

Delegated Report		Analysis sheet		Expiry Date:	14/07/2017
		N/A		Consultation Expiry Date:	04/08/2017
Officer			Application Number(s)		
Kate Henry			2017/2874/P		
Application Address			Drawing Numbers		
128 Camden Road London NW1 9EE			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from retail (Class A1) to hot food take-away (Class A5) and installation of extract ducting on rear elevation.					
Recommendation(s):		Refuse			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	0	No. of responses	5	No. of objections	3
Summary of consultation responses:	<p>Original site notices were displayed on 07/06/2017 (consultation expiry date 28/06/2017) and a notice was placed in the local press on 08/06/2017 (consultation expiry date 29/06/2017).</p> <p>Revised site notices (with the correct site location plan) were displayed on 14/07/2017 (consultation expiry date 04/08/2017).</p> <p>3x objections have been received, as summarised below:</p> <ul style="list-style-type: none">No room for another food shop in the areaDon't want a fish and chip shop in this locationThe barbers brings a different mix of people into the areaFood smells will waft into residential unitsVentilation ducts will be an eyesoreDesign & Access Statement refers to wrong address and is same as previously submitted <p>2x letters of support have been received, as summarised below:</p> <ul style="list-style-type: none">Existing barber shop encourages anti-social behaviourThis is a good location for a new take-away, not much other choice in vicinity					
Camden Broadway CAAC	<p>Objection:</p> <ul style="list-style-type: none">Unacceptable impact on living standards of residents living aboveNo proposed opening hoursAppreciate submission of noise impact assessment but also believe that an air quality assessment is requiredInaccurate elevations and so not possible to assess the impact on the conservation area					

Site Description

No. 128 Camden Road is a two storey building with a retail unit (A1) at ground floor level (currently used as a barber shop) and ancillary space above (storage, staff room).

The application site is located within the Royal College Street / Camden Road Neighbourhood Centre. It is also within the Camden Broadway Conservation Area.

Relevant History

2016/7113/P - Change of use from retail unit (A1 use) to A5 (hot food take away) and the installation of extract ducting to the rear exterior of the building – **Withdrawn 10/03/2017**.

Relevant policies

The London Plan (2016)

The National Planning Policy Framework (2012)

Camden Local Plan (2017)

C1 Health and wellbeing

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

CC4 Air quality

TC2 Camden's centres and other shopping areas

TC4 Town centre uses

T1 Prioritising walking, cycling and public transport.

T2 Parking and car free development.

Camden Planning Guidance

CPG1 Design (2015)

CPG5 Town Centres, Retail & Employment (September 2013)

CPG6 Amenity (2011)

CPG7 Transport (2011)

CPG8 Planning Obligations (2015)

Camden Broadway Conservation Area Appraisal and Management Strategy (February 2009)

Assessment

1. The Proposal

1.1. This application seeks planning permission for the following:

- Change of use from retail (Class A1) to hot food take-away (Class A5)
- Installation of extract ducting on rear elevation

1.2. The proposed ducting would exit the rear elevation of the building at a height of 2.4 metres above ground level and would extend up alongside and then over the top of the rear extension

to a maximum height of 6.3 metres above ground level. It would project outwards from the rear elevation of the building by approximately 0.5 metres.

2. Planning considerations

2.1. The key considerations material to the determination of this application are summarised as follows:

- The principle of development
- The impact on the character and appearance of the wider area (including the Camden Broadway Conservation Area)
- The impact on the visual and residential amenities of nearby and neighbouring residential properties
- Transport considerations

3. Principle of development

3.1. The application site is located within the Royal College Street / Camden Road Neighbourhood Centre, which includes the following properties: 195, 201-211 Royal College Street (west side); 152-184 Royal College Street (east side); 84-128b Camden Road (east side); 57-75b Camden Road (west side); 159 St. Pancras Way.

3.2. Policy TC2 of the Local Plan seeks to promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. The policy notes that the Council will:

(a) seek to protect and enhance the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located;

(b) provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice;

(c) make sure that food, drink, entertainment and other town centre uses do not have a harmful impact on residents and the local area and focusing such uses in King's Cross and Euston Growth areas, Central London Frontages, and Town Centres;

(d) support and protect Camden's Neighbourhood Centres, markets and areas of specialist shopping, local shops; and

(e) pursue the individual planning objectives for each centre, as set out in supplementary planning document Camden Planning Guidance on town centres, retail and employment, and through the delivery of environmental, design, transport and public safety measures.

3.3. The policy goes on to note that the Council will seek to retain convenience shopping for local residents in Camden's Neighbourhood Centres and will ensure that development in them does not harm the function, character or success of that centre.

