

APPENDIX D
COPY OF DECISION NOTICE FOR PLANNING
APPLICATION

Mr Mohammad Jana
254 Goldhawk Road
London
W12 9PE

Tel 020 7974 4444
Textlink 020 7974 6866

planning@camden.gov.uk
www.camden.gov.uk/planning

Application Ref: **2015/2945/P**
Please ask for: **Angela Ryan**
Telephone: 020 7974 **3236**

19 August 2015

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused and Warning of Enforcement Action to be Taken

Address:
130 Charing Cross Road
London
WC2H 0LA

Proposal:

Change of use from A1 (Retail) to A5 (hot food take-away) Retrospective
Drawing Nos: Site location plan; A.1; A.2; A.3; A.4; A.5; A.6; A.7; A.8; A.9; A.10; A.11; 1x
plan showing internal refuse storage area dated 17/06/2015; 1x Plan showing food storage
area dated 17/06/2015; Application statement by Mrs Suha Sabah; Details of proposed flue
"Recirculating ventless kitchen extraction and system using
canopy UK's ductless extraction unit proposal" dated 30 April 2015 (Ref: P65490);
Acoustic report by QT Acoustics Ltd dated 18 May 2015; Neighbour consultation letter with
signatures; Details showing electrical cooking equipment (Ref: D.1 and D.2)

The Council has considered your application and decided to **refuse** planning permission for
the following reason(s):

Reason(s) for Refusal

- 1 The development results in the unacceptable loss of a class A1 retail shop, harmful
to the character, function, vitality and viability of the designated shopping **frontage**,
contrary to core policy CS7 (Promoting Camden's centres and shops) of the **London**



Borough of Camden Local Development Framework Core Strategy and policy DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) of the London Borough of Camden Local Development Framework Development Policies.

- 2 In the absence of sufficient information and mitigation measures, the applicant has failed to demonstrate that the proposal would not harm the amenity of surrounding occupiers and neighbours and the proposal is therefore considered to be contrary to Policies CS5 (Managing the impact of growth and development) and CS9 (Achieving a successful Central London) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

1 ENFORCEMENT ACTION TO BE TAKEN

The Director of Culture and Environment will instruct the Head of Legal Services to issue an Enforcement Notice alleging a breach of planning control.

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.

ENFORCEMENT ACTION TO BE TAKEN

The Council has authorised the Planning Department to instruct the Borough Solicitor to issue an Enforcement Notice alleging breach of planning control.

You can find advice about your rights of appeal at:

