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Our ref – 13/M/BR03091

Your ref –

Date 22 August 2017

Mr Ben Farrant
Camden Council
Planning Department
Town Hall
London
WC1H 9JE

By email to planning@camden.gov.uk

Dear Sirs

**Re: 134 Drummond Street NW1 2PA - Application Reference: 2017/3985/P
GPDO Prior Approval determination from A1 to A3**

We are instructed by Mr Brace who has already submitted his online comment. In accordance with GPDO our client objects on the basis of noise impacts, odour impacts, impacts of storage and handling of waste, opening hours, undesirability for the change of use given this is a "neighbourhood centre" where class A1 is protected. Such change of use is "undesirable" and will harm sustainability of that shopping area, together with a siting, design and external appearance of the facilities, more detail of which is set out below.

The different hours that are proposed will clearly have a demonstrably adverse impact upon our client's amenities, living above the shop. We are instructed that single glazing only exists (double glazing was rejected by the Council). The increased noise due to the extractor running past their upstairs window, which will also obstruct their view as it will come straight past a window upstairs, presents classic amenity harm. We understand there is currently a wooden partition that separates client from the shop, which is proposed to be removed: that will result in loss of privacy. The site is small which will result in overspill on to the street creating additional noise, rubbish and odours. There is no delivery space or parking. Our client does not accept that a similar level of delivery traffic noise and commotion will arise compared with the A1 use. The generation of refuse and litter by what amounts to a take-away (A4) since the floor space is so small that it is inevitable that hot food will be consumed off the premises (kebab) will only be collected when left on the street in bags. Next door offers kebabs and fried chicken, the other side a café. The Council is aware from an existing online comment that this will only add to the problem of litter from nearby residential occupiers of the mews.

For the reasons set out above there is a clear conflict with policy A1 "managing the impact of development". No acoustic report has been submitted to satisfy the Council that the

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noise generation will be sufficiently attenuated e.g. no detail in respect of how odours, fumes and dust will be extracted satisfactorily without harm to residential amenities. Policy A4 is clear that the Council will not grant planning permission that is likely to generate unacceptable noise and vibration impacts without appropriate attenuation measures.

Policy TC2 requires the LPA to ensure that development of this type does not have harmful impacts to residents, protection for primary frontages ensuring a high proportion of A1 to maintain retail function of the centre to maintain vitality and viability. The applicant's only submission that deals with vitality and viability is the butcher's shop having closed because halal meat is available at bigger local supermarkets. There is no marketing and viability report submitted with the application to support the application. The Council is not in a position to approve this proposal. It is recognizably a buoyant shopping area. A1 is not suffering voids. No attempt has been made by the applicant to demonstrate to the LPA's satisfaction that there is no retail demand for this floor space. Such small A1 units are important to preserve to ensure that the neighbourhood centre has strong vitality and viability. Policy TC2 at paragraph 9.17 clearly states that neighbourhood centres for convenient shopping for local residents will be retained.

From the Council's approach set out at paragraph 9.21-23 it is clear that protection of A1 is particularly important in a location where there is no history of vacancy or any demonstration that a change of use from A1 to A3 (probably A4) would be necessary because of lack of take-up of the floor space. Given hot food either side, the frontage will not be A1, contrary to policy. Cumulative approvals for A3 have a severe detrimental impact upon the vitality of neighbourhood shopping areas, and thus the character roles of social and economic dimensions the neighbourhood area requires. The neighbourhood character requires A1 given C3 above is high density.

It would appear to our client that work has already begun at site. The application form confirms that work has begun. So the Council will need to assess whether a prior approval application is now even possible/viable. There is judicial authority that casts significant doubt.

The proposal is not in accordance with the development plan and there are clear reasons why prior approval should be denied.

Yours faithfully

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Kingsley Smith Solicitors LLP