

## **PLANNING STATEMENT**

### **Installation of a Kitchen Extract Duct**

**At 21-22 Chalk Farm Road, Camden**

**ON BEHALF OF  
GMS Estates Ltd**

February 2015

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## 1.0 INTRODUCTION

- 1.1 This Statement is written on behalf of our client, GMS Estates Ltd, in respect of an application to install a kitchen extract duct to the rear of the property at 21-22 Chalk Farm Road, Camden, a Class A3 retail unit (basement and ground floor).
- 1.2 The applicants, GMS Estates Ltd, own the retail unit as part of the wider retail parade and residential units above, running from 21 to 28 Chalk Farm Road inclusive. The retail unit is currently vacant and GMS Estates are marketing it to prospective tenants.
- 1.3 This application is made following the approval in May 2014 of application 2013/7712/P, which sought permission for *"change of use of the basement and ground floor from Class A1 to Class A3"*.
- 1.4 The type of cooking permitted at the premises is limited by Condition 4 of this consent, which is the subject of a separate application under Section 73 of the 1990 Town and Country Planning Act seeking its removal.
- 1.5 Condition 4 states:

*"The proposed use hereby approved shall not include any primary cooking process, which for the purposes of this condition shall be taken to mean the application of heat to raw or fresh food in order to cook the food"*.

*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.*

- 1.6 Subject to Condition 4 being removed from the extant consent, GMS Estates require the installation of a kitchen extract duct to the rear of the unit, in order for primary cooking to then take place. Although primary cooking could, in theory, take place without external extraction equipment, it is undesirable for the commercial operation of the type of tenant sought by GMS Estates.

- 1.7 It was not GMS Estates' desire for the change of use permission (ref. 2013/7712/P) to restrict the type of A3 operator who could operate from the unit; however, given the existing operator at the time of the submission – Pieminister - could be fully operational without undertaking primary cooking, Condition 4 was not considered unduly restrictive.
- 1.8 This application seeks to demonstrate the acceptability of installing a kitchen extract to the rear of the premises, by assessing the proposals against relevant policies in respect of design, and the preservation of neighbour amenity. The statement should be read alongside an Environmental Noise Statement produced by Sharps Redmore.
- 1.9 It is concluded that the proposed kitchen extract duct will not give rise to any significant adverse impacts in respect of neighbour amenity and will be located in the most visually discreet position available. The proposals are in accordance with relevant planning policies and it is considered that planning permission should be granted accordingly.
- 1.10 Section 2 describes the site and surrounding area; section 3 describes the proposals in greater detail; section 4 outlines the planning policy position; section 5 sets out the material planning considerations; and section 6 provides final conclusions.

## **2.0 THE SITE AND SURROUNDING AREA**

- 2.1 The application site, the basement and ground floor of 21-22 Chalk Farm Road, is a retail unit in Class A3 use. The unit is currently vacant, after the previous occupier, Pieminister, a 'pie and mash' restaurant, terminated their lease in September 2014.
- 2.2 The application site forms part of a commercial retail terrace predominantly comprised of Class A1 units. There are seven separate units in the parade, as a result of the merging of numbers 27 and 28 into one unit, and also numbers 21 and 22 into one unit. All units are in Class A1 Use, with the exception of 27-28 Chalk Farm Road, which is in Class A3 Use operating as Yum Cha restaurant, and the application site.
- 2.3 All of the units within the terrace are three storeys tall, with predominantly residential uses above the ground floor. The upper floors of 21-22 Chalk Farm Road are in residential use.
- 2.4 GMS Estates owns the entirety of the built block running from numbers 20 to 28 Chalk Farm Road, including all the ground and basement units, and the residential accommodation above.
- 2.5 GMS Estates have observed a particularly high turnover of tenants along this frontage, and periods of prolonged vacancy are commonplace. There is a concern that tenants have not tended to occupy the retail units on a long-term basis. As such, the instability of tenants and the transient nature of their tenancies, as typified by the relatively short stay of Pieminister, is an issue they are seeking to address.
- 2.6 The surrounding area of Camden Town Centre is the largest of the Borough's town centres and is characterised by its unique shops, markets, food, drink and entertainment activities, many of which are independent operations.
- 2.7 The terrace comprising numbers 20 to 28 Chalk Farm Road sits within the Core Shopping Frontage North, which itself sits within the Local Development Framework's (LDF) Town Centre boundary. Only the northern side of Chalk Farm

Road is part of the Core Shopping Frontage North; the south side of the road is classified as a secondary frontage.

- 2.8 The Council identifies the need to *"build on Camden Town's success and strong identity in order to develop a unique, vibrant, safe and diverse centre, which offers something for everyone throughout the day and evening, whilst also creating an environment which provides a high standard of amenity for residents"*.

#### Planning History

- 2.9 Planning application PL/9400425/R1, for change of use of no. 21 Chalk Farm Road from retail (A1) use to a mixed use consisting of retail (A1) use on basement and ground floor levels with a coffee shop (A3) use at first floor level with ancillary kitchen and staffroom at second floor level, was approved on March 21 1994.
- 2.10 Planning application ref. 2008/3045/P, for alterations at rear first floor level to create an access to self-contained flats from Hawley Mews, including the creation of a bridge link from the adjacent property at 21 Chalk Farm Road, was approved on August 14 2008.
- 2.11 On September 11 2013, Pieminster submitted a notification to the Local Planning Authority that they proposed to change the use of the basement and ground floor of 21-22 Chalk Farm Road from Class A1 (retail) Use to Class A3 Use. This notification was the result of amendments to the General Permitted Development Order (1995), under Statutory Instrument 2013 No. 1101, Class D, which permits development consisting of a change of use of a building within 'flexible' use classes. The change of use from Class A1 to A3 is permitted for a limited period of two years, terminating by May 30 2016 at the latest, under the amendments
- 2.12 Application ref. 2013/7712/P, for change of use of the basement and ground floors from Class A1 to Class A3 use was approved on 19 May 2014 with conditions. The application was for a non-personal consent, although was submitted on the basis that the original tenant would be Pieminster.

### **3.0 THE PROPOSALS**

- 3.1 This application seeks to install a kitchen extract duct to the rear of the premises. The extract duct will vacate the unit at ground floor level, to the rear of the A3 unit, and will run vertically along the rear elevation, extracting at roof level.
- 3.2 The proposed kitchen extract duct measures 500mm, and has a 'kinked' arrangement. This is to allow the duct to be installed tight to the flank wall of the rear entrance of 3a Hawley Mews above at first floor level, allowing a spacing distance of 300mm between the duct and an existing window opening. The proposals also require the relocation of an existing boiler flue, which will be relocated slightly to the right (first floor level) to accommodate the 500mm diameter flue.
- 3.3 The position of the proposed extract duct is the only logical position available, in order to allow the duct to run up to roof level for extraction. The proposed extraction of odours and heat at roof level is designed to minimise the impacts on local amenity, and ensure that the by-products of primary cooking are kept an appropriate distance from the nearest residential property on the second floor below.
- 3.4 A Systemair AR Sileo 500E4 Axial Fan will be housed internally at high level, extracting cooking products externally via the kitchen extract duct. As such the proposals have potential to be noise-creating. An Environmental Noise Report has been produced to assess the local impact of the installation in amenity terms.
- 3.5 The kitchen extract duct is principally required to remove the odours and by-products of primary cooking, which are proposed to take place on the premises. The removal of an existing condition restricting primary cooking from taking place within the unit (Condition 4 of application 2013/7712/P) is sought via a separate planning application submitted alongside this application.
- 3.6 If the condition is removed from the extant consent, then primary cooking could, in theory, take place within the unit. However, this is undesirable for a high quality A3 operator sought by GMS Estate, and thus the installation of a kitchen extract duct is considered essential to enabling a new Class A3 operator to trade from the currently vacant unit, and contribute to the vitality and viability of the parade.

- 3.7 The design of the extract duct is standard and functional, replicating typical extract ducts installed on Class A3 premises elsewhere. Its proposed installation to the rear of the property ensures it is largely concealed from public view, and it can only properly be viewed from Hawley Mews, which is an infrequently used pedestrian route, only generally used for residential access purposes. In any case, the rear of the parade displays the common characteristics of the rear of mixed commercial and residential uses with venting, drainpipes and access steps clearly visible, and the proposed installation will not cause any significant impacts in this regard.



#### **4.0 PLANNING POLICY POSITION**

4.1 Paragraph 17 of the NPPF identifies a good standard of amenity for all existing and future occupants of land and buildings as a core planning principle.

4.2 Paragraph 23 states the importance of meeting the needs for retail uses in full, and that policies which support the vitality and viability of town centres should be pursued. Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity. The following local policies are also of relevance to these proposals.

##### Camden Core Strategy (2010)

4.3 Policy CS5 manages the impact of growth and development in the borough. In respect of amenity, Part E states that the Council will make sure that the impact of developments on their occupiers and neighbours is fully considered.

4.4 Policy CS7 promotes Camden's centres and shops. In respect of amenity, Part H states that the Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors by making sure that food, drink and entertainment uses do not have a harmful impact on residents and the local area.

