

Address:	116A and 118 Fortess Road London NW5 2HL		16
Application Number:	2014/0562/P	Officer: Neil Quinn	
Ward:	Kentish Town		
Date Received:	23/01/2014		
Proposal: Retrospective change of use of ground floor of No. 118 from estate agents (Class A2) to restaurant (Class A3), and change of use of ground floor of No. 116a from retail (Class A1) to form combined restaurant (Class A3) with ground floor of No. 118.			
Drawing Numbers: Site location plan; A0079-A-01 Rev A.			
RECOMMENDATION SUMMARY: Grant Planning Permission subject to conditions			

Applicant:	Agent:
Bromley Park Garden Estates Ltd Fao. Mr P Conradie Haskell House 152 West End Lane London NW6 1SD	Ben Muir Avalon Built Environment Ltd Parndon Mill Lane Parndon Mill Harlow

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing (lawful position)	A1 Shop A2 Estate agents		67m ² 65.5m ²
Proposed	A3 Restaurants and Cafes		112.5m ²

Reason for Referral to Committee: The Director of Culture and Environment has referred the application for consideration as it involves the creation of a Class A3 use [Clauses 3 (iv)]

OFFICERS' REPORT

SITE

- 1.1 The application site comprises a pair of mid terrace four-storey buildings (ground, first, second and third floor level within the existing roofspace) located on the east side of Fortress Road, in-between the junctions with Gottfried Mews (to the north-east) and Raveley Street (to the south-west). Gottfried Mews also runs to the rear of the application site (to the south-east).
- 1.2 The properties are unlisted, and are not located within a conservation area. They are however located within part of the designated Fortress Road neighbourhood centre (nos. 114-158 even).
- 1.3 The ground floor of No. 118 was previously lawfully used as an estate agents (Class A2); however it is currently used as an unauthorised restaurant / ice cream parlour (Class A3). The applicant has stated that this has been the situation since April 2012. The ground floor of No. 116 is in retail use (Class A1). The upper floors of No. 116A are lawfully used as an HMO, while the upper floors of No. 118 are in use as self-contained flats (Class C3).

2. THE PROPOSAL

Original

- 2.1 The application seeks planning permission for the retention of the ground floor of No. 118 for restaurant (Class A3) purposes, and an extension of this into the ground floor of No. 116A, following a change of use from retail (Class A1). As such, No. 118 and 116A would combine at ground floor level to form one unit.
- 2.2 The proposal would provide a total of 112.5 sqm of A3 floorspace. No primary cooking is taking place on the premises, and therefore there is no associated plant or extract equipment being installed. The proposed drawings show space for 50 covers, with a kitchen and back-of-house area to the rear of No. 118.

Revision

- 2.3 The application was revised to include the retention of No. 118 as a restaurant, as this was not included in the initial description.

3. RELEVANT HISTORY

3.1 116A Fortress Road

Planning permission was granted on 23/09/2009 for the retention of front part of ground floor as a retail unit (Class A1); change of use and works of conversion from a single residential unit (Class C3) at rear ground, first, second and third floor levels to a Sui Generis House in Multiple Occupation (HMO), comprising 8 bedsits with shared bathroom facilities; erection of a two-storey rear extension with roof terrace and railings at second floor level, rear dormer roof extension and associated alterations to windows and rooflights.

3.2 **118 Fortress Road**

Planning permission was granted on 23/08/2006 for the change of use from retail (Class A1) to estate agents (Class A2) at ground floor level.

4. **CONSULTATION**

4.1 As the site is not located within a conservation area, no CAAC or other local groups have been consulted on the application.

4.2 A site notice was re-issued on 25th April 2014, and a press notice was re-published in the Hampstead and Highgate Express on 1st May 2014. This was carried out following the amendment of the description of proposal to reflect the retrospective change of use of the ground floor of No. 118. However no responses have been received to this consultation.

