

Ms Katherine Leat
Fabrica Architecture Limited
16 Valentine Road
London E9 7AD

Application Ref: **2016/4955/P**
Please ask for: **Charles Thuaire**
Telephone: 020 7974 **5867**

16 March 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
43 Chalk Farm Road
London
NW1 8AJ

Proposal:
Removal of condition 7 (preventing primary cooking) attached to planning permission ref: 2013/0756/P dated 11/04/2013 (for Change of use from retail (Class A1) to mixed use retail/restaurant (Class A1/A3) including removal of existing public roof terrace on rear extension).

Drawing Nos: Planning statement for removal of condition 7 on permission 2013/0756/P by Fabrica Architecture

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

Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans- Design and Access Statement ref JPP/20535.00001; site location plan; floorplan PIX010113.



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

- 2 The roof of the rear extension shall not be used as a roof amenity terrace, as a dining/drinking area or for storage and other ancillary purposes and shall only be accessible for maintenance purposes.

Reason: In order to prevent unreasonable overlooking and noise nuisance to neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The premises shall only be used as a mixed Class A1/Class A3 use with a takeaway counter and seating located in accordance with the layout as shown on the floorplan ref PIX0101013 hereby approved.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of noise, traffic congestion and loss of retail frontage, in accordance with 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.

- 4 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.

- 5 The use hereby permitted shall not be carried out outside the following times: 10am - 10.30pm Mondays to Thursdays, 10am - 12am midnight Fridays to Saturdays, 10am - 10pm Sundays.

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.

- 6 No primary cooking shall take place until the ventilation equipment granted planning permission ref 2016/4956/P on 16.03.17 has been fully installed and made operational in accordance with the approved plans.

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.

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 You are advised that condition 6 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.
- 3 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.
- 4 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>.
- 5 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>.
- 6 Reasons for granting permission-

The application seeks to enhance the food offer of the existing restaurant and thus allow primary cooking on site. There will be no change to the approved mix and layout of Class A1 takeaway and A3 restaurant functions here or to the approved hours of operation. Condition 7 was originally imposed on the permission in order to protect residential amenity as there was no ventilation and extraction equipment provided in order to deal with noise and fumes from such primary cooking. A separate application has been submitted to instal such equipment which has now been granted planning permission ref 2016/4956/P. It is considered that, subject to the approved equipment being installed, there would be no loss of amenity to neighbours resulting from additional cooking take place onsite. A condition is imposed to ensure that the approved equipment is installed prior to any primary cooking taking place. The proposal would not result in any harmful impact on local amenity, on the existing mix of uses on the site or on the retail function of the

parade. It is thus considered that the removal of this condition would be acceptable.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy, policies DP12 and DP26 of the London Borough of Camden Local Development Framework Development Policies, and policies A1, TC2 and TC4 of the Camden Local Plan Submission Draft 2016. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

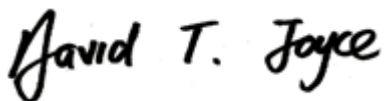
- 7 The emerging Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

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



David Joyce
Director of Regeneration and Planning