##### Camden Development Policies (2010)

4.5 Policy DP12 supports strong centres and manages the impact of food, drink, entertainment and other town centre uses. Part C states that the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development will be considered.

4.6 Policy DP24 requires all developments, including alterations and extensions to existing buildings, to be of the highest standard of design.

4.7 Policy DP26 seeks to manage the impact of development on occupiers and neighbours, by considering factors such as noise and vibration levels, and odour, fumes and dust.

- 4.8 Policy DP28 states that the Council will seek to ensure that noise and vibration is controlled and managed and will not grant planning permission for development likely to generate noise pollution. The Council will only grant permission for plant or machinery if it can be operated without cause harm to amenity and does not exceed our noise thresholds.

## **5.0 PLANNING CONSIDERATIONS (INCLUDING DESIGN AND ACCESS)**

### Principle of Development

- 5.1 The principle of use of the unit for Class A3 purposes has been established through the extant change of use consent, and subsequent implementation by Pieminister.
- 5.2 It is asserted that the consent does not limit the type of Class A3 operator who could occupy the unit, providing no primary cooking is undertaken by the occupier. However, if the separate application seeking the removal of Condition 4 restricting primary cooking is approved - which would essentially allow an unrestricted A3 operation in cooking terms - the unit in its existing form is not suited to the type of high quality operator required by GMS Estates.
- 5.3 The installation of a kitchen extract duct is essential for an unrestricted (in cooking terms) Class A3 operation to take place. Given the town centre location of the unit, where retail uses are an acceptable use, as noted at paragraph 23 of the NPPF, the principle of a primary cooking Class A3 operation is acceptable. Within the retail parade, at numbers 27-28 Chalk Farm Road, Yum Cha restaurant is able to fully undertake primary cooking.

### Economic Benefits

- 5.4 The retail unit has been in permanent Class A3 use since May 2014. The previous operator, Pieminister, operated within Condition 4 which restricts primary cooking, and thus there has never been a requirement for a kitchen extract duct to be installed at the premises. Prior to the May 2014 change of use approval, Pieminister operated via a 'flexible' temporary change of use under Permitted Development Rights.
- 5.5 For commercial reasons, Pieminister have recently vacated the unit, and a prospective new operator is yet to be confirmed. GMS Estates are struggling to secure an operator who can remain fully operational without undertaking primary cooking on the premises. As such it has become necessary to consider a wider range of potential Class A3 operators who would operate under a relaxed A3 consent, and thus, the requirement for a kitchen extract to be installed is now apparent.

- 5.6 Essentially, there is little market demand from prospective A3 tenants with the restriction defined by Condition 4. If the condition remains in place, it is possible that the unit will remain vacant. This has the potential to negatively impact on the vitality and viability of the parade itself, and Camden Town Centre as a whole.
- 5.7 In the original planning submission for change of use, the commercial rationale for GMS Estates seeking a departure from the previous Class A1 use were outlined. Essentially, the composition of units within the parade has initiated some instability in respect of tenancy periods, which GMS Estates is seeking to address.
- 5.8 It was considered that a Class A3 unit would make a greater contribution to the vitality and viability of the frontage, by securing a high quality tenant with long term aspirations in the local area. Given the value that food and drink retail can have in enhancing the commercial health of town centres in general, it was considered that the A3 use would help the parade to become a stronger retail destination, with higher footfall than previously observed.
- 5.9 GMS Estates remain unchanged in their belief that an A3 unit can help to anchor the parade; however the removal of Condition 4 and associated installation of a kitchen extract duct is considered essential to ensuring a suitable Class A3 occupier and a long term commitment.
- 5.10 Notwithstanding the policy requirement to safeguard the amenity of neighbours, it is important to note that the application site is within an established town centre environment where food and drink uses are acceptable in principle. Moreover, the presence of other Class A3 operators in the vicinity - including Yum Cha restaurant at 27-28 Chalk Farm Road – which are unrestricted in terms of primary cooking and uses a kitchen extract duct to the rear of the premises, demonstrates that primary cooking is in principle accepted within the parade.
- 5.11 Furthermore, it is noted that the types of food and drink operator who are able to operate without primary cooking are typically sandwich shops or similar, which generally operate under Class A1. A condition restricting primary cooking is often applied to such A1 operations to ensure the units remain as A1 retail units, and are considered less common for A3 units.

### Residential Amenity

- 5.12 Development Management Policy DP28 states that the Council "*will only grant permission for plant or machinery if it can be operated without causing harm to amenity and does not exceed our noise thresholds*". Policies DP12 and DP26 also seek to ensure development will not cause adverse impacts on neighbour amenity. As such an environmental noise survey has been undertaken by Sharps Redmore, to assess the acceptability of the proposals.
- 5.13 The noise survey was undertaken at a location considered to be representative of the nearest existing residential properties to the proposed kitchen extract duct. Given the duct will ventilate above ridge height of the building it is considered that the main noise source affecting the residential units will be noise breakout through the ductwork
- 5.14 The noise survey states that the up until 2300 hours the existing noise climate is dominated by noise from the extract system installed at 27-28 Chalk Farm Road, after which noise levels are dominated by general street activity.
- 5.15 The report considers the typical background noise level to be 51dB, and Policy DP28 thus requires the rating noise level to not exceed 46dB. During the approved trading hours, the predicted noise level will be 43dB, therefore 8dB below existing background levels and acceptable in policy terms.
- 5.16 In respect of vibrations, the extractor fan will be housed internally, and thus there will be no impact on residential amenity.
- 5.17 In respect of odours having an adverse impact on residential amenity, the benefit of having roof-level extraction is that odours are extracted above the highest residential floor, and therefore the proposals will not give rise to any concerns in this regard.
- 5.18 Therefore, in assessing the suitability of the premises to facilitate unrestricted cooking in amenity terms, the retail unit is considered to be entirely appropriate to house the necessary external equipment.

- 5.19 In assessing the acceptability of the proposals, we also refer to the Committee Report for the original change of use application, which states at paragraph 6.2.9 that *"we know the proposed A3 use has already been operating successfully (without any planning restrictions)"* and furthermore at 6.3.4 that *"the Council's Environmental Health officer has confirmed that there have been no complaints with regard to the existing operation of the premises"*.
- 5.20 It is considered that the existing A3 operation is entirely appropriate and there is no material reason why primary cooking should be resisted within the unit. Given the proposals will not give rise to any impact concerns, they are considered to represent sustainable development, which the NPPF states a presumption in favour of.
- 5.21 The conclusions also outline that GMS Estates have a proven record of occupying their units with responsible tenants who are fully aware of their role as good neighbours. In seeking the facilitation of primary cooking the applicant will continue to uphold their role in safeguarding the parade as a viable and successful retail and residential location.

#### Design and Access

- 5.22 The proposed extract will be installed in a visually discreet location to the rear of the property and is of a standard, functional design typical for Class A3 retail units. The design will not adversely impact on the character of the local area, and is considered acceptable in design policy terms.
- 5.23 In respect of access, the proposals will not cause any change to the current access arrangements to the retail unit and residential units above.

## **6.0 CONCLUSIONS**

- 6.1 This application is for a kitchen extract duct to be installed to the rear of an existing and established Class A3 retail premises, to accommodate primary cooking from the unit, which is sought through a removal of an existing planning condition attached to implemented consent ref. 2013/7712/P. The removal of Condition 4 has been sought as a separate application, to allow both applications to be assessed independently.
- 6.2 An Environmental Noise Report demonstrates that the proposals will not give rise to any significant adverse impacts on neighbour amenity, and it is therefore considered that there is no material reason why primary cooking cannot take place at the premises.
- 6.3 The enabling of primary cooking taking place at the premises will allow the unit to be occupied by a greater range of Class A3 operators, who are currently unable to occupy the unit due to the existing restrictions. The proposals will greatly assist in the marketing of the unit to prospective tenants, to help to safeguard the long term vitality and viability of the parade it sits within.
- 6.4 It is therefore requested that planning permission is granted accordingly.

## **APPENDIX A**

### Decision Notice – Application 2013/7712/P



Mr Paul Galgey  
Planning Potential Ltd.  
Magdalen House  
148 Tooley Street  
London  
SE1 2TU

Application Ref: **2013/7712/P**  
Please ask for: **Aysegul Olcar-Chamberlin**  
Telephone: 020 7974 **6374**

19 May 2014

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**21-22 Chalk Farm Road**  
**London**  
**NW1 8AG**

Proposal:  
Change of use of the basement and ground floor from Class A1 to Class A3.

Drawing Nos: Site Location Plan; Existing Floor Plans; Proposed Floor Plans; Planning Statement dated November 2013 by Planning Potential; Statement of Food Preparation dated December 2013 by Planning Potential.

The Council has considered your application and decided to grant permission subject to the following condition(s):

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; Existing Floor Plans; and Proposed Floor Plans.

Reason:

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

- 3 The Class A3 use hereby approved shall not be carried out outside the following times 09:00 to 24:00 Mondays to Saturdays, and 09:00 to 23:00 on Sundays and Bank Holidays.

