

PLANNING, DESIGN AND ACCESS STATEMENT

35 Pratt Street, Camden,
London, NW1 0BG

APPLICATION FOR THE CHANGE OF USE FROM A CLASS A3 (RESTAURANT) TO A CLASS A5 (TAKE- AWAY)

PLANNING, DESIGN AND ACCESS STATEMENT

35 PRATT STREET, CAMDEN, LONDON, NW1 0BG

ON BEHALF OF DOMINO'S PIZZA UK & IRELAND PLC

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1. INTRODUCTION

- 1.1 This Design and Access Statement has been prepared by Pegasus Group on behalf of DPSK Ltd to support an application for the change of use from a Class A3 (Restaurant) to a Class A5 (Take-away) for Domino's at 35 Pratt Street, London, NW1 0BG.
- 1.2 This Statement sets out the justification for the change of use and external alterations, firstly by reviewing the site and its surroundings in terms of the relevant planning context as well as summarising the relevant planning history and planning policy.
- 1.3 It will then deal with the implications of the proposed ventilation equipment and external alterations in terms of design and amenity. The Statement will also demonstrate how the proposal complies with both national and local planning policies.
- 1.4 This Statement should be read in conjunction with the full planning application, including the separate Heritage Note, prepared by Pegasus Group, and the full set of plans and the technical information contained within the Annex B document, both prepared by AEW Architects and Designers Ltd.

2. SITE AND SURROUNDING AREA

- 2.1 The application site comprises an existing three storey Victorian property situated on the northern side of Pratt St, close to its junction with Bayham St. The property backs on to St Martin's Gardens.
- 2.2 The ground floor level was previously occupied by a Japanese restaurant (Sen Nin) whilst the upper floors are in residential use. The opening hours for the restaurant were typically 12:00 – 23:00 Monday to Sunday. Extraction and ventilation equipment has previously been installed on the rear of the building in association with the previous restaurant use.
- 2.3 The building does not lie within a Conservation Area. Whilst not a statutorily listed building, it is locally listed due to its architectural merit, contribution to the townscape and social significance.



Image 1: Existing frontage of 35 Pratt Street.

- 2.4 The building also lies adjacent to the entrance to the grade II listed St Martins Gardens Recreation Ground and Wrought Iron Gates. The building on the other side of this entrance (Carpenters Court) is also included in the Council's list of locally designated heritage assets.

- 2.5 The unit falls outside of any defined shopping frontage and outside of any defined town centre boundary although there are a number of other commercial units in the surrounding area, located to the west along Pratt Street, Bayham Street and Camden High Street. Uses in the immediate vicinity of the site include a record shop, a newsagent, an estate agent and a small number of cafes and restaurants. There are no takeaways in the immediate vicinity of the site.
- 2.6 Parking along Pratt Street is limited to disabled parking bays and several pay and display spaces, all within 50m of the site. There is a dedicated moped/motorcycle parking area immediately opposite the unit.
- 2.7 Two primary schools are situated approximately 100-150m to the east of the unit.

3. THE PROPOSAL

3.1 It is proposed to change the use of the unit from a Class A3 (Restaurant) to a Class A5 (Take-away) unit.

3.2 The change of use will require the following physical works to be made to the unit:

- Replacement of existing fascia signs and trough lights (front elevation);
- Removal of the existing timber shopfront and replacement with new (front elevation);
- New customer entrance to be installed on left hand side of the shopfront (front elevation);
- New RAL 7043 Traffic Grey shopfront to be made of aluminium with 400mm high stall riser above internal finish floor level (front elevation);
- Removal of the existing projecting sign (front elevation);
- Existing double doors to be removed and replaced with a single solid core timber rear access door (rear elevation);
- Installation of a fresh air supply duct on the late 20th century extension (side elevation); and
- Replacement of wooden panel, associated with the modern shopfront, with an aluminium panel (side elevation); and
- Ground floor windows on rear elevation to be retained with frosted vinyl applied internally (rear elevation).