Adjoining Occupiers

<i>Number of letters sent</i>	20
<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

5. **POLICIES**

5.1 **National Planning Policy Framework (2012)**

5.2 **The London Plan (2011)**

5.3 **LDF Core Strategy and Development Policies (2010)**

Core Strategy

CS5 (Managing the impacts of growth and development)

CS7 (Promoting Camden's centres and shops)

CS8 (Promoting a successful and inclusive Camden economy)

CS14 (Promoting high quality places and conserving our heritage)

Development Policies

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

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

DP28 (Noise & vibration)

5.4 **Supplementary Planning Policies**

Camden Planning Guidance 2013

CPG5 Town Centres, Retail and Employment

CPG6 Amenity

6. **ASSESSMENT**

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

- i) Principle of change of use to Class A3 use
- ii) Impact of proposed Class A3 on amenity of neighbouring occupiers
- iii) Transport/parking issues

i) Principle of use

6.2 The site is located within part of the designated frontage of the Fortress Road neighbourhood centre.

6.3 Policy CS7 seeks to promote successful and vibrant shopping centres in Camden, which includes neighbourhood centres. It seeks to protect the character and role of each of Camden's centres, while also resisting the loss of shops where this would cause harm to the character and function of a centre of shopping provision in the local area.

6.4 Policy DP12 seeks to manage the impact of food, drink, entertainment (FDE) and other town centre uses. DP12 part 'b' states that consideration will be given to the cumulative impact of food, drink and entertainment uses, taking into account the number and distribution of existing uses, non-implemented planning permissions and any record of harm caused by such uses.

6.5 Paragraphs 3.59 – 3.63 of CPG5: Town Centres, retail and employment offers specific advice with regard to neighbourhood centres outside of the Central London Area. Paragraph 3.60 states that as a guide, we will resist schemes that result in:

- Less than 50% of ground floor premises being in retail use; or
- More than 3 consecutive premises being in non-retail use.

6.6 In this case, the frontage where the site is located runs from the corner of Gottfried Mews to the north, to the corner of Raveley Street to the south. Below is a list of the uses within the defined frontage where the site is located.

Unit number on Fortess Road	Existing Use Class (lawful position)	Proposed Use Class
112-4	A1/A3 (café with no primary cooking)	A1/A3
116	A1	A1
114a	A1	A1
116a	A1	A3
118	A2	
120	A5 (pizza takeaway)	A5
122	A3 (café)	A3

Class	Percentage of frontage (existing)	Percentage of frontage (proposed)
A1	50%	41.7%
A3/A5	35.8%	58.3%

- 6.7 Within the frontage there are already two units which are classed as food, drink and entertainment units (FDE) (Class A3), further along the parade at Nos. 120 and 122. With the proposed change of use to restaurant (Class A3), the percentage of food, drink and entertainment uses would be increased to over 50% of the frontage, and therefore technically would fail to comply with the advice set out in CPG5.
- 6.8 However it is important to note that the floorspace of the combined units would be approximately 112.5sqm, and would therefore be classed as a small single unit. It would also not lead to more than 3 consecutive non-retail premises along this part of the parade, as is currently the lawful position since the ground floor of No. 118 was previously in A2 use.
- 6.9 The context of the wider Fortess Road neighbourhood centre also needs to be taken into consideration; in this case, the centre is in good health, with the most recent retail survey of the area (conducted in 2013) indicating a significant number of retail units further down Fortess Road.
- 6.10 In addition, it should be noted that recent changes introduced by the Government in May 2013 would allow the units to convert from A1 to A3 for a temporary 2-year period without the need for planning permission.
- 6.11 Given this context, it is considered that the proposed restaurant use would not significantly harm the retail character and function of this part of the Fortess Road neighbourhood centre. However, a condition is recommended to ensure that the

single proposed restaurant use cannot be separated into two different A3 units, as this would result in four consecutive non-retail units along this parade and would clearly be contrary to advice set out in CPG5.

