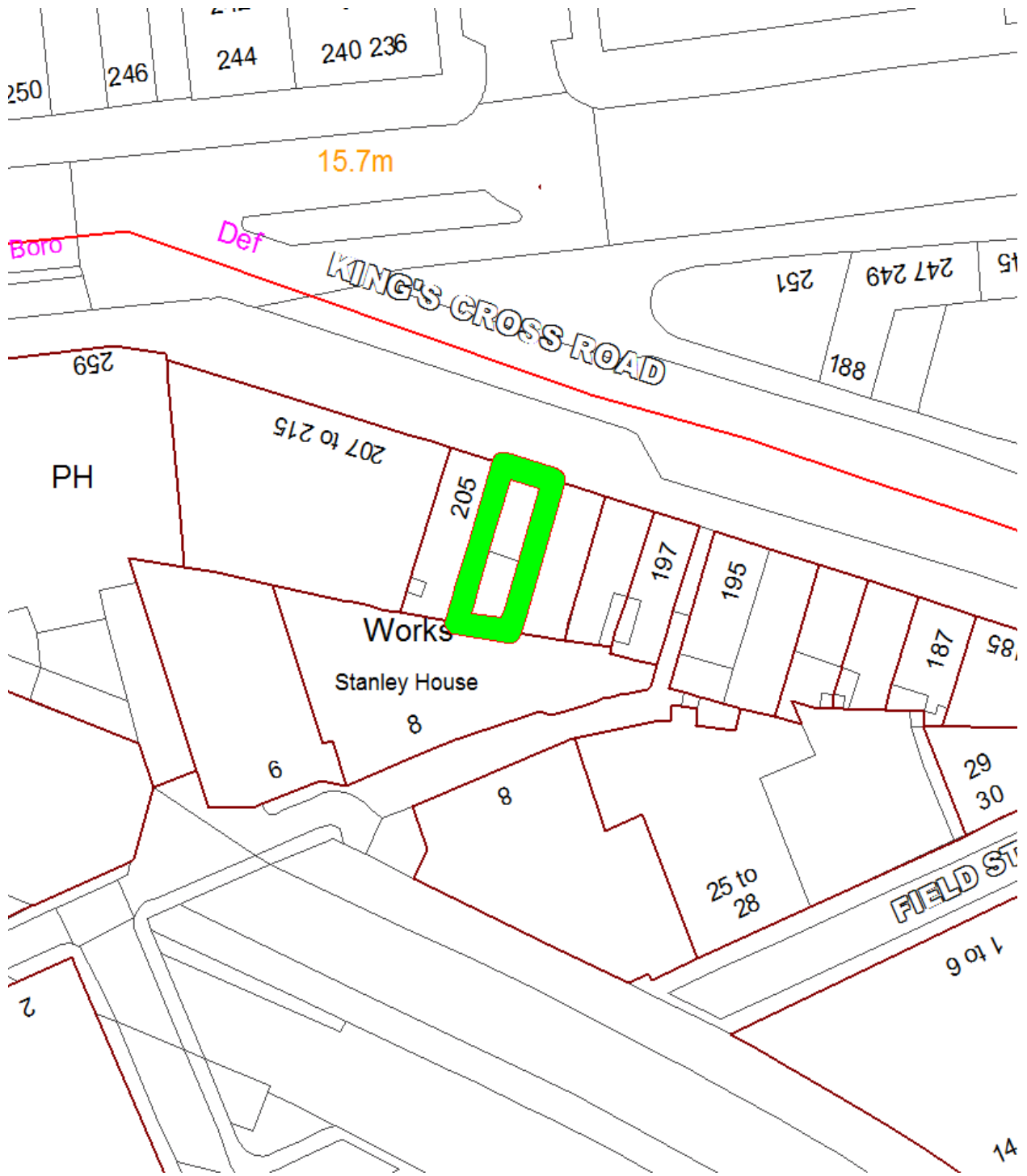
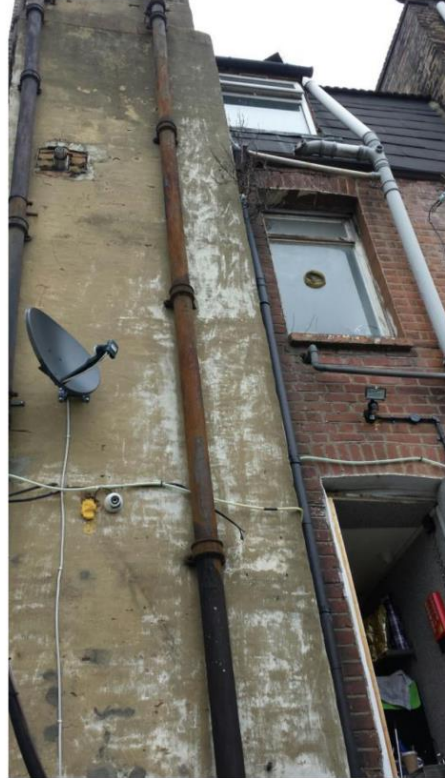