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, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The proposed use hereby approved shall not include any primary cooking process, which for the purposes of this condition shall be taken to mean the application of heat to raw or fresh food in order to cook the food.

Reason: 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 Within one month of the date of this permission, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 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.

- 6 The outdoor tables and seating shall not be used for the consumption of food and drink associated with the premises outside the following times 09:00am until 23.00 Monday to Saturday and 09.00 until 22.00 Sunday and Bank Holidays.

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 policy DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 7 6 months from the date of this permission you are required to submit to the local planning authority a request for a review of condition 6, you should provide robust evidence to demonstrate that the retention of the outdoor tables and seating on the pavement outside of the specified hours of use has not resulted in harm to residential amenity. The local planning authority shall thereafter set out in writing whether they consider that the retention of the outdoor tables and chairs on the pavement has contributed to harm to residential amenity. In the event that the local planning authority advise in writing that they do not consider that it has created harm then condition 6 shall thereafter remain as set out above. In the event the local planning authority advise in writing that they do consider that it has created harm then condition 6 shall be amended as follows:

The outdoor tables and seating associated with the premises shall not be provided outside the following times 09:00am until 23.00 Monday to Saturday and 09.00 until 22.00 Sunday and Bank Holidays. Outside these hours they should be removed from the pavement and stored within the premises.

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 policy DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

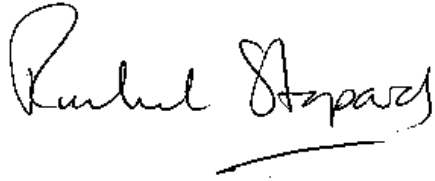
- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard  
Director of Culture & Environment

## **APPENDIX B**

### Committee Report – Application 2013/7712/P

<b>Address:</b>	21-22 Chalk Farm Road London NW1 8AG		<b>9</b>
<b>Application Number:</b>	2013/7712/P	<b>Officer: Aysegul Olcar-Chamberlin</b>	
<b>Ward:</b>	Camden Town with Primrose Hill		
<b>Date Received:</b>	02/12/2013		
<b>Proposal: Change of use of the basement and ground floor from Class A1 to Class A3.</b>			
<b>Drawing Numbers:</b> Site Location Plan; Existing Floor Plans; Proposed Floor Plans; Planning Statement dated November 2013 by Planning Potential; and Statement of Food Preparation dated December 2013 by Planning Potential.			
<b>RECOMMENDATION SUMMARY:</b> Grant conditional permission			
<b>Applicant:</b>		<b>Agent:</b>	
c/o agent c/o agent		Planning Potential Ltd. Magdalen House 148 Tooley Street London SE1 2TU	

## ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	A1 Shop		257m <sup>2</sup>
Proposed	A3 Restaurants and Cafes		257m <sup>2</sup>

## **OFFICERS' REPORT**

**Reason for Referral to Committee: The proposed development involves the creation of new Class A3 floorspace [Clause 3 (iv)].**

### **1. SITE**

- 1.1 The application site is a three storey plus basement mid-terrace property located on the north side of Chalk Farm Road (opposite the Stables Market) in the Camden Town Centre. The basement and ground floor of the property have lawful use as Class A1 use, but it is currently operating as a Class A3 for a temporary period of 2 years by virtue of Class D of the Town and Country Planning (General Permitted Development) Order. There is residential accommodation located on the first and second floor levels.
- 1.2 The site sits within a commercial terrace which is predominately characterised by ground floor retail units and residential flats above.
- 1.3 The site is not located in a conservation area.

### **2. THE PROPOSAL**

- 2.1 Planning permission is sought for change of use of the basement and ground floor of the building from retail to restaurant or café to allow existing occupier (Pieminister) to continue using the property as a Class A3 restaurant on a permanent basis.
- 2.2 The proposed use does not involve any primary cooking on the premises therefore no external equipment or duct work is proposed.
- 2.3 The restaurant provides 66 covers and currently employs 6 full time staff. The proposal is to increase the number of full-time employees to 12. The proposed hours of operation are 9.00 – 24.00 Monday to Saturday and 9.00 -23.00 on Sundays and Bank Holidays.

### **3. RELEVANT HISTORY**

#### **3.1 Application property:**

2013/6423/P – A notification was received on 03/10/2013 for the change of use from retail (Class A1) to restaurant use (Class A3) for a temporary period of two years under the GDPO Prior Approval Class D Commercial 2 year change of use.

9400425 – Planning permission was given on 15/09/1994 for the change of use of 21 Chalk Farm Road from retail (A1) use to a mixed use consisting of retail (A1) use on basement and ground floor levels with a coffee shop (A3) use at first floor level with ancillary kitchen and staffroom at second floor level.

#### **3.2 29-33 Chalk Farm Road (Former petrol station):**

2012/0974/P - Planning permission was granted on 09/10/2012 for the redevelopment of existing petrol filling station site with a basement plus 4-storey mixed-use building, comprising 6 x retail units (Class A1/A3) at basement and ground floor level and 40 student residential units (Sui Generis) at mezzanine, first, second and third floor level with cycle storage in the basement.

2012/6776/P – Permission was granted on 11/02/2013 for the variation of condition 2 (development to be carried out in accordance with the approved plans) pursuant to planning permission granted on the 09/10/2012 (ref: 2012/0974/P) to allow minor material amendments to internal layout, including a change to areas designated to A1 and A3 spaces, and installation of additional fire escape along Hartland Road frontage.

#### 4. CONSULTATIONS

##### 4.1 Adjoining Occupiers

	<b>Original</b>
<i>Number of letters sent</i>	5
<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

4.2 A site notice was displayed from 05/02.2014 to 26/02/2014. There has been no response to consultation.

#### 5. POLICIES

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

##### 5.2 **London Plan (2011)**

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

###### Core strategies

CS1 - Distribution of growth

CS3 – Other highly accessible areas

CS5 - Managing the impact of growth and development

CS7 - Promoting Camden's shops and centres

CS8 - Promoting a successful and inclusive Camden economy

CS11 - Promoting sustainable and efficient travel

CS18 - Dealing with our waste and encouraging recycling

###### Development policies

DP10 – Helping and promoting small and independent shops

DP12 - Strong centres and managing the impact of foods, drinks or other uses

DP16 - Transport implications of development

DP20 – Movement of goods and materials

DP26 - Managing the impact of development on occupiers and neighbours



DP28 – Noise and vibration

DP29 – Improving access

## 5.4 **Supplementary Planning Policies**

### 5.4.1 **Camden Planning Guidance 2011 (as amended in 2013)**

CPG5 –Town Centres, retail and employment

CPG6 – Amenity

## 6. **ASSESSMENT**

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

- Land use in terms of the impact of the loss of retail floorspace and additional restaurant floorspace on the character, function, viability and vitality of the town centre; and
- Impact of proposed restaurant on neighbouring amenity.

### 6.2 **Land Use**

6.2.1 Paragraph 17 of NPPF encourages sustainable economic development and promotes the vitality of urban areas. Paragraph 19 of NPPF states that planning should operate to encourage and not act as an impediment to sustainable growth.

6.2.2 Policy CS7 discourages the loss of shops where this could cause harm to the character and function of a centre. This policy seeks to protect the special character and attractiveness of Camden Town by pursuing the continued provision of small shop units and does not support larger shop units in the southern part of Camden High Street. Policy CS7e seeks to protect and enhance the role and unique character of each of Camden's centres, ensuring that new developments is of an appropriate scale and character for the centre in which it is located. Policy DP10 also resists the loss of shop premises in town centres where this is considered to harm the character, function, viability and vibrancy of the area. Policy DP12 acknowledges new shops, services, food, drink and entertainment uses can add to the vitality and vibrancy of Camden's centres and local areas it considers the potential harmful impact on the residents and the local area.

6.2.3 Currently the application premises is being operated by a gourmet pie restaurant (Pieminister) for a minimum two-years period under the GDPO Class D 2013. The site would revert back to a lawful use of Class A1 on or before October 2015. Pieminister are able to operate on this site without the need for primary cooking facilities.

6.2.4 According to paragraph 3.6 of CPG5 Chalk Farm and Camden High Street are the retail heart of Camden Town Centre. CPG5 provides a basis for considering the acceptable mix of retail and other uses within this core shopping frontage (see pages 12, 14 and 71-81 of CPG5). As a guide the Council will resist developments which result in the ground floor premises in retail falling below 50% within the Core Shopping Frontages North and may accept new, drink and entertainment uses up

to a maximum of 20% of each street frontage. Paragraph 3.10 of CPG5 states that a careful balance needs to be struck that allows for food, drink and entertainment uses in central locations but does not cause harm to the core shopping function. Additionally, paragraph 3.12 of CPG5 states that to avoid excessive fragmentation of the centre, no more than two consecutive non-retail uses (including restaurants) will be permitted.

6.2.5 The application site forms part of a shopping frontage (20-28 Chalk Farm Road) in the Core Shopping Frontages North in Camden Town Centre. Camden Town is characterised by unique retail shops, markets and food, drink and entertainments establishments and is a popular destination for shopping and tourism (particularly in the area centred around Camden Lock). The shopping frontage has 7 separate units (including the application premises). The existing uses of these units are as follows:

Address (no.)	Use	Use Class
27-28	Far East Restaurant	A3
26	Retail (vacant)	A1
25	Hairdresser	A1
24	Beauty shop	A1
23	Music shop	A1
21-22	Pieminister (application premise)	Temporary A3 use to revert back to A1
20	Costa cafe	A1

6.2.6 When calculating the percentage of the existing units in each use the lawful use of the units (on a permanent basis) is taken into account. As existing 86% of the units are A1 units and 14% of the units are A3 units. The proposed change of use would result in 28% A3 units and 72% A1 units in the shopping frontage. The proposed A3 premises would be located next to the A1 units on either side.

6.2.7 The proposal would result in a medium sized restaurant similar to the restaurant at 27-28 Chalk Farm Road. The proposal would retain more than 50% of A1 units and not result in a concentration of more than 1 consecutive non-retail use in the frontage. It therefore would not harm the retail function of the parade and Camden Town Centre. However, the proposal would increase the percentage of A3 units within this frontage 9% beyond the Council's threshold. Whilst there is a conflict with the policy in this regard this is not in itself reason to refuse the application, the Council must consider the harm that would be cause by exceeding the percentage and how this would impact on the centre.

6.2.8 Camden Town has experienced some problems associated with a high concentration of food and drink uses and the Council would not wish to approve schemes which would exacerbate this further. It is noted that other A3 uses have been approved in the area in the past few years including at the petrol station site to the west (29-33 Chalk Farm Road). In this case the proposed use is to be located in a frontage approximately 21m from the nearest other A3 use in the same

frontage and 20m and 65m away from the nearest A3 uses on the adjoining parades.

6.2.9 Given the overall balance and location of the A3 uses in this part of the town centre, as well as the fact that we know the proposed A3 use has already been operating successfully (without any planning restrictions) in without any harm it is considered that the proposal would not be likely to harm the viability and retail function of this town centre or the amenities of the neighbouring residential properties due to concentration of activities of restaurant customers in the area. It is considered that the impact of the proposed restaurant use on the amenities of the nearby residential properties could further be controlled by conditions concerning hours of operation, refuse storage and preventing primary cooking activities (see below amenity section for further information).

6.2.10 Overall, the proposed use is considered to be acceptable in land use terms.

### **6.3 Neighbouring Amenity**

6.3.1 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents.

6.3.2 The application site is in close proximity to residential properties, which are situated above and to the rear. Conditions to limit the hours of operation and to prevent primary cooking of food on the premises would be adequate to protect the amenities of the nearby residential properties.

6.3.3 The submitted statement of food preparation confirms that all food is prepared at Pieminister's central kitchens in Bristol and distributed from Bristol to its various outlets. The food is then refrigerated and reheated in the restaurants for serving or selling for people to take home. The statement also confirms that the reheating of pies using electrical appliances do not require any external equipment or additional plant.

6.3.4 The Council's Environmental Health officer has confirmed that there have been no complaints with regard to the existing operation of the premises.

6.3.5 No details of the refuse storage and management has been submitted with this application, although there is adequate space within the premises for this use, therefore a condition for the submission of further details of refuse storage and management is recommended.

6.3.6 Subject to the safeguarding conditions it is considered that proposed use would not significantly worsen the existing situation for the nearby residents.

### **6.4 Others**

6.4.1 Access: A disabled W/C at ground floor is provided and the layout of the ground floor level would be suitable for disabled users. The proposal is considered to comply with the aims of policy DP29.

6.4.2 CIL: The proposal would not result in additional floorspace and therefore the Mayor's CIL is not applicable.

## 7. **CONCLUSION**

7.1 The proposed change of use would not harm the retail function and viability of this core shopping frontage and Camden Town Centre as a sufficient amount of retail units would be retained in the parade. By virtue of the operation of the proposed restaurant and the balance of other uses in the area the proposed restaurant use would not harm the amenity of neighbours.

## 8. **LEGAL COMMENTS**

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

### Conditions and Reasons:

- 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; Existing Floor Plans; and Proposed Floor Plans.

Reason:

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

- 3 The Class A3 use hereby approved shall not be carried out outside the following times 09:00 to 24:00 Mondays to Saturdays, and 09:00 to 23:00 on Sundays and Bank Holidays.

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, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The proposed use hereby approved shall not include any primary cooking process, which for the purposes of this condition shall be taken to mean the application of heat to raw or fresh food in order to cook the food.

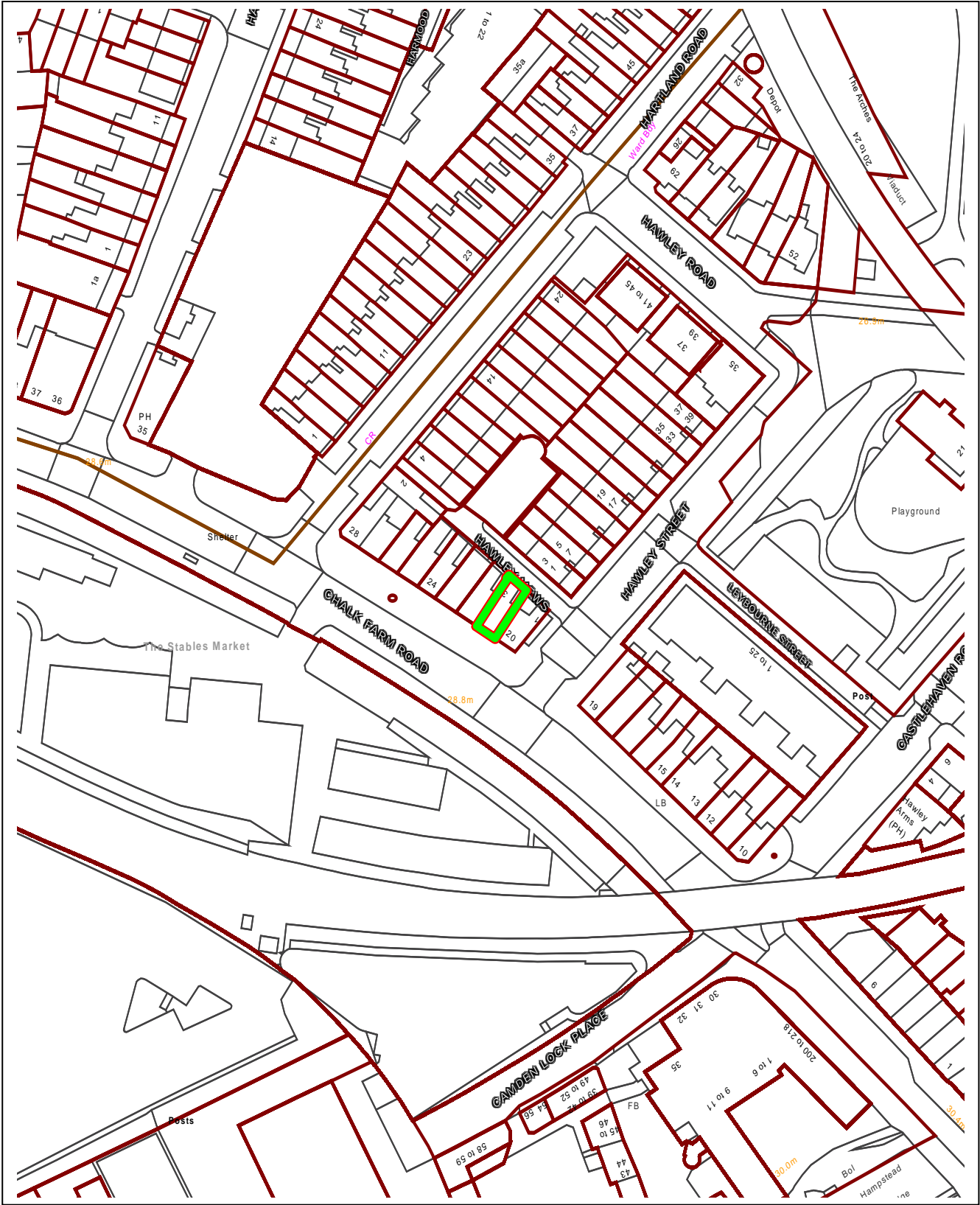
Reason: Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12 and DP26 of the London Borough of Camden Local Development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

- 6 Within one month of the date of this permission, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 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.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.