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

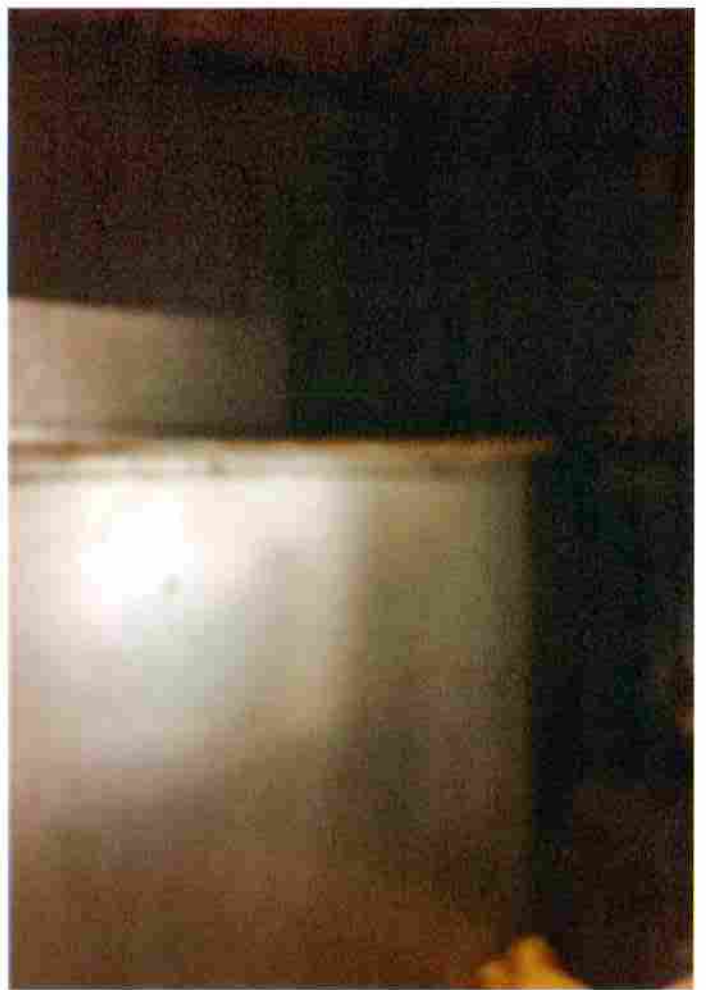
Yours faithfully



Ed Watson
Director of Culture & Environment

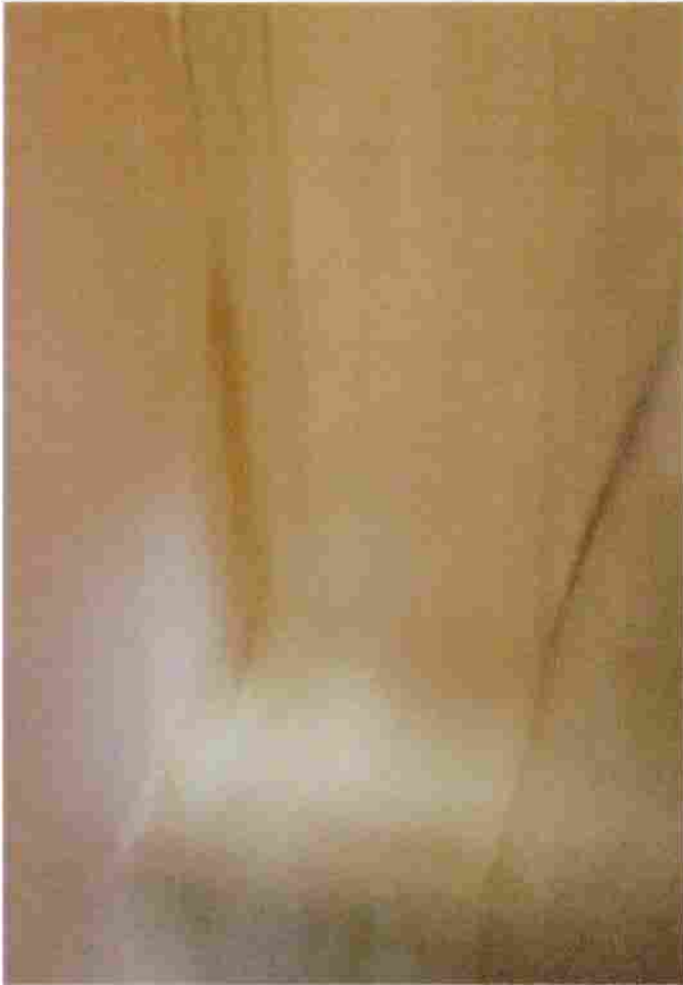
APPENDIX E
PHOTOGRAPHS OF THE SITE

















APPENDIX F

APPEAL PRECEDENT

DOCUMENT A

DP / LU2



The Planning Inspectorate

Quality Assurance Unit
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-8252
Switchboard: 0117-372-8000

<http://www.planning-inspectorate.gov.uk>

Direct Planning Limited
Riverbank House
95-97 High Street
St. Mary Cray
ORPINGTON
Kent
BR5 3NH

Your Ref: DP5401AP
Our Ref: APP/B0230/A/10/2125278/NWF
Date: 6 September 2010

Dear Sir/Madam

**Town and Country Planning Act 1990
Appeal by Mr M Riaz
Site at 30 Tudor Road, Luton, LU3 1RN**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 0207 947 6655.

Yours faithfully

Kevin Plummer

COVERDL1



You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



Appeal Decision

Site visit made on 12 August 2010

by **J D Westbrook BSc(hons) MSc MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
6 September 2010

Appeal Ref: APP/B0230/A/10/2125278

30 Tudor Road, Luton, LU3 1RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr M Riaz against the decision of Luton Borough Council.
- The application Ref 09/00868/FUL, dated 24 July 2009, was refused by notice dated 7 January 2010.
- The development proposed is a change of use from A1 to A5 with front and rear extensions to the ground floor and a first floor extension to create a studio flat with an external staircase.

Decision

1. I allow the appeal, and grant planning permission for a change of use from A1 to A5 with front and rear extensions to the ground floor and a first floor extension to create a studio flat with an external staircase, at 30 Tudor Road, Luton, LU3 1RN, in accordance with the terms of the application, Ref 09/00868/FUL, dated 24 July 2009, and the plans submitted with it, including Drawing Nos: mp.264 (Plans as Proposed), mp.264 (Elevations as Proposed – amended 9.11.09), mp.2664, and mma.477, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The use hereby permitted shall not be open to customers outside of the hours of 11.00 to 22.00 on any day.
 - 3) The change of use hereby permitted shall not be begun until a scheme for fume extraction has been submitted to and approved in writing by the local planning authority. The scheme so approved shall be properly installed in its entirety before commencement of the use hereby permitted. Thereafter, the installations shall be permanently retained to deliver the agreed level of extraction.
 - 4) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
 - 5) The studio flat hereby permitted shall be constructed such that the daytime (0700-2300) noise level shall not exceed 40dB(Aeq), and night-time (2300-0700) noise level shall not exceed 30dB(Aeq) with windows shut and other means of ventilation provided. Full details of noise insulation measures shall be submitted to and approved in writing by the

Local Planning Authority before development commences. The approved insulation scheme shall be completed prior to first occupation of the flat.

Procedural Matters

2. Planning permission (ref: 10/00218/FUL) has been recently granted by the Council for the construction of the studio flat and extensions. I have therefore considered only the change of use element of this proposal when determining the main issue.
3. My copy of the application form is undated. I have therefore used the date of the application from the decision notice.

Main issue

4. I consider the main issue in this case to be the effect of the proposed change of use on the living conditions of the occupiers of neighbouring properties by way of noise and other disturbance.

Reasons

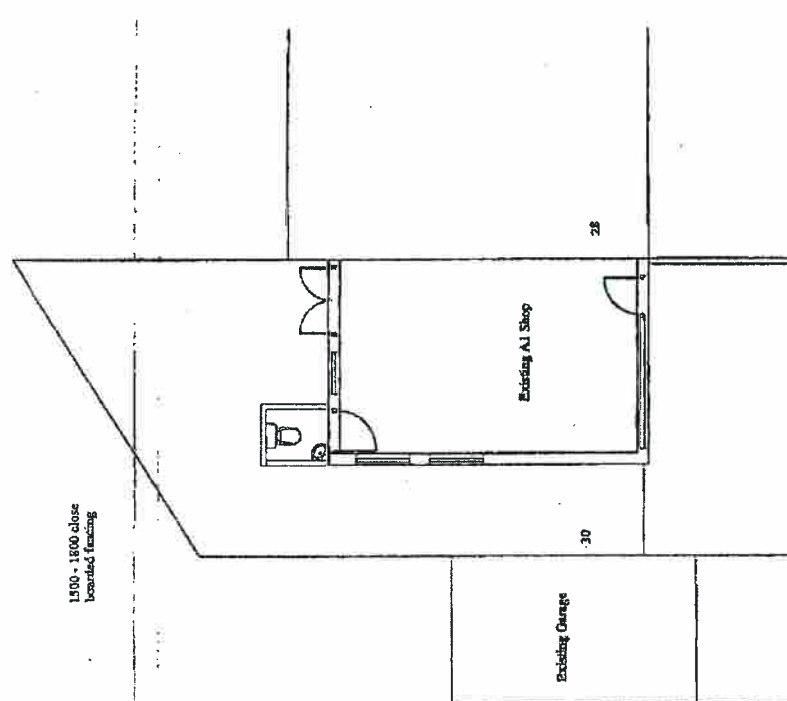
5. The appeal property currently comprises a single storey shop unit with a pitched roof, a small detached garage and a small forecourt. It adjoins the north side of No 28 Tudor Road, which is a detached house. There are dwellings and a mobility/health clinic opposite to No 30, whilst most of the rest of the road comprises residential properties. A feature of the surrounding area is that many corner plots contain shops or commercial units. This is the case at both ends of Tudor Road. At the junction of Tudor Road with Leagrave Road there are car-related businesses and a Sandwich Bar. At the junction of Tudor Road with Denbigh Road there is a Pharmacy and a Hairdressers. There are further shop units in the immediate vicinity along Denbigh Road.
6. The appeal property is currently vacant, having previously been in use as a shop unit. In my opinion, there is not likely to be significant additional trade generated by the unit as an A5 takeaway than would be the case if it were a shop unit with extended opening hours. In the case of the proposed A5 use, the hours of opening can be controlled by way of a suitable condition. On this basis, I do not consider that it would be likely to generate sufficient amounts of additional noise to be harmful to the residential amenities of the area.
7. There has been a petition submitted from some local residents on Tudor Road, concerned about possible disturbance associated with the proposal. Since the appeal property is small and located within a largely residential area, I do not consider it likely that large numbers of customers would travel by car or remain outside of the takeaway eating food. Furthermore, the Highway Authority is of the opinion that whilst the proposals may generate some increased demand for on-street parking, no major highway implications are anticipated. I concur with this view. Finally, the appeal property is located immediately adjacent to the rear of shop units on Denbigh Road, and I am of the opinion that it would be well integrated with the other neighbouring commercial units. In this respect, it would largely mirror the siting and uses of properties in similar positions at both ends of Tudor Road and in other nearby corner plot locations.
8. In conclusion, I find that the proposed change of use would not be significantly harmful to the living conditions of the occupiers of neighbouring residential

properties by way of noise or disturbance. It would not conflict with policy LP1 of the Luton Local Plan.

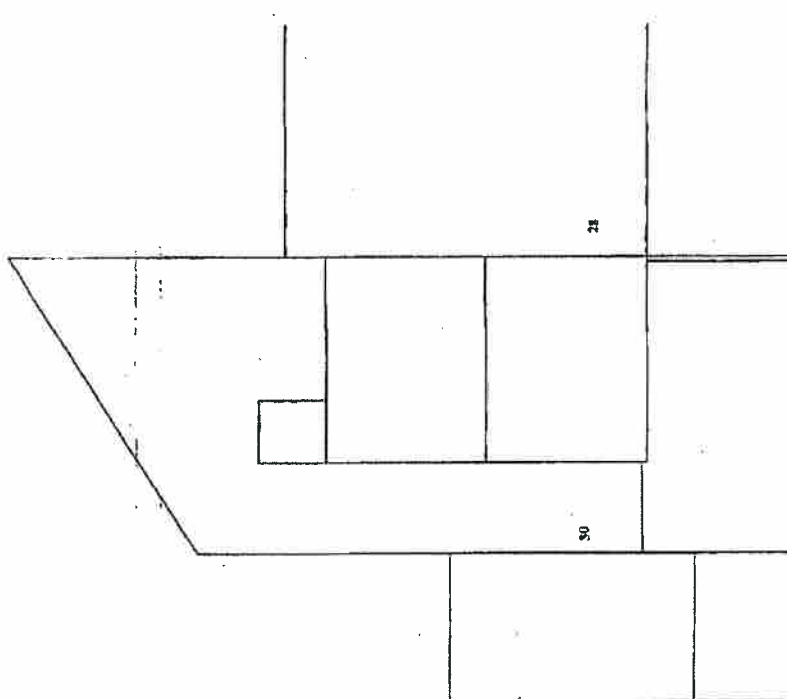
9. I have attached conditions to this decision. Conditions relating to hours of opening and fume extraction have been added to protect the residential amenities of the occupiers of neighbouring properties. A condition relating to materials used has been attached in the interests of the visual amenities of the area. A condition relating to noise insulation has been attached to protect the living conditions of the future residents of the studio flat hereby permitted.

