

Address:	2c, 2d & 2e Maygrove road London NW6 2EB		8
Application Number:	2014/6157/P	Officer: Olivier Nelson	
Ward:	West Hampstead		
Date Received:	29/09/2014		
Proposal: Change of use from motorcycle shop (Sui Generis) to a hot food takeaway (Class A5), installation of new entrance door and extract flue.			
1489/01 Rev A, MHQ479(1), MHQ479(1), Noise Report ref:11801.PCR.01, Design and Access Statement.			
RECOMMENDATION SUMMARY: Grant planning permission subject to conditions			
Applicant:		Agent:	
Mr Anthony Lum 2c, 2d & 2e Maygrove road London NW6 2EB		Mistry Design 28 Wood End Gardens Northolt UB5 4QJ	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	A1 Shop		45m ²
Proposed	A5 Hot Food Takeaways		45m ²

OFFICERS' REPORT

Reason for Referral to Committee:

The proposal involves the creation of A5 floorspace [clause (iv)]

1. SITE

- 1.1 The application site is a single storey flat building located on a triangular site at the end of Maygrove Road, close to the junction of Kilburn High Road and Shoot-Up Hill. The proposal relates to the vacant unit which was last in use as a motorcycle shop (sui generis) trading as MV Augusta London.
- 1.2 The site is not situated within a Conservation Area and is not a listed building. The building is located within the Kilburn Town Centre and forms part of a secondary frontage.

2. THE PROPOSAL

Original

- 2.1 Planning permission is sought to convert the ground floor unit from motorcycle shop (sui generis) to a hot food takeaway (A5) Fish and Chips takeaway. The internal layout would comprise of a waiting area and a serving counter. Towards the rear would be a preparation area and kitchen facilities with a W.C. for use by staff.
- 2.2 The proposal includes changes to the existing front elevation to create a wider double entrance door. Other external works to the building include the installation of an extract duct on the side elevation of the property which would outlet 2 metre above roof level.
- 2.3 The applicant proposes to make use of the existing refuse collection arrangements by bagging waste, ready for collection by the Council on the day of collection. The proposal would employ 2 full time and 2 part time members of staff. Opening hours would be between 11am and 11pm on Mondays to Saturdays and between 11am and 5pm on Sundays.

Revisions

- 2.5 The application originally included the installation of the extract duct on the side elevation with the flue visible from the front of the site, however following advice from the case officer that this location would be harmful to the appearance of the building and the streetscene the duct was relocated to the rear elevation.

3. RELEVANT HISTORY

3.1 Unit 2C Maygrove Road

2005/1924/P - Change of use from retail (Class A1) to a motorcycle shop (Sui Generis). **Granted 28/07/2005.**

3.2 2 Maygrove Road

2010/2416/A- Display of externally illuminated fascia sign and non-illuminated projecting sign to front of motorcycle shop (Sui Generis). Also non-illuminated directional sign to side and internally illuminated projecting sign to rear. **Granted 10/08/2010.**

4. CONSULTATIONS

Adjoining Occupiers

<i>Number of letters sent</i>	17
<i>Total number of responses received</i>	1
<i>Number in support</i>	0
<i>Number of objections</i>	1

4.1 A site notice was erected outside of the property on 11/02/2015 and one response was received commenting as follows:

- Inappropriate addition to a residential street
- The proposal would negatively affect the amenity of the area.
- The proposed takeaway is likely to increase litter in the area
- The takeaway would bring additional foot traffic to Maygrove Road
- There are numerous takeaways along Kilburn High Road, which is close by.

5. POLICIES

5.1 LDF Core Strategy and Development Policies

Core Strategy

CS2 Growth Areas

CS5 Managing the impact of growth and development

CS7 Promoting Camden's centres and shops

CS11 Promoting sustainable and efficient travel

CS14 Promoting high quality places and conserving our heritage

CS18 Dealing with our waste and encouraging recycling

Development Policies

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

DP16 Transport implications of development
DP17 Walking, cycling and public transport
DP24 Securing high quality design
DP26 Managing the impact of development on occupiers and neighbours
DP28 Noise and vibration

5.2 **Supplementary Planning Policies**

Camden Planning Guidance 2011

CPG1 – Design
CPG5 – Town Centres, Retail and Employment
CPG6 – Amenity

5.3 **Regional and National Policy**

London Plan 2011

National Planning Policy Framework 2012

6. **ASSESSMENT**

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

- Principle of change of use;
- Design and appearance;
- Amenity;
- Refuse storage and management; and
- Transport.

Principle of Change of Use

6.2 The proposed change of use would result in the loss of the loss of a motorcycle shop (Sui Generis) and the introduction of a new food and drink use to provide fast-food takeaway.

6.3 The application site lies within the Kilburn High Road town centre and forms part of the secondary frontage as identified in Camden Policy Guidance CPG5 (Town Centres, Retail and Employment) where developments should not result in less than 50% of any frontage being in A1 retail use. In addition to protect the town centre no more than 3 consecutive premises in non-retail uses shall be provided in secondary frontages. In this case, the loss of retail use was considered acceptable and this resulted in 3 consecutive uses in non-retail uses. Planning permission was granted in 2005 for the loss of retail as it was considered the change of use would divert pressure for such uses away from the primary shopping frontage. The frontage is secondary and is not part of a consecutive frontage, as the nearest property at 2a Maygrove Road is in A2 use and the property on the other side is a restaurant which fronts Kilburn High Road.

- 6.4 The loss of the motorcycle shop is considered to be acceptable and would not harm the retail prominence of Kilburn Town Centre. The unit is not currently in retail use, and the proposal would bring the vacant unit back into use.
- 6.5 Policies CS7 and DP12 seek to ensure that development does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. There is a general presumption in favour of locating food, drink and entertainment uses, such as the one proposed, within central locations on the basis that they are most appropriately located in commercial areas to minimise their impact on residential amenity. The impact of the proposed change of use on residential amenity will be discussed in paragraphs 6.7 – 6.14 of this report.
- 6.6 CPG5 states that the Council recognises that while food, drink and entertainment uses can contribute to the vibrancy and vitality of town centres, they can also have harmful effects, such as noise and disturbance to residents, litter, anti-social behaviour, parking and traffic impacts. The level of impact depends on the type of the use, its location, its size and the character and nature of its surroundings.

Amenity

- 6.7 Policy DP12 seeks to manage development of shopping, services, food, drink, entertainment and other 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. Policy DP26 seeks to ensure that development proposals do not have any adverse impact on the amenity of its neighbours. With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of the operating hours and noise and disturbance, particularly in view of the fact that there are residential uses on the upper floors opposite and adjacent to the site.
- 6.8 There is a general presumption in favour of locating food, drink and entertainment uses, such as the one proposed, within town centres on the basis that in these commercial areas their impact on residential amenity is likely to be minimised. CPG 5 states that the level of impact depends on the type of the use, its location, its size and the character and nature of its surroundings. The application site is located close to the railway bridge. This small area/section of Maygrove Road is characterised by commercial premises where a certain level of activity and associated noise is to be expected. A fast food take-away is located at 366 Kilburn High Road and there is an A2 unit at no. 2a Maygrove Road. Behind the application site and under the railway arches are a number of car repair/ garages. It is not considered the proposal would create a harmful concentration of takeaway uses. A fast food takeaway, such as the proposed use is most suitably located within this area forming part of a town centre rather than within a predominantly residential setting.
- 6.9 The impact of the additional hours of opening beyond those of the existing Class A1 use must be carefully judged against the ambient levels of noise and activities already present in the locality. The application site is not surrounded by similar food and drink establishments that would stay open beyond 11pm. In general, the proposed opening hours until 11pm on Mondays to Saturdays are considered

acceptable and would not result in unacceptable levels of noise when viewed against the existing background noise levels arising from general town centre activity in the locality. A condition is recommended to restrict the opening hours of the proposed unit.