**Application No: 2013/7712/P**  
**21-22 Chalk Farm Road**  
**London**  
**NW1 8AG**

**Scale:**  
**1:1250**  
**Date:**  
**16-Apr-14**



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# 21-22 CHALK FARM ROAD





# Photos-1



Front of application premises



20-22 Chalk Farm Road



# Photos - 2



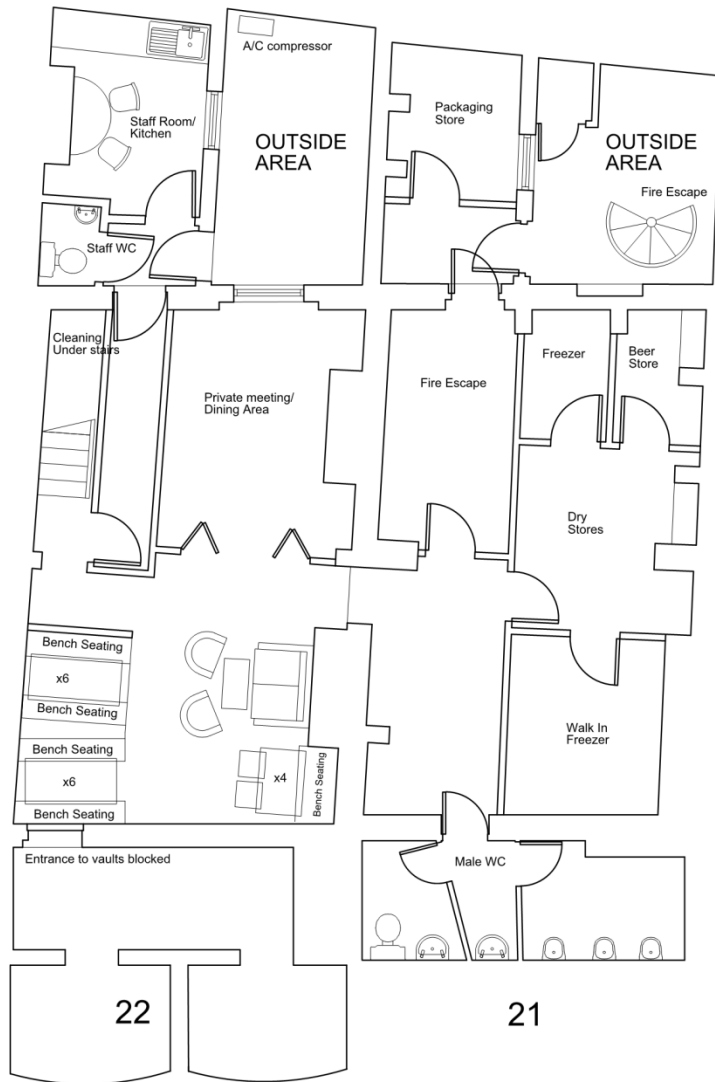
23-28 Chalk Farm Road

# Photos - 3

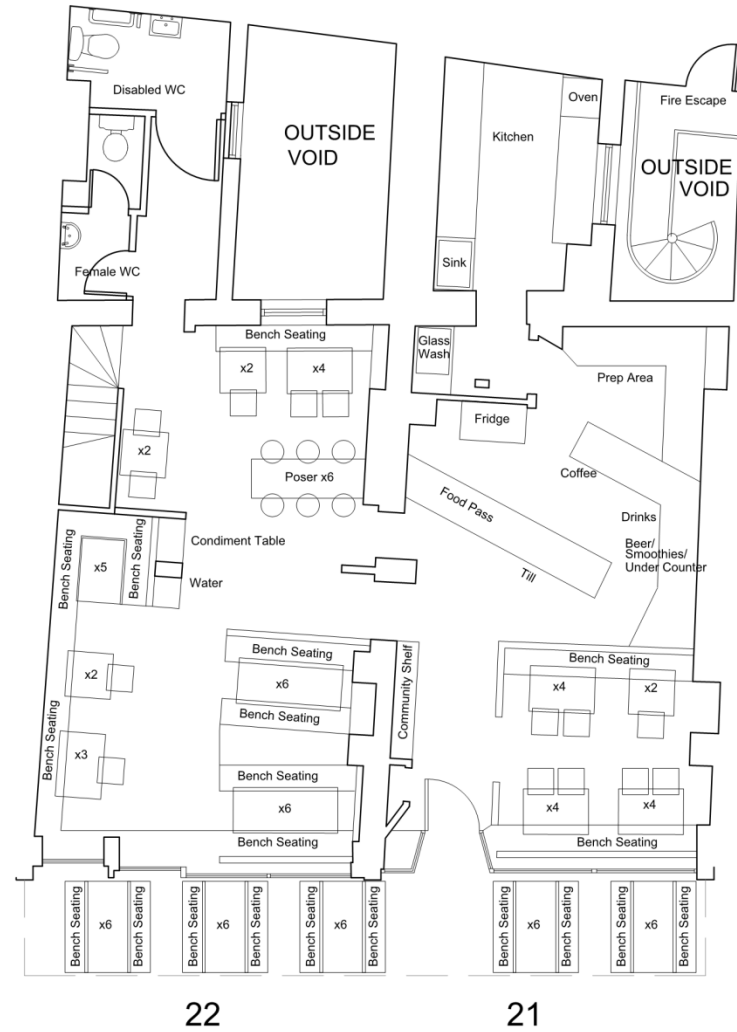


29-33 Chalk Farm Road

# Existing Floor Plans



**BASEMENT PLAN**  
1:100



**GROUND FLOOR PLAN**  
1:100



## **APPENDIX C**

### Planning Statement – Application 2013/7712/P

## **PLANNING STATEMENT**

**In support of**

**CHANGE OF USE FROM CLASS A1 TO CLASS A3**

**At**

**21-22 CHALK FARM ROAD, CAMDEN, LONDON**

**On Behalf Of**

**GMS ESTATES LTD and PIEMINISTER**

**NOVEMBER 2013**

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5.0 PLANNING ANALYSIS	12
6.0 CONCLUSION	21

### **APPENDIX 1 - PHOTOGRAPHS**

## **1.0 INTRODUCTION**

- 1.1 This Planning Statement is written on behalf of our clients GMS Estates Ltd and Pieminister in support of an application for change of use of the basement and ground floor of 21-22 Chalk Farm Road (operating as a single unit), from Class A1 to Class A3.
- 1.2 The change of use is proposed to allow the permanent operation of the unit as a restaurant or café, which, it is considered, will significantly contribute to increasing the vitality and viability of the frontage of Camden Town Centre it falls within.
- 1.3 The current occupier is Pieminister, a gourmet pie restaurant, who are able to operate from the unit for a maximum two-year period as a result of amendments to the General Permitted Development Order in respect of flexible use classes (Statutory Instrument 2013 No. 1101, Class D).
- 1.4 Under Class D of GPDO Statutory Instrument 2013 No. 1101, the application site would revert to its previous lawful use at the end of the temporary two-year period of flexible use, and would thus revert to Class A1 retail unit again.
- 1.5 This Statement demonstrates that permanent Class A3 Use is appropriate and acceptable at this location, would not have a detrimental impact upon the primary retail function of the town centre, and can deliver significant regenerative benefits for a relatively peripheral area of the town centre.
- 1.6 Section 2 of the Statement provides a summary of the site and its surroundings, including relevant planning history to the site. Section 3 describes the proposals. Section 4 outlines the relevant national and local planning policy. Section 5 provides a planning analysis and the key planning considerations in respect of the application. Section 6 provides concluding remarks in respect of the application, and requests that planning permission for change of use is granted accordingly.



## **2.0 THE SITE AND SURROUNDING AREA**

- 2.1 The application site, the basement and ground floor of 21-22 Chalk Farm Road, is currently in temporary use under Class A3 as Pieminister, a gourmet pie restaurant. This use commenced in October 2013, with the occupier exercising Permitted Development Rights for change of use from Class A1 to Class A3. Prior to this, the unit was vacant for a period of time, after the previous tenant, Author (a shoe shop), moved out.
- 2.2 The application site sits within a commercial terrace predominantly comprised of Class A1 units. There are seven separate units in the parade, as a result of the merging of numbers 27 and 28 into one unit, and also numbers 21 and 22 into one unit. All units are in Class A1 Use, with the exception of 27-28 Chalk Farm Road, which is in Class A3 Use, operating as Yum Cha restaurant.
- 2.3 All of the units within the terrace are three storeys tall, with predominantly residential uses above the ground floor. There are residential units on all of the upper floors of 21-22 Chalk Farm Road.
- 2.4 The surrounding area of Camden Town Centre is the largest of the Borough's town centres and is characterised by its unique shops, markets, food, drink and entertainment activities, many of which are independent operations. It is a popular destination for shopping and tourism, particularly in the area centred around Camden Locks. There is a propensity for high footfall figures and market-orientated activity in its central area running along Camden High Street, although there is a tendency for the concentration of this activity to quickly dissipate with distance from the central area.
- 2.5 The joint applicant, GMS Estates, owns the entirety of the built block running from numbers 20 to 28 Chalk Farm Road, including all the ground and basement units and the residential accommodation above. Two of the units (numbers 23 and 26) are currently vacant. Until last month, the

application site was also vacant having been vacated by a retail user some time before. It is currently only occupied by Pieminister as a 'pop-up' restaurant on a short term basis and should, therefore, also be viewed as a vacant unit unless Class A3 consent is forthcoming. Photographs of the application site and the block it falls within can be found at **Appendix 1**.

