

Rear of 115-119 Finchley Road, Swiss Cottage

Planning Statement

LPA Ref: PP-10217056

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Section 1 Introduction

- 1.1 This Planning Statement has been prepared by Firstplan in support of a planning application by Roofoods Ltd (t/a Deliveroo Editions) in respect of the Unit to the rear of 115-119 Finchley Road, London **(the Site)**.
- 1.2 The use of the Site as Commercial Kitchens and a Delivery Centre (Sui Generis) and the installation of external plant to facilitate that use currently benefits from temporary planning permission for 9 months, which was granted on 3 March 2021 (ref: 2020/2367/P). Despite a recommendation for approval by officers at Committee on 15 October 2020, Members considered that in light of the COVID-19 situation, further monitoring should be undertaken in order to determine the acceptability of the use in this location. This temporary permission followed the grant of planning permission for 14 months by an Inspector on 17 September 2019 following a Public Inquiry to determine an appeal under Section 174 of the Town & Country Planning Act 1990 (as amended) **(the Appeal Decision)**.
- 1.3 Following the Appeal Decision Deliveroo have continued to engage with the Council in order to revise the Operational management Plan for the Site, which has been in place since the Appeal Decision was issued. Monitoring of the OMP was also undertaken by Firstplan Ltd between November 2019 to February 2020 and the findings of this research was presented in a Site Monitoring Report submitted as part of planning application ref: 2020/2367/P. This report highlighted our view that the Site is operating in accordance with the OMP, with the rules appearing to have “*bedded in*” well. Furthermore, the same riders largely returned during the monitoring period and were well versed in how to enter the Site, park their bike/EV and head inside to collect their order.
- 1.4 Following the Member’s position that further monitoring should be carried out before a permanent permission be issued, TPA have undertaken a separate review of the site using survey data acquired by an independent company between May 2021 and August 2021. The findings of this assessment are provided in the submitted Transport Statement. This process also shows the site to be operating in an appropriate manner in line with the OMP.
- 1.5 Accordingly, it is considered that planning permission should be granted on a permanent basis. This Planning Statement demonstrates that the permanent use of the Site by Editions and the retention of the installed plant equipment continues to be acceptable in all regards and is therefore in accordance with adopted local and national planning policy as follows:-

- The Site is situated within a busy town centre where commercial development is encouraged in line with Policy SD8 of the London Plan and Policy TC4 of the Camden Local Plan;
- The Site is an important economic use, which is providing an essential delivery service to local people, particularly during the ongoing COVID-19 situation. Editions has occupied an underutilised unit within a defined town centre, has created 29 new jobs for local people (excluding riders), has benefited the local supply chain and facilitates the growth of new and existing restaurant businesses, including start-ups and SMEs. The continued support that the Site will provide to restaurant businesses, which have been severely affected by the current circumstances, will be vitally important post COVID-19. This important economic use is fully supported by Policies E2 and E4 of the London Plan and Policy E1 of the Camden Local Plan;
- The use of bicycles and ETWS as the mode of operation for delivery vehicles supports Camden Council's commitment to make Camden net zero carbon by 2030. This is fully in accordance with Policies T7 and GG3 of the adopted London Plan;
- When taking into account of the context of the Site, the limited hours of operation and the conclusions of the monitoring exercise and the noise and odour reports, it is our view that the permanent use of the Site and retention of installed plant equipment does not have an unacceptable impact upon the amenity of neighbouring residential properties and complies with Policies A1 and A4 of the Camden Local Plan; and
- Based on the conclusions of the supporting Transport Statement, the permanent use of the Site does not result in unacceptable harm to highway safety and complies with Policy A1 of the Camden Local Plan.

1.7 As such, it is respectfully requested that planning permission is granted without delay.

1.8 This Statement adopts the following structure:-

- Section 2 sets out the planning background to the Site;
- Section 3 describes the Deliveroo Editions concept and the operation on Site;
- Section 4 sets out the relevant planning policy framework;
- Section 5 provides an assessment of the pertinent planning issues associated with the permanent use of the Site; and
- Section 6 draws conclusions.

Section 2 Planning Background

a) Description of the Site and Surrounding Area

- 2.1 The Site comprises the lower ground floor of 115-119 Finchley Road, Swiss Cottage. The total floorspace extends to 460 sq m and the Site is served by a dedicated servicing area and three off-street car parking spaces. Access to the Site is from Finchley Road and is managed via a gate.
- 2.2 In terms of the immediate surrounding area, the upper ground floor of 115-119 Finchley Road is divided into a mix of retail and restaurant uses. Residential units are accommodated on the three upper floors. To the north east of the Site is Cresta House, a nine-storey mixed use building with commercial uses accommodated on the ground floor and residential uses above. The land to the rear of Cresta House is separated from the Site by a locked gate. This building is served by the dedicated surface car park immediately to the north of the Site. To the south and west of the Site are residential properties fronting onto Dobson Close.
- 2.3 The Site is located within the designated Finchley Road/Swiss Cottage Town Centre which is a busy location on the A41 Finchley Road.
- 2.4 The Site is not situated within a Conservation Area, the building is not listed and the Site is not within an area at risk of flooding.

b) Relevant planning history

- 2.5 The following is a description of the planning history in relation to the Site based on the documentary records provided by LBC:-
- The Site formed part of the construction of a wider development relating to 115 – 121 Finchley Road. Planning permission was granted on 11 September 1959 (ref: TP21868) for the erection of a building, part two-part and part five storeys, comprising shops and supermarket on lower-ground and ground, five self-contained flats at first floor and five self-contained maisonettes at second and third floors with ancillary garages at the rear. This permission was later renewed in 1960 (ref: TP21868/5675).

- Since the original construction, there have been numerous planning permissions granted relating to various parts of the wider site. Substantