

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		25/12/2014	
		N/A		<b>Consultation Expiry Date:</b>		12/12/2014	
<b>Officer</b>				<b>Application Number(s)</b>			
Alex McDougall				1. 2014/6046/P 2. 2014/6575/A			
<b>Application Address</b>				<b>Drawing Numbers</b>			
239 Camden High Street London NW1 7BU				Refer to decision notices.			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
<ol style="list-style-type: none"> <li>Change of use of first and second floor from part 4 bedroom maisonette (Use Class C3) to restaurant (Use Class A3), erection of single storey first floor rear extension, relocation of kitchen extract duct, raise rear parapet of ground floor rear extension, new shopfront and awning, installation of ground floor rear door, and new roof plant to rear extension.</li> <li>Erection of new fascia board with down-lighting and replacement of existing fascia level projecting sign with internally illuminated projecting sign.</li> </ol>							
<b>Recommendation(s):</b>		<ol style="list-style-type: none"> <li>Refuse Planning Permission</li> <li>Grant Advertisement Consent</li> </ol>					
<b>Application Type:</b>		<ol style="list-style-type: none"> <li>Full Planning Permission</li> <li>Advertisement Consent</li> </ol>					
<b>Conditions or Reasons for Refusal:</b>		Refer to Decision Notices					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>157</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>		Site Notice: 21/11/2014-12/12/2014  An objection was received from No. 241 Camden High Street on the following grounds: <ul style="list-style-type: none"> <li>Use – Intensification of use not appropriate (<b>Officer Comment: Please see section 2.2 below for more information</b>)</li> <li>Traffic – The proposal would result in increased congestion. Existing on-street loading bay to the front of the site is always occupied (<b>Officer Comment: If loading bays are occupied for an inordinate amount of time the vehicle will be subject to enforcement action from Council's traffic wardens. Please see section 9.1 below for more information</b>).</li> </ul>					

	<ul style="list-style-type: none"> <li>• <i>Amenity</i> – The proposal would result in additional smell, noise and rats (<b>Officer Comment: Vermin or rubbish which encourage vermin should be referred to Council’s Environmental Health team. Please see section 4.1 below for more information</b>).</li> <li>• <i>Waste</i> – The proposal would result in more waste generated from a use which already produced considerable waste (<b>Officer Comment: Please see section 8.1 below for more information</b>).</li> <li>• <i>Other</i> – The proposal would increase pressure on local sewers (<b>Officer Comment: It is considered that the proposal would have a negligible impact on local sewers</b>).</li> </ul>
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Local Area Groups	N/A
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**Site Description**

The site is occupied by a 3 storey mid-terrace building on the western side of Camden High Street. The building has an existing single storey ground floor rear extension which occupies the entire rear of the site. The site is located within the Camden Town Centre and is in the core (south) retail frontage.

There is conflicting evidence as to the legal use of the upper floors of Nos. 237-239 Camden High Street. The upper floors are only accessible via a separate entrance in the front façade of No. 237 Camden High Street. This stair opens up into the first floor area which is laid out and fitted like a residential unit. There are connections between the two properties at first and second floor level. No. 237 includes stairs up to the second floor level which is also laid out and finished as part of the same flat. However, both levels appear to be in use informally for storage purposes relating to the ground floor use. The ground floors of Nos. 237 & 239 are currently in use as a single restaurant (KFC).

With regard to the use of the upper floor of the Camden High Street properties, several adjoining non-residential uses occupy, and provide customer access to, the first floor. The adjoining properties at Nos. 235 & 241 contain no residential uses.

**Relevant History**

239 Camden High Street (the application site)

9300105 - Change of use of the 1st and 2nd floors to A3 use the erection of rear extension at ground and 1st floor level for A3 use and the formation of an external staircase at rear 1st floor level. Refused 10/12/1993. Reasons for refusal:

1. *It is considered that the total floorspace of the building, following the proposed extension, would be excessive in relation to the site and the character of the area generally.*
2. *It is considered the proposed rear extension at 1st floor level would have an adverse effect on the appearance of the building and the visual amenity of the terrace of which it forms a part by reason of its size.*

Note. Drawings or reports are not available for this application and as such the size of the proposed rear extension is not known.

2008/4265/A - Display of a non-illuminated projecting PVC banner sign (2.03m x 0.76m) on the front elevation at first/second floor level. Refused 09/12/2008.

237 Camden High Street (adjoining site)

2014/6049/P – Conversion and change of use from ground floor part restaurant (Use Class A3) and first and second floor part 4 bedroom maisonette (Use Class C3) to self-contained restaurant (Use Class A3), erection of half storey first floor rear extension, new shopfront and awning, alterations to fenestration on rear elevation, enlarged roof light to rear extension and new roof plant to rear extension (Amend in M3). Currently under assessment.