- 2.6 GMS Estates have observed a particularly high turnover of tenants along this frontage, and periods of prolonged vacancy are commonplace. GMS Estates attribute this to the block's location outside the prime retail attractions of Camden around Camden Locks, Camden Market and The Stables market, and the diversion of footfall to these preferential locations. At present there is a greater attraction for town centre users to remain within this central area rather than migrating north along Chalk Farm Road. The retail attraction of this part of Chalk Farm Road is insufficient to deliver the higher footfall figures observable elsewhere.
- 2.7 It is a concern for GMS Estates that its tenants have traditionally not occupied the premises which they own on a long-term basis, and the instability of tenants is an issue they are seeking to address. They are keen to put their units into uses which enhance the attractiveness of the frontage, and attract tenants who have long-term occupational aspirations. This is considered a key aspect of enhancing the currently inadequate shopper interest in this peripheral part of the town centre. Indeed, inadequate shopper interest is considered to contribute to the relatively high turnover of tenants.
- 2.8 The terrace comprising numbers 20 to 28 Chalk Farm Road falls within the Core Shopping Frontage North, which itself falls within the Local Development Framework's (LDF) Town Centre boundary. Only the northern side of Chalk Farm Road is part of the Core Shopping Frontage North; the south side of the road is classified as a secondary frontage. The perimeter wall to The Stables market faces the application site.

- 2.9 This stretch of Chalk Farm Road has a single-sided retail nature, with no retail premises present along the south side. There is no potential for this to change, given The Stables market wall falls within the Regents Canal Conservation Area. The single-sided nature of town centre uses results in a materially-reduced shopper attraction, with footfall lower than in areas of greater attraction, and a greater number of commercial premises. This situation is exacerbated because people can enter The Stables market without having to pass the application site. There is an alternative entrance near to Camden Lock Place, in addition to the main entrance opposite Hartland Road. The Stables is therefore a stand-alone destination, independent from the Chalk Farm Road frontage.
- 2.10 The frontages of Camden Town are safeguarded by restrictive measures which seek to protect the primary retail function of the town centre. These measures and policies will be discussed later in the Statement.
- 2.11 The Council identifies the need to *"build on Camden Town's success and strong identity in order to develop a unique, vibrant, safe and diverse centre, which offers something for everyone throughout the day and evening, whilst also creating an environment which provides a high standard of amenity for residents"*.
- 2.12 The area is well-served by public transport, with Camden Town Tube Station around 350m south of the application site. Camden Road Station is around 600m away. The town centre is extremely well-served by bus routes.

### Planning History

- 2.13 Planning application ref. **PL/9400425/R1**, for change of use of no. 21 Chalk Farm Road from retail (A1) use to a mixed use consisting of retail (A1) use on basement and ground floor levels with a coffee shop (A3) use at first floor level with ancillary kitchen and staffroom at second floor level, was approved on March 21 1994.

- 2.14 Planning application ref. **2008/3045/P**, for alterations at rear first floor level to create an access to self-contained flats from Hawley Mews, including the creation of a bridge link from the adjacent property at 21 Chalk Farm Road, was approved on August 14 2008.
- 2.15 On September 11 2013 Pieminister submitted a notification to the Local Planning Authority that they proposed to change the use of the basement and ground floor of 21-22 Chalk Farm Road from Class A1 (retail) Use to Class A3 Use. This notification is the result of amendments to the General Permitted Development Order (1995), under Statutory Instrument 2013 No. 1101, Class D, which permits development consisting of a change of use of a building within 'flexible' use classes. The change of use from Class A1 to A3 is permitted for a limited period of two years, terminating by May 30 2016 at the latest, under the amendments.

### **3.0 THE PROPOSALS**

- 3.1 The application proposes to change the lawful use of the basement and ground floor of 21-22 Chalk Farm Road from Class A1 (shop) Use to Class A3 use.
- 3.2 The property is entirely suitable for Class A3 Use in its current format, and there is no intention or requirement to install additional servicing and mechanical equipment to support the change of use. This is demonstrated in the current operation, whereby Pieminister are able to operate from and occupy the unit in its existing format.
- 3.3 Pieminister are permitted to be operate from the unit under a 'flexible use' for a temporary period of up to two years. However this use would cease in October 2015, and the unit would return to Class A1 use. A change of use would facilitate the permanent operation of the unit under Class A3.
- 3.4 The current operation of Pieminister is useful in demonstrating that the unit can be operated under Class A3 in a sensitive manner, without detriment to the primary retail function of the town centre or harm to the amenity of local residents. It also demonstrates the potential for a Class A3 Use to contribute to the vitality and viability of the block and frontage it sits within, and contribute to the attractiveness of the town centre and the local planning authority's objective of building on Camden's success and strong identity.
- 3.5 Although the Permitted Development Rights which permit Pieminister's operation is separate to the application seeking permanent change of use, the presence of Pieminister is nonetheless useful in allowing the Council to consider the 'live' Class A3 use of the unit in assessing the proposals.
- 3.6 The proposed change of use from Class A1 to Class A3 would allow Pieminister to continue operating from the unit on a long term lease, unrestricted by the temporary nature of its existing Class A3 operation

through the two-year restriction on temporary uses through Permitted Development Rights. Pieminster hopes to play an important role in stabilising the transient trend of tenancies along the parade, and make a prolonged contribution to the vitality and viability of the town centre.

- 3.7 The Planning analysis at Section 5 demonstrates the positive benefits that a Class A3 Use can bring to the block, and that the change of use proposal is acceptable and appropriate. Subject to this application being approved, an ongoing Class A3 operation would be permitted at the unit.

#### Overview of Pieminister

- 3.8 Pieminister was founded in June 2003 as a gourmet pie shop in Bristol. The business began to develop in 2004 when it was invited to become the only dedicated pie shop in London's Borough Market. Pieminister is now a nationally-recognised brand, with Pieminister pies sold in delis, food halls, farmers markets and pubs throughout the UK. Within London, Pieminister also has restaurants at 91 Leather Lane, Farringdon; Gabriels Wharf, Southbank; and Box Park, Shoreditch.

## **4.0 PLANNING POLICY POSITION**

### National Planning Policy

- 4.1 The National Planning Policy Framework (NPPF) sets out the Government's over-arching planning policies and how these should be applied, and states a presumption in favour of sustainable development.
- 4.2 Paragraph 14 of the NPPF states a presumption in favour of sustainable development, whereby local planning authorities should positively seek opportunities to meet the development needs of their area.
- 4.3 Paragraph 23 seeks to ensure the vitality of town centres, stating that planning policies should be positive, promoting competitive town centre environments. Local planning authorities should pursue policies to support town centre viability and vitality. They should also retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive.
- 4.4 Paragraph 23 also states that local planning authorities should promote competitive town centres that provide customer choice and a diverse retail offer and which reflects the individuality of town centres.
- 4.5 Paragraph 23 further states the importance of meeting the needs of all main town centre uses in full, and this should not be compromised by limited site availability. Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

### Local Planning Policy

- 4.6 Camden's Local Development Framework was adopted in November 2010. It sets out the Council's strategy for managing growth and development in the borough, alongside national planning policy.

- 4.7 The **Camden Planning Guidance** forms part of the Council's Local Development Framework, providing advice and information on applying their policies. **Part 5** relates to **Town Centres, Retail and Employment**.
- 4.8 The Guidance designates the boundaries of Camden Town Centre, and the Core area, sensitive frontages and secondary frontages within it. The Council's primary objective in respect of its Core Shopping Frontages is to ensure that new developments do not cause harm to the character, function, vitality and viability of the centre. The application site is designated as lying within the LDF Town Centre boundary, and forms part of the Core Shopping Frontage North.
- 4.9 Paragraph 3.8 states that in the Core Shopping Frontages North area the Council will not grant planning permission for development which results in the number of ground floor premises in retail use falling below 50% within Core Shopping Frontages. When two shops have been combined into one, they should be counted as one unit.
- 4.10 Paragraph 3.10 states that a careful balance needs to be struck that allows for food, drink and entertainment uses in central locations, but does not cause harm to the core shopping function. New food, drink and entertainment uses may be acceptable up to a maximum of 20% of each street frontage.
- 4.11 Paragraph 3.11 states that the net loss of shopping floorspace (Class A1) will be resisted. The exception to this will be where the Council considers that such a loss will not cause harm to the character, function, vitality and viability of the centre and the new use meets other objectives of the Core Strategy.
- 4.12 Paragraph 3.12 states that to avoid fragmentation of the centre, no more than two consecutive non-retail uses (including restaurants) will be permitted.



- 4.13 Paragraph 3.15 states that the Council will take care to ensure that proposals do not harm residential amenity, for example where residential uses are in close proximity to the locations of food, drink and entertainment uses.
- 4.14 Chapter 6 of the Camden Planning Guidance refers to food, drink and entertainment uses, stating that they should be located in areas where their impact can be minimised.
- 4.15 The Council notes that food, drink and entertainment uses can contribute to the vibrancy and vitality of town centres, although the negative impact of such premises (including noise, litter and antisocial behaviour) should be minimised (paragraph 6.1). Applications will be assessed on the potential impacts of the proposal on local amenity, and the character and function of the area (paragraph 6.4).
- 4.16 The **Camden Core Strategy** sets out the key elements of the Council's vision and strategy, and is the central part of the LDF.
- 4.17 Policy CS5 seeks to manage the impact of growth and development, including protecting the amenity of Camden's residents and ensuring that development contributes towards strong and successful communities.
- 4.18 Policy CS7 promotes Camden's centres and shops, and seeks to provide for and maintain a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice. It also seeks to ensure that food, drink and entertainment uses do not have a harmful impact on residents and the local area.
- 4.19 Camden's **Development Policies 2010-2025** document also forms part of the LDF. It contributes towards the delivery of the Core Strategy by setting out detailed planning policies that the Council will use when determining applications.