J D Westbrook

INSPECTOR

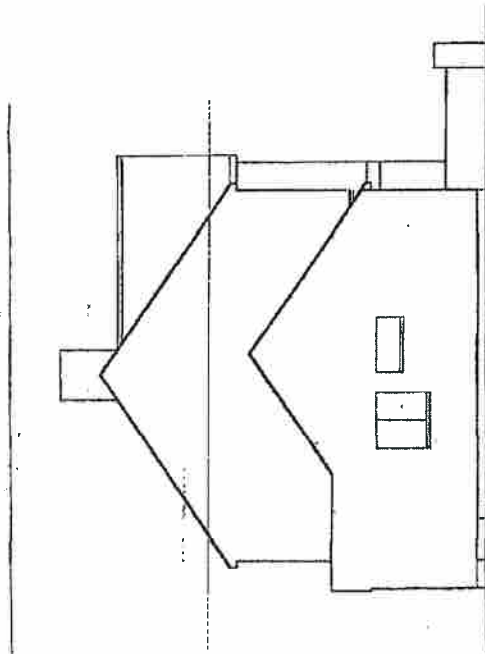
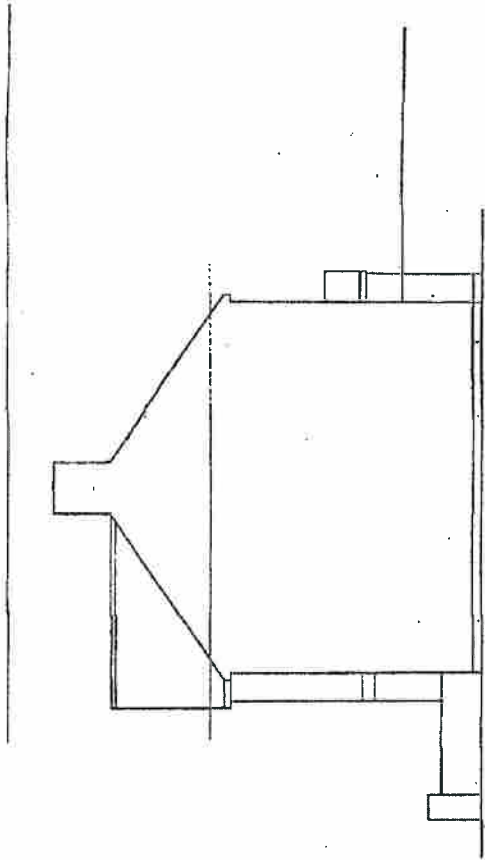


Ground Floor Plan as Existing

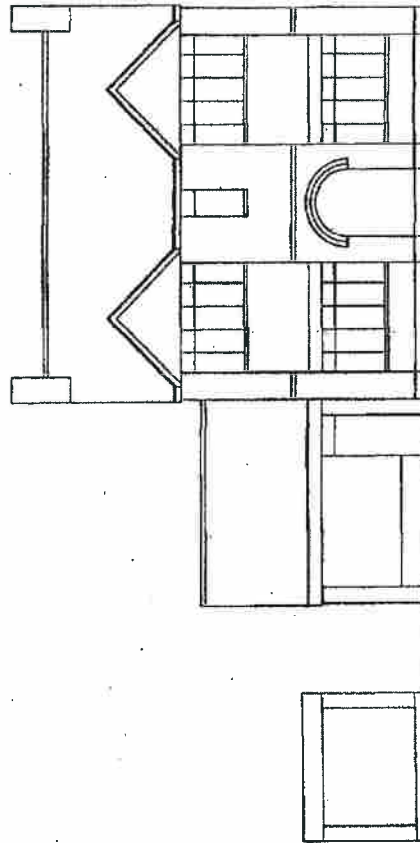


First Floor Plan as Existing

[illegible]

