

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		22/12/2008	
		N/A		<b>Consultation Expiry Date:</b>		03/12/2008	
<b>Officer</b>				<b>Application Number(s)</b>			
Eimear Heavey				2007/4589/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
28-30 Cricklewood Broadway London NW2 3HD				Refer to draft decision notice			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
Change of use of ground floor from offices (Class B1) to restaurant (Class A3).							
<b>Recommendation(s):</b>		Refuse Planning Permission					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	24	No. of responses	01	No. of objections	00
				No. electronic	00		
<b>Summary of consultation responses:</b>		A site notice was displayed from 12/11/2008 until 03/12/2008 – A letter of <b>support</b> received from the occupants of 24A Cricklewood Broadway.  Brent Council – No objection					
<b>CAAC/Local groups* comments:</b> <small>*Please Specify</small>		N/A					
<b>Site Description</b>							
The application site comprises a single storey building located at the junction of Cricklewood Broadway and Rondu Road. The property is not listed nor is it located within a Conservation Area, it is however located within a Neighbourhood Centre. The property is currently occupied as office space.							
<b>Relevant History</b>							
<b>16296</b> - The erection of a new shopfront and fascia for a car showroom at 28 Cricklewood Broadway, N.W.2. <b>Granted June 1973</b>							
<b>16499</b> - The construction of a means of vehicular access at 28 Cricklewood Broadway, N.W.2. <b>Refused November 1973</b>							
<b>26521</b> - The continued use as motor car showrooms. <b>Granted July 1978</b>							
<b>37224</b> - Change of use from car showroom to bank forming an extension to adjoining premises with alterations to the front elevation. <b>Granted Feb 1984</b>							

**9201023** - Change of use of the first and second floors of no. 28 and the second floor of no. 30 from residential (Class C3) to offices (Class B1) within the meaning of the Town and Country Planning (Use Classes) Order. **Refused Oct 1992**

**PW9902002** - The change of use of the rear ground floor areas of both properties from A2 (use ancillary to bank) to C3 (residential) and the first floor of 30 Cricklewood Broadway from B1 (office) to C3 (residential) and the conversion of both properties to provide 7 self-contained flats, together with alterations to fenestration, new stairway access to upper floors, the demolition of two existing garages and use of the area cleared for off-street parking, new patio doors and bin enclosures, and a terrace to the rear at first floor level, as shown on drawing numbers: CB100, CB101, CB102, CB205, CB206. **Granted March 1999**

**PWX0103186** - Alterations to the external elevations as an amendment to the scheme approved on the 11 March 1999 (Reg no 9902002). for various works of conversion to form 7 self contained flats. As shown on drawing no(s) 0140/05A, 06A, 07A, 09A, 10A and letters dated 1st and 3rd May 2001. **Granted April 2001**

**2004/1101/P** - Alteration of existing window opening to side elevation facing Rondu Road to create new access door. **Granted May 2004**

**2007/6140/P** - Creation of new vehicle access on Cricklewood Broadway to existing forecourt of offices. **Withdrawn**

## **Relevant policies**

### **Replacement UDP 2006**

S1/S2 – Strategic Policy on Sustainable development

SD1 – Quality of Life

SD6 – Amenity for occupiers and neighbours

SD7 – Noise Pollution

SD8 – Disturbance

B1 – General Design Principles

B3 – Alterations and Extensions

E2 – Retention of existing business uses

R3 – Assessment of food and drink uses and licensed entertainment

T9 – Impact of Parking

T12 – Works affecting highways

Appendix 1 – Noise and vibration thresholds

### **Camden Planning Guidance 2006**

## **Assessment**

### **Proposal**

Planning Permission is sought for the change of use of the ground floor from offices (Class B1) to restaurant (Class A3). It is also proposed to install a kitchen ventilation system at the rear of the property.

### **Main Planning Considerations**

- Principle of the change of use;
- Design issues;
- Transport issues; and
- Impact of the proposal on the amenity of occupiers and neighbours

### **Principle of the change of use**

Camden Planning Guidance states that a suitable location is not enough in itself to secure planning permission for a new or expanded food, drink or entertainment use and that for all applications for such uses the Council will assess the potential impacts of the proposal on local amenity, the character and function of the area and its overall mix of uses.

### Land use

The application site is located within a designated Neighbourhood Centre and Policy E2 of the UDP has a broad presumption against the loss of employment floorspace where there is potential for that use to continue. However in this instance marketing information was submitted by the applicants which indicate that the property has been marketed unsuccessfully as office space for over 6 months. Therefore, the loss of the existing business space has been justified to this extent.

Furthermore, A3 uses are typically found within parades of shops such as this and a mix of uses within town

and neighbourhood centres is broadly encouraged within the UDP. A study undertaken of the frontage from 2 – 30 Cricklewood Broadway concluded that there is a total of 12 separate units, 8 which are Use Class A1, 2 are sui-generis (car-showrooms), whilst the remaining 2 are Use Class A2. Therefore the concentration of non-retail units is not considered to be an issue along this frontage and there is a good mix of uses along the street.

In light of the above, it is considered that the proposed change of use accords with relevant planning policy and would help improve the character, function, vitality and viability of the Neighbourhood Centre.

### **Design Issues**

The proposed siting of a kitchen ventilation system to the rear of the property is considered to be acceptable as it will not be visible from the public highway and will therefore not have an adverse impact upon the character or appearance of the property or the surrounding area.

### **Transport Issues**

#### **Impact of Parking**

Both the existing situation and the proposed development involve informal off-street car parking out the front of the building in the private forecourt area. At present, vehicles either use the vehicular crossover to the site adjacent or just mount the kerb to access the parking/forecourt area. However, off-street car parking spaces need to have a depth of 4.8m according to Part 49.10 of Camden Planning Guidance. The existing forecourt area does not meet this depth requirement; therefore vehicles parked on this forecourt area will overhang the footway/public highway. As a result, this forecourt area cannot be treated as legitimate off-street parking bays. It is unacceptable to have parked vehicles obstructing the footway/pavement; and a condition would be required in order to prevent this.

#### **Works affecting highways**

The frontage area has been enjoyed by the public as a right of way for over 20 years. Under section 31 of the Highways Act 1980, therefore, we would consider this forecourt as being dedicated highway, although as highway not maintainable at the public expense. Therefore, vehicles should not be permitted to park on this forecourt area; and a condition would be required in order to prevent this.

### **Amenity Issues**

Policy R3 of the UDP states that the Council will not grant planning permission for development for food and drink uses that it considers would cause individual or cumulative harm to an area. The impact of the proposed restaurant is not considered to have an adverse impact on neighbouring properties with regards to loss of privacy, overlooking, loss of sunlight/daylight or outlook. Furthermore, Street Environment Services have considered this application with regards to waste and they have no objection.

Notwithstanding this, insufficient evidence was submitted to demonstrate that the proposed development would not have an adverse impact on neighbouring properties with regards to noise and disturbance from the proposed ventilation system. The proposal therefore does not accord with policies R3, SD7 or SD8 of the UDP.

### **Conclusion**

The proposed change of use from office space (B1) to restaurant (A3) is considered to be unacceptable due to the fact that insufficient information was provided to prove that the proposal would not cause a detrimental impact to neighbour amenity in terms of noise and disturbance.

**Recommendation:** Refuse Planning Permission.

### **Disclaimer**

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