3.3 The existing single step access arrangement will be retained subject to building control review and approval.

3.4 The application also seeks approval for the installation of extraction and ventilation equipment. As part of this, the following physical alterations will be made to the property:

-
- The existing extract penetration on the rear elevation will be retained and the opening will be widened for reuse by the new oven extract (rear elevation);
 - The existing extract ducting will be removed; and
 - Existing wall mounted compressor on rear elevation to be decommissioned and removed and then replaced with 1no. new A/C and 1no. new cold room compressors. These will be wall mounted at a low level.

3.5 A separate application will be made for signage at the premises.

4. PLANNING HISTORY

- 4.1 The planning history of the site is set out below.
- 4.2 Permission (**8701322**) was granted in **September 1987** for (1) the erection of a single storey ground floor extension and part 1st floor extension for public house. (2) Change of use of 1st floor from residential to function room in connection with a public house on the ground floor. (3) Erection of a roof extension to provide a maisonette on the 2nd and 3rd floors.
- 4.3 Permission (**PE9800346**) was granted in **May 1998** for the renewal of planning permission granted on 07/12/93 for the construction of a single storey ground floor extension and part first floor extension for use by the public house. Change of use of the first floor from residential to function room, construction of a roof extension to provide a self-contained maisonette on the second and third floors.
- 4.4 Permission (**PEX0101035**) was granted in **March 2003** for the change of use of the first floor from ancillary public bar accommodation to residential; the erection of a single storey rear extension at first floor level and the addition of a third-floor mansard roof to create 4no. new residential units, plus an additional set of emergency exit double doors at rear of the public house.
- 4.5 Permission (**2010/0952/P**) was granted in **April 2010** for the installation of flue, duct work and attenuator to the rear elevation of an existing restaurant. The existing extraction and ventilation equipment was, presumably installed following the granting of this permission.
- 4.6 Furthermore, it is understood that the unit was converted to a restaurant under the revised permitted development rights contained within the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2005. It is not known exactly when this change of use took place, but the site was certainly in use as a restaurant in July 2008. As such, the lawful use of the site is as a restaurant (Class A3).

5. PLANNING POLICY

National Planning Policy

National Planning Policy Framework (NPPF) 2018

- 5.1 The revised National Planning Policy Framework (NPPF) was published in July 2018 and sets out the Government's planning policies for the planning system to ensure that the planning system helps to achieve sustainable development.
- 5.2 The key objective of the NPPF is to achieve sustainable development and **paragraph 8** confirms there are three overarching objectives which need to be pursued, namely economic, social and environmental. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
- 5.3 **Paragraph 11** confirms that a presumption in favour of sustainable development is at the heart of the NPPF and for planning applications this means proposals for development conforming to the Development Plan should be approved without delay.
- 5.4 At **paragraph 12**, the NPPF confirms that *"where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate the plan should not be followed"*.
- 5.5 **Paragraph 38** relates to decision making and confirms that *"local planning authorities should approach decisions on proposed development in a positive and creative way"* and that:
- "Decision-makers at every level should seek to approve applications for sustainable development where possible"*.
- 5.6 **Paragraph 80** states that *"significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development"*.

- 5.7 **Paragraph 85** relates to the vitality of town centres and confirms that policies and decisions should *“support the role that town centres play at the heart of local communities”*.
- 5.8 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Authorities should approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Securing the optimum viable use of the property and achieving public benefits are key material considerations for application proposals.
- 5.9 Annex 2 of the NPPF defines main town centre uses as including retail development, leisure and entertainment facilities which include restaurants, drive-through restaurants, bars and pubs and night-clubs.
- 5.10 Legislation relating to the Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas. **Section 66 (1)** of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:
- “In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- 5.11 National policy and guidance is set out in the Government’s National Planning Policy Framework (NPPF) published in July 2018. This replaced and updated the previous National Planning Policy Framework 2012.
- 5.12 **Paragraph 197** of the NPPF states that when considering the impact of a proposed development on the significance of a non-designated heritage asset, *‘a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’*
- 5.13 Planning applications within the London Borough of Camden are currently determined in accordance with the Camden Local Plan, adopted in July 2017.