4.20 Policy DP12 seeks to support strong centres and manage the impact of food, drink, entertainment and other town centre uses, ensuring that the development of town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. For example, in assessing proposals the Council will consider the following:

- The cumulative impact of food, drink and entertainment uses;
- The impact of the development on nearby residential uses and amenity;
- Noise and vibration generated either inside or outside the site;
- Hours of operation; and
- The expansion of the customer area into ancillary areas such as basements.

4.21 Policy DP13 supports employment uses and the retention of employment sites.

4.22 Policy DP26 seeks to manage the impact of development on occupiers and neighbours, by protecting the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. Consideration is given to noise, visual privacy, odour and outdoor space for private or communal amenity space.

4.23 Policy DP28 seeks to ensure that noise and vibration from new development is controlled and managed.

## 5.0 PLANNING ANALYSIS

- 5.1 This planning analysis addresses the key considerations in relation to the proposed change of use at 21-22 Chalk Farm Road, Camden.

### Principle of use

- 5.2 The proposed use of the premises is as a Class A3 restaurant/café. The principle of Class A3 Use is acceptable in NPPF terms, given the town centre location of the application site, where all main town centre uses are supported and encouraged. Moreover the NPPF states that local planning authorities should ensure that the needs of all main town centre uses are met in full, preferably within the town centre boundary. Class A3 Uses are a recognised town centre use, and form an integral part of the "*diverse retail offer*", reflecting the "*individuality of town centres*" which local planning authorities should support in promoting competitive town centres.
- 5.3 The Council defines Camden Town Centre as the principle town centre in the borough, and therefore ensuring the vitality of the centre is a key aim. Indeed Policy CS7 seeks to provide for and maintain a range of food and drink establishments to ensure an appropriate variety and choice is prevalent, and to encourage a vibrant town centre.

### Principle of Change of Use

- 5.4 The application proposes the loss of a Class A1 retail unit, to be replaced by a Class A3 restaurant establishment. The Council states that their primary objective in areas designated as Core Shopping Frontages is to protect their character, function, vitality and viability, particularly in respect of their shopping function. Therefore a reduction in the stock of premises suitable for retail purposes is generally resisted.

- 5.5 To enforce the primary retail function of the Core Shopping Frontage North, the Council requires a minimum of 50% of the ground floor premises to be in retail use (Class A1), within each respective frontage. At present, within the frontage of which the application site forms part, 86% of the premises are in Class A1 use; indeed only one unit is in A3 use (the Yum Cha restaurant at numbers 27-28). At present the frontage far exceeds the Council's minimum requirement of the proportion of premises in Class A1 Use.
- 5.6 The application proposals seek to reduce the number of Class A1 units within the frontage by a further one, which would result in a reduction of Class A1 units to 71%. Despite the reduction the proposals would still ensure that the minimum requirement of Class A1 units is comfortably exceeded.
- 5.7 Similarly, the Council seeks to restrict the proportion of premises within a frontage in food, drink and entertainment use to 20%. At present the figure is 14%, with the presence of Yum Cha at numbers 27-28. The proposals seek to increase this figure to 29% (two units from a total of seven). Although the proposals would breach the 20% threshold permitted, practically this is only an increase in one premises.
- 5.8 In practice, it is reasonably considered that perfectly matching the maximum 20% figure is unachievable because a change in only one unit is likely to trigger the threshold being exceeded, particularly where the number of premises within a frontage is relatively low, as is the case at the 20-28 Chalk Farm Road frontage, which contains just seven premises. The change here is from a figure of 14% - comfortably below the threshold - to 29%.
- 5.9 Conversely, in the frontage immediately south east of the application site, between numbers 10 and 19 Chalk Farm Road, there are ten premises. The larger number of premises therefore allows two units to operate as

food/drink/entertainment establishments, as the maximum 20% proportion. Indeed this is evident, with two food/drink premises at numbers 14 (Thanh Binh restaurant) and 18 (Porky's restaurant) Chalk Farm Road.

5.10 It is therefore considered that on occasions where an increase in food, drink and entertainment premises by just a single unit results in the 20% threshold being breached (from a figure which was previously comfortably below the threshold), it is more appropriate to consider the actual numerate increase, and any consequences in policy terms. In practice the perception of an over-concentration of such premises will be less severe, as will the dilution of Class A1 retail. This argument is afforded more weight given the proportion of Class A1 units in this instance would still far exceed the Council's minimum 50% requirement.

5.11 Similarly, the proposed change of use of the unit to Class A3 Use would crucially not result in the presence of more than two consecutive non-retail uses, and thus complies with Paragraph 3.12 of the Camden Planning Guidance (5). In fact, the proposal is for a stand-alone non-retail (including restaurant) use, with Class A1 units present either side at numbers 20 and 23 Chalk Farm Road. This provides further demonstration that the proposals do not result in the fragmentation of the centre and its primary shopping function.

#### Ensuring the vitality of the town centre

5.12 The value of retaining retail frontages is a key emphasis of local planning policy. Furthermore, ensuring the vitality and viability of town centres is an essential notion of the NPPF, which this application seeks to address. In this respect, we reiterate the aim of the NPPF to safeguard vitality by "*promoting competitive town centres that provide customer choice*".

5.13 Camden Town is recognised as having a "strong identity", and is a unique and specialist retail centre, not just in terms of its shopping, but also

through its food, drink and entertainment activities, as emphasised in Paragraphs 3.3 and 3.4 of Camden Planning Guidance (5). The NPPF is clear in its guidance that competitive centres contain a broad mix of town centre uses, including all types of retail and leisure uses. It is also clear in stating the need to promote "*a diverse retail offer...which reflect the individuality of town centres*". Given Camden's unique and diverse retail offer comprises of food, drink and entertainment uses in addition to its unique shopping offer, it is appropriate to promote Class A3 Uses to enhance the existing environment of Camden Town Centre, and fulfil the objectives of the Council in building on its "*success and strong identity*".

- 5.14 The popularity and vibrancy of Camden Town Centre is apparent and widely recognised, with the fulcrum of retail and other town centre activity focused on the area around Camden Market and Camden Locks. Indeed, it is apparent that town centre activity and footfall quickly diminishes with distance from this central area of the Core Shopping Frontage. Whilst footfall in the central area remains consistently high, it is essential that it is improved in the less central locations, particularly along the Core Shopping Frontage North, if the overall vitality and vibrancy of the centre as a whole is to be enhanced.
- 5.15 There is a decrease in footfall to the north of the rail bridge crossing Chalk Farm Road immediately north of the Locks, partly due to the street having only a single sided frontage. The left (south west) of the street is designated as a Secondary frontage while the right (north east) of the street, of which the application site forms part, is designated as the Core Shopping Frontage North.
- 5.16 The Secondary frontage in the vicinity of the application site consists of the perimeter wall of The Stables market. It does not contain any commercial frontages, and therefore does not encourage shoppers to continue northwards, negatively impacting on the footfall figures observable immediately south. The Stables is a stand-alone destination, detached from

the Core Shopping Frontage North, and moreover is capable of being accessed without shoppers needing to pass the application site.

- 5.17 The presence of this secondary frontage highlights the need to introduce other suitable town centre uses *"to provide variety, vibrancy and choice"*. This is to ensure the market here remains attractive and competitive, in accordance with the NPPF, given the existing relative deficit of commercial premises resulting from the single-sided nature of the street. Where appropriate, new markets should be introduced to ensure the vitality of town centres, which these proposals offer. Furthermore, the designation of the south side of the street as secondary frontage indicates that the Council accepts this general locality is relatively weak.
- 5.18 Further evidence of the declining nature of the Core Shopping Frontage North is in the vacancy rates observable along the frontage running from 20-28 Chalk Farm Road, of which the application site forms part. At present, numbers 23 and 26 are vacant units, representing 29% of the total units within this frontage. Furthermore, the application site can also be considered as 'technically' vacant, given there is no valid Class A1 interest in the unit and it is only in temporary use at present. This would theoretically increase the vacancy rate to 43% if the temporary use had not been implemented. Clearly, this is unsustainable for a Core Shopping Frontage.
- 5.19 The applicant, GMS Estates, notes an ongoing trend of particularly high turnover of tenants along this frontage, for which they are the freeholder for all premises. This would suggest that maintaining a proportion of Class A1 units which far exceeds the minimum 50% threshold along the frontage is unsustainable for the future viability of the frontage, and this part of the town centre. Moreover, a solution to prevent the high turnover rates needs to be found in order to stabilise the parade.

