

Delegated Report		Analysis sheet	Expiry Date:	24/03/2010
		N/A / attached	Consultation Expiry Date:	19 Feb 2010
Officer			Application Number(s)	
Sara Whelan			2009/0202/P	
Application Address			Drawing Numbers	
6 Crowndale Road London NW1 1TT			Please see draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use from shop (Class A1) to hot food takeaway (Class A5) at ground floor and installation of an extract unit to the rear of the property.				
Recommendation(s):		Refuse planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	31	No. of responses	10	No. of objections	06
			No. electronic	00		
Summary of consultation responses:	<p>6 objections have been received from nos. 4A, 6A, 8A, 12B, 16 and 22A Crowndale Road</p> <ul style="list-style-type: none">• This is the second application within a year the first was withdrawn• A take away shop would attract high numbers of teenagers to gather outside the shop on the pavement• Object to noise of car doors slamming at all hours plus the noise of people, our windows have just been glazed with secondary glazing but this has had no impact upon the sound heard within our flat• They will cause noise and leave their litter on the pavement• The take away will be open late at night and I do not want to put up with disturbance late at night• My daughter sleeps in the front room and gets up early for school this proposal would have a negative impact upon her well being• A takeaway would have a detrimental impact upon the area• I think the takeaway would be dangerous• Camden High Street, less than 10 minutes away, has a large number of various takeaway outlets• A large amount of litter will be generated• Extraction unit at rear would impact upon the play area above and smells and odours extracted would be outside the front doors of the flats• Its not right to have a takeaway below flats• The installation of an extract unit to the rear of the property will cause noise pollution, smoke and smell rising which affects the residents that live above• Overall we do not believe this will benefit the community as a whole• Rubbish and left over food will be disposed off at the back of the shop and this will encourage vermin and rats• There will be a smell from the rubbish left out especially in the summer months• I am running a sandwich bar which consists of eat-in and takeaway service. The opening of another take-away business would only have negative effects on me.• I am just about breaking even and business is hard• If a take-away opened up next door I would have no chance of making a profit• Each shop on the street is a different business no two shops are the same, therefore granting planning permission for a business the same as mine would mean there is no longer a requirement for me to carry on trading as competition would drive me out of business <p>4 letters of support have been received from nos. 4, 6 16A and 22B Crowndale Road the following points were raised</p> <ul style="list-style-type: none">• I can understand that there is a demand for a friend chicken place in the area therefore I support the application• I have been a resident here for 15 years my opinion of the application is very positive					

	<ul style="list-style-type: none"> • I feel that an addition such as that proposed would continue to help the area • The proposal would continue the regeneration in the area from the many ills of the past with a new and legitimate business • I feel this proposal would help to bring change to the local community • We will get lots of new customers in the area • Take away would be an asset for the many elderly people who live above the shops • At present the old people in the building travel to Camden Town to get hot food this would make life easier for our children and the community
CAAC/Local groups* comments: <small>*Please Specify</small>	None required to be consulted

Site Description

The application site comprises a ground floor retail unit located within a shopping parade fronting Crowndale Road, close to its junction with College Street. The shopping parade is a designated Neighbourhood Centre. There are four floors of residential units on the upper floors located above the ground floor unit. The property is not listed nor does it lie in a conservation area.

The parade of shops on the northern side of Crowndale Road comprises 10 individual units. The parade on the southern side comprises 5 individual units.

Relevant History

2008/1565/P - Change of use from grocery shop (Class A1) to hot food take-away (Class A5) and alterations to the rear including removal of garage door and installation of extractor fan behind louver-application withdrawn (30/10/2008)

2006/4904/P – Change of use shop (A1) to a takeaway (A5), installation of a new ventilation equipment – application withdrawn (22/01/2008)

PE9700717 - Change of use of 2 vacant shop (nos. 4-6) units to a community therapy centre with exhibition space. (Class D2) – permission granted (19/12/1997)

Various historic applications have been approved for advertisements at no. 6.