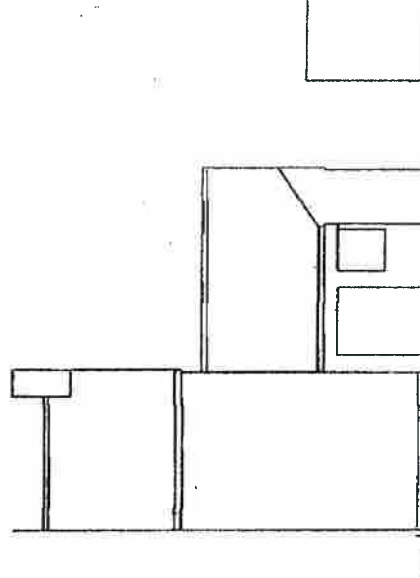


Side Elevation

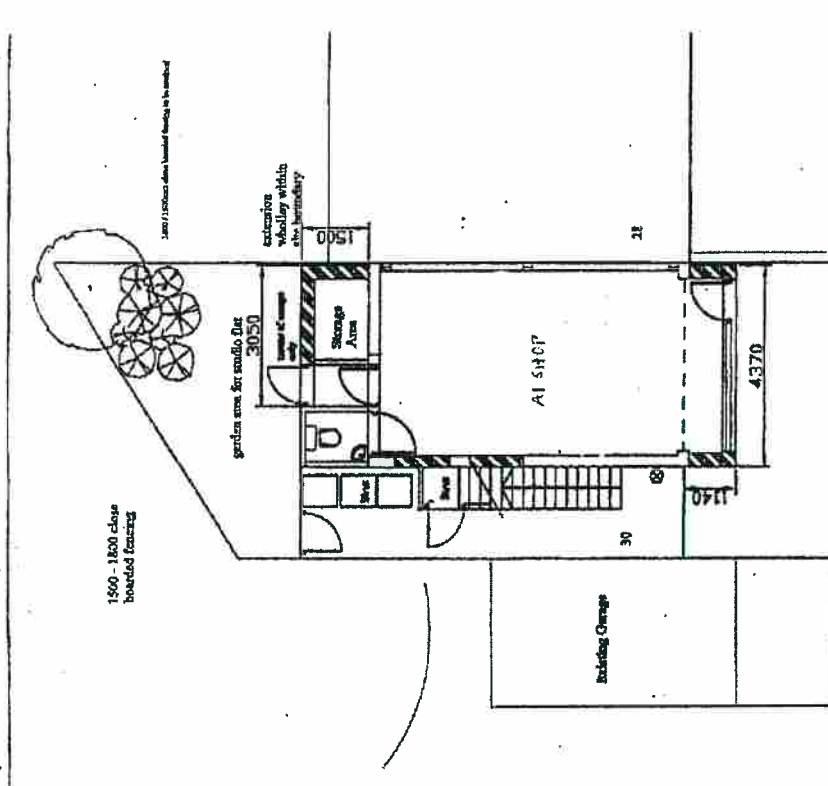


Front Elevation

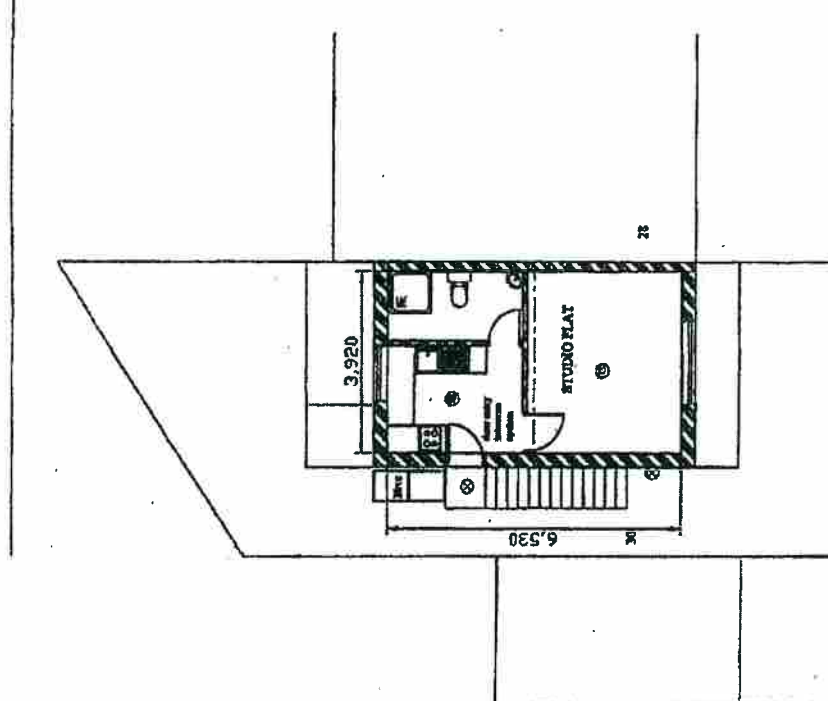
Side Elevation



Client	Mr M Ruiz	Draw Title	Extension - New Flat	
Project	30 Tudor Road Luton LU1 1HB	Drawn by		
Direct Planning Limited <small>1, 2 & 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 