

Delegated Report		Analysis sheet	Expiry Date:	05/04/2017
		N/A / attached	Consultation Expiry Date:	10/03/2017
Officer			Application Number(s)	
Matthew Dempsey			2017/0502/P	
Application Address			Drawing Numbers	
Village Cafe 20 York Rise London NW5 1ST			Please refer to Decision Notice.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
(RETROSPECTIVE) Installation of timber decking to cafe forecourt.				
Recommendation(s):		Refused and Warning of Enforcement Action to be taken.		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	06	No. of objections	01
			No. electronic	06		
Summary of consultation responses:	<p><u>A site notice was displayed from 17/02/2017 – 10/03/2017</u> <u>A press notice was published 16/02/2017 – 09/03/2017</u></p> <p><u>A resident of 4 Grove Terrace</u> said they had no objection to the decking.</p> <p><u>A resident of 57 Dartmouth Park Road</u> said they object to the decking. They say it is ugly and should be removed. They have no objection to tables and chairs outside the café, but the decking should not be allowed.</p> <p><u>A resident of 11 Grove Terrace</u> said they support the application. They say the café is a welcome addition to the area.</p>					
CAAC/Local groups* comments: *Please Specify	<p><u>The Dartmouth Park CAAC</u> said they have no objection to the decking.</p>					

Site Description

The Village Café, No. 20 York Rise, lies within the Dartmouth Park Conservation Area. It is not listed however it is mentioned within the Dartmouth Park Conservation Area Appraisal and Management Statement as making a positive contribution (Nos 20-24). The ground floor premises is in use as a Café, class A3, consented in 2011. The Café is in a small parade of commercial premises set back from the highway/ pedestrian footpath. To the right hand side of the Café is a doorway entrance to the flats above. This application relates to the private forecourt immediately outside the front of the café.

Relevant History

2011/0269/P – (20 York Rise) Change of use of ground floor from a sandwich bar (class A1) to a cafe (class A3) and associated works to include the erection of a flue to the rear elevation. **Granted, 13/06/2011.**

2012/2845/P – (16 – 20 York Rise) Erection of an outbuilding to the rear in connection with existing residential use. **Refused, 24/08/2012.**

EN17/0186 - Timber decking on forecourt of Café. **Outcome pending.**

Relevant policies

National Planning Policy Framework 2012

The London Plan March 2016

LDF Core Strategy

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres)

CS14 (Promoting high quality places and conserving our heritage)

LDF Development Policies

DP13 (Employment sites and premises)

DP21 (Transport)

DP24 (Securing high quality design)

DP30 (Shopfronts)

Camden Planning Guidance

CPG1 Design 2015

CPG5 Town Centres, Retail and Employment 2011

CPG 6 Amenity 2011

Dartmouth Park Conservation Area Appraisal and Management Statement

Adopted January 2009.

Camden Streetscape Design Manual

Camden Local Plan Submission Draft 2016

The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

The following policies are considered relevant:

A1 Managing the impact of development

D1 Design

D2 Heritage
D3 Shopfronts
E2 Employment premises and sites
TC3 Protecting shops outside of centres

Assessment

1.0 Proposal

- 1.1 Planning permission is sought for the retention of timber decking with surrounding balustrade to the forecourt of the Village Café at No. 20 York Rise.
- 1.2 This area is used for outside tables and chairs for the café patrons. There are 3 tables. 2 with 2 chairs, and 1 with 4 chairs on the decking.
- 1.3 The decking protrudes approximately 2.7m from the café and is approximately 4.2m in width. This is the full width of the café frontage. There is a door to the right of the café/ decking which allows access to the flats above the café.
- 1.4 The balustrading is approximately 1.2m from ground level. The decking is raised from ground level by approximately 30cm and there is an access ramp in line with the café doorway off the centre of the premises.
- 1.5 The material used for the decking is timber, with a pine wood appearance. The access ramp is covered with an artificial grass-like carpet.
- 1.6 The application is for retrospective permission as the works have already been completed.

2.0 Assessment

- 2.1 As this application is for retrospective permission archive images have been used to gain an appreciation for the forecourt prior to the installation of decking.
- 2.2 The pre-existing arrangement shows that beneath the decking is York Stone paving.
- 2.3 Officers consider the original paved forecourt to be far more attractive than the proposed decking. An e-mail was sent to the applicant to explain this and that the likely outcome of the application would be to refuse the application. The applicant decided to await the formal outcome of the application process. An enforcement case is open for this site, the outcome of which is pending the conclusion of this report (please see relevant history section).
- 2.4 Key considerations for this proposal are design, amenity and transport.