Relevant policies

SD1 - Quality of life
SD6 - Amenity for occupiers and neighbours
SD7B - Noise/vibration pollution
SD8A - Disturbance from plant and machinery
B1- General design principles
B3 - Alterations and extensions
T2 - Capacity of transport provision
R1B - Location of new retail and entertainment uses
R2 - General impact of retail and entertainment uses
R3 - Assessment of food and drink uses and licensed entertainment
R7 – protection of shopping frontages and local shops

Camden Planning Guidance 2006

Assessment

The main planning considerations in assessing this application are;

- Loss of A1 use
- Impact upon residential amenity
- External alterations
- Transport

Loss of A1 use

It is important to note that this application is a resubmission to a previous scheme 2006/4904/P. This application was withdrawn due to late objections.

The A1 unit is located in a parade of 10 units on the north side of the parade and 5 units on the south side of the road. The parade of shops is a designated neighbourhood Centre.

The parade of shops comprises the following;

Parade on the north side of Crowndale Road

Address	Use Class	Description
No. 1	A2	New World residential letting agents
No. 2	Sui Generis	Crowndale Dry Cleaners
No. 4	A1	Ladies clothes shop (Vacant)
No. 6	A1	Cash and Carry grocers (application site)
No. 8	A1	Newsagents/off licence
No. 10	A1	Fashion photo shop
No.12	A2	William Hill betting shop
No. 14	A1	Goulds Homeopathic Pharmacy
No. 16	A3	Crown Café
No. 18-22	A1	Londis

Parade on the south side of Crowndale Road

Address	Use Class	Description
No. 1	A1	Internet Cafe
No. 3	A1	Laundrette
No. 5	D1	Vacant (was formerly Camden Careers Centre)
No. 7-9	D1	Vacant (was formerly Camden Parking Shop)
No. 11	D1	Dental Surgery

Since the previous application, two D1 units on the southern side of the road have become vacant and two units on the northern side of the road have become occupied. The percentage of units on the northern side not in A1 use is 40%; if planning permission was granted for the change of use, this would increase to 50% of units in this parade in non-retail use. The amount of units on the southern side not in A1 use is 60%. Therefore in total as existing, 46% of the 15 units within this neighbourhood centre are not in A1 use. If planning permission was granted for the change of use, a total of 53% of the units in the centre would be in non-retail use.

Policy R7B states that at ground floor level the Council will only grant planning permission for development that it considers will not cause harm to the character, function, vitality and viability of the centre; and will not grant planning permission for development that would prevent the centre from being capable of providing a range of convenience shopping.

The CPG provides guidance on the proportion of non-retail units within shopping frontages. In locations such as this the Council will generally resist proposals that would result in less than 50% of frontages in other locations being in retail use. Based on the above survey, this proposed change of use would still allow 50% of units to remain in A1 use, therefore complying with the above guidance for this parade in itself (although it would not do so for the whole centre, due to the total going below 50%).

For the previous application, now withdrawn, officers were concerned in May 2008 about allowing an existing A1 unit to revert to A5 due to the limited information supplied by the applicants with regard to viability and details of vacancy; circumstances have not changed since then.

The applicants have not submitted any up-to-date detailed information to justify the loss of an A1 unit. A viability report was submitted to the Council referring to the period ending 31 August 2006 and a second one takes account of profits and losses up to 31 August 2007. These documents indicate that the business made a net profit of £5,363 for the year ending 31 August 2006 and £2,096 profit for the year ending 31 August 2007. No further information has been submitted for 2008 or 2009.

The A1 unit is still open and operating, despite the fact that during the previous application the applicants stated that the business was not viable and would soon close. The Council would not support the loss of an A1 unit without a strong justification. It is considered that the loss of an A1 unit in this neighbourhood centre would cause harm to the character, function, vitality and viability of the centre. It is considered that the loss of an A1 unit without strong justification would prevent the centre from being capable of providing a range of convenience shopping.