3.4. CPG5 (Town Centres, Retail & Employment) notes that Camden's Neighbourhood Centres provide for the day-to-day needs of people living, working or staying nearby. They generally consist of groupings of between five and fifty premises, which focus on convenience shopping. Other uses that can make a positive contribution to the character, function, vitality and viability of these centres include: financial and professional services; food and drink uses; laundrettes;

doctors; dentists; and veterinary surgeries.

3.5. CPG5 notes that the Council will resist schemes that result in:

- *less than 50% of ground floor premises being in retail use; or*
- *more than 3 consecutive premises being in non-retail use.*

3.6. At the time of the officer's site visit (04/07/2017), less than 50% of the ground floor premises within the Neighbourhood Centre were in retail use (See Appendix A), which means the Neighbourhood Centre already fails to comply with CPG5 requirements.

3.7. The proposal to change the use of No. 128 from retail (Class A1) to a hot food takeaway (Class A5) would result in even fewer units in the centre being in retail (Class A1) use and it is considered that allowing the proposed change of use would cause undue harm to the function, character and success of the centre, contrary to the aims of Policy TC2 of the Local Plan.

3.8. If the change of use was allowed, the number of units in retail (Class A1) use would fall to 40%, which is significantly below the 50% aim. Furthermore, it is not considered that the proposed hot food take-away would perform a complementary role because within the same centre there are hot food takeaways at No. 124 Camden Road (Caribbean Delight) and No. 75 Camden Road (Swallow House Chinese takeaway), both visible from the application site.

3.9. To conclude, the proposal would result in fewer than 50% of the ground floor premises in the neighbourhood centre being in retail use, contrary to CPG5 guidance. As a result, the proposal would cause undue harm to the function, character and success of the centre. The principle of development is not considered to be acceptable and it is recommended that planning permission be refused on this basis.

4. Impact on the character and appearance of the wider area (including the Camden Broadway Conservation Area)

4.1. The application site is within the Camden Broadway Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

4.2. The proposal does not involve any changes to the front of the host building, which limits the impact on the wider area.

4.3. The proposed extract ducting would be located at the rear of the building, out of public view. It would measure up to 6.3 metres above ground level and it would project outwards from the rear elevation of the building by approximately 0.5 metres; however, it would not extend any higher than the wall on which it would be placed, which minimises its visual impact to some extent.

4.4. On the whole, although the proposed extract ducting could represent an incongruous addition to the host building, the fact it is located to the rear of the building, and in close proximity to the outrigger, means it would not be visible in the public realm and would not be prominent in views from surrounding buildings either. On this basis, the impact on the character and appearance of the host building and the wider area is considered to be acceptable, on balance.

4.5. On balance, the application is considered to be acceptable in this respect.

5. Impact on the visual and residential amenities of nearby and neighbouring residential properties

- 5.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: noise and vibration levels; and odour, fumes and dust. Policy A4 also seeks to ensure that noise and vibration is controlled and managed. The policy notes that the Council will not grant planning permission for development likely to generate unacceptable noise and vibration impacts, and will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity.
- 5.2. The application is accompanied by a Noise Impact Assessment report relating to the kitchen extraction system. However, the levels fall short of those specified in the new Local Plan, which is not acceptable. The Noise Impact Assessment report complies with the, now superseded, Policy DP28 of the LDF, which accepted 5dB below background and 10dB if there was a tonal element to the noise. However, the new Local Plan requires higher standards to be met in order to protect the ever increasing background noise levels in the borough. The Local Plan requires 10dB below background and 15dB below background if the noise is tonal. As the measured noise in the report is 8dB below background it falls short of the required criteria. This is not acceptable and the application is also recommended for refusal on this basis.
- 5.3. The applicant has also provided details of a grease interceptor system. If the application was otherwise considered to be acceptable, a suitable planning condition could ensure that the system was installed prior to the first new use of the premises, and permanently retained thereafter.
- 5.4. The applicant has not proposed opening times as part of their application (the Noise Impact Assessment notes that the kitchen extract system would operate between 1000 to 2300 hours 6 days a week); however, if the application was otherwise considered to be acceptable, a suitable planning condition could restrict the opening hours. Given that this is a busy London street, it is not considered that the proposed change of use would cause undue harm in terms of comings and goings to the premises, even if this continued into the evening. As noted above, there are other takeaways in close proximity to the application site, as well as other uses which are likely to attract evening trade (for example, Slattery's Public House on the other side of the road).

6. Transport considerations

- 6.1. Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough; Policy T2 seeks to limit the availability of parking; and Policy T4 promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road.
- 6.2. The application site has a high PTAL rating (6a) and is therefore easily accessible by public transport. Furthermore, the application site is located within a designated Neighbourhood Centre which already attracts visitors.
- 6.3. The application site does not have any off-street parking and none is proposed, which is acceptable.
- 6.4. The scale of the proposal does not warrant the submission of a transport assessment and/or delivery and servicing management plan. Given the nature of the proposal and the application site, it is not considered that deliveries or servicing would cause undue harm to the amenities of nearby and neighbouring properties.
- 6.5. Overall, it is not considered that the proposed change of use from retail (Class A1) to hot food

takeaway (Class A5) would cause any harmful transport impacts in the wider area and the proposal is considered to be acceptable in this respect.