- 6.10 Noise: The proposed extract duct would be located on the rear of the building .An acoustic report has been submitted in support of the application which seeks to demonstrate that the proposed ducting would comply with Camden's noise standards. The report confirms that there would be no harm caused to the living conditions of occupiers of nearby residential properties by way of noise. The findings of the report are considered satisfactory by Environmental Health and the proposal is therefore considered acceptable in this respect. Conditions would be placed on any permission to secure that the plant shall continue to meet Camden's noise standards, sound proofing and that any music played at the premises should not be audible from adjoining premises or the highway.
- 6.11 Odour: The nearest residential properties to be affected are the flats at upper floor levels of the properties nearby on Maygrove Road. The duct would be installed with carbon filters and is positioned to the rear elevation away from any residential windows and therefore would not result in odour pollution. The air extracted to the atmosphere would be via a vertical discharge cowl. Environmental Health have reviewed the proposal and are satisfied with the application in this respect.
- 6.12 Vibration: The duct is to be installed with carbon filters and the fan to be installed within the duct would be installed with flexible connections and anti-vibration mounts. This will ensure that the proposal would not have a the living conditions of occupiers of nearby residential properties by way of vibration. This is considered acceptable and the mitigation measures will be secured by condition. As such the proposal complies with policy DP28 of the LDF.
- 6.13 As such, it is considered that the proposed change of use would be acceptable and would contribute to the vitality and viability of the centre in accordance with the relevant policies of the Local Development Framework and supplementary planning guidance.

Design and Appearance

- 6.14 The proposed alterations to the shopfront are relatively minor; they involve installing a new entrance door on the front elevation of the premises facing onto Maygrove Road. The proposed door would have level access from the pavement and would therefore be suitable for wheelchair users. No changes to the shopfront are proposed as part of this application.
- 6.15 The proposed extract duct is to be located to the rear of the property. The application site is a corner property but the duct would only be visible from the rear yard. However, it would be set to the southern side on the rear elevation which ensures it would not appear over dominant when viewed from Maygrove Road. As such, overall, the proposal is considered to be acceptable in design terms in compliance with policy DP24.

Refuse Storage and Management

- 6.16 It is proposed that waste would be kept within the unit until the day of collection. To ensure that adequate arrangements for waste are secured for the new use the submission of details on refuse / waste storage and service arrangements are recommended to be secured by condition.

Transport Issues

- 6.17 The application site is located within a Town Centre and has been identified as having a Public Transport Accessibility Level (PTAL) of 6a (excellent). It is likely that the majority of customers will be passing trade or would travel to the premises by public transport. Maygrove Road falls very close to the Kilburn Station and Kilburn High Road and due to this it is expected there would be high footfall in the area. It is not expected that due to the opening hours that there would be a detrimental increase in the high level of activity in this area as a result of the change of use. Therefore transport access to the facility will be in accordance with policy DP17 of the LDF.

7. CONCLUSION

- 7.1 The proposed change of use from motorcycle shop to hot food take away would contribute the character, function, vitality and viability of the Town Centre and would protect the amenity of neighbouring residents in terms of hours of operation, noise, odour and vibration. The physical alterations, namely the changes to the front elevation and the addition of the duct would not harm the character or appearance of the building or the wider streetscene. The proposal would have no detrimental impact in terms of transport.
- 7.2 Planning Permission is recommended subject to conditions.

8. LEGAL COMMENTS

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

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 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the

immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans 1489/01 Rev A, MHQ479(1), MHQ479(1), Noise Report ref:11801.PCR.01, Design and Access Statement.

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

- 4 The use hereby permitted shall not be carried out outside the following times 11am to 11pm Mondays to Saturdays and 11am to 5pm 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 policy DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Before the use commences sound insulation shall be provided for the building in accordance with the scheme approved by the local planning authority in writing. The use shall thereafter not be carried out other than in accordance with the approved scheme.

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

- 6 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

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.

- 7 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment or any part of it is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area

generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Prior to use of the development a post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria set out in the submitted report and additional steps to mitigate noise shall be taken, as necessary to ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to use and thereafter be permanently retained.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 9 Before the development commences, 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 prior to the first occupation of any of the new units and permanently retained thereafter.

