

Address:	46 Grafton Road London NW5 3DU		
Application Number:	2012/0100/P	Officer: Philip Niesing	
Ward:	Kentish Town		
Date Received:	16/12/2011		
Proposal: Continuous use of part of the ground floor and part of the first floor as a café, involving a change of use from retail (Class A1) to café (Class A3)			
Drawing Numbers: Site Location Plan (A-01-01-D); A-01-02-D rev b; A-02-05-D; A-02-01-D; A-02-06-D; A-03-05-D rev b; Design and Access Statement dated November 2011 prepared by Tom Young Architects			
RECOMMENDATION SUMMARY: Grant planning permission subject to conditions			
Applicant:		Agent:	
Mr Chris Townshend 46 Grafton Road London NW5 3DU		TYA 19 BASSETT ST LONDON NW5 4PG	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Lawful use	A1 Shop and B1a		140m ² and 6m ² respectively
Proposed	A3 Café		146m ²

OFFICERS' REPORT

Reason for Referral to Committee: Proposal involves a change of use to an A3 use.

1. SITE

1.1 The application site is located on the eastern side of Grafton Road, and forms a corner plot with Inkerman Road. The site comprises a three storey high end of terrace building which has been extended to the rear by means of a part single, part two storey extension. The section of flat roof sandwiched between the original rear elevation and the part two storey rear extension is used as a small (14m²) roof terrace, with associated balustrade and a privacy screen on the boundary with number 44. Planning permission was granted in 2000 for two sets of French doors opening onto the terrace.

1.2 The entire building is occupied by MAP studios (see paragraph 1.4 below); with the 1st and 2nd floors of the original building used as offices (B1a) and part of the ground floor and the 1st floor of the rear extension in A3 (café) use. The ground floor of the rear extension is used as an established recording studio (sui generis). The A3 use comprises two sections (ground and 1st

floor) with the ground floor providing 44 seats and the upper part 36 seats. A small area (with no designated floor area, apart from a piano) at 1st floor level are utilised for live music events, whilst the roof terrace provide some outdoor seating.

- 1.3 The subject café benefits from 2 cooking areas: one at ground floor level, which is primarily used to prepare breakfast type meals and to warm-up already cooked food, and a second at 1st floor level (originally associated with number 46 as a dwellinghouse). The majority of cooking is undertaken in the kitchen located at 1st floor level where food is generally prepared in the mornings and warmed at ground floor level when ordered by customers.
- 1.4 MAPstudio, is advertised on their website as *'A 2-floor cafe with a roof terrace and sunny outdoor seating, ... Serving up locally sourced and lovingly homemade food to MAP Studio recording artists and the local community for the past 5 years the cafe is the perfect place to relax and unwind... With its diverse music connections, the MAP stereo plays a constant soundtrack of new and classic chill out, jazz, reggae and world music - customers can even hang out and choose what to listen to whilst eating breakfast and reading the day's newspapers or surfing the web with the cafe's free Wi-Fi...Adding to the creative ambience, art, photography, postcards and vinyl sleeves adorn the walls and a selection of paintings, records and CDs are always for sale. Open until 6pm every day, the family-friendly cafe space transforms into a live events venue by night. Get up to date MAP Studio Cafe events and live gig listings, special ticket offers, priority booking service and more...'*
- 1.5 The application site lies within Inkerman Conservation Area. The building is not listed and is not noted in the Inkerman Conservation Area Statement as a building which makes a positive contribution to that conservation area.
- 1.6 The surrounding area is predominantly residential. Grafton Road is described in the Inkerman Conservation Area Statement to have *'a dense urban feel with residential, industrial, commercial and retail uses all contributing to the character of the street'*, and *'This side of the street is residential in character but is integrated with retail and commercial uses at ground floor level (Nos. 46, 48, 50, 52, 86, 88, 94, 96 & 98).'*

2. THE PROPOSAL

- 2.1 Planning permission is sought to regularise the existing café use on the application site, involving a change of use of the (front) part of the ground floor and (rear) part of the first floor, including the roof terrace and first floor kitchen, from A1 (retail) to A3 (café) use. The proposal does not include any external alterations to the building.

