

APPENDIX 1: PLANNING POLICY CONTEXT

National Policy

- 1.0 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these policies should be applied. It identifies a presumption in favour of sustainable development.
- 1.1 **Paragraph 7** explains that there are three dimensions to sustainable development – economic, social and environmental, and that these dimensions give rise to the need for the planning system to perform a number of roles. The economic role involves, amongst other things, contributing to building a strong, responsive and competitive economy. The social role includes creating a high quality built environment, with accessible local services that reflect the community's needs. Finally, the environmental role includes contributing to protecting and enhancing our natural, built and historic environment, and mitigating and adapting to climate change including moving to a low carbon economy. Paragraph 8 states that these roles should not be undertaken in isolation because they are mutually dependant, i.e. economic growth can secure high social and environmental standards, and well-designed buildings and places can improve the lives of people and communities.
- 1.2 Bullet point 3 of the NPPF's Core Planning Policies (**Paragraph 17**) states that in decision making, Local Planning Authorities should 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs'. The NPPF warns that investment in business should not be over-burdened by the combined requirements of planning policy expectations (**Paragraph 21**).
- 1.3 **Chapter 2** of the NPPF seeks to ensure the vitality of town centres. The Government advocates a 'town centres first' approach by directing main town centre uses (including A2 uses such as betting shops) to identified centres. **Paragraph 23** requires the positive promotion of 'competitive town centre environments', with town centres recognised as being at the heart of their communities. Local planning authorities are required to support the viability and vitality of town centres that are resilient to future economic change.

1.4 **Paragraph 23** also seeks to promote town centres that provide customer choice and a range of suitable sites should be allocated to meet the scale and type of development needed in town centres, with development to be located in accessible, well connected sites. It also states that needs for town centre uses for instance are met in full and are not limited by site availability. It also states that 'where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity'.

1.5 **Paragraph 186** of the NPPF is concerned with decision-taking and states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The Framework also notes that LPAs should look for solutions rather than problems, and decision-takers, at every level should seek to approve applications for sustainable development where possible (**Paragraph 187**) working proactively with applicants to secure developments that improve economic, social and environmental outcomes for the community.

Regional Policy

The London Plan (March 2015)

1.6 **Policy 4.8** is concerned with *Supporting a Successful and Diverse Retail Sector and Related Facilities and Services*. Part (g) states that LDFs should manage clusters of uses having regard to their positive and negative impacts on the objectives, policies and priorities of the London Plan including a centre's:

- i. Broader vitality and viability
- ii. Broader competitiveness, quality or diversity of offer
- iii. Sense of place or local identity
- iv. Community safety or security
- v. Success and diversity of its broader retail sector
- vi. Potential for applying a strategic approach to transport and land use planning by increasing the scope for "linked trips"
- vii. Role in promoting health and well-being
- viii. Potential to realise the economic benefits of London's diversity.

1.7 Paragraph 4.50A states that over-concentrations of betting shops and hot food takeaways can give rise to particular concerns. Further guidance on implementing this aspect of Policy 4.8 is provided in the Town Centres SPG.

Town Centres SPG (July 2014)

- 1.8 Criteria (i) of **SPG Implementation 1.2 Arts, Culture, Leisure and the Night Time Economy** states that Councils are encouraged to manage over-concentrations of activities, for example betting shops, hot food takeaways and pay day loan outlets.
- 1.9 The supporting text outlines current and potential mechanisms for managing the over-concentration of such uses. In particular, paragraph 1.2.28 states that if the concentration of a use has reached saturation levels where the negative impacts outweigh benefits, local authorities can set thresholds at this level of saturation.

Local Policy

Camden Core Strategy (2010)

- 1.10 The Camden Core Strategy was adopted at a Full Council meeting on 8 November 2010 alongside the Camden Development Policies. The two documents form the core of the Local Development Framework (LDF).
- 1.11 **Policy CS7 Promoting Camden's centres and shops** promotes successful and vibrant centres through 'ensuring that new development is of an appropriate scale and character' within its context. The policy encourages 'providing for, and maintaining, a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice' whilst ensuring that these uses do not have a harmful impact on residents and the local area. The policy also states that these uses should be focused in Camden's town centres.