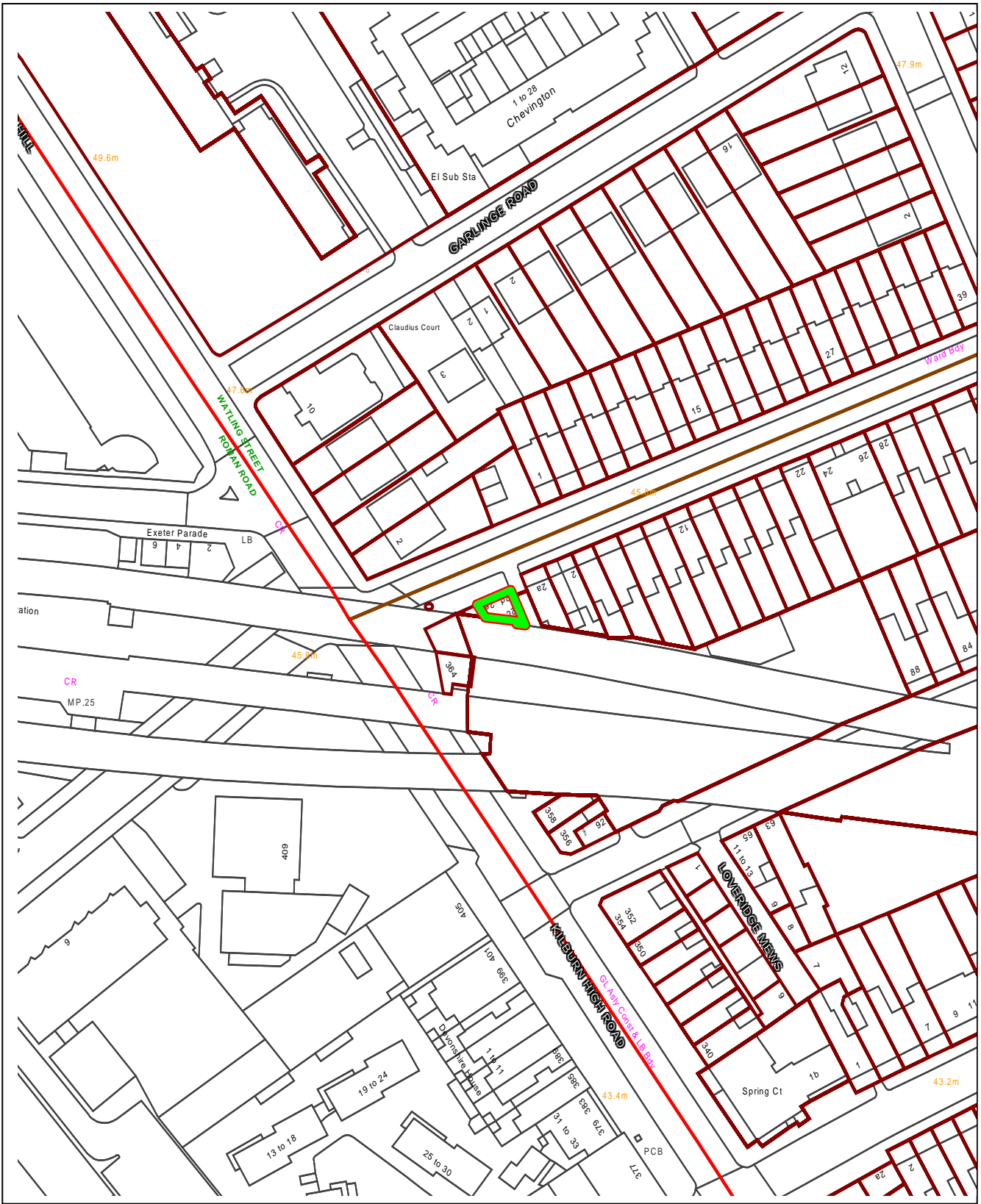
Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development 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->