3.0 Design

- 3.1 CPG1 – Design, states that Camden is committed to excellence in design. Good design should consider the context and surroundings and this is particularly important in a conservation area. 2.12 of this guidance states that materials should be integral to the design process and should relate to the character and appearance of the area.
- 3.2 A key message of the Heritage section of CPG1 is that Camden will only permit development within conservation areas that preserves and enhances the character and appearance of the area.
- 3.3 Section 7 of CPG1 states that shopfront alterations should respect the detailed design,

materials and architectural features of the shopfront and building itself.

- 3.4 The Conservation officer has given the view that the proposed decking “(already installed) are not seen to respond sensitively to the buildings historic setting; nor does the work preserve or enhance the character and appearance of the Conservation Area; in fact the installation of the decking and balustrade creates division and creates an enclosure in this open area. The openness is seen to be of a particular character of this part of the CA.”
- 3.5 Whilst the Dartmouth Park CAAC have not objected to this proposal, the Dartmouth Park Conservation Area Appraisal and Management Statement states that Nos 20-24 York rise make a positive contribution to the conservation area – this assessment would not include the proposed decking or balustrading. This statement also specifically points “shopfronts constructed from untraditional materials” and “loss of original York Stone paving” as issues affecting the whole CA.
- 3.6 Furthermore, the Dartmouth Park Conservation Area Appraisal and Management Statement states that High quality design, appropriate scale, form and materials and high quality execution will be required of all new development, including smaller alterations such as shop fronts. “Inappropriate and poorly designed shopfronts detract from the character and appearance of the Dartmouth Park Conservation Area”
- 3.7 3 responses were received from local residents. One of these was in support but did not allude to the design. A further comment raised no objection, again without commenting on the design specifically. 1 objection was received from a resident of 57 Dartmouth Park Road who has specifically commented on the appearance stating it is ugly and should be removed.
- 3.8 In design terms officers consider that the proposed decking is not suitable. It is less attractive than the paving beneath it and the enclosure created by the decking and balustrading detracts from the positive contribution to the conservation area created by the forecourts spaces in front of Nos 20-24 York Rise.

4.0 Amenity

- 4.1 CPG5 – Town Centres, Retail and Employment, 6.10 states “Tables and chairs placed outside buildings can provide alternative facilities for dining and drinking and contribute to the vibrancy and character of an area. However outdoor seating areas may also generate negative impacts in terms of expanding or intensifying food and drink uses, users generating noise leading to a loss of residential amenity, tables and chairs obstructing the footway, particularly for people with disabilities, creating an impediment to street cleaning and rubbish collection, and providing areas of opportunities for crime and anti-social behaviour like begging and theft. In addition outdoor seating areas of an inappropriate form may detract from the character of the area”.
- 4.2 Although consultation responses were received from local residents, none of these have raised any concern over the operation of the café or any noise disturbance generated from the café or ancillary use of the forecourt.

5.0 Transport

- 5.1 The highways/ transport officer has confirmed that the forecourt is private and not part of the public highway. He has stated there is no negative impact on pedestrian movement on the adjacent highway from the proposed decking. Should this application be refused the applicant would be entitled to have tables and chairs on the forecourt, without the decking in place.
- 5.2 It should be noted however that the café uses A-boards to advertise to the public and these are placed on the highway and could cause an obstruction to pedestrians. Without the

decking in place there would be ample room for A-boards which would not obstruct the highway.

5.3 CPG6 – Amenity, 9.3 states that “all new developments should incorporate a suitable level of access for everyone and be inclusively designed”. Whilst the proposed decking includes an access ramp to the raised level, the balustrading encloses the area so that there is limited scope for inclusive access for wheelchair users to be able to manoeuvre themselves in this area.

5.4 In terms of access, the entrance to the premises is slightly improved due to the ramp, however the proposal would have a negative impact by enclosing the open area and would not allow wheelchair users any space to manoeuvre on the decking. This issue is not considered sufficient to refuse the application, especially as there would be improved access from the ramp.

6.0 Conclusion

6.1 The proposal would have a negative impact on the conservation area and would not preserve or enhance its character.

7.0 Recommendation

6.1 Refuse planning permission and warning of enforcement action to be taken.