In addition an objection has been received from the Council's Property Services Department. They consider that the proposed change of use would be detrimental to the vitality of the parade and neighbouring commercial tenants. The user clause in the lease is restricted to A1 and the Property Services Department would not give consent for a change of use to A5. They also state that the proposed use would be in conflict with the permitted use of one of the neighbouring shops. Although this is not a reason to refuse planning permission, it is important to note that the Property Services Department would not allow a change of use and that they consider the unit should remain in A1 use. It is in the interest of the Property Services Department to ensure that the neighbourhood centre remains viable and it is therefore considered important to note that they consider that the loss of an A1 use would harm the vitality of the neighbourhood centre.

Impact upon residential amenity

Nos. 2-22 Crowndale Road are located above the parade of shops on the north side of the road. In assessing this application, the residential amenity of these residential units above the application site needs to be carefully considered.

The proposed A5 take-away use would require the installation of an extractor fan. This would be located on the rear elevation of the existing commercial unit behind a louver. The extractor fan would be positioned 2.3m above the ground level. It would be located directly underneath a terrace area/entrance area used by the residential units above the application site. The rear elevation of the ground floor unit is 5.4m deeper than the rear elevation of the residential units above.

The Acoustic Report states that the criteria of operating 5dB(A) has been adopted rather than the 10dB(A) criteria specified in Appendix 1 of the Unitary Development Plan. However the appropriate one-third Octave Band data has not been supplied in the Acoustic Report justifying the lower standard. The Council considers that extractor units often have a distinguishable discrete continuous note and therefore that the 10dB(A) criteria ought to be applied. If the 10dB(A) is applied to the proposal, then the extraction fan would fail to meet the criteria as laid out in appendix 1 of the UDP.

As part of the Acoustic Report, the Council requires that a spreadsheet be submitted detailing calculations and predicted noise levels at the nearest noise sensitive premises is provided. In Section 6.3 of the submitted report, it is stated that the nearest window would have approximately 10 dB

attenuation from the building. The Council is not satisfied that this would protect neighbouring properties as it would be necessary to demonstrate via Barrier Calculations the degree of attenuation. This would be necessary to protect the amenity of the surrounding residents and prevent the likelihood of complaints.

In summary, the Council considers that the Acoustic Report has failed to fully demonstrate that the proposed plant would meet the Council's requirements on noise levels and would cause harm to the residential amenity of the area. The proposal would be contrary to policies SD7B and SD8A of the Unitary Development Plan.

Objections have been received from neighbouring units raising concerns of disturbance and crime resulting from the proposal. If the Council was in a position to recommend approval, a condition could be attached to any permission granted limiting the period of opening to between the hours of 11am – 9pm Monday to Saturday and 11am – 5pm on Sundays and Public Holidays. It is considered that the operation of an A5 use within these hours would not lead to detrimental impacts of noise, disturbance or crime from patrons within the area.

External alterations

This application does not seek to alter the front elevation of the unit. The only external alterations would occur to the rear. The site does not lie in a conservation area. It is proposed to in fill an existing rear opening with bricks to match existing and an extractor fan which would be positioned behind a louver. The rear elevation of the application site faces onto College Place. The alterations proposed are considered to be minor in detail and would not substantially alter the appearance of the application site. It is considered that the proposed alterations to the rear elevation would not harm the host building or character and appearance of the wider area.

Transport

The application site is located on a bus route providing access to Camden Town and areas in the south of the Borough. These bus routes run until approximately 11pm. The area is located approximately 0.5 miles from Camden Town Centre. It is considered that the majority of customers visiting an A5 use in this location would either live nearby, be a pedestrian using Crowndale Road or using public transport. No parking would be provided as part of the application. It is not considered that the proposal would result in an increase demand for parking in the area.

Recommendation

Refuse planning permission on grounds of impact on shopping centre and residential amenity.

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