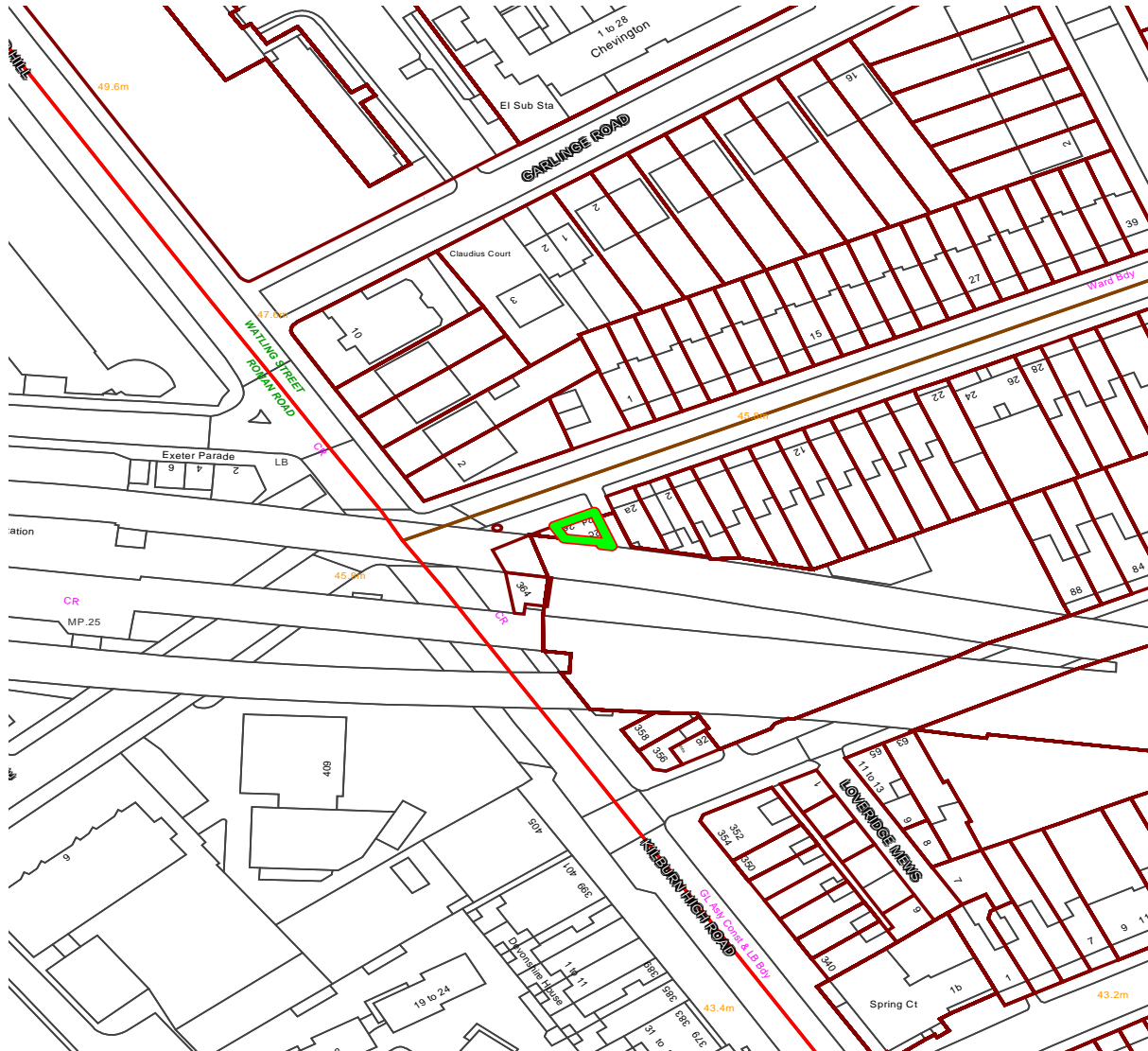
contacts/environment/contact-the-environmental-health-team.en or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 The Mayor of London intends to introduce a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time will need to pay a CIL including those submitted before April. This CIL will be collected by Camden on behalf of the Mayor of London. From April Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable. The proposed charge in Camden will be £50 per m² on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented and we will issue a CIL demand notice setting out what monies needs to paid when and how to pay The CIL will be collected from Camden on behalf of the Mayor.
- 4 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 5 You are advised that condition 4 means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.
- 6 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.



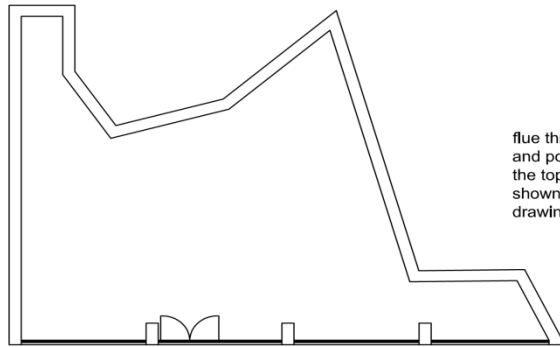
	<p>Application No: 2014/6157/P</p> <p>2c, 2d & 2e Maygrove road</p> <p>London</p> <p>NW6 2EB</p>	<p>Scale: 1:1250</p> <p>Date: 13-Mar-15</p>	<p>N</p> 
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2014/6157/P – 2c,2d,2e Maygrove Road Site location plan

