

Application ref: 2020/0594/P
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Regeneration and Planning
London Borough of Camden
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Mr. Luca Meola
103 Highgate Road
Kentish Town
London
NW5 1TR
London

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**103 and 105 Highgate Road
London
NW5 1TR**

Proposal: Change of use of ground floor retail unit (A1 use) at no. 105 to restaurant (Class A3) as an extension to the existing restaurant at no. 103 to provide a single restaurant use, together with installation of new shopfront and internal roller shutter at unit 105 and alterations to rear ground floor facade including new fire escape doors, bricking up door openings and installation of intake louvre and discharge grill at first floor level.

Drawing Nos: Site location plan; CBLD-13774-01 rev A; CBLD-13774-03 rev C; RS_PL_100; RS_EX_PL_100; RS_EX_EL_301; RS_EX_EL_302; RS_PL_100; RS_EL_301; RS_SE_203; RS_SE_204; Mechanical ventilation calculations (DW172 Coefficient calculation); Plant noise assessment produced by Aran Acoustics dated 3rd September; Extract from UV-O Range 2020 Air Flow.

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 and policy DC3 of the Dartmouth Park Neighbourhood Plan.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site location plan; CBLD-13774-01 rev A; CBLD-13774-03 rev C; RS_PL_100; RS_EX_PL_100; RS_EX_EL_301; RS_EX_EL_302; RS_PL_100; RS_EL_301; RS_SE_203; RS_SE_204; Mechanical ventilation calculations (DW172 Coefficient calculation); Plant noise assessment produced by Aran Acoustics dated 3rd September; Extract from UV-O Range 2020 Air Flow.

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

- 4 The use hereby permitted shall not be carried out outside the following times 23:00 to 08:00 Mondays to Fridays and Sundays and 23:00 to 10:00 on Saturdays.

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

- 5 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 No sound emanating from the use shall be audible within any adjoining premises between 2300 hrs and 0800 hrs.

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

- 8 Prior to the first use of the premises for the A3 use hereby permitted, the ventilation and filtration equipment to suppress and disperse fumes and/or smells created from cooking activities on the premises, shall be installed and be in full working order in accordance with the approved plan CBLD-13774-03 rev B and equipment details provided in extract from UV-0 Range 2020 Air Flow brochure. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations. In the event of no satisfactory ventilation plant and / or machinery being installed, no primary cooking shall take place on the premises.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 The proposed air intake louvre at ground floor level on the rear elevation shall be painted black.

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 and policy DC3 of the Dartmouth Park Neighbourhood Plan.

Informative(s):

- 1 Reason for granting permission-

The existing shop unit has been vacant since 2015 when it was occupied by the Met Police on a temporary basis for 5 years. Prior to this the shop unit was in A1 use. The proposal would result in the loss of an A1 unit however of the 9 units within the parade 6 are in A1 retail uses (66%). One objection letter has been received from a local resident raising concerns about the reduction in the variety of shops in the parade as a result of the proposal. The change of use would ensure that 50% of the units continue to operate in A1 retail use and not more than 3 consecutive units would be non-A1 units in line with Policy TC2 and Town Centre and retail CPG (2018). The Dartmouth Park Neighbourhood Plan (NP) takes a more comprehensive view and looks at the neighbourhood centre as a whole rather than individual parades of shops. Policy CE1 states that 80% of the units within the Neighbourhood Centre should fall within A1, A3, A4, D1, D2 and laundrettes (thereby excluding A2, A5 or other sui generis uses). Given that both the existing A1 and proposed A3 uses fall within the uses identified in the Dartmouth Park NP that it is seeking to encourage and retain, the proposal would also meet this policy requirement. The overall A3 floorspace created as a result of the proposal would be 70 sq. m which would ensure that the use remains small in terms of its scale. Taking all of this into consideration as well as the fact that the unit has been vacant for 5 years and it would be occupied by an existing local business, the proposal would be positive for the vitality and viability of the centre and would be consistent with

Policies TC2 and TC4 of the Camden Local Plan and policy CE1 of the Dartmouth Park Neighbourhood Plan.