3. RELEVANT HISTORY

- 3.1 **1975** Alterations to existing ground floor bakery and store and the change of use of the upper floors from residential to rest rooms, office and store ancillary to the bakery. (ref. 21893 refused on 05/02/1976)
(Officer's note: It is unclear from planning records when the residential use on the upper floors of the building was converted to offices, nevertheless this application relates solely to the lawful retail floorspace at ground and first floor level and the kitchen at 1st floor level, which is shared by the 1st and 2nd floor offices.
- 3.2 **1977** Construction of 1st floor addition to provide rest room and facilities for bakery staff (ref. 25178 granted on 03/11/1977)

- 3.3 **2010** A Planning Enforcement Notice was served for the unauthorised erection of a timber framed roof extension and plastic corrugated roof (ref. EN10/0934)
(Officer's note: The subject canopy has been removed)

4. CONSULTATIONS

Statutory Consultees: None

Press Notice: Advertised in the Ham & High from 26/01/2012 until 16/02/2010

Site Notice: Displayed from 18/01/2012 until 08/02/2012

Adjoining Occupiers

<i>Number of letters sent</i>	5
<i>Total number of responses received</i>	0
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	0

No response was received from the occupiers of neighbouring properties.

There is no CAAC for Inkerman Conservation Area

5. POLICIES

5.1 LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres and shops)

CS14 (Promoting high quality places and conserving our heritage)

DP10 (Helping and promoting small and independent shops)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

DP28 (Noise and vibration)

5.2 Supplementary Planning Policies

Camden Planning Guidance, 2011

- CPG1 (Design)
- CPG5 (Town Centres, Retail and Employment)
- CPG6 (Amenity)

Kentish Town Place Plan: Shaping the Future, 2012

National Planning Policy Framework, 2012

6. ASSESSMENT

The main planning issues to consider are the principle of the proposed change of use and the impact of the A3 use on the character of the locality and the impact on residential amenity.

6.1 Land use

- 6.1.1 The proposal is for the continuous A3 use within a property situated within a residential area, which would result in the loss of an A1 retail unit. The premise does not form part of the designated Kentish Town Core and Secondary Frontages as identified in CPG5 or a designated Neighbourhood Centre. Policy DP10 of the LDF seeks to help and promote small and independent shops, including those outside centres and states that the Council will only grant planning permission for development that involves a net loss of shop floorspace outside designated centres provided that: *alternative provision is available within 5-10 minutes' walking distance; there is clear evidence that the current use is not viable; and within the Central London Area, the development positively contributes to local character, function, viability and amenity.*
- 6.1.2 The application site is situated within close proximity (easy walking distance) from Prince of Wales Road and Kentish Town Road which provides alternative retail uses. The loss of A1 floorspace in this instance is not considered to be in conflict with the objectives of Policy DP10 and therefore acceptable in principle.
- 6.1.3 The LDF furthermore acknowledges that food, drink and entertainment uses can contribute to the vibrancy and vitality of an area. However it also recognises both the positive and negative impacts associated with such uses. In line with Policy CS7 and DP26 the Council has a responsibility to protect residents and the local area from harmful impacts associated with these uses. CPG5 lists potential harmful effects which need to be taken into consideration, such as noise and disturbance to residents, litter, anti-social behaviour, parking and traffic impacts.
- 6.1.3 The ground floor and first floor of the rear extension of this property has been in commercial use pre-1975, when it was used as a bakery followed by a shop. It has been in its current A3 form for almost 5 years. It is accordingly considered that subject to compliance with policy and guidance which seeks to protect residential amenity and the local area from food, drink and entertainment uses, in particular Section 5 of CPG5 the proposed change of use would be acceptable in principle.

6.2 Character of local area

- 6.2.1 The proposal relates solely to the change of use of the premises from A1 to A3 and does not involve external alterations to the building itself. Apart from the application site and number 48, located opposite Inkerman Road, both which have been in commercial use for a considerable length of time, the immediate setting is that of residential properties. Kentish Town Sports Centre lies approximately 56m towards the south east, and Prince of Wales Road 70m further. Kentish Town has a number of premises providing food, drink and entertainment, some venues offering live music, comedy and other entertainment. The Kentish Town Conservation Area Statement acknowledges the importance of these varied activities and note that they *'are integral to the culture and vitality that give Kentish Town its valued character as well as its diverse economy.* It continues saying that *'Supporting these industries and maintaining and improving the cultural contributors to Kentish Town is important to local people.'*

6.2.2 As mentioned above the ground floor and first floor of the rear extension of the property has had a commercial character pre-1975 when it operated as a bakery followed by a retail store. MAP café occupied the ground and first floors in 2007, whilst the recording studio has been in place for more than 10 years. Notwithstanding the residential character of the surrounding area, it is therefore not considered that a café in this location causes such material harm to the character of the locality that would warrant refusal of permission on these grounds.

