

Application ref: 2017/3007/P  
Contact: Nora-Andreea Constantinescu  
Tel: 020 7974 5758  
Date: 17 August 2018

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
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Plainview Planning Ltd  
Clarendon House  
42 Clarence House  
Cheltenham  
GL50 3PL

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**59 Chalk Farm Road**  
**London**  
**NW1 8AN**

Proposal:  
Change of use from Class A1 (retail) to Class A3 (restaurant), following the expiration of temporary permission under application 2016/0794/P, dated 05.08.2016, and vent to front elevation.

Drawing Nos: Site location plan; Planning statement dated May 2017; UV-C Odour Control Technology Technical & Operation Manual; Electrostatic Precipitation (ESP) Filter Unit; Noise Impact Assessment July 2017; 59 Chalk Farm Road - 001; 59 Chalk Farm Road - 002; 59 Chalk Farm Road - 003; 59 Chalk Farm Road - 004; Property Particulars 05/02/2018.

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 must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan; Planning statement dated May 2017; UV-C Odour Control Technology Technical & Operation Manual; Electrostatic Precipitation (ESP) Filter Unit; Noise Impact Assessment July 2017; 59 Chalk Farm Road - 001; 59 Chalk Farm Road - 002; 59 Chalk Farm Road - 003; 59 Chalk Farm Road - 004; Property Particulars 05/02/2018.

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

- 4 No sound emanating from the use shall be audible within any adjoining premises between 00:00hrs and 11:49hrs.

Reason: To safeguard the amenities of the adjoining] premises and the area generally, in accordance with the requirements of policies G1, A1, A4, D1, CC1, TC1, TC2, TC4 and A4 of the London Borough of Camden Local Plan 2017.

- 5 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA (15dB if tonal components are present) as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policy A4 of the Camden Local Plan 2017.

- 6 Details shall be submitted to and approved in writing by the Council of a suitable cleaning schedule and/or maintenance contract for the extract system and odour control system. Approved details shall be fully implemented within three months of this permission, and permanently retained thereafter.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by smell, steam and other effluent in accordance with Policy A1 and TC4 of Camden Local Plan 2017.

- 7 The use hereby permitted shall not be carried out outside the following times 12:00 - 00:00 Mondays to Saturdays and 12:00 - 00:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, A4 and TC1, TC2, TC4 of the London Borough of Camden Local Plan 2017.

Informative(s):

## 1 Reasons for granting permission:

The application site is located within a primary frontage part of Camden Town Centre. CPG Town Centres identifies Camden Town as the borough's biggest centre with largest range of shops and services. The centre has good diversity of uses, including food, non-food, and services uses as well as important leisure offer, with eating, drinking and cultural activities. Policy TC4 requires that in town centres careful consideration should be given to the cumulative impact of food, drink and entertainment uses, with the expectation of a mixed and balanced uses within the frontages.

The application site sits within a primary frontage which includes consecutive units from no. 49 to 77 Chalk Farm Road, part of the north side of Camden Town centre which is identified as having a mixed street frontage of restaurants, bars and specialist shops. In order to protect the character, function, vitality and viability of the centre and this frontage, CPG Town Centres indicates that the Council will not grant planning permission for development which results in the number of ground floor premises in retail falling below 50% within this frontage.

Currently there are 23 units within this frontage and 19 of them are in retail use with an overall percentage of 82% being in retail use. The proposal would result in 78% of the units being in retail use, which would significantly exceed the 50% advised limit. Therefore, as there is a large amount of retail uses existing within this primary frontage and the resulting percentage subject to the proposed scheme would still be well above the limit required, it is considered that the retail vitality and character of Camden Town centre would still be retained.

In relation to the provision of food, drink and entertainment uses within the primary frontages for Camden Town centre, the Council's guidance advises that these would be acceptable up to a maximum of 20% of each street frontage. Furthermore, in order to avoid excessive fragmentation of the centre, no more than two consecutive non-retail uses (including restaurants) will be permitted.

Currently there are 6 out of 23 units as food, drink and entertainment uses (Class A3, A4, A5) with a percentage of 26%. The proposed change of use would result in 30% of the units being food, drink or entertainment use within this frontage, which exceeds the required 20% limit. However, adjacent to the application site towards the north side, all the units from no. 60 to 70 Chalk Farm Road are currently in retail use. On the opposite side, towards south, the adjacent premises are Nandos restaurant which occupies nos. 57-58, followed by a retail unit at no. 56, a restaurant at no. 55 and followed by five retail units with no. 49 being Camden Assembly Rooms pub. As such, the proposed conversion would meet the policy criteria of having this primary frontage with no more than two consecutive non-retail uses, which would preserve a cohesive frontage in retail use.

Furthermore, the Council's records show that the premises have been vacant in retail use for several months from 2014 to 2016. Policy TC4 indicates that the level of vacancy has a significant impact in the assessment of the proposed change of use, as it can cause harm to the character, function, vitality and viability of the centre and local area, as the aim of the Council is to provide a vibrant and diverse centre. During the life of this application, particulars were provided by the applicant

to show the premises being advertised in retail use, and stated that there was no interested for such occupation.

- 2 It is acknowledged that the proposal would result in a greater number of units in food, drink and entertainment use; however, on balance, considering the large amount on units in retail use within this frontage, the proposal not resulting in more than two consecutive non-retail uses, the previous levels of vacancy as retail and continued lack of interest for retail use, it is therefore concluded that the proposed change of use would maintain the character, function, vitality and viability of the frontage it is part of an Camden Town centre as a whole.

The ground floor of the application site has been operating as a restaurant in A3 class use, under Class D of GPDO Prior Approval Process, for two years, as granted on 05/08/2016. Subsequent to this a kitchen extract system has been installed inside the premises with an external vent located in between the shutter cassette and the awning above, in black colour the same as the shopfront background at this level. The visibility of the vent is restricted and it is not considered to significantly affect the appearance of the premises and therefore would comply with policy D1.

Above the application premises sits a residential unit with a terrace above, significantly set back from the street frontage. A Noise Impact Assessment was submitted by the applicant which demonstrates that the kitchen extract system would not cause harmful noise and vibration to the residential unit above the premises. Environmental health officers have assessed the information provided and deemed it satisfactory subject to a compliance condition.

In relation to the odour and fumes, the applicant has provided some information indicating that the kitchen extract would include an Electrostatic Precipitation (ESP) Filter unit, which would prevent harmful propagation of odours and fumes from the restaurant proposed. Environmental health officers have assessed this information and considered it acceptable, however a suitable cleaning schedule and/or maintenance contract for the extract system and odour control system would be secured by means of condition.

Furthermore, under the prior approval temporary permission the premises were operating in between 12:00am to 00:00 and the applicant proposes to maintain these opening hours under the current application. Being located in a town centre, the premises are expected to support the night time economy and the existing restaurants in vicinity to the application site have similar opening hours. It is therefore considered that opening hours between 12:00 to 00:00 would be considered appropriate in this instance.

In light of the above, it is considered that based on the information provided and nature of development proposed, there would be no significant impact caused to the amenity of the neighbouring occupiers, and therefore the proposals are acceptable in this regards.

One objection was received prior to making this decision, which is dully addressed in consultation summary. 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 A1, A4,

CC1, D1, D2, G1, TC1, TC2, TC4 of Camden Local Plan 2017. The development would also accord with the National Planning Policy Framework 2018 and the London Plan 2016.

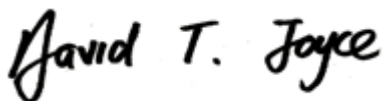
- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 4 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 5 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.

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