Local Planning Policy

5.14 The relevant policies are contained within the following documents of the Local Plan:

- London Plan (2016); and
- Camden Local Plan (adopted July 2017).

5.15 The Local Plan is supported by 'Planning Guidance' notes. Camden is in the process of refreshing its suite of Planning Guidance Notes following the adoption of the Local Plan in 2017. Relevant draft guidance is provided in respect of:

- Amenity;
- Planning for health and wellbeing; and
- Town Centres and Retail.

5.16 Other relevant documents include Camden Local Plan Evidence Report into fast food takeaways and health (February 2016).

London Plan (2016)

5.17 **Policy 6.3** assesses effects of development on transport capacity. This policy states:

"Development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network."

5.18 **Policy 7.3** Designing out crime states:

"Development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating."

5.19 **Policy 7.4** Local character states:

"Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined

character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area."

5.20 **Policy 7.13** Safety, security and resilience to emergency states:

"Development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire, flood and related hazards. Development should include measures to design out crime that, in proportion to the risk, deter terrorism, assist in the detection of terrorist activity and help defer its effects."

5.21 **Policy 7.15** Reducing noise and enhancing soundscapes states:

"Development proposals should seek to manage noise by: a avoiding significant adverse noise impacts on health and quality of life as a result of new development."

Camden Local Plan 2017

5.22 The Camden Local Plan was adopted by the Council in July 2017 and, alongside the London Plan, forms the development plan for the borough. The following policies are considered to be particularly relevant to the application:

5.23 **Policy A1** – This policy seeks to ensure that the quality of life of occupiers and neighbours is protected. Development that causes an unacceptable harm to amenity will not be permitted.

5.24 **Policy A4** – This policy sets out the Council's approach to managing noise and vibration resulting from development. Development will need to have regard to Camden's Noise and Vibration Thresholds.

5.25 **Policy D1** – This policy establishes the Council's commitment to achieving high quality design in development. The policy sets out a number of criteria against which the design of proposals will be assessed.

5.26 **Policy D2** – This policy sets out the Council's approach to proposals that would have an impact on heritage assets and the historic environment. The policy would not permit any proposals that would result in less than substantial harm to a

heritage asset unless there are public benefits that would convincingly outweigh that harm, in line with national policy.

- 5.27 **Policy D3** – This policy seeks to ensure that a high standard of design is achieved in new and altered shopfront, canopies, blinds, security measures and other features.
- 5.28 **Policy CC1** – This policy requires all development to minimise the effects of climate change. Whilst the level of mitigation required will vary depending on the scale of the proposals, it is noted that all development will be expected to optimise resource efficiency.
- 5.29 **Policy TC3** - Although this policy relates primarily to shops (as opposed to restaurants) it is relevant since it sets out the Council's position to Class A uses away from town centres in general terms. Appropriate alternative uses for shops away from town centres include uses providing essential services for residents, businesses, workers and visitors such as professional and financial services, community facilities and launderettes.
- 5.30 **Policy TC4** – This policy sets out the Council's strategy for managing the development of town centre uses within the borough. A number of criteria are set out that will be considered by the Council for applications for new uses.
- 5.31 The Council will not grant planning permission for development that it considers would cause harm to the character, amenity, function, vitality and viability of a centre or local area. The Council consider that harm is caused when an impact is at an unacceptable level, in terms of:
- trade and turnover;
 - vitality and viability;
 - the character, quality and attractiveness of a centre;
 - levels of vacancy;
 - crime and antisocial behaviour;
 - the range of services provided; and
 - a centre's character and role in the social and economic life of the local community.

