

Address:	34-36 Jamestown Road Camden London NW1 7BY	
Application Number:	2006/3538/P	Officer: Hugh Miller
Ward:	Camden Town with Primrose Hill	Case File: N/A
Date Received: 02/08/2006 Proposal: Variation of condition 6 of planning consent (2006/1427/P) dated 28/06/06 to extend the hours of opening of the staff restaurant to 2100 Monday to Friday, to permit opening between 0800 and 2100 on Saturdays, Sundays and Bank Holidays, and variation of condition 8 of planning consent (PE9900778/R1) to permit deliveries on Saturdays between 0900 and 1300 hours only and not at all on Sundays or Bank Holidays. Drawing Numbers: P2000562; Previous permission dated 28/06/06 ref 2006/1427/P		
RECOMMENDATION SUMMARY: Grant planning permission		
Applicant: Mr Adam Franks Ground Floor, Britannia House 960 High Road North Finchley London N12 9RY		Agent: Building Design Partnership (BDP) 16 Brewhouse Yard Clerkenwell London EC1V 4LJ

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	<i>B1 Business</i>		N/A
Proposed	<i>B1 Business (No change)</i>		N/A

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	N/A	N/A
Proposed	N/A	N/A

OFFICERS' REPORT

Reason for Referral to Committee: Referred to Committee by Members Briefing Panel [Clause 3(ix)]. Members also requested more information on the occupier of the premises and justification on why the later opening hours are sought; this is set out below.

1. SITE & SURROUNDINGS

- 1.2 The application building also known as "The Iceworks" and is located on the north side of Jamestown Road. The application relates to a recently constructed part five-storey and part seven-storey mixed use building on the north side of Jamestown Road. The building contains office floorspace over five storeys, which fronts Jamestown Road and 14 residential flats at the rear overlooking the Regent's Canal.
- 1.3 The application building abuts Gilbey House (nos. 38-46) a private residential building. It is a Grade II Listed Building (38-46) adjoining on the western boundary.
- 1.4 The site is located within the Regent's Canal Conservation Area.

2. THE PROPOSAL

- 2.1 Variation of condition 6 of planning consent (2006/1427/P) dated 28/06/06 to extend the hours of opening of the staff restaurant to 2100 Monday to Friday, to permit opening between 0800 and 2100 on Saturdays, Sundays and Bank Holidays, and to permit deliveries on Saturdays.

3.0 RELEVANT HISTORY

- 3.1 In December 2000 planning permission and conservation area consent refs: PE9900778 & CE9900779 was granted for the demolition of the existing buildings on the site and the erection of new building comprising part-5, part-7 floors to provide 14 self-contained flats and Class B1 floorspace together with 14 car parking spaces. Condition 8 states as follows:

Deliveries in connection with the proposed Class B1 floorspace shall not take place outside the hours between 08.00 and 19.00 hours Mondays to Fridays. No deliveries shall take place on Saturday's, Sundays or Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally.

- 3.2 In June 2006 planning permission was granted for additions and alterations including installation of plant, enclosure and associated works at roof level, extract duct on north elevation rising from ground floor to roof level in connection with restaurant at ground floor level and 8 no. satellite dishes at roof level and subject to condition 6 which stated:

The ancillary staff restaurant hereby approved shall be used only in connection with the existing Class B1 offices and shall not operate outside the hours between 08.00 and 19.00 hours Mondays to Fridays. No deliveries shall take place on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the amenities of the adjoining residential premises and the area generally in accordance with the requirements of policies EN1, EN5, EN7 and EN19 of the London Borough of Camden Unitary Development Plan 2000 and policy SD6 and SD7B of the London Borough of Camden Replacement Unitary Development Plan 2006.

4.0 CONSULTATIONS

4.1 Conservation Area Advisory Committee

The Camden Town CAAC was consulted but no comments were received.

4.3 Adjoining Occupiers

	Original
<i>Number of Letters Sent</i>	<i>06</i>
<i>Number of responses Received</i>	<i>07</i>
<i>Number in Support</i>	<i>0</i>
<i>Number of Objections</i>	<i>07</i>

The objectors expressed concerns as follows:

- 4.4 Concerned that Camden Lock area already suffers from crowd, noise and rubbish pollution at weekends. An extension of hours to staff restaurant to include weekends would add to noise, smells (cooking) in a residential part of Jamestown Road making it uncomfortable for residents at weekends.