2015/5197/P 203 Kings Cross Road



1 Front and Rear elevation



2 Inside café



Delegated Report		Analysis sheet		Expiry Date:	26/01/2016
(Members Briefing)		N/A / attached		Consultation Expiry Date:	16/06/2016
Officer			Application Number(s)		
Jagdish Akhaja			2015/5197/P		
Application Address			Drawing Numbers		
Deli-Licious (2-Go) 203 Kings Cross Road London WC1X 9DB			Refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from retail (Class A1) to takeaway (Class A5) and installation of flue on rear elevation.					
Recommendation(s):		Grant Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	07	No. Electronic	03	No. of objections	03
Summary of consultation responses:	<p>Three objections</p> <p>201 King's Cross Road- Due to high level competition for the café and restaurant uses, it would be negative impact on same class businesses. The Council should consider limiting the number of A3 uses in Kings Cross Road.</p> <p>1148 High Road - There are too many A3 uses, it would be negative impact on the same type of businesses and would increase noise and pollution.</p> <p>205 King's Cross Road - It will increase noise, odour and air pollution. Harmful fumes and smoke will effect on their health. It is a breach of law relating to nuisance. An acoustic report has not done correctly. The windows at ground and lower ground floor have not taken into account preparing an acoustic report.</p> <p><i>Officers response: There is only one other A3 use (Coffe Uni—N, 201 Kings Cross Road in the terrace) and competition is not a material consideration. The proposed flue will reduce the noise and air pollution, and Environmental Health officers consider the proposal to be acceptable with the appropriate conditions (See section 6)</i></p>					
CAAC/Local groups* comments: *Please Specify	None					

Site Description

The site is a three storey plus basement building on western side of Kings Cross Road, near the junction with Pentonville Road. It forms part of a mid to late 19th Century terrace and lies with the Kings Cross Conservation Area.

The terrace, of which the application site forms a part, is largely commercial at ground floor level with some residential uses above. The site does not lie within a designated town centre frontage, but is just outside the Kings Cross/Euston Road Central London Frontage which begins at no. 259 Pentonville Road (approximately 30m to the west).

