

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		04/09/2017	
		N/A / attached		<b>Consultation Expiry Date:</b>		10/08/2017	
<b>Officer</b>				<b>Application Number(s)</b>			
Sofie Fieldsend				2017/2273/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Unit 16, New College Parade Finchley Road London NW3 5EP				See draft decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Change of use from retail (Class A1) to hot food takeaway (Class A5) and installation of external rear extract duct.							
<b>Recommendation(s):</b>		Refused					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00		
<b>Summary of consultation responses:</b>		<p>A site notice was displayed between 19/07/2017 and the 09/08/17.</p> <p>It was advertised in the Ham and High between 20/7/17 and the 10/08/17.</p> <p>No responses were received.</p>					
<b>CAAC/Local groups* comments:</b> *Please Specify		N/A					

## Site Description

The ground floor is currently in A1 use with residential units above. The site is on the Northern side of Finchley Road, located along New College Parade.

It is not within a conservation area and the building is not listed. It is within the Finchley Road Town Centre, and falls within a secondary shopping frontage. There is also an Article 4 direction for the property removing permitted development rights for change of use from B1a office use to C3 residential use.

## Relevant History

### Application site

None relevant

### Neighbouring sites

Unit 19 - 2013/4218/P - Change of use of ground floor from retail shop (Class A1) to offices (Class B1). – Refused 19/11/2013

Reason for refusal - The change of use, would result in the further loss of a Class A1 retail unit, detrimental to the character, function, vitality and viability of the neighbourhood centre, contrary to Policies CS7 (Promoting Camden's centres and shops) of the London Borough of Camden Local Development Framework Core Strategy and Policy DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) of the London Borough of Camden Local Development Framework Development Policies.

## Relevant policies

### **National Planning Policy Framework 2012**

### **The London Plan March 2016**

The Camden Local Plan was adopted on 3<sup>rd</sup> July 2017. The relevant policies to the application are:

A1 - Managing the impact of development  
D1 - Design  
TC1 – Quality and location of retail development  
TC4 – Town centre uses

### **Camden Planning Guidance**

CPG1 - Design  
CPG5 – Town Centre's, Retail and Employment  
CPG6 - Amenity

## Assessment

The proposal is for the change of use from retail (A1 use) at ground floor (76m<sup>2</sup>) and basement (35 m<sup>2</sup>) to a restaurant (A3 use). The unit is currently vacant, the applicant has not stated how long it has been vacant.

### Land Use

Policy TC2 of the Council's Local Plan seeks ensure that development in its centres is appropriate to the character and role of the centre in which it is located and does not cause harm to neighbours, the local area, or other centres. It will protect the secondary frontages as locations for shops (A1) together with a broader range of other town centre uses to create centres with a range of shops, services, and food, drink and entertainment uses which support the viability and vitality of the centre. Development that would result in less than half of the ground floor premises in a given frontage being in retail use would be resisted.

Policy TC4 states that the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. It outlines the Council's expectations for the mix and balance of uses within the frontages and that the Council will consider the impact of food and drink related uses on nearby residential uses and amenity and noise and vibration generated inside or outside the site. In order to manage the potential harm to amenity or the local area, the Council will use planning conditions to address hours of operation, odour, noise and vibration and the siting of plant and machinery.

CPG 5 'Town Centres, Retail and Employment' provides specific guidance on non-retail uses within Finchley Road. The Council will resist proposals that would result in less than 50% of the premises in Secondary Frontages being in retail use (A1). The percentage is calculated on the individual frontage, not the centre as a whole. In this case, the frontage is the 16 units from 1 to 19 New College Parade between College Crescent and Northway's Parade.

In accordance with policy TC4 of Camden Development Policies, the Council will seek to prevent concentrations of uses that would harm a centre's attractiveness to shoppers or its residential amenity. The Council will generally resist proposals that would result in more than 3 consecutive premises within the Secondary Frontages being in non-retail use.

The subject site is located within a secondary frontage of 16 commercial properties between College Crescent and Northway's Parade. A site visit was carried out on Monday 31<sup>st</sup> July, to establish the existing mix of uses within the frontage. This was verified against the Council's planning records to establish the lawful uses within this part of the Core Frontage as well as the information provided on Camden's retail survey 2016.