6.3 Residential amenity

6.3.1 Notwithstanding the benefits of food, drink and entertainment uses the Kentish Town Conservation Area Statement notes that there has at times been conflicts with local residents over noise and other anti-social behaviour associated with late night and licensed activities and therefore seeks to maintain the right balance given the mix of town centre uses in close proximity with residents. Paragraph 5.1 of CPG5 states that the level of impact resultant from food, drink and entertainment uses depends on the type of the use, its location, its size and the character and nature of its surroundings. As a result, the Council seeks to guide such uses to locations where their impact can be minimised, and to use planning conditions or obligations to ensure that any remaining impact is controlled. It states that planning permission will not be granted if proposals are likely to generate harmful impacts, which is in line with policies DP12, DP26 & DP28 of the LDF.

6.3.2 The subject café is considered to be moderate in size; providing seating for approximately 80 persons at a time and also provides an element of entertainment in the form of live events. Although the floor area used for such events are rather small (tables are moved away from a piano at first floor level), amplified music can result in a considerable disturbance to the amenity of residents where it spills beyond the premises, especially when ambient noise levels reduce around midnight (Paragraphs 5.16 and 5.17 of CPG5 refers specifically to noise and disturbance resulting from amplified music and hours of operation). Furthermore, food preparation and the congregation of large numbers of customers generally create a need for extraction equipment to deal with fumes. Extraction, food storage and other machinery can be unsightly and cause noise / vibration (Paragraph 5.21 of CPG5). Council's Environmental Health officer confirmed in writing that the proposal would be acceptable subject to appropriate conditions, relating to the extract equipment and the noise restrictions.

6.3.3 In line with policies DP12, DP26 & DP28 the Council can impose conditions restricting the noise levels of amplified music from food, drink and entertainment uses in accordance with the noise and vibration thresholds detailed in policy DP28. Also, depending on the location, character of the area, the nature of the proposed use and its likely impact on amenity, earlier closing times may be more appropriate, especially in residential areas. This can also be controlled by imposing conditions. In this respect the proposal is for opening hours 8am to 6pm (Mondays-Saturdays) and 9am to 6pm (Sundays and Bank Holidays). Having regards to the fact that the subject premises has been in commercial use for a considerable length of time and the fact that the subject café has been in operation since 2007 with no recent recorded complaints to the Planning Authority or the Council's Environmental Health sections, it is considered that the proposed opening hours are appropriate in this location.

6.3.4 Notwithstanding the above, it is noted that the use currently operates outside of the suggested opening operation hours as stated on the application form. The matter was queried with the applicant and it would appear that the application form was completed incorrectly. The applicant was advised that should planning permission be granted for the proposed change of use, an application for a '*variation of planning condition*' should be submitted to operate outside the above mentioned hours. Such an application will be considered on its own merits following public consultation. If planning permission is granted for the proposed change of use in accordance with the operating hours currently proposed,

the premises will be in breach of planning conditions. The matter should therefore be referred to the planning enforcement team to consider the expediency of taking formal enforcement action at this time. The applicant is reminded of this matter in an informative.

- 6.3.5 The proposal includes an existing small roof terrace (14m²), with a privacy screen on the boundary with number 44. Given the size of the terrace, it is not considered that the use thereof between 8am to 6pm (Mondays-Saturdays) and 9am to 6pm (Sundays and Bank Holidays) would have such a detrimental impact on the amenities enjoyed by the occupiers of the neighbouring property, in terms of noise and disturbance that would warrant refusal of permission on these grounds. However, the existing privacy screen are temporary in nature, it is recommended that a condition be attached to the permission, requiring details of a more appropriate privacy screen on this boundary, which would respect the character and appearance of the building and also reduce noise and disturbance resultant from the A3 use. The permanent retention thereof shall be secured via condition.

7. CONCLUSION

- 7.1 It is concluded that the continuous use of the premises as a café (A3) would not materially harm the character or appearance of the area, provided that appropriate conditions be attached to control noise, fumes and opening hours.

8. LEGAL COMMENTS

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.