Relevant History

9200993- Alteration of existing shopfront by the installation of an independent access to the residential premises above as shown on two un-numbered drawings (Proposed New Side Entrance: plan and elevation) – Granted 07/10/1992

Relevant policies

National and Regional Policy

National Planning Policy Framework 2012

London Plan **2016**

LDF Core Strategy and Development Policies

CS1 Distribution of growth

CS5 Managing the impact of growth and development

CS7 Promoting Camden's centres and shops

CS9 Achieving a successful Central London

CS14 Promoting high quality places and conserving our heritage

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

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP28 Noise and Vibration

Camden Planning Guidance 2015

CPG 5 Chapter 3 Retail uses

CPG 6 Chapter 5 Food, drink and entertainment uses

Kings Cross Conservation Area Statement June 2004

Assessment

1.0 Proposal:

- 1.1 Planning permission is sought for the change of use from retail (Class A1) to takeaway (Class A5) and installation of flue at rear elevation.
- 2.2 The principal considerations material to the determination of this application are summarised as follows:
- Land use
 - Design
 - Amenity

2.0 Revision

- 2.1 The original proposal was to change of use from retail (Class A1) to restaurant/Café (Class A3), but given the size of the overall floorspace (20sqm), limited seating, and the fact that the majority of the food sold would be for consumption off the premises it is considered that the proposed use would fall under the hot food takeaway A5 use class. The applicant has revised the proposal accordingly.

3.0 Land Use- Loss of retail floorspace (Class A1)

- 3.1 The application site has been operating in its current incarnation as a sandwich bar for approximately one and a half years. Although the lawful use of the site is A1, primary cooking takes place on the site and this application seeks to regularise the existing use. The total floorspace is approximately 20sqm at ground floor level, with ancillary storage in the rear garden. There are approximately 5 chairs inside with counters and a chiller unit for drinks and sandwiches, and an additional table outside on a private forecourt. The proposal would slightly reduce the extent of seating area and slightly increase the kitchen area. Although hot food would be for sale, a limited amount of primary cooking would take place on the premises, and the majority of sales would be for cold food or re-heated food for consumption off the premises.
- 3.2 When a change of use from retail (Class A1) to food/drink uses is proposed, policy DP12 seeks to ensure that a certain level of retail use is retained in designated centres in order to protect the character, function, viability and vitality of the centre. To the west of the site is 207 - 215 King's Cross Road a five storey building in use as a health centre (D1). The application site forms part of a terrace stretching from 187 to 205 King's Cross Road, but is not within a designated centre. The terrace is generally in commercial use at ground floor level, and has the character and appearance of a neighbourhood centre. The current uses in the frontage are as follows:

Address	Premises (ground floor)	Use class
205	The saloon (barbers)	A1
203	Deli-Licious (2-Go) Cafe	A1
201	Coffee Uni- N	A3
199	The Offices	B1
197	Siam Thai Massages	Sui Generis
193-195	TLS Group.eu Estate Agent	A2
191	Ariana Dry Cleaners	A1
189	Residential	C3
187	Relocate-me Estate Agent	A2
185	Kings Cross Tatoo Parlour	A1
181	Onics Hair – (barbers)	A1

- 3.3 It is clear from the table above that the majority of the uses in the frontage are not in retail (class A1) use but the majority of the uses are promoted in CPG as town-centre compatible and which support the vitality and character of the shopping frontage. Policy DP10 states that outside designated centres planning permission will only be granted for loss of shopping floorspace if alternative provision is available within 5-10 minutes walking distance (400-800m).
- 3.4 The site is immediately to the east of the Kings Cross/Euston Road Central London Frontage which has its own retail element. The Brunswick Centre, the nearby stations of Kings Cross and St Pancras, and the southern end of Caledonian Road are only 400m away and provide extensive alternative retail provision.
- 3.5 The site history suggests that there was a Newsagent (A1) at the site for over thirty years prior to the current use as a café. CPG5 states that the eastern part of the nearby Kings Cross/Euston Road frontage has seen a fragmentation of shopping uses, and seeks to protect retail uses in the eastern section. However, it does make an exception for the block bounded by Pentonville Road, Kings Cross Bridge and St Chad's Place, and states that this part of the frontage, which is closest to the application site, may provide opportunities for new food, drink and entertainment activities.
- 3.6 As the site is not within a designated frontage there is not a prescribed minimum level of retail function the Council would seek to maintain. There is a healthy mix of uses within the terrace including those which fall within the A1 use class. The Kings Cross Conservation Area Statement recognises changes of use may have implications for the area including a loss of vitality arising from the loss of a mix of small scale uses within an area. In this instance, due to the diversity of existing uses in the terrace, and the amount of alternative retail floorspace in the vicinity, the loss of an A1 use in this location is not considered to harm the mixed character of the frontage it forms a part of, or its function, vitality or viability and is therefore acceptable.