The lawful uses are as follows:

Occupants	Address	Use Class
Euro Sports	No.1	A1
Swiss Cottage Thai Massage & Spa	No.2	D1
San Ling Chinese Medical Centre	No.3	D1
The Bulb	No.4	A3
China Garden	No.5-6	A3
Guglee	No.7	A3
New Istanbul Supermarket	No.8	A1
Green Cottage	No.9	A3
London Tanning and beauty	No.10	Sui Generis
Coates Opticians	No.11	A1
Oriental Arts	No.12	A1
Fiddie's	No.13	A3
Bright smile dental & aesthetic clinic	No.14-15	D1
Chimney Cakes Bakers (Subject Site)	No.16	A1 (Vacant)

Ladbrokes	No.17 -18	Sui Generis
Azerbaijan Visa Centre	No.19	A2 (A1 lawful use)

From the table above, 31% of the uses are currently A1. As a result of the proposed change of use, 25% of the frontage would be A1 retail use. It is noted that in 2013, Unit 19 was refused planning permission for the change of use from A1 to B1 ref. 2013/4218/P. This proposal was refused on the loss of A1 within the town centre.

The number of A1 units is already below 50% within the secondary shopping frontage and the change of use at the subject site would further reduce the number of A1 units. It is considered that the loss of the A1 use would further erode and undermine the character, function, vitality and viability of the frontage. The applicant provided photos showing vacant premises along Finchley Road, however it is noted from a site visit that the application site is the only vacant unit located along New College Parade. The evidence provided by the applicant is not sufficient to demonstrate that the A1 use is no longer suitable for continued use; therefore, the change of use has and harm to the retail function of the area is unacceptable.

Para 2.9 of CPG5 states that where a planning application proposes the loss of shop in retail use, the Council will consider whether there is a realistic prospect of such a use continuing. The onus to demonstrate this is on the applicant and sufficient evidence is required to show whether there is a realistic prospect of demand to use a site for continued use. CPG5 sets out the level of details that are required to support an application involving the loss of retail including details of where and how the premises was advertised and the feedback gained from interested parties. It is noted that little information has been submitted in terms of marketing evidence and justification.

### Design

The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy D3 relates to shopfronts and expects a high standard of design in new and altered shopfronts, canopies, blinds, security measures and other features.

No external changes are proposed to the front elevation and a new extraction duct is proposed to the rear. The proposed ductwork at the rear would extend the full height of the building. Given its siting to the rear of the building it is considered that it would not be widely visible and therefore would not cause demonstrable harm to the character of the host property or the character of the surrounding area.

### Residential Amenity

Policy TC4 states that the Council will consider the impact of food and drink related uses on nearby residential uses and amenity and noise and vibration generated inside or outside the site. In order to manage the potential harm to amenity and the local area, the Council will use planning conditions to address hours of operation, noise and vibration and the siting of plant and machinery.

The nearest residential properties are located on the upper floors of the host and surrounding buildings (include one residential unit directly above the proposal). The proposed hours of operation have been indicated as 12:00-23:00 Monday to Sundays and public holidays. New College Parade is a busy street with other shops in the frontage open until 23:00. It is considered that providing the operating hours are adhered to and with the use of a condition that no music be played on the premises in such a way as to be audible within any adjoining premises, the impact in terms of noise from the use would be acceptable.

The proposed duct is not considered to impact on the outlook of the flat above as it shall be located to the side of their rear facing windows.

Policy TC4 further outlines that 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 takeaways in the borough.

It is noted that this application site is located in close proximity to South Hampstead High School which is 0.2 miles away or a four minute walk and given that there are no other A5 uses within New College Parade it is considered that its siting could encourage unhealthy eating habits and contribute to childhood obesity within this area of Camden.

#### Plant/Extraction Equipment

An acoustic report has been submitted to accompany the application which has been assessed by the Council's Environmental Health Officer. A condition would be imposed, if the development were deemed acceptable, requiring noise level emitted from all plant/machinery/equipment to be lower than the lowest existing background noise level by at least 10dBA (in accordance with BS4142:2014). Furthermore, in the event of a successful decision a condition would be required to ensure the plant, equipment and ducting would be mounted with proprietary anti-vibration isolators and fan motors and to be vibration isolated from the casing and adequately silenced and maintained thereafter.

No information has been provided relating to the installation, operation, and maintenance of the odour abatement equipment and extract system. In addition the location of the flue has not been shown on the proposed floor plan or rear elevation. The local planning authority is therefore unable to properly assess its impact. In absence of this information it is considered that the amenity of occupiers of the development site/surrounding premises would be adversely affected by cooking odour.

#### Recommendation

Refuse planning permission.