2014/6399/A - Erection of new fascia board with down-lighting and fascia level externally illuminated projecting sign. Currently under assessment.

2003/2154/P - Alterations to the shopfront. Granted 17/11/2003.

2003/2156/A - Display of internally illuminated fascia sign and projecting sign. Granted 17/11/2003.

9201245 - Change of use from bakers shop (Class A1) to mixed use as a bakers shop with cafe on rear part of ground floor. Granted 18/02/1993.

TP75373/24374 - The erection of an addition at ground floor level at the rear of No. 237, Camden High Street, St. Pancras. Granted 19/04/1955.

#### 237 - 239 Camden High Street (part application site)

PEX0000072 - Change of use and works of conversion from a residential use on the first and second floors of No. 237 and storage use on the first and second floors of No. 239 to a single self-contained flat on the second floor of both units and office/staff accommodation on the first floor, the latter being ancillary to the use of the ground floor of 237 as a shop/cafe. Alterations to the existing shop front (237) to facilitate an independent access to the second floor flat. Granted 11/04/2000. Note. This consent does not appear to have been substantively taken up, in that most of the physical works have not been implemented and the valuation office agency was never informed of the change of use.

The valuation office agency lists the use of the basement and ground floors as a restaurant and the first and second floors as a single residential maisonette.

#### 231-233 Camden High Street (nearby site)

PE9900760 - The change of use of the first floor from offices to retail together with the erection of an extension at rear ground and first floor levels to accommodate additional retail space. Granted 16/11/1999.

### **Relevant policies**

#### **Town and Country Planning (Control of Advertisements) (England) Regulations 2007**

#### **National Planning Policy Framework 2012**

National Planning Practise Guidance 2014

#### **London Plan 2011**

#### **Camden LDF Core Strategy 2010**

CS1 Distribution of growth

CS3 Other highly accessible areas

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS7 Promoting Camden's centres and shops

CS8 Promoting a successful and inclusive Camden economy

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change through promoting higher environmental standards  
CS14 Promoting high quality places and conserving our heritage  
CS18 Dealing with our waste and encouraging recycling

### **Camden Development Policies 2010**

DP1 Mixed use development  
DP2 Making full use of Camden's capacity for housing  
DP10 Helping and promoting small and independent shops  
DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses  
DP13 Employment sites and premises  
DP20 Movement of goods and materials  
DP22 Promoting sustainable design and construction  
DP23 Water  
DP24 Securing high quality design  
DP25 Conserving Camden's heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP28 Noise and vibration  
DP29 Improving access  
DP30 Shopfronts  
DP32 Air quality and Camden's Clear Zone

### **Camden Planning Guidance (updated 2013)**

CPG1 Design  
CPG3 Sustainability  
CPG5 Town Centres, Retail and Employment  
CPG6 Amenity  
CPG7 Transport

## **Assessment**

### **1. Detailed Description of Proposed Development**

1.1. The application for planning permission includes the following elements:

- Change of use of part first and second floor 4 bedroom maisonette (Use Class C3) to restaurant (Use Class A3). The proposal results in a total increase in A3 floor space of 86sqm. 55sqm of the new A3 floor space would be accessible to customers.
- Erection of single storey first floor rear extension with dimensions of 4.8m (W) x 3.4 m (H) x 6.9.6m (D), a smaller projection to the rear would house stairs from ground to first floor level. The rear extension would have a door at the rear out onto the roof of the ground floor rear extension. The rear extension would require rerouting the existing kitchen ventilation from the rear elevation of the building to the rear elevation of the extension.
- Relocation of kitchen extract duct from rear elevation to rear elevation of extension.
- Raise rear parapet of ground floor rear extension by 0.4m.
- New contemporary aluminium shopfront.
- New canvas awning projecting 1.5m over pavement, 2.5m above pavement level.
- New ground floor door and vents to rear.
- New roof plant to roof of existing ground floor rear extension.

1.2. The application for advertisement consent includes the following elements:

- Erection of new fascia board with down-lighting. Overall dimensions of 4.3m (W) x 0.9m

(H), lettering dimensions of 2m (W) x 0.6m (H), logo dimensions of 1.4m (W) x 0.9m (H).

- Fascia level externally illuminated projecting sign. Overall dimensions of 0.6m (W) x 0.8m (H), projecting a total of 0.8m from the front façade.

1.3. The plans suggest that the unit would continue to be used as a KFC restaurant although this would be subject to change.

1.4. In response to comments from Council Planning officers the applicant submitted revised drawings deleting proposed changes to the first and second floor front windows, a proposed banner sign, and reducing the scale and changing the material of the rear extension.