4.1 Provision of new takeaway (Class A5)

- 4.1 Policy DP12 requires the Council to consider the effect of non-retail development on shopping provision and the character of the centre in which it is located. The LDF recognises the potential for new, or extended, restaurant uses to harm the amenity of adjoining residential occupiers, and as such seeks to steer them toward designated centres. The proposed use is described as a hot food coffee shop. It would occupy the same floorspace as the existing sandwich bar, approximately 20sqm.
- 4.2 Whilst Town Centres and Neighbourhood Centres are the most appropriate locations for new takeaway uses, it is acknowledged that locations outside these centres may also be appropriate. The planning guidance for Central London advises that food, drink and entertainment uses may be acceptable as part of a mix of uses on heavily trafficked streets with significant amounts of commercial development and limited residential development, and which are well served by public transport. In areas where it is recognised there are residential properties that may be sensitive to food, drink and entertainment uses, the Council will only normally grant planning permission for development for small scale, low impact food and drink uses such as cafes and restaurants or takeaway, if any, and with relatively early closing times. Premises under 100sqm are considered to be small scale.
- 4.3 The neighbouring unit is in use as a restaurant (A3 use). The occupant has raised concerns in regards to competition amongst the same type of businesses, however this is not a material planning consideration. As such, due to the location, limited hours proposed and the relatively small floorspace of the site, it is considered that a new take away use in this location would comply with the above guidance and would not be contrary to policy as long as there were no amenity issues.

5.0 Design

- 5.1 The only external change proposed is the installation of an extract duct to the rear of the building. The duct will rise from the ground floor to 1m above roof level. There is one similar commercial flue available for next door restaurant use, the proposed rear flue will be barely visible from St Chad's Place. The rear of the terrace has various external plant due to the proliferation of commercial units on the ground floor. A condition would be attached to require the flue to be painted to match the colour of rendered finish of the wall it will be attached to. As such, due to its location and proposed finish, the proposed flue would not be considered harmful to the character or appearance of the building or conservation area.

6.0 Amenity

- 6.1 The surrounding area is a mix of uses, the upper floor of terrace 187 to 205 predominately use as a residential, the closest residential properties are the flat on the first and second floors of the application site no. 203 King's Cross Road, and a flat on the first and second floors of no. 205 King's Cross Road. Other surrounding properties are mixed commercial at ground floor level. No. 207-215 is in use as office on the upper floors and a medical use at ground floor level.
- 6.2 Policy DP12 states that to ensure new restaurant uses do not harm amenity or the character of an area, either individually or cumulatively, the Council will consider applying controls on, among other things, hours of operation; refuse and litter; and noise, vibration and fumes.
- 6.3 The hours applied for are considered to be reasonable, and not dissimilar from the existing hours of operation. The proposed opening hours are modest for an A5 use: 06:30 – 18:00 Monday to Friday, Saturday 07:30 to 16:30 and 08:00 – 16:30 on Sundays. These hours are considered to be appropriate for the location and are comfortably within the Council's licensing policy's framework hours.
- 6.4 The applicants have indicated that the existing arrangement for storage and refuse will be retained, this being a small area to the rear of the ground floor. An informative will advise the applicant that refuse sacks should not be deposited on the highway or forecourt until half an hour before collection is due.
- 6.5 The proposed plan has one less seating place and slightly bigger cooker area, other than that layout would be the same. The relatively small amount of overall floorspace is not considered to be harmful to the amenity of adjoining occupiers.
- 6.6 **Noise:** The proposed extract duct would be located on the rear of the building. It would be fixed to the wall with anti-vibration mounts and connected with flexible couplings. An acoustic report has been submitted which indicates that the proposed plant would comply with Camden's noise standards and that there would be no harm caused to the living conditions of occupiers of nearby residential properties by way of noise or vibration. The findings of the report has been reviewed by Environmental Health officers who consider the report acceptable and advise a condition be attached restricting noise from any plant, machinery or equipment to at least 10dBA below the lowest existing background noise level.
- 6.7 **Odour:** The nearest residential properties to be affected are the upper floor flats above and adjacent to the site. The proposed duct would be attached to the rear elevation and terminate 1000mm above eaves level, 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 officers have reviewed the proposal and are satisfied with the application in this respect. They advise a condition be attached requiring details of the installation, operation, and maintenance of the odour abatement equipment and extract system by submitted to the Council for approval before the use commences.