Concerned that there are alternative outlets in Camden for obtaining food at all hours – the occupants of the building should be encouraged to support local enterprise. Saturday deliveries – the original planning consent limits the working hours of its occupiers, given the proximity of residential accommodation and there is no reason for any changes.

Response: *The staff restaurant is inoperable and is yet to be tested. However, appropriate conditions were imposed to ensure that noise, vibrations and odour/smells from the operation of the restaurant would have little or no impact on residential amenity. The restaurant is only open to employees and therefore would not lead to any additional crowd.*

- 4.6 Concerned that the restaurant deliveries on a Saturday must also be prohibited. This will further impinge upon the privacy of all residents in the evening, weekends and Bank Holidays.

Concerned that under the terms of the lease deliveries should only be made via the main front entrance. If deliveries are made at the courtyard immediately in front of the residential building, the strongest objection is raised.

Response: It is considered that deliveries on Saturdays should be restricted to between 09.00 to 1300 hours only. This is considered to be sufficient to enable food delivery without it having a detrimental impact on residential amenity. It should also be noted that unrestricted deliveries can already take place from the street for a twenty minute period.

5.0 POLICIES

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

Camden Replacement Unitary Development Plan 2006

Policies	Title	Conformity
S1	Sustainable development (Section 1)	Complies
S2	Sustainable development (Section 1)	Complies
SD6	Amenity for neighbours and occupiers	Complies
B7	Conservation areas	Complies
SD7B	Noise / vibration pollution	Complies

Consultation Draft Supplementary Planning Guidance 2006

5.1 Noise and vibration

Supplementary Planning Guidance 2002

5.2 Noise –Section 4.2

6.0 ASSESSMENT

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Background to the proposal
- Rational for variation to condition 6
- Land use policies and impact on residential amenity

Background

- 6.2 The December 2000 scheme, which comprised the erection of 14 self-contained flats, office Class B1 floorspace plus 14 car parking spaces, was granted planning permission subject to conditions including the following:

“Deliveries in connection with the proposed Class B1 floorspace shall not take place outside the hours between 08.00 and 19.00 hours Mondays to Fridays. No deliveries shall take place on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally”.

- 6.3 In June 2006, planning permission was granted for the installation of plant, enclosure and associated works at roof level, satellite dishes, extract duct in connection with restaurant at ground floor level and subject to condition:

The ancillary staff restaurant hereby approved shall be used only in connection with the existing Class B1 offices and shall not operate outside the hours between 08.00 and 19.00 hours Mondays to Fridays. No deliveries shall take place on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the amenities of the adjoining residential premises and the area generally in accordance with the requirements of policies EN1, EN5, EN7 and EN19 of the London Borough of Camden Unitary Development Plan 2000 and policy SD6 and SD7B of the London Borough of Camden Replacement Unitary Development Plan 2006.

Rational for variation to condition 6

- 6.4 The office occupiers of the building will provide Property Development and Investment and Consultancy Services to the Gambling Industry. The ancillary staff restaurant is to provide a food service in connection with this B1 use of the building. The building will be occupied outside the normal office hours. The intention is to provide cooked food for the staff between the hours of 08.00 and 21.00, with associated deliveries on Saturdays. It should be noted that the office (Class B1) element does not have any condition restricting its opening hours.

Business use

- 6.5 With respect to the Gambling Industry, Saturdays and Sundays are the busiest times. Similarly, during the week many sporting events occur during the evenings (such as soccer matches) and on most Bank Holidays. The sporting calendar shapes the staff rota and hence, the requirement to provide catering for staff during the evenings and at weekends. In addition, the employment contracts of the staff require that staff work 5 days out of seven, rather than Monday to Friday.
- 6.6 With regards to Property Development and Investment element, it will be necessary to hold meetings outside the business day, which is influenced by international time zones. It would therefore be useful to provide catering for personnel within the building during the hours as applied for.

Staff numbers

- 6.7 The applicant states that there will approximately 55 employees within the office when occupied. Whilst the majority of staff will be employed from Monday to Friday, between the hours of 08.00 and 18.00, a limited number of personnel will be present at the building outside those hours. For example, on a Monday (the quietest day) approximately 10 staff will be present in the office outside the hours of 08.00 and 18.00. The projected number of catering staff for the weekday evening operation is a maximum of two personnel.
- 6.8 At weekends, it is anticipated that staff may be present within the building between the hours of 08.00 and 21.00. On a Saturday for example, approximately 45 staff will be present in the office. The projected number of catering staff for the weekend operation is a maximum of four personnel during the day, and two in the evening.