- 5.20 Given the lack of success in a high proportion of Class A1 Uses delivering the stability required, it is reasonably suggested that a Class A3 Use is suitable. The NPPF is clear in requiring local planning authorities to promote competitive town centre environments to ensure their viability and vitality, and all main town centre uses are considered appropriate to achieve this. It is considered that a change of use of the unit to Class A3 can contribute to providing "*variety, vibrancy and choice*" in the town centre, in accordance with Policy CS7.
- 5.21 GMS Estates is a long-established property owner in the area, having owned this particular block since before 1925. They are committed to attracting high-quality operators with a long-term future, who will complement and improve the customer offer within the block and not conflict with existing users, in an effort to improve the vitality of the parade and make a positive contribution to the Town Centre. From considerable experience, GMS Estates is of the view that a quality Class A3 operator is intrinsic to the future vitality of the frontage. They would offer the potential for a new type of town centre use to attract new customers and enhanced footfall, by offering 'something different' to the existing.
- 5.22 Certainly, to date, recent Class A1 tenants in the block have not been able to make a success of the location, but GMS Estates are confident that the enhancement of the area by a quality, attractive Class A3 restaurant will improve the Class A1 letting prospects and business future for the nearby vacant units.
- 5.23 The operation of Pieminister is indicative of such a distinct, quality and attractive operation, and demonstrates the potential to enhance the "*variety, vibrancy and choice*" on offer in the parade, and ensure its vitality. It also demonstrates the capability of an A3 use adding interest and increasing the attraction of the block. The unique and diverse offer of an operator such as Pieminister is in-keeping with the influence of independent



businesses in Camden Town, and is in broad accordance with Policy CS7 which supports independent operators, where possible.

### Regenerative Benefits

- 5.24 In acknowledging that Class A3 Uses are appropriate in town centre contexts, Camden policies require that consideration is given to any harm to the vitality and viability of the town centre that a change of use from Class A1 could cause. In this instance, vacancy rates are relatively high, at 29% along the said frontage. This figure would be considerably higher at 43% without the temporary use of the unit by Pieminister, given the unit was vacant prior to their occupation in October 2013. It is therefore concluded that the relative health of this part of the town centre is not strong and that, consequentially, it fails to make a full contribution to the vitality and viability of the town centre.
- 5.25 In terms of harming the primary retail function of the Core frontages, it would be unreasonable to suggest the change of use will cause significant harm to Camden Town Centre, because the frontage at 20-28 Chalk Farm Road is currently not in a healthy state, despite 86% of units being in Class A1 Use. The potential for Class A1 operators to demonstrate their ability to improve the relative poor health of the frontage by occupying vacant units has not materialised. Therefore, the potential regenerative benefits that the Class A3 proposal could bring, in terms of contributing to town centre vitality, should be afforded appropriate weight in the consideration of these proposals.
- 5.26 As previously stated, Pieminister are at present able to operate from the unit by benefitting from amendments to the GPDO, whereby flexible uses are permitted for a limited period of two years. These amendments were principally introduced to reduce vacancy rates and improve the vitality of high streets by encouraging 'pop-up' shops and operations previously restricted by planning law. Essentially, it is recognised that a flexible use,

including introducing a Class A3 use in a formerly Class A1 unit, has the capacity to provide regenerative benefits at a local level.

- 5.27 Essentially and in summary, a Class A3 Use in the context of the application site would benefit the vitality and viability of the frontage more than the type of Class A1 retail use currently capable of being attracted to this area. NPPF guidance is clear in stating the local planning authorities should provide customer choice and a diverse retail offer, to ensure the vitality of town centres. Moreover it is considered that the proposals will not cause harm to the character, function, vitality and viability of the centre, because the primary Class A1 use remains dominant, in accordance with the Camden Planning Guidance.

#### Impact on residential amenity

- 5.28 Camden has a number of policies which seek to minimise the impact of development on local residents (Policy CS5), and manage the impact of food, drink and entertainment uses for example, by protecting the amenity of neighbours (Policy DP12 and DP28).
- 5.29 Camden Town Centre is the main town centre in the Borough, and as such has a wide range of food, drink and entertainment uses. The presence of these uses is magnified given Camden is a popular tourist centre, and a particularly attractive destination for a range of leisure activities. Moreover, it is suggested that the generally strong vitality of the town centre is a direct result of its broad and diverse food, drink and entertainment offer.
- 5.30 It is reasonably considered that residents who live in Camden Town Centre – and particularly within close proximity to its Core Shopping Frontages along a main road – would expect a level of noise and general town centre impact on amenity that is above average. Moreover, given the frequency of popular food, drink and entertainment uses across the town centre, it is

unlikely that the introduction of a single additional restaurant would give rise to any significant adverse impacts.

- 5.31 The increase in impact on residential amenity from the proposals is also minimised by there being no additional plant or mechanical equipment being introduced, to facilitate a Class A3 operation. These are potential noise sources and would be considered in reference to policies DP12, DP26 and DP28, given their obvious potential to cause additional noise nuisance to neighbours. Indeed, the Council's acceptance that a noise impact assessment is not required for these proposals suggests that they consider the noise impact from the proposals is minimal, or insignificant.

## 6.0 CONCLUSION

- 6.1 These proposals seek planning permission for the change of use of the basement and ground floor of 21-22 Chalk Farm Road from Class A1 Use to Class A3 Use. The premises is currently operating as a Class A3 restaurant on a temporary basis. Planning permission is sought to allow the permanent use of the premises as a restaurant.
- 6.2 It is demonstrated that the block within which the application site sits is failing to contribute to the vitality of Camden Town Centre, evidenced by a high turnover of tenants, high vacancy rates and relatively low footfall for example. At present, the block is considered a relatively poor retail attraction, with the central area of Camden Town, focused along Camden High Street and its immediate vicinity, proving a more attractive destination for shoppers and other town centre users.
- 6.3 The poor performance of the block is in spite of the dominance of Class A1 retail use along it. Given the NPPF considers all main town centre uses as suitable to ensure the vitality of town centres, and seeks to promote a diverse retail offer, it is concluded that a change of use to Class A3 is acceptable. It has the potential to safeguard the vitality of the block, by improving its attractiveness as a destination, increasing footfall by enhancing the town centre's *"variety, vibrancy and choice"*, and arresting the high turnover of tenants currently prevalent.
- 6.4 The principal issues in respect of the proposals is the loss of a Class A1 retail unit within a town centre location, which local policy seeks to manage. If planning permission is granted, the proportion of Class A1 units would be 71%. Essentially, this far exceeds the Council's minimum threshold of 50%.
- 6.5 Similarly the Council seeks to restrict the proportion of food, drink and entertainment uses within Camden Town Centre to 20%. However, perfectly matching this 20% figure is often unachievable and in practice an increase

of just one unit will not result in an over-concentration of such uses, nor will it significantly dilute the primary retail function of the town centre. Furthermore the proposals do not result in a fragmentation of the Class A1 retail function of the centre, because they do not result in the presence of more than two consecutive non-retail uses (including restaurants).

- 6.6 In conclusion, the proposals satisfy the Council's policy of ensuring that the number of ground floor premises in retail use do not fall below 50%, since the percentage of Class A1 remaining would be 71%. Furthermore, the Council's policy on preventing the fragmentation of the centre is complied with, as only one consecutive non-Class A1 unit would be present. The proposals marginally exceed the Council's threshold of a 20% maximum of food, drink and entertainment uses within a frontage, but for the reasons outlined, this is considered acceptable. Within the local context it has been demonstrated that the Class A1 Use of the unit is doing little to enhance the vitality of the frontage, and moreover the primary retail function would remain protected with the 20% threshold only being marginally breached.
- 6.7 Whilst the harm that change of use proposals can have on residential amenity is a material consideration, the context of Camden Town Centre, as the main centre in the borough with a range of town centre uses prevalent, should be afforded appropriate weight. As such the proposals are unlikely to significantly harm residential amenity, a position strengthened by the proposals not requiring the installation of any additional plant or machinery to facilitate the proposed Class A3 use.
- 6.8 The temporary occupation of the application site by Pieminister demonstrates the benefits that a quality, attractive Class A3 operator can deliver in a sensitive manner. This application seeks to deliver these benefits on a long-terms basis by proposing the unrestricted operation of the unit under Class A3 Use. A brand and operation such as that of Pieminister is considered appropriate in Camden, where distinctive, independent, strong identity is particularly valued and encouraged.

6.9 It is therefore respectfully requested that planning permission is granted for change of use from Class A1 to Class A3.

# **APPENDIX 1**

## Photographs

**Photograph 1** – Application site



**Photograph 2** – Numbers 20 -24 Chalk Farm Road





**Photograph 3** – Numbers 24-28 Chalk Farm Road



**Photograph 4** – Application site





**Photograph 5** – Central part of 20-28 Chalk Farm Road frontage



**Photograph 6** – Secondary Frontage opposite application site



**Photograph 7** – Vacant unit at number 23 Chalk Farm Road





**Photograph 8** – Frontage at 10-19 Chalk Farm Road, with a Class A3 Use visible at number 18 (Porky's)