## 2. Principle of Development

### 2.1. *Loss of Residential*

The proposal, along with concurrent application 2014/6049/P, would result in the loss of a 4 bedroom maisonette. LDF policy DP2 generally resists the loss of residential floor space. While LDF Policy DP2 provides exemptions to the policy resisting loss of residential floorspace, none of these apply in this instance. While one of the exemptions allows for development that results in the net loss of one dwelling, this only applies in instances where all of the residential floor space is maintained overall. As set out in Core Strategy section CS6 and paragraph 2.6 above, the expected delivery of additional homes from 2010/11 to 2024/25 falls significantly short of the projected growth in the number of households up to 2026. Any loss of residential floorspace that could potentially house an individual or household would worsen this shortfall. Whilst the one dwelling may be a relatively small loss on its own, that is an argument that could easily be repeated in other cases. Cumulatively, such developments could significantly undermine the aim of maximising housing provision.

The proposal has several positives, including allowing a full width shopfront to be reinstated and provide space for a new business in a primary frontage town centre location. The existing residential accommodation appears to have been neglected and would require substantial investment to meet a habitable standard. The applicant has provided a letter from the fire department that the unit is not currently fit for human habitation.

Notwithstanding the positives outlined above, given one of the primary focuses of current policy is the maximisation of residential floor space the proposal is considered to be unacceptable in principle.

### 2.2. *Proposed Use*

The proposal results in an increase in restaurant (Class A3) floor space. The site is located within the Camden Town Centre. Policy CS7 directs restaurants to established centres. Policy DP12 states that, "*Camden's image as a dynamic and attractive place is in part due to the number and quality of restaurants, bars and entertainment venues in the borough, with Camden Town and Covent Garden having particular concentrations of such premises. These play an important part in the night time economy of Camden and of London, socially, economically and in terms of job provision*". The seating for the restaurant which is currently provided at ground level in No. 237 Camden High Street would be moved to the first floor of No. 239. It is common for the first floor of buildings on Camden High Street to contain commercial, customer accessible, uses. As such the additional A3 floor space is considered to be acceptable subject to a detailed assessment of the following grounds:

- Residential Amenity

- Sustainability
- Traffic & Transport
- Waste

Council's Delegated powers are limited when an application proposes, "*a significant extension to the floorspace or hours of operation of a Class A3, A4 or A5 use*". The increase in A3 floor space is not considered to be of a scale that requires the consideration of the Development Control Committee.

### *2.3. Alterations and Additions*

The other alterations and additions are considered to be acceptable in principle subject to a detailed assessment on the following grounds:

- Design
- Residential Amenity
- Accessibility
- Sustainability

### *2.4. Advertisements*

Advertisements are considered to be acceptable in principle subject to an assessment on the following grounds:

- Design
- Residential Amenity
- Public Safety

## 3. Design

### *3.1. Rear extension*

While the proposed first floor rear extension is larger that would normally be considered acceptable, in this instance the proposal is considered to have an acceptable impact on the appearance of the building and the character of the area for the following reasons:

- The nearby properties, Nos. 231-233 Camden High Street, have full width and full depth extensions approved in 1999. While permissions granted under previous planning controls are not considered to be precedents for the proposal, the conditions in which the application was approved (see following points) remain.
- The terrace is characterised by other large first floor rear extensions approximately the same size as that proposed, including in particular at Nos. 223, 227, 229, 249 & 251.
- The rear of the site is not visible from any public areas.
- While not fully one storey below the eaves of the building, as recommended by CPG1, the extension would match the height of the adjoining extension at No. 241 Camden High Street. Some of the rear extensions in the terrace rise higher than the eaves.
- The rear extension would be of form, style and material in keeping with the original building. Notwithstanding, a condition will be included requiring that matching materials be used.

### *3.2. Rear ducting*

The proposed relocation of the rear ductwork is considered to have an acceptable impact on the appearance of the building and the character of the area for the following reasons:

- The proposal would require significantly less visible ductwork than currently exists on the site.
- Rerouting the duct work back over the extension to the rear elevation of the building, as is usually preferred, would require significant additional ducting; unnecessary visual clutter.
- The rear of the site is not visible from any public areas.

### *3.3. Alteration to rear parapet*

The proposed increase in the height of the rear parapet is considered to have an acceptable impact on the appearance of the building and the character of the area as it would match the height of the parapet of the two adjoining buildings and be finished in a matching material.

### *3.4. Shopfront*

The applicant has submitted detailed plans, sections and elevations which demonstrate that the new shopfront and awning would be generally in keeping with the design and materials of the existing shopfront and as such is not considered to result in any additional harm.