Deliveries

- 6.9 On a Saturday, the maximum anticipated number of deliveries is three: one delivery of bread and associated products, one delivery of milk and associated products, and one delivery of fruit and vegetables. Such deliveries are stated to take place between the hours of 08.00 and 12.00. It is anticipated that all other deliveries will take place Monday to Friday within the permitted hours.

Land use policy and impact on residential amenity

- 6.10 Replacement UDP policy S1 states "*The Council will seek to ensure that development is sustainable with regard to social needs, the protection of the built and natural environment, the sensible use of resources and the maintenance of a viable economy*". Policy S2 states, "*The Council will seek to ensure that development promotes a high quality of life for all members of the community, contributes to sustainable land use patterns and does not harm local amenity*".
- 6.11 The Council recognises the likely impact on residential amenity and 5 years ago, imposed condition, to restrict the delivery hours to the office building given the proximity to residential units.
- 6.12 Policy SD6 Amenity for occupiers and neighbours states - "*The Council will not grant planning permission for development that it considers causes harm to the amenity of occupiers and neighbours*" inter alia, noise and vibration.
- 6.13 More recently and in compliance with policy SD6, the Council attached conditions to minimise the likely adverse impact on residential amenity as noted in paragraph 6.3 above.
- 6.14 The office building is currently under refurbishment; this includes the installation of the staff restaurant and the associated extraction ducts and ventilation systems. The net floor area of the staff restaurant, which includes seating and non-seating floor space, measures approximately 131square metres. The residential building to the rear of the office was part of the mixed-use redevelopment of the site. To the

west is located Gilbey House, a 4-storey residential block. Irrespective of the proximity of the residential buildings, the office use should co-exist without any adverse impact on residential occupiers' amenities. However, any variation of the hours of the restaurant opening should not have an adverse impact on residential amenity – see below.

6.15 It is considered that on balance, and in this location, the variation of the ancillary staff restaurant opening from 08.00 to 21.00 hours daily is satisfactory because:

- ❑ the volume of staff using the restaurant for the proposed extended hours is likely to be limited and is unlikely to generate any significant additional demands on the cooking facilities to cause associated noise nuisance and or create odour to impact detrimentally on the occupiers of the adjacent residential buildings,
- ❑ in any case, the noise levels of the plant are already controlled by condition,
- ❑ the restaurant facility is not accessible to members of the public.

6.16 Moreover, between the hours of 11.00am to 18.30pm (Mondays to Sundays), loading and un-loading, can be carried out for twenty minutes by virtue of Camden Waiting and Loading Restriction Order No.1993, no.50. Therefore, the delivery service for the ancillary staff restaurant could be carried out within these times without any planning restrictions. Additionally, the applicant states that all the deliveries will be carried out by the street side by the courtyard gates. If, however, the applicant chooses to have deliveries within the courtyard, officers consider that between the hours of 9.00 to 13.00 would be preferable and are an acceptable alternative to the 08.00 start. Furthermore, it is considered that between the hours of 0900 to 1300 on Saturday's, deliveries could be carried out without any adverse impact on residential amenity in terms of noise and privacy.

6.17 The proposed extended hours would not harm the character and appearance of the conservation area.

7. CONCLUSION

7.1 It is generally accepted that the operations of the office building would not cause harm to adjacent residential occupiers. Notwithstanding this, existing conditions are attached to ensure that the staff restaurant can operate without causing noise nuisance to neighbouring residential occupiers amenity. As such, it is considered that the proposed variation of condition is satisfactory.

8. LEGAL COMMENTS

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

9.0 RECOMMENDATION

- 9.1 It is recommended that the condition is varied to allow opening of the staff restaurant between 08.00 and 21.00 hours daily and to allow food deliveries between 09.00 and 13.00 on Saturdays.

Condition(s) and Reason(s)

The ancillary staff restaurant shall be used only in connection with existing Class B1 offices and shall not operate outside the hours between 08.00 and 21.00 hours daily. Food deliveries on Saturdays shall only take place between the hours of 09.00 and 13.00 and no deliveries shall take place on Sundays and Bank Holidays.

Reason: To safeguard the amenities of neighbouring residential occupiers and in accordance with Policy SD6 of the London Borough of Camden Replacement Unitary Development Plan 2006.

The ancillary staff restaurant shall not be used by members of the public only by the employees located at the application site known as 34-36 Jamestown Road.

Reason: To safeguard the amenities of neighbouring residential occupiers and in accordance with Policy SD6 of the London Borough of Camden Replacement Unitary Development Plan 2006.

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