Agenda item

35 Pratt Street, London, NW1 0BG

* [Meeting of Planning Committee, Thursday, 11th April, 2019 7.00 pm (Item 7(2))](http://democracy.camden.gov.uk/ieListDocuments.aspx?CId=120&MID=7773#AI44034)
* [View the background to item 7(2)](http://democracy.camden.gov.uk/mgIssueHistoryHome.aspx?IId=48990)

**Application No:** 2018/3951/P       **Officer:** Gideon Whittingham

**Proposal:** Change of use from a restaurant (Use Class A3) to a hot food takeaway (Use Class A5), installation of extraction and ventilation equipment and associated works.

**RECOMMENDATION: Grant conditional planning permission subject to a Section 106 legal agreement.**

**Minutes:**

Consideration was also given to the written submissions contained in the supplementary agenda as referred to at item 4 above.

Committee members queried the officer’s conclusion that there was no potential public health impact, given the Council’s own Public Health team had set out there was likely to be. The Planning Officer outlined that any public health impact on schools from takeaways was likely to be on secondary schools, given primary school children were not independent school travellers. The Council had in its draft local plan proposed a threshold of 400m from secondary schools within which hot food takeaways would not be permitted, but this had been rejected by the Planning Inspector who had cited no specific supporting evidence of a causal link between Class A5 uses and public health impacts on schoolchildren.

It was remarked by Committee members that the revised draft London plan did contain a policy restricting hot food takeaways from being close to schools and queried what weight that could be given. They also noted the healthier catering commitment contained in the draft London plan. The proximity of the entrance door to the residential door was also raised as a concern as had been identified by residents. Finally the impact of deliveries, likely moped based, was raised as an issue given the potential amenity impact on residents above and adjacent to the premises.

The Planning Officer replied that the draft London plan proposed essentially what had been struck out of the draft Camden Local Plan and only limited weight could be given to it at this stage. He highlighted that the draft London plan had no additional studies in support of the proposed policy. The healthier catering commitment could be given more weight given it was referenced in the current mayoral supplementary guidance, albeit that was guidance not policy. If the Committee was minded to approve then a condition could be added requiring the applicant to demonstrate how they were conforming to the healthier catering commitment, or the Camden equivalent, ‘Camden Can’.

Regarding potential amenity impacts, the Committee was informed that there was a small customer area with no tables or chairs and given that the business would be delivery led it was not likely that the location of the door would cause a nuisance. If the Committee needed assurance then a condition could be added requiring details of the frontage to be provided.

On deliveries, the Planning Officer remarked that they would not necessarily be using only motor vehicles, with pedal bikes a potential option. A motorcycle bay was available, pay to park bays further down the street, and there were single yellow lines allowing parking for up to 20 minutes for loading and unloading. The potential amenity impacts of deliveries were noted and this was why it had been agreed to have a delivery and servicing management plan. A review mechanism could be added to this if deemed appropriate.

Returning to the draft London plan and exclusion area around schools for hot food takeaways, it was commented by Committee members that other London boroughs had now brought in such policies using an evidence base. Committee members added that it was not clear how a condition related to the healthier catering commitment or Camden Can would mitigate the potential impact. The cumulative impact of hot food takeaways in the local area was also raised. The Planning Officer commented that the London Borough of Brent did have a 400m exclusion zone around schools for hot food takeaways and other authorities had it as guidance rather than policy, but at appeal this had normally been supported on the basis of anti-social behaviour impacts and not health ones.

The Committee commented that it was not realistic to apply a condition limiting deliveries to only pedal bikes and the general experience of residents with hot food takeaway deliveries was of engine idling and noise. It was not clear how even the most robust delivery and service management plan could mitigate those impacts. The Planning Officer advised that the operator could not start until the delivery and service management plan was approved and that a review mechanism would allow revisions to that plan, making it a live document able to enforce and respond to issues. He added that the current A3 use was not controlled and a delivery service was possible with A3 use as long as the primary use remained for a restaurant. Committee members outlined that the unit was clearly being designed for deliveries and would not be viable under the current A3 use, and that enforcement against hot food takeaways was difficult. The Head of Development Management outlined that there were potential solutions to the issues, and officers were confident enough that those solutions could be agreed to recommend the application for approval.

Responding to further questions, the Planning Officer advised:

-       There was a public benefit in bringing a disused unit back into usage;

-       Only three mopeds were planned to be kept onsite and they could be managed through the delivery and service management plan;

-       No specific litter strategy had been agreed, but a sensible approach would be agreed taking into account local circumstances; and

-       Conservation officers had worked with the applicant on reinstating a more traditional shop front which was considered an improvement on the current façade. A separate application would be lodged to determine the details of the fascia sign though.

The applicant’s representative advised in response to a query that they were willing to accept a condition permitting only electric mopeds and similar delivery vehicles to be used. Committee members commented that electric mopeds would still present issues in terms of air quality impacts from braking and tyres.

Committee members reiterated concerns about the cumulative impact of hot food takeaways, the significantly greater adverse impacts on residents associated with takeaways compared to restaurants, potential littering in St Martin’s Gardens and delivery vehicles parking in the wrong places. It was suggested that the delivery and service management plan was an attempt to find solutions to problems that currently did not exist, and given that problems were being created there was an amenity impact.

On being put to the vote it was, with 0 votes in favour, 9 against and 1 abstention:

**RESOLVED –**

THAT planning permission subject to conditions and a Section 106 legal agreement as set out in the report and an additional condition permitting the use of only electric mopeds and similar vehicles be refused.

After discussion, it was proposed that planning permission be refused on the basis of the cumulative impact of hot food takeaways in the area on public health specifically in relation to schools, with reference to the healthier catering commitment, draft provision of the London Plan on exclusion areas around schools for hot food takeaways and policy TC4.

A second reason for refusal encompassing impact on neighbouring and local amenity in respect of noise, air quality and anti-social parking related to customer activity and deliveries was also proposed. It was felt that any delivery and service management plan would not be able to sufficiently mitigate those impacts contrary to policy A1 and other relevant policies.

On being put to the vote it was, with 9 votes in favour, 0 against and 1 abstention:

**RESOLVED –**

THAT planning permission be refused for the following reasons:

a)        Cumulative impact of hot food takeaways in the area on public health specifically in relation to schools, with reference to the healthy schools commitment, draft provision of the London Plan on exclusion areas around schools for hot food takeaways and policy TC4;

b)        Impact on neighbouring and local amenity in respect of noise, air quality and anti-social parking related to customer activity and deliveries contrary to policy A1 and other relevant policies.

**ACTION BY:               Chief Planning Officer**

**Supporting documents:**

* [35 Pratt Street, London, NW1 0BG, item 7(2) pdf icon PDF 5 MB](http://democracy.camden.gov.uk/documents/s79360/35%20Pratt%20Street%20London%20NW1%200BG.pdf" \o "Link to document '35 Pratt Street, London, NW1 0BG' pdf file)