5.32 Where food, drink and entertainment uses are permitted, they will need to be managed to protect the amenity of residents. To ensure such uses do not harm amenity or the character of an area the Council will consider applying controls on

- hours of operation;
- Refuse and litter;
- Noise and vibration;
- Fumes; and
- Local management issues.

5.33 Turning to health impacts, the supporting text of the policy states:

“In line with the National Planning Policy Framework the Council believes that the planning system can play an important role in facilitating healthy communities. One issue of particular importance in the borough is childhood obesity. The Council seeks to tackle this issue and encourage healthy eating habits. The Council is undertaking a range of programmes aimed at improving the food environment in the borough. While the causes of obesity are complex there is evidence to support that energy dense fast food is one of a number of contributing factors to obesity. The Council will therefore consider the health impacts of the development of new hot food take away in the borough.”

5.34 **Policy T2** – This policy states that the Council will limit the availability of parking in new development in the borough and will require all new development to be car-free.

Camden Planning Guidance

5.35 Camden Planning Guidance (CPG) provides advice and information on how they will apply their planning policies. The first phase of these guidance documents were adopted by the Council in March 2018. The most relevant guidance notes are summarised below.

CPG Amenity

- 5.36 This supplementary planning guidance (SPG) supports the provisions policies that relate either wholly or in part to the issues of amenity within the Local Plan.
- 5.37 In respect of noise and vibration (Policies A1 and A4) the guidance sets out the circumstances in which acoustic reports should be prepared.

CPG Health and Wellbeing

- 5.38 This SPG seeks to support the policies within the Local Plan that relate either wholly or in part to health and wellbeing. The key messages of the guidance are as follows:
- Planning can have a significant role in improving health and wellbeing and enabling healthier lifestyles;
 - Measures that will help contribute to healthier communities and reduce health inequalities should be incorporated in developments;
 - The potential impacts of schemes on health and wellbeing should be identified early in the design of schemes;
 - Health Impact Assessments (HIA) and screening should be undertaken for all major applications and developments likely to give rise to significant health impacts. This will allow schemes to be refined to maximise positive effects on health and wellbeing.

5.39 The guidance elaborates on the approach to new hot food takeaway uses set out within the local plan. This effectively states that Councils will consider the health impacts of new takeaway uses in the borough and where Health Impact Assessments will be required.

5.40 The guidance does not require a HIA to be provided for new takeaways in close proximity to primary schools.

CPG Town Centres and Retail

- 5.41 The key messages from the Town Centres and Retail CPG are as follows:
- Food, drink and entertainment uses should be in areas where their impact can be minimised; and

- Planning conditions and legal agreements will be used to control the impact of food, drink and entertainment uses. This guidance provides details of the controls that may be used.

6. PLANNING ASSESSMENT

6.1 This section considers the merits of the proposals against the relevant development plan policies and other material considerations identified above. Consideration of issues pertaining to Design and Access will be considered in the following chapter.

Principle of Development

6.2 The lawful use of the application site is as a restaurant (use class C3). The site lies outside of a designated town/local centre and would not result in the loss of an existing retail unit.

6.3 The proposals would replace an existing town centre use with another and, therefore, there would be no impact on the vitality or viability of Camden Town Centre.

6.4 There are no takeaways in the immediate vicinity of the site nor are they particularly prevalent along the nearest sections of Camden High Street. As such, the proposals would not result in a harmful proliferation of takeaway uses in this location, either in terms of the impact on the vitality and viability of Camden High Street, or the health of the local population.

6.5 Two primary schools are located in close (c.100-150m) proximity to the site ('Our Lady's Catholic Primary School' and 'St Michael's CE Primary School'). Whilst the Council do not have a policy which would restrict the introduction of new takeaways in locations in close proximity to schools, paragraph 9.46 of the Local Plan does state that the health impacts of new takeaways will be considered – including that on children in the area.