- 6.12 On this basis, the proposal would comply with the broad principles of policies CS7 and DP12 of the LDF.

ii) Amenity

- 6.13 Policy DP12 requires consideration to be given to: the impact of any proposed entertainment uses on the amenity of nearby residents (part 'c'); the impact of any parking, stopping and servicing (part 'd'); noise and vibration (part 'e'); and any fumes generated (part 'f'). These criteria are also supported by policies CS5 and DP26 which seek to protect the amenity of occupiers and neighbouring residents from the harmful impacts of new development.
- 6.14 The immediate vicinity is predominantly commercial at ground floor, with residential uses (a mixture of bedsits and self-contained flats) on upper floors. There is no new plant or extract equipment being proposed as part of this application; however an informative will be attached advising the applicant that any new equipment would require a separate planning application to be submitted, including an acoustic report demonstrating compliance with policy DP28 of the LDF. It is also recommended that a condition is added that limits the hours of use to 0800 to 2300 daily in order to minimise the noise nuisance within the vicinity.
- 6.15 In relation to waste storage, refuse bins are shown in the rear servicing area at ground floor level.
- 6.16 On this basis, the proposal is considered to comply with policies CS5, DP12 and DP26 of the LDF.

iii) Transport

- 6.17 In terms of transport matters, it is considered unlikely that there will be any net increase in scale of transport impacts from the proposed restaurant use in comparison with the existing retail / estate agents' use. No car parking is proposed on or near to the site, and cycles are not required as the use is below the 500sqm threshold. It is excellently served by public transport, with several bus routes serving Fortress Road, and Tufnell Park underground station approximately 200m away.
- 6.18 It is recommended that a condition is added that requires no deliveries to be made between the hours of 2000hours and 0800hours. The proposals are not considered to cause any significant cumulative impact in this respect and complies with DP12 part 'd'.

7. CONCLUSION

- 7.1 The proposed restaurant (Class A3) will not result in an over-concentration of food, drink and entertainment uses within this part of the Fortress Road neighbourhood

centre, subject to a condition which ensures it must remain as a single restaurant, rather than being separated into two different A3 units. Subject to further conditions limiting its hours of operations and details of extract equipment, the restaurant is not considered to undermine the character of the area or the amenity of nearby noise sensitive properties by way of noise, fumes or servicing.

8. LEGAL COMMENTS

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

9. RECOMMENDATION

9.1 Planning Permission is recommended subject to conditions.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; A0079-A-01 Rev A.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 The restaurant use hereby approved at No. 116a and 118 shall operate as one combined unit, and not be separated into two different A3 uses at any time without the prior approval of the Local Planning Authority.

Reason: To protect the retail character and function of the Fortress Road Neighbourhood centre, in accordance with the requirements of policy CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The use hereby permitted shall not be carried out outside the following times 0800 - 2300 daily.