Recommendation: Refuse planning permission

APPENDIX A: Current uses in the Royal College Street / Camden Road Neighbourhood Centre

Address	Current use	Lawful use
195 Royal College Street	A3 – Pizzeria Di Camden	A3
201 Royal College Street	A1 – Royal Supermarket	A1
203 Royal College Street	A1 – Wolf Airsoft gun shop -	A1
205 Royal College Street	A1 – COB gallery	A1
207 Royal College Street	Vacant	B1
209 Royal College Street	A1 – All Seasons Carpet shop	A1
211 Royal College Street	C3 – Residential	C3
152 Royal College Street	Vacant building plot	A1
154 Royal College Street	A1 or A3 – Buna Aromia Cafe	A1
156 Royal College Street	C3 – Residential	C3
158 Royal College Street	C3 – Residential	C3
160 Royal College Street	C3 – Residential	C3
162 Royal College Street	C3 – Residential	C3
164 Royal College Street	C3 – Residential	C3
166 Royal College Street	A1 – Camden tyres	B1c
168 Royal College Street	C3 – Residential	C3
170 Royal College Street	Sui generis – Body Exchange massage parlour	Sui generis
172 Royal College Street	A2 – Powered By Rooms estate agent	A2
174 Royal College Street	A1 – Camden Image gallery	A1
176 Royal College Street	A1 or A3 – Casa Tua café	A3
178 Royal College Street	C3 – Residential	C3
178a Royal College Street	A1 or A3 – Royal Café (closed)	A3
178b Royal College Street	Vacant – was a tattoo parlour (SG)	Sui generis
180 Royal College Street	B1 or A2 Swedbrand office	A2
182 Royal College Street	C3 – Residential	C3
184 Royal College Street	B1 ? Camden Community Drug Service office	D1
84 Camden Road	A2 – Regent 2000 Properties	A2
84a Camden Road	A1 – Davedire barber shop	A1
86 Camden Road	A2 – Regent 2000 Properties	A2
88 Camden Road	A1 – Eric's hairdresser and tattoo studio	A1
90 Camden Road	A1 or A3 – Highstone Brew Café	A1
92 Camden Road	D1 – NW1 Dental Care	D1
94 Camden Road	A1 or A3 – Domo Italian café / restaurant	A3
96 Camden Road	A1 – Biotech Pharmacy	A1
98 Camden Road	C3 – Residential	C3
100 Camden Road	C3 – Residential	C3
102 Camden Road 104 Camden Road 106 Camden Road	(102-106) – A4 – Grand Union PH	A4
110 Camden Road	A1 – Camden Boxframe Co	A1
112 Camden Road	A1 – Heaven Dry Cleaner	A1
114 Camden Road	A3 or A5 – Camden Tandoori	A3
116 Camden Road	A1 – Top Nails salon	A1
118 Camden Road	A1 – Three Amigos skateboard and clothes shop	A1
120 Camden Road	A1 – Blyss Hair & Beauty salon	A1
122 Camden Road	A1 – Sammy's Embassy hairdressers	A1
124 Camden Road	A5 – Caribbean Delight takeaway	A5
126 Camden Road	A1 or A3 – Apulia Café	A1
128 Camden Road	A1 – Sam's Barber	A1
128b Camden Road	A1 – Corner Xpress newsagents / off-license	A1
57 Camden Road	A2 – William Hill bookmaker	A2
59 Camden Road	A1 or A3 – Parma Café	A3
61 Camden Road	A1 – Headlines @ Marylena hairdresser	A1
63 Camden Road	A2 – Your Move estate agent	A2
65 Camden Road	A1 – D Jansen hardware shop	A1

67 Camden Road	A1 – Outdoor Emporium	A1
69 Camden Road	A4 – Slattery's PH	A4
71 Camden Road	A1 or A3 – Kick & Munch café	A3
73 Camden Road	A1 – M&M Food and Wine	A1
75 Camden Road	A5 – Swallow House Chinese takeaway	A5
75a Camden Road	A1 or A3 – Twins Coffee Shop	A1
159 St Pancras Way	C3 Residential or part of Corner Express?	C3

EXISTING

Use Class	Number	Percentage
A1	25	42
A2	6	10
A3	7	12
A4	2	3
A5	2	3
Sui Generis	2	3
C3	12	20
B1a	1	2
B1c	1	2
D1	2	3
Total	60	100

PROPOSED

Use Class	Number	Percentage
A1	24	40
A2	6	10
A3	7	12
A4	2	3
A5	3	5
Sui Generis	2	3
C3	12	20
B1a	1	2
B1c	1	2
D1	2	3
Total	60	100