ	PRIMROSE HILL CONSERVATION AREA ADVISORY COMMITTEE 12A Manley Street, London NW1 8LT

20 November 2024

42, Ground floor, Gloucester Avenue NW1 8JD 2024/4733/P

Strong objection to proposed change of hours of opening/operation.

1. The viable mix of uses is key to the origins of the Primrose Hill conservation area, and to its lasting character, appearance, and significance. This viable mix – users living and working side-by-side – requires respect for the amenity of residents, reinforcing the importance of policies seeking to protect residents' amenity in the Local Plan at A1 and A4. These policies apply to food and drink outlets with external table space, as here.

2. We note that Camden has sought consistently to protect residential amenity in decisions on 42 Gloucester Avenue.

2.1 The original consent for the present building, ref. PE9900623/R1 dated 19 June 2000 included condition 12 limiting the hours in which food and drink might be consumed on the premises, and stating that 'No customers or members of staff shall be on the premises outside the hours of 8.00am to 11.30pm on Mondays to Saturdays and 11.00pm on Sundays and Bank Holidays'. The reason for this condition was stated to be 'To safeguard the amenities of the adjoining premises and the areas generally'.

2.2 The application for the change of use of the retail unit on the premises (the space currently subject to Gail's application) to a restaurant use (from A1 retail to A3 Food and drink), ref PEX0300085 dated 5 February 2003 was refused on 17 February 2004 essentially on the grounds of harm to local residential amenity.

2.3 The appeal against Camden's refusal of PEX0300085, ref. APP/X5210/A/04/1150557, was dismissed by the Planning Inspector, who in his decision letter dated 19 November 2004 at paras 5-6 specifically referred to the essentially residential character of the area and the problems of noise and disturbance to local residents as grounds, inter alia for the dismissal of the appeal.

2.4 When the restaurant 'Sardo Canale' (now known as 'Michael Nadra') applied to extend late hours, Camden granted consent continuing to limit hours for both customers and staff (ref. 2007/0699/P granted 4 March 2008) with conditions stating 'Condition 1 No customers shall be on the premises outside the hours of 08.00 to 23.30 on Mondays to Saturdays and 08.00 to 23.00 on Sundays. No members of staff shall be on the premises outside the hours of 08.00 to 00.30 (the following day) on Mondays to Saturdays and 08.00 to 23.00 on Sundays.' The reasons for the conditions were stated to be 'To safeguard the amenities of nearby residential occupiers ...'. We note that Condition 2 applies to the lower ground floor restaurant's outside courtyard: this is not part of the ground floor unit subject to the current application.

2.5 On the question of external tables and chairs, Camden has consistently limited hours of use, see, for example, Camden's grant of application ref 2022/1585/PVL dated 22 April 2022 for a pavement licence for external tables and chairs when hours of use were limited to 08.00-19.00 Monday to Sunday.

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3. Given that the building at 42 Gloucester Avenue remains a mixed use building, with residential as well as office users, and that the area around the building remains a densely populated residential area, we advise that there is no reason to weaken the present controls on working hours of the café premises either for staff or for customers. The circumstances which determined the working hours in 2000, 2003, 2004, 2008, and 2022 remain.

4. Given the bakery nature of the applicant proposal, we are specially concerned to ensure that staff hours are limited as now, to a start time of 8.00am. We are concerned that an earlier start would mean not only staff working internally but associated deliveries and set up of external tables and chairs causing disruptive noise.

5. We very strongly oppose the complete abandonment of limitations on working hours of staff on the premises as sought in this application. The argument by the applicant that the applicant's wider pattern of working should be decisive – imposed despite local circumstances – is not persuasive.

6. Scope of current application

6.1 We note that the application seeks to vary the conditions imposed by application decision ref 2007/0699/P. But this 2007 application was made for the restaurant in the building by that restaurant, Sardo Canale, and the decision refers to 'extended restaurant hours'. As we see from the refusal of application PEX0300085 in 2003 and the appeal decision ref APP/X5210/A/04/1150557 dated 2004, the ground floor retail unit subject to the present application was not a restaurant. Consequently the condition applying hours of operation to the ground floor retail premises subject to the present application is condition 12 imposed in 2000 in the decision on application PE9900623/R1.

6.2 We are very concerned that the change of hours of use sought now by Gail's would appear to apply to the premises occupied by Michael Nadra: this would exacerbate the threat to local amenity.

Richard Simpson FSA,
Chair PHCAAC.