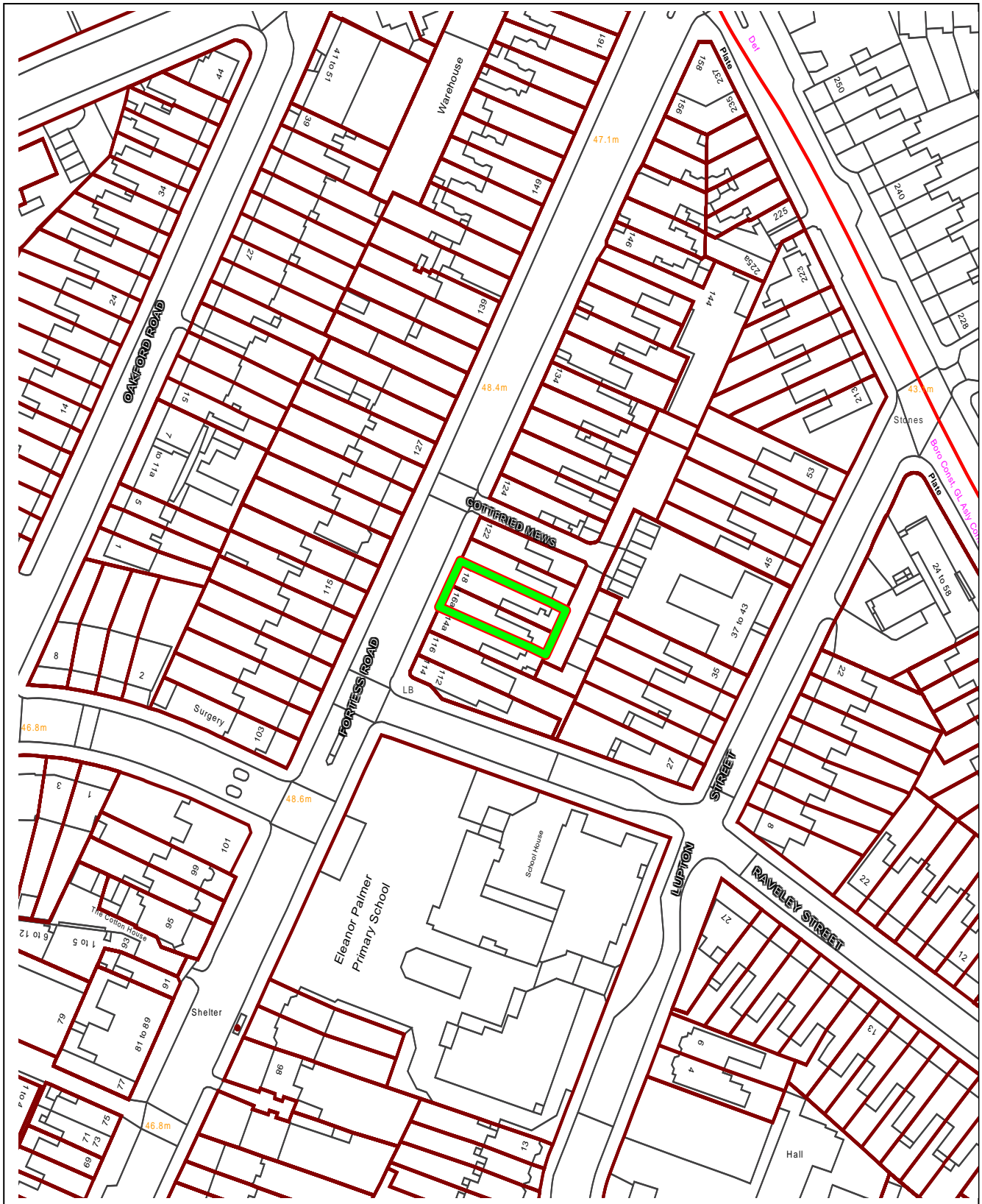
Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 5 No servicing of the restaurant unit can take place between the hours of 2200 and 0800 daily.

Reason: To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises in accordance with the requirements of policies CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP16 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 You are advised that the installation of any plant or extract equipment required in connection with the restaurant use would require a further planning application. Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 2 You are advised that condition 4 means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.



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London
NW5 2HL**

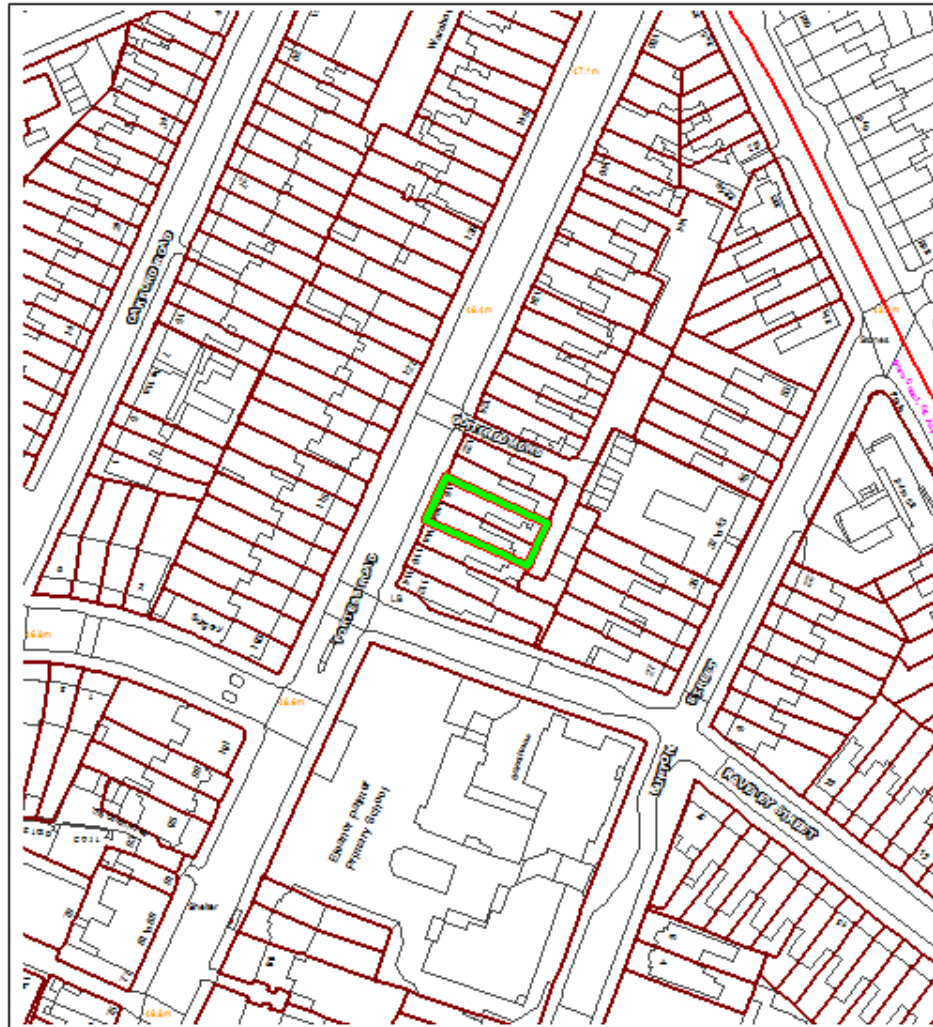
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**Date:
8-Aug-14**