Development Management Policies (2010)

- 1.12 The Camden Development Policies was adopted on 8 November 2010 and supports the Camden Core Strategy through setting out detailed planning policies that the Council will use in determining planning applications. This document is designed to enable the Borough to achieve the vision and objectives of the Core Strategy.

- 1.13 The document includes **Policy DP12** *supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses*. This policy relates directly to Core Strategy **Policy CS7**, discussed previously, and aims to ensure that town centre uses do not 'cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours'. The Council will consider proposals against the following criteria:
- a) the effect of non-retail development on shopping provision and the character of the centre in which it is located;
 - b) the cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, and any record of harm caused by such uses;
 - c) the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;
 - d) parking, stopping and servicing and the effect of the development on ease of movement on the footpath;
 - e) noise and vibration generated either inside or outside of the site;
 - f) fumes likely to be generated and the potential for effective and unobtrusive ventilation;
 - g) the potential for crime and anti-social behaviour, including littering.
- 1.14 **Policy DP12** states that the impact on 'nearby residential uses and amenity' shall be considered by the Council in addition to 'parking, stopping and servicing and the effect of the development on ease of movement on the footpath'. Other considerations stated in the policy include 'noise and vibration generated either inside or outside of the site', 'the potential for effective and obtrusive ventilation' and 'the potential for crime and anti-social behaviour, including littering'.
- 1.15 Paragraph 12.7 states that the Council will take into account any history of vacancy in shop units and the prospect of achieving an alternative occupier for vacant premises when considering proposals that involve the loss of retail premises.
- 1.16 Paragraphs 12.15 and 12.16 of the supporting text to this policy cover 'other town centre uses' and focuses on those uses that do not fall within the A1, A2, A3, A4, A5, B1a, D1 or D2 Use Classes. The text states that 'particular issues that may arise include...community safety and fear of crime (e.g. from amusement arcades, betting shops, massage parlours and saunas, particularly

where there are concentrations of such uses)'. The policy also states that centres are generally the most appropriate locations for these uses and that the Council will carefully consider their potential impact when assessing planning applications to make sure that they do not harm the centre or the amenity of neighbours.

- 1.17 **Policy DP26** considers the management of impact of developments on occupiers and neighbours and states that 'the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity'. Included within the factors to be considered are noise and vibration levels.

Camden Planning Guidance 5 (CPG5) Town Centres, Retail and Employment (2013)

- 1.18 There are 8 guidance documents that support the Camden Core Strategy and Camden Development Policies. These guidance documents, termed Camden Planning Guidance (CPG), are consistent with the two main Local Development Framework documents and each guidance published forms a Supplementary Planning Document (SPD) which is a 'material consideration' in planning decisions.
- 1.19 The most relevant of these guidance documents to this application is CPG5: *Town Centres, Retail and Employment*.
- 1.20 The guidance directly relates to **Policy DP12** and **DP26** of the Camden Development Policies, which have been discussed above. The Council will assess the potential impacts of the proposal on local amenity, the character and function of the area and its overall mix of uses.
- 1.21 Paragraph 3.51 states that retail uses will be protected on Kilburn High Road through the resistance of proposals that would result in less than 75% of the premises in Core Frontages being in retail use; or less than 50% of the premises in Secondary Frontages being in retail use. Paragraph 3.52 states that this guidance will be applied having regard to the existing character of Kilburn High Road and individual frontages.

- 1.22 Paragraph 3.53 states that the Council will seek to prevent concentrations of uses that would harm a centre's attractiveness to shoppers or its residential amenity. The Council will therefore generally resist proposals that would result in more than 2 consecutive premises within the Core Frontages being in non-retail use; and more than 3 consecutive premises in non-retail use within Secondary Frontages.
- 1.23 The guidance also states that where a planning application proposes the loss of a shop in retail use, the Council will consider whether there is a realistic prospect of such use continuing, and may require the submission of evidence (marketing information) to show that there is no realistic prospect of demand to use a site for continued retail use (paras. 2.9 to 2.10).
- 1.24 Paragraph 3.54 states that in addition to the minimum and maximum percentages figures for retail and food, drink and entertainment, the Council will seek a range of other suitable uses within the town centre as a whole, and in individual frontages.

Emerging Policy

- 1.25 The Council have begun consultation on their New Local Plan however the plan is in its infancy and is not a material consideration.