The replacement shopfront is fully glazed and is identical to the existing shopfront at 103. It mirrors the fully glazed design of the majority of the shop units along the parade and does not appear out of character in accordance with policy D1. Access into the shopfront would be step free and would therefore be accessible. The applicant has confirmed that there would be no new roller shutters proposed as part of the application. Replacement external security shutters would normally require planning permission and would be strongly discouraged due to their harmful impact on the character and appearance of the street. An informative would be attached to any permission to inform the applicant of this. The proposed awnings and external lighting of the shopfront would require separate advertisement consent. It is considered that the centrally located awning which is at a slightly higher level than the existing and proposed awnings over the shopfronts would add additional unnecessary clutter and should be removed. An informative would be attached to any permission advising the applicant of this.

The proposed air intake louvre at ground floor level on the rear elevation is not very deep in profile and would not project above the rear wall of the commercial premises. This continues to ensure that the services associated with the ground floor commercial units are clearly separate visually from the residential uses above and would be considered acceptable in terms of character and appearance. A condition would be attached to ensure that the louvres would be painted black.

The external works would not include any extensions and would not harm the amenity of the neighbouring occupiers in terms of loss of privacy, outlook or daylight and sunlight and would be considered acceptable.

- 2 The opening hours of the existing restaurant is 08:00 to 23:00 Monday to Friday and Sunday and 10:00 to 23:00 on Saturdays. Due to the location of the proposed A3 use within an existing parade of shops these openings hours are considered appropriate. There are residential units above the parade of shops and any extension to these hours might result in additional noise and disturbance that may have an impact on the amenity of these residents. A condition would be attached to ensure the restaurant would not operate outside of these hours. An informative advising that such a condition means that no customers shall be on the premises and no activities associated with the use will be permitted outside these hours will also be attached to any permission.

With regard to noise and disturbance issues, it is considered that the proposed opening hours will limit any impacts of noise and disturbance to neighbouring occupiers and the area generally. A condition would be attached to ensure that no music would be played on the premises in such a way as to be audible within any adjoining premises or on any adjoining highway. Concern has been raised from a local resident about noise from people sitting outside the restaurant particularly during the summer months. The use of the pavement area outside the proposed A3 use would require a table and chairs license and would be controlled by the relevant legislation.

The application has been supported by an acoustic report that has been reviewed by the Council's Environmental Health officer. No objections have been raised subject to securing the standard condition to ensure that the noise levels would meet the Council's minimum noise requirements.

Given the nature of the change of use to operate as a larger restaurant it is imperative that equipment is installed to deal with the existing and additional cooking smells and fumes. Concerns have been raised from a local resident of one of the flats above the application site regarding smells from the existing restaurant. Although no odour report has been submitted the applicant has confirmed that an odour control unit would be installed that would eliminate odours from the ventilation equipment. The Council's Environmental Health officer has reviewed the information and is satisfied that the equipment will ensure that any odour from the ventilation equipment will be mitigated. A condition will be attached to ensure that the odour control unit is fitted before the use commences.

One objection has been received and duly taken into account prior to making this decision. The objections are addressed in the associated consultation summary. The Dartmouth Park Neighbourhood Forum support the proposal. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies D1 (Design), TC2 (Camden's centres and other shopping areas), TC4 (Town centre uses), C6 (Access for all), A1 (Managing the impact of development), and A4 (Noise and Vibration) of the Camden Local Plan and policies DC3 (Requirement for good design), CE1 (Supporting Neighbourhood Centres) and CE5 (Character of Neighbourhood Centres) of the Dartmouth Park, the London Plan 2016, The London Plan Intend to Publish 2019 and the National Planning Policy Framework 2019.

- 3 Please be advised that the replacement of external security shutters would normally require planning permission. External security shutters are strongly discouraged and other forms of enhanced shopfront security should be considered as an alternative.
- 4 The proposed awnings and external lighting of the shopfront would require separate advertisement consent. It is considered that the centrally located awning which is at a slightly higher level than the existing and proposed awnings over the shopfronts would add additional unnecessary clutter and should be omitted as part of any future advertisement application.
- 5 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction

Management Plan is approved by the Council.

- 6 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).
- 7 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 8 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.
- 9 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Director of Economy, Regeneration and Investment