### *3.5. Plant & Equipment*

The plant would be located on the roof of the existing single storey rear extension, replacing similar plant in the same location and would not be visible from any public place. Notwithstanding, a condition will be included restricting the placement of additional plant equipment or the like on the building without further planning permission.

### *3.6. Signage*

The proposed signage is considered to be of an acceptable design, and have an acceptable impact on the appearance of the building and the character of the area for the following reasons:

- The proposed fascia signs are on existing fascia boards.
- The proposed fascia signs are to be externally lit with down lights which are considered to be preferable to internally lit box signs.
- The proposed projecting sign does not obscure any architectural features of the building and is considered acceptable in terms of proportions and design.
- Projecting signs are common on the street.
- The proposal is limited to 1 projecting sign per frontage.

For the reasons listed above the proposed development is considered to be consistent with policies CS14 and DP24 of the London Borough of Camden's Local Development Framework as well as Camden Planning Guidance on Design.

## 4. Residential Amenity

### *4.1. Use*

The proposed use is considered to have an acceptable impact on the amenity of adjoining properties for the following reasons:

- The adjoining properties do not contain residential uses. As such no condition is considered necessary with regard to sound insulation.
- The proposed vent would terminate 1m above the eaves of the primary building in accordance with best practice. The vent would be significantly away from the rear elevation of adjoining properties. In addition, the use is in a town centre characterised by a number of A3/A5 uses. As such, it is considered that the increase in floor space would have a negligible increase in food smells.
- The applicant did not submit proposed hours of operation. The approved hours of the existing A3 use on the site are not known. As the proposal would result in an increase in A3 floor space it is considered reasonable to impose a condition on the hours of use. Given the nature of the centre, the use class and the lack of sensitive adjoining occupiers it is considered that a closing time of 12:00am midnight (10:00pm Sunday/Holidays) would be appropriate. A condition is included to this effect.

#### *4.2. Rear extension*

The proposed rear extension is considered to have an acceptable impact on the amenity of adjoining properties for the following reasons:

- The two immediately adjoining properties do not contain residential uses at first floor level and are not likely to in the future. As such there would be no loss of outlook, sense of enclosure, loss of solar access or the like.
- The extension does not contain any windows and as such would not impact on the amenity of any adjoining or nearby properties.

#### *4.3. Plant Equipment*

The proposal included a noise survey which found that the operating level of the proposed plant would be below that of the existing plant. Notwithstanding, a standard noise condition is recommended to ensure the proposed plant does not unacceptably affect the amenity of adjoining and nearby properties.

#### *4.4. Signage*

The proposed signage is considered to have an acceptable impact on the amenity of adjoining and nearby properties as the lighting is not considered to be at a level, or have the intensity, to affect the amenity of any adjoining or nearby habitable windows.

For the reasons listed above the proposal is considered to be in accordance with Development Policy DP26 of the London Borough of Camden's Local Development Framework.

### 5. Public Safety

5.1. The location and design of the proposed signage is not considered harmful to either pedestrian or vehicle traffic. The proposal therefore raises no public safety concerns.

### 6. Accessibility

6.1. LDF Policy DP29 requires that development seek to promote fair access and remove the barriers that prevent people from accessing facilities and opportunities. The entrance would be level and a lift would be installed internally to allow customer access to the first floor seating area. As such the proposal is considered to adequately satisfy the requirements of DP29. It should be noted that planning permission does not assuage the requirement that the building



comply with building regulations or the Disability Discrimination Act.

## 7. Sustainability

7.1. LDF Policy DP22 requires developments to incorporate sustainable design and construction measures. The proposal would include new walls, windows and doors with a higher degree of thermal insulation than the existing building. Given the minor scale of the works this is considered to be a sufficient contribution to the sustainability of the building.

## 8. Waste

8.1. The unit would likely dispose of rubbish bags on the street nightly for collection, as is the standard procedure for businesses in this area. A standard informative will be included alerting the applicant of Council's commercial waste requirements. The proposal is not considered likely to result in an unacceptable increase in waste generated by the site.

## 9. Traffic & Transport

9.1. The existing building does not benefit from any on site car parking or servicing area and none is proposed. The proposal is considered to have an acceptable impact on the local traffic system for the following reasons:

- The unit would benefit from on-street loading bays to the front of the site.
- The majority of customers are likely to arrive via public transport or on foot.

9.2. While the proposal does not benefit from any cycle parking and none is proposed, given the lack of space on site for parking, and the town centre location, lack of cycle parking is not considered to be reason to refuse the application.

## 10. Recommendation

- 10.1. Refuse Planning Permission.  
10.2. Grant Advertisement Consent.