6.6 The Council's supplementary Health and Well-Being Guidance does not require a Health Impact Assessment (HIA) for new takeaways near existing primary schools. A HIA would, however, be needed for proposals near existing secondary schools. As such, it is clearly acknowledged by the Council that the impact of new takeaways on the health of secondary school children, who are more likely to have access to disposable income and freedom outside of school hours, is likely to be much more severe than on primary school children.

6.7 Furthermore, the existing site's use as a restaurant means that children would still be able to purchase food (e.g. pizzas) from the unit in its current use, albeit it would need to be consumed on the premises, rather than away from it. The

proposals would not, therefore, have a significant impact on the health of children in the local area.

- 6.8 As such, the unit constitutes an appropriate location for a new takeaway use in-principle, subject to compliance with other policies in the development plan.

Amenity

- 6.9 Of principal concern will be the impact of the proposals on the amenity of nearby residential properties, namely those directly above the site and adjacent commercial units. The amenity of properties on the southern side of Pratt Street should also be considered; however, the distance between them and the application site means that the impact on these properties will be relatively minor.
- 6.10 In terms of noise, the main source of this will come from the installation of the extraction and ventilation equipment and the general operations of the takeaway.
- 6.11 Turning to the former, the proposed equipment to be installed will incorporate mitigation measures to ensure that the noise generated by the equipment will have no harmful impact on residential properties in the surrounding area.
- 6.12 The planning history indicates that extract equipment was installed as part of a restaurant fit out in 2010 (see planning history section). As such, it is clear that an appropriate scheme can be provided at the site that would safeguard residential amenity.
- 6.13 There is also potential for noise to be generated by activity associated with the takeaway use. This will principally be from customers and delivery drivers travelling to and from the site.
- 6.14 This part of Park Street is home to a number of commercial uses including a number of restaurants that open until relatively late in the evening (the previous restaurant used operated until 11pm and 'Andy's Greek Taverna' advertises itself as being open until 11:30pm seven days a week).
- 6.15 Furthermore, the proximity of the site to Bayham Street and Camden Town Centre, along with traffic along Pratt Street all contributes to a background noise that is likely to be relatively high. The arrivals/departures of delivery vehicles to/from the proposed takeaway are unlikely to have a significant impact on noise levels in the surrounding area.

- 6.16 The proposal is seeking operating hours of 11am to 11pm Monday - Sunday. These are broadly in line with the previous restaurant use (12pm to 11pm) and other uses in the surrounding area. As such, the proposed hours are considered to be appropriate in this location. These operating hours can be controlled by way of an appropriately worded condition.
- 6.17 In short, it is considered that the proposals, subject to the installation of appropriate mitigation measures for the new extraction and ventilation equipment, will not prejudice the amenity of sensitive neighbouring occupiers and are acceptable.
- 6.18 Turning to odour, the Annex C document confirms that a high level of odour control will be required due, primarily, to the location of the extraction equipment at a low level. A 'Specification and Defra Report' has been produced by the Purified Air which confirms that the proposed equipment will ensure that odour discharge from the restaurant will be successfully managed and not have an adverse impact on residential amenity.
- 6.19 Given the high level of filtration proposed, it is considered that odour issues can satisfactorily be mitigated and ensure that the amenity of neighbouring properties is protected.
- 6.20 In short, it is considered that, subject to the installation of appropriate mitigation measures, the proposals will have no significant impact on the amenity of neighbouring occupiers.

Heritage

- 6.21 The accompanying heritage note addresses the impact of the proposals in detail. To summarise, it is not considered that the proposed works would result in a substantial change to the overall appearance of the south elevation, and that such changes would not impact upon the overall architectural and historic interest of the elevation, nor the contribution which it makes to the surrounding street scene.
- 6.22 Works to the rear of the building are considered to result in an improvement to the overall appearance of the elevation, and its experience from St Martin's Gardens.
- 6.23 Alterations to the side elevation are not considered to impact upon the overall architectural and historic interest of the building.