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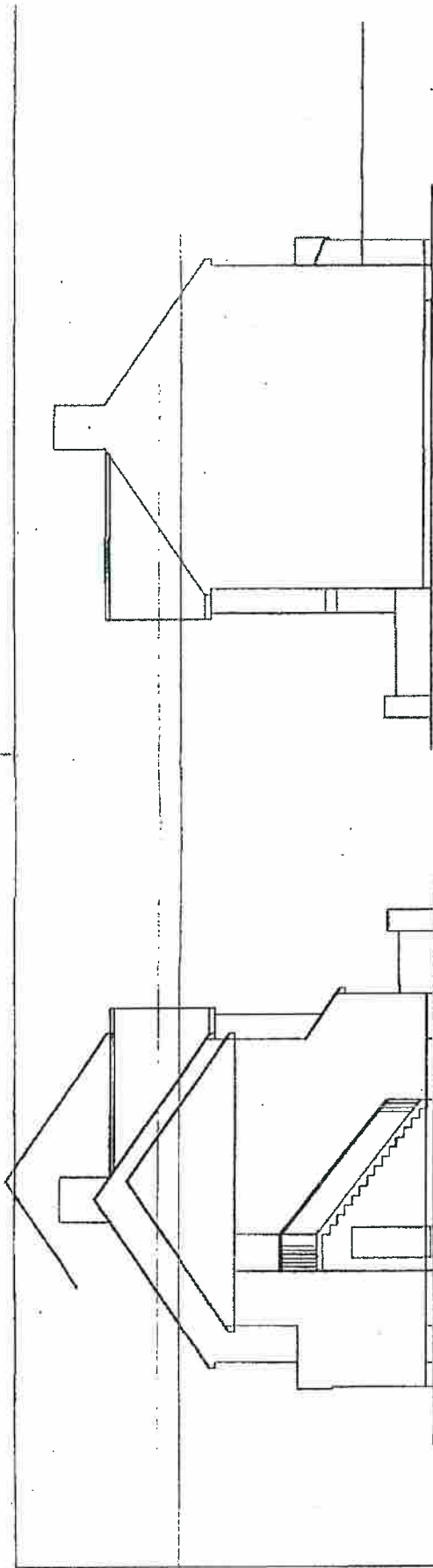
Ground Floor Plan as Proposed



First Floor Plan as Proposed

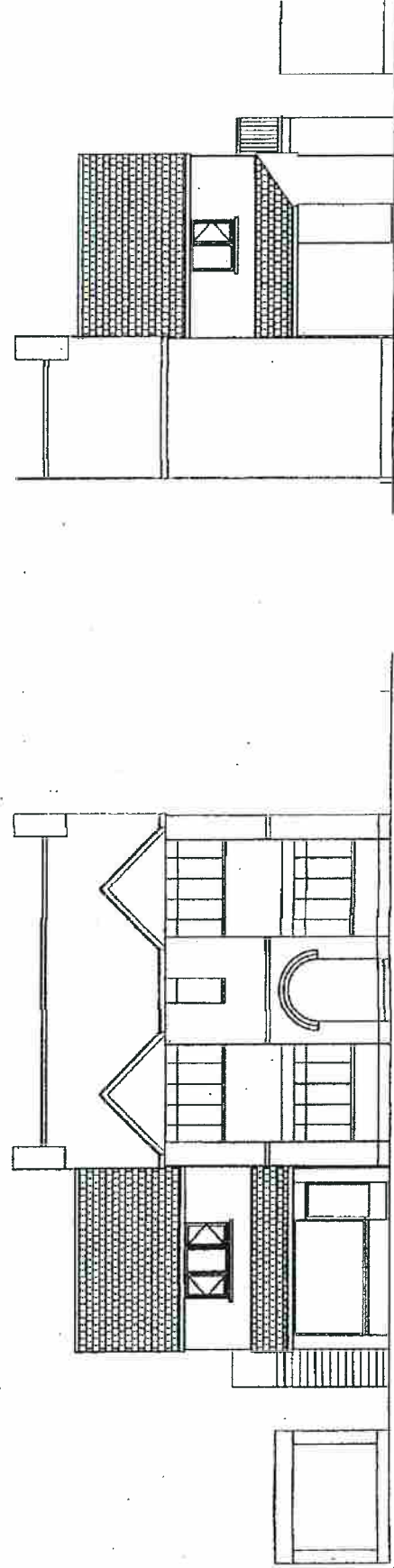
<p>Project</p>	<p>Mr M Raz</p>	<p>30 Tudor Road Luton LU1 1TB</p>	<p>Project Title Extension - New Flat</p>
<p>Scale</p>	<p>1:100</p>	<p>Date</p>	<p>February 2010</p>
<p>Project Drawing no.</p>	<p></p>	<p></p>	<p>DP 1449 RD 63</p>