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Site Location



Relevant photographs



Photos showing shopfront of Nos. 118 (left) and No. 116a (right)

Relevant photographs



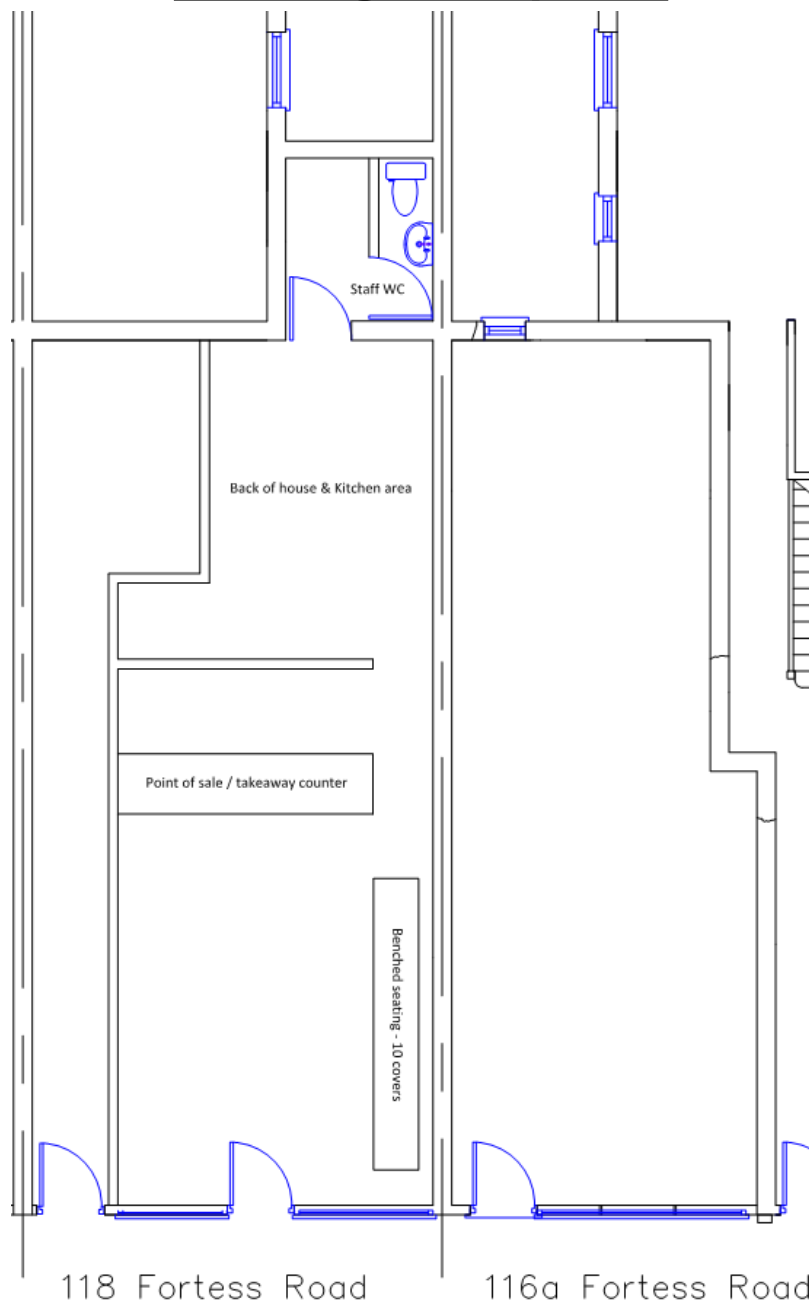
Photos showing A-board and chairs outside existing restaurant at No. 118