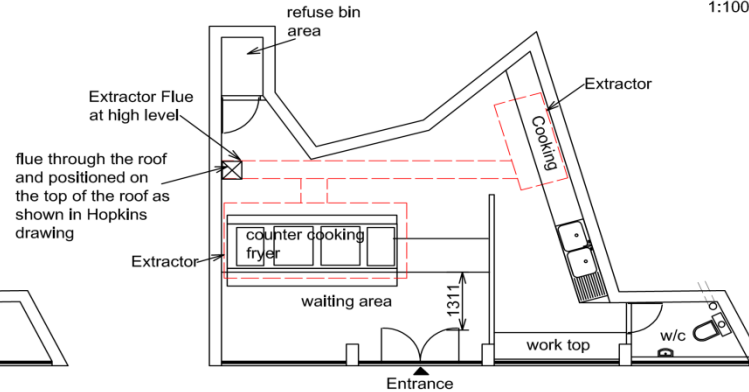


2014/6157/P – 2c,2d,2e Maygrove Road Existing and proposed drawings

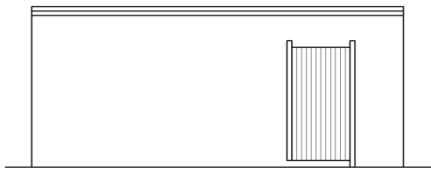
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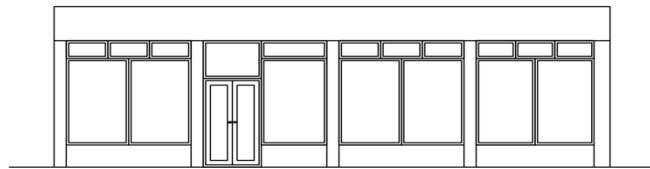
Entrance
EXISTING PLAN



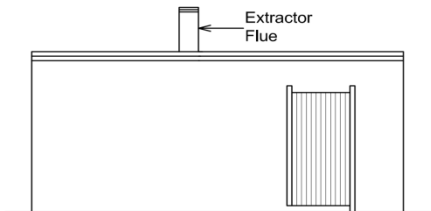
Entrance
PROPOSED PLAN



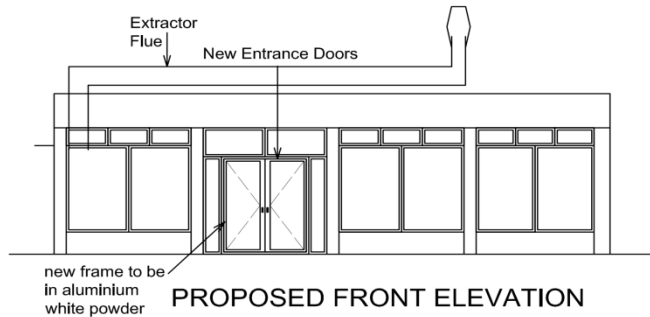
EXISTING SIDE ELEVATION



EXISTING FRONT ELEVATION



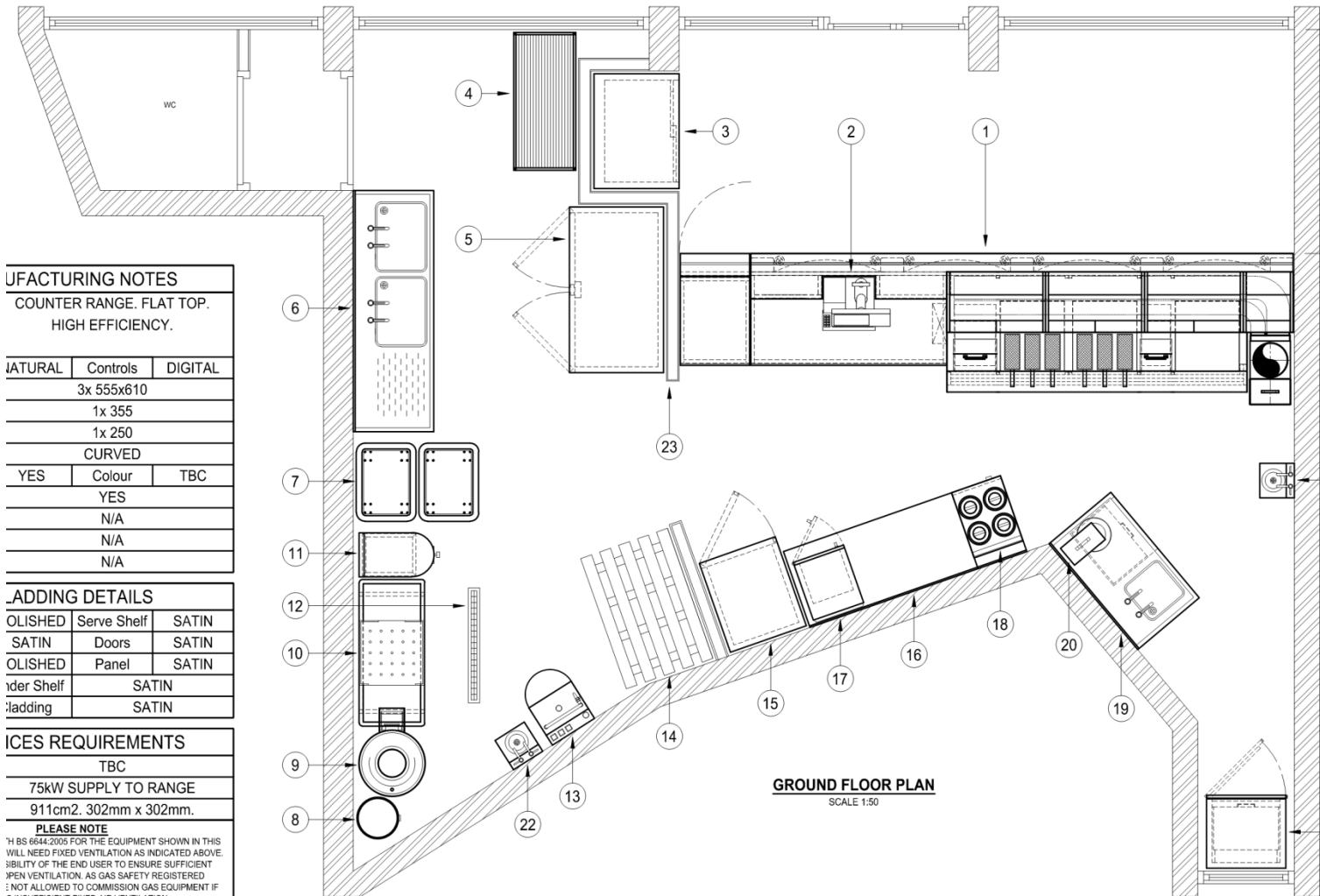
PROPOSED SIDE ELEVATION



PROPOSED FRONT ELEVATION

2014/6157/P – 2c,2d,2e Maygrove Road

Proposed floor plan



MANUFACTURING NOTES

COUNTER RANGE. FLAT TOP.
HIGH EFFICIENCY.

NATURAL	Controls	DIGITAL
	3x 555x610	
	1x 355	
	1x 250	
	CURVED	
YES	Colour	TBC
	YES	
	N/A	
	N/A	
	N/A	

LOADING DETAILS

POLISHED	Serve Shelf	SATIN
SATIN	Doors	SATIN
POLISHED	Panel	SATIN
Under Shelf	SATIN	
Cladding	SATIN	

FIXTURES REQUIREMENTS

TBC
75kW SUPPLY TO RANGE
911cm ² . 302mm x 302mm.

PLEASE NOTE
 THE BS 6644:2005 FOR THE EQUIPMENT SHOWN IN THIS
 WILL NEED FIXED VENTILATION AS INDICATED ABOVE.
 THE RESPONSIBILITY OF THE END USER TO ENSURE SUFFICIENT
 OPEN VENTILATION. AS GAS SAFETY REGISTERED
 IS NOT ALLOWED TO COMMISSION GAS EQUIPMENT IF
 THERE IS INSUFFICIENT FIXED AIR VENTILATION.

GROUND FLOOR PLAN
SCALE 1:50

2014/6157/P – 2c,2d,2e Maygrove Road Photos



2014/6157/P – 2c,2d,2e Maygrove Road Photos



Existing restaurant (A3) on junction of Maygrove Road and Kilburn High Road

2014/6157/P – 2c,2d,2e Maygrove Road Photos



Estate agents (A2) next door

2014/6157/P – 2c,2d,2e Maygrove Road Photos



Access way to garages and side elevation of application property