

SADLER CONSULTING
A Consultancy Division of SDL

**APPELLANTS ENFORCEMENT APPEAL COMMENTS
(PURSUANT TO RECEIPT OF COUNCIL'S STATEMENT)**

In Accordance with
S78 of the TOWN & COUNTRY PLANNING ACT 1990 (As Amended)
S174(2) of the TOWN & COUNTRY PLANNING ACT 1990 (As Amended)
S171A (As Amended by The PLANNING & COMPENSATION ACT 1991)

**In respect of Enforcement Notice Ref: EN23/0810
Issued by London Borough of Camden
Pursuant to Refusal of Planning Application 2024/2456**

For:

PROPOSED DEVELOPMENT (Original Description)
Retrospective application for retention of Mechanical Plant, Storage Containers and Louvre
Screen (and extension of louvre screen).

At:

‘The Parakeet Bar and Restaurant’
256 Kentish Town Road,
Camden
London NW5 2AA

Date Enforcement Issued 12th November 2024
Date Notice Takes Effect 25th December 2024

Ground (f) and (g) Appeal on behalf of:

The Columbo Group Ltd

LIST OF ATTACHMENTS

Planning Pre-Application Submission etc Ref 2025/1556/PRE

To include:

- Proposed Drawings
- Existing Drawings
- Site Location Plan

INTRODUCTION

The Enforcement Notice requires the complete removal of the mechanical plant, storage containers, louvre screen and extension of louvre screening on the Islip Street elevation. Under Grounds 'F' and 'G' the appellant seeks extension of time to progress the submitted Pre-Application proposal and recommendations arising therefrom.

The Appellant recognizes the concerns of the Local Planning Authority and seeks to work constructively with the Council to achieve an alternative form of development that will satisfy the Council's character, heritage and amenity issues whilst ensuring the long-term economic viability of the premises prevails.

Section (Ground) 'F'

Council's Comments:

'The appellant had the opportunity to explore modifications during the consideration of planning application 2024/2456/P but chose not to'.

Rebuttal Comments

The above statement is incorrect. As set out in the Appellant's Appeal Statement, the Appellant sought feedback and advice and attempted to engage with the Council repeatedly throughout the determination period, which in any event overran. In the absence of any response or willingness to engage whatsoever on the part of the Council throughout determination, the ability to explore potential modifications was unfortunately non-existent.

Council's Comments: In the absence of any acceptable alternative proposal, the Council cannot accept any lesser steps than those set out in the enforcement notice, to address the harm.

Rebuttal Comments:

The appellant sought to lodge a Pre-Application submission at the outset but was encouraged by the Council to instead submit a retrospective application for Full Planning Permission. This was Refused and the Council proceeded directly to Enforcement. A Pre-Application proposal has now been submitted and has been registered Ref: 2025/1556/PRE. The proposal comprises a first-floor extension to the rear of the building above the existing flat roof. The extension would be of traditional construction and appearance to address contextual concerns and would house the mechanical plant. It is anticipated that this

scheme will address all the Council's concerns and can be progressed to a full application in timely manner, together with the subsequent implementation of any related permission. Details of the Pre-Application Proposal are attached to demonstrate their commitment, and in so doing reach a satisfactory conclusion to enforcement proceedings within an acceptable timeframe. Clearly, extension of the compliance period is sought in order to achieve this.

Section (Ground) 'G'

Council Comments: The Council countenance the removal of the timber screening and timber storage containers within the compliance period.

Appellant's Comments: Presumably, based on the above comments, the mechanical plant can be retained (as part of an acceptable scheme) – notwithstanding the requirements of the Enforcement Notice. The appellant would undertake to re-locate the high-rise metal flue, which was identified by the Council as an undesirable element. Although it is anticipated that the Appellant and Council can reach agreement in the interim, any delay may invite a split-decision on the part of the appointed Planning Inspector. The timber screen was erected to visually screen the mechanical plant and the storage containers from public view. As shown on the original application proposal (Refused) screening would have been extended – although it appears that no mention was made of this in the officer report. The appellant would not take issue with removal of the screen as it has no function other than for screening purposes and serving as an incidental safety barrier for rooftop maintenance. Removal of the screen may however require installation of safety barriers to satisfy Health and Safety requirements. An identical safety arrangement can be seen in the neighbouring Council owned Public Library building directly to the north. Removal of the timber storage containers would be operationally detrimental for the business, although it is anticipated that alternative storage facilities, following from 2025/1556/PRE would be advanced to make allowance for alternative (internal) storage provision, although whether much would be gained by removing certain elements such as the screening and storage containers in advance of an Approved replacement scheme (ie partial compliance), is perhaps debatable.

Clearly removal of the mechanical air handling plant would have dire consequences and the Pre-App seeks to incorporate this element into the current proposal without affecting the existing business operation.

The appellant believes a willingness to co-operate has been established, commencing with submission of the Pre-Application proposal. Accordingly, the Inspector is respectfully requested to allow sufficient time for the Pre-App process currently underway to proceed so that the plant installation can be retained without avoidable interruption to the on-site commercial operation. Time will be needed for submission of a follow-up application seeking full planning permission based upon the Pre-App recommendations. Allowance will then need to be made for commencement of works and full implementation. The appellant will however, undertake to progress the various stages expeditiously and It is hoped that on the basis of the current 'live' Pre-App demonstrating intent, the Council will co-operate fully in the process.

On such basis, it is considered that the request under Grounds F and G for an extension of the compliance period is, under the circumstances, not unreasonable. The Inspector will doubtless appreciate that it is difficult for the appellant to propose a suitable timescale for compliance, as much will lie within the remit of the Council in respect of determination periods. However, the Inspector may be able to assist in this regard by conditioning a timeframe to include:

- 1) Duration between Issue of the Pre-App response and submission of a Full Application;
- 2) Duration between Determination of the Full Application and Commencement of Works (S/T Approval); and (potentially);
- 3) Duration between Commencement of Works and Full Implementation

Third Party Comments: In respect of airborne pollution.

Appellant's Comments: This matter was brought to the attention of the premises management by the Council's Health and Safety Department. The appellant immediately engaged with Health and Safety Officers and undertook the necessary maintenance measures (October 2024) in accordance with legislative requirements. This process is ongoing and involves regular cleaning of the fuel burning appliances by certified contractors as referenced in the Appellant's Appeal Statement 2.2 to 2.8. It is understood that the Council are satisfied with the maintenance measures. This process is covered by separate Health and Safety legislation outside of the Planning Acts and this matter should consequently not form part of this Planning Enforcement.

Notwithstanding the foregoing, the Appellant will be submitting an Odour Assessment in conjunction with the Full Planning Application (The Council's response to this application is awaited) as set out under Ground 'F' above. The Technical Assessment will seek to establish that odour emissions are compliant and are not detrimental to public health and amenity.

Technical Interpretation of Enforcement Notice.

The Enforcement Notice requires the complete removal of the mechanical plant, storage containers, louvre screen and extension of louvre screening on the Islip Street elevation.

It is submitted that the above description is imprecise. The description infers that all the above elements are contained on the Islip Street elevation. That is arguably not the case, although visible in the context of the Islip Street elevation, the mechanical plant and storage containers are sited on the roof of the building. Accordingly, the Enforcement Notice lacks the requisite level of precision and may be deemed flawed.