Relevant photographs

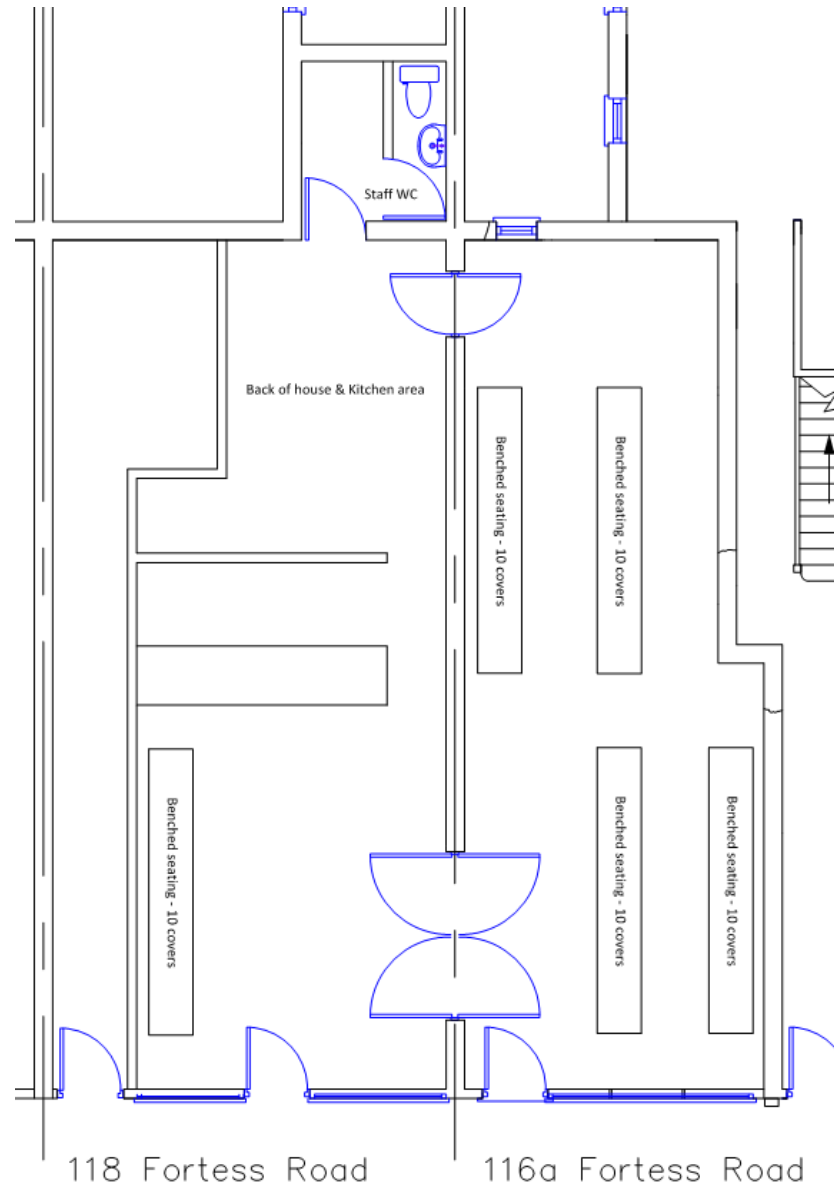


Photos showing other units along parade (newsagents at 114-116, takeaway at 120 and café at 122)

Existing floor plans



Proposed floor plans



Fortess Road Neighbourhood Centre: Retail Survey 2013



Application site