4' 9" High Stove
 Washington, D. C.
 1883



proposed Side Elevation

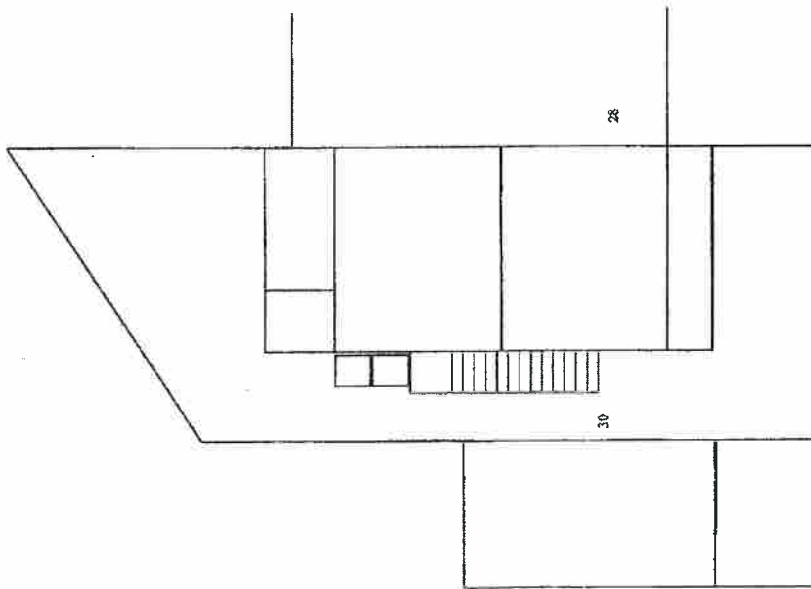
proposed Side Elevation



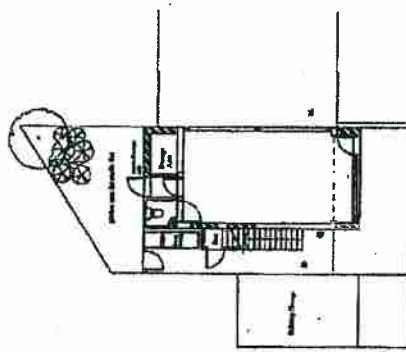
proposed Front Elevation

proposed Rear Elevation

Client	Mr M King	Dwg Title	Extension - New Flat
Project	30 Tudor Road Luton LU1 1TB	Drawn by	
Direct Planning Limited Town Planning Consultants and Architects (England & Wales) Registered Office: 35-37 High Street, 1st Floor, London, EC2A 3DF Registered Office: 100-102, High Street, 1st Floor, London, EC2A 3DF		Scale	1/125
		Date	February 2010
		Project Dwg No.	DP-114-R/01-M



Roof Plan as Proposed



Block Plan 1:200

Client	Mt M Roz	Project	340 Tudor Road Luton LU1 1ER
Project Title	Extension - New flat		
Drawn in	Scale	1:100	Date
Project Name	February 2010		
<p>Direct Planning Limited Town & Country Consultants Ltd, 16 Bedford Way Bedford, Bedfordshire, MK42 9FQ Tel: 01455 567700 Fax: 01455 567704 E-mail: enquiries@directplanning.co.uk</p>			



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