6.24 The proposed works, as a whole, are thus considered to preserve the overall architectural and historic interest of the non-designated heritage asset, and thus responds to the obligations of Policies D1 and D2 of the Camden Local Plan. Paragraph 197 of the NPPF is not engaged due to the lack of harm identified.

Conclusion

6.25 To conclude, it is clear that the principle of a new takeaway unit in this location is acceptable as it would not detract from the vitality and viability of the nearby town centre. Furthermore, subject to the implementation of an appropriate mitigation strategy, residential amenity can be protected and the proposed alterations would not result in an adverse impact on the heritage significance of the unit either.

6.26 The proposals are, therefore, considered to be in accord with policies A1, A4, D2, CC1, TC3 and TC4 of the Local Plan.

7. DESIGN AND ACCESS

Design

- 7.1 Chapter 3 set out the detail of the proposals and how these will impact the physical appearance of the building.
- 7.2 Policy D1 sets out a list of criteria against which proposals will be assessed. As the site is a locally listed building, the criteria set out in Policy D2 also applies.
- 7.3 The proposed alterations to the property are confined to alterations to the shopfront and the replacement of the existing extraction and ventilation equipment.
- 7.4 It is considered that the replacement shopfront respects local character and enhances the historic environment by virtue of the materials used and general aesthetic created. As extraction and ventilation equipment is already installed at the unit, its replacement with upgraded equipment is considered to be appropriate.
- 7.5 Improvements to the unit's energy efficiency and resource management will result from the proposed materials and upgrades to the extraction and ventilation equipment.
- 7.6 The existing shopfront is a modern insertion that is not considered to be of any architectural (or historical) significance in its own right. The proposed aluminium shopfront and colour is considered to be an appropriate replacement for the existing shopfront. The timber panelled frames would be retained and thus the overall change in appearance would be minimal and intelligible as part of the evolution of this modern shopfront.

Access

- 7.7 The proposals will have no significant impact on highway safety or the surrounding highway safety network.
- 7.8 The site lies within a highly sustainable location be located a short distance from Camden Town Centre, Camden Town Tube Station, and a number of bus stops. As such, it is considered that the majority of customers visiting the store will do so on foot or via public transport.
- 7.9 Any increase in delivery vehicle movements to/from the store will be offset in the reduction in customers visiting the unit compared with the previous restaurant use.

As such, there will be no material change in the number of journeys associated with the proposed use and there will be no adverse impact on highway safety as a result.

- 7.10 There are a number of parking spaces along Pratt Street including a dedicated moped/motorbike parking area opposite the site, that could be utilised by delivery drivers on a short-term basis whilst they pick up orders from the store. Pay and display restrictions do not apply after 6:30pm on Monday-Friday or 5:30pm on Saturday/Sunday. This will coincide with the unit's peak trading hours when deliveries to/from the store are likely to be most frequent (i.e. the evenings).
- 7.11 Loading bays are located slightly further afield along Camden Street to the east and these could be utilised by non-moped/motorbike delivery drivers when the parking restrictions along Pratt Street apply.

8. CONCLUSION

- 8.1 This Planning, Design and Access Statement is submitted in support of an application for the change of use from a Class A3 (Restaurant) to a Class A5 (Take-away) for Domino's at 35 Pratt Street, London, NW1 0BG.
- 8.2 This statement has shown that the proposed takeaway use is acceptable in this location and, provided suitable mitigation can be installed at the site, would not have an adverse impact on residential amenity.
- 8.3 Furthermore, the proposals would not have an adverse impact on the local road network or highway safety and the proposed physical alterations to the unit will successfully preserve the significance of the locally listed building.
- 8.4 The proposals are fully compliant with both national and local planning policy and guidance, and, as such, it is respectfully requested that planning permission be granted.

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