6.8 As such based on the size of the unit, location, proposed opening hours, and acoustic information, the proposal is not considered harmful to the amenity of adjoining occupiers if the appropriate conditions are in place.

7.0 Other matters

As the site is not in excess of 100sqm and the proposal does not include any additional residential units the proposal will not be liable for a Community Infrastructure Levy (CIL) contribution.

8.0 CONCLUSION

8.1 The proposed loss of a retail unit is not considered to harm the character, function, viability or vitality of the local area, and due to the limited hours proposed and the small size of the premises the proposal is not considered to harm the amenity of adjoining residential occupiers. Installation of the duct would not harm the character or appearance of the building or the wider streetscene.

9.0 **Recommendation-** Grant Planning Permission with conditions.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 11th July 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr. Vural Siyirtmac
Deli-Licious (2-Go)
203 Kings Cross Road
London
WC1X 9DB

Application Ref: **2015/5197/P**
Please ask for: **Jagdish Akhaja**
Telephone: 020 7974 4899

5 July 2016

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Deli-Licious (2-Go)
203 Kings Cross Road
London
WC1X 9DB

DECISION

Proposal:

Change of use from retail (Class A1) to takeaway (Class A5) and installation of flue on rear elevation.

Drawing Nos: Site location plan 932/01/03 Rev A; 02 Rev A, 01 Rev A, Noise Assessment from KP Acoustics Ltd dated 01/12/2015, Supporting Cover Letter

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

Condition(s) and Reason(s):

- 1 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

Executive Director Supporting Communities



Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan 932/01/03, 932/01/01, 932/01/02, Noise Assessment from KP Acoustics Ltd dated 01/12/2015, Supporting Cover Letter.

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

- 3 The use hereby permitted shall not be carried out outside the following times 06:30 to 18:00 hours Mondays to Friday, 07:30 to 16:30 hours on Saturday and 08:00 to 16:30 hours 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 (Managing the impact of growth and development) and CS7 (Promoting Camden's centres and shops) of the London Borough of Camden Local Development Framework Core Strategy and policies DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

- 4 The external noise level emitted from any new plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

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.

- 5 The external extract duct hereby approved shall be removed from the building as soon as reasonably practicable when no longer required.

Reason: In order to minimize the impact on the appearance of the building and local environment in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies

- 6 The stainless steel flue pipe shall be painted to match the wall it is affixed to.

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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Prior to the first use of the premises for the A5 use hereby permitted, full details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet as appropriate, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To ensure that the amenity of adjoining occupiers, and the area generally, is not adversely affected by cooking odour, 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.

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 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.
- 4 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.

- 5 The Council supports schemes for the recycling of bottles and cans and encourages all hotels, restaurants, wine bars and public houses to do so as well. Further information can be obtained by telephoning the Council's Environment Services (Recycling) on 0207 974 6914/5 or on the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 6 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>.

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

Executive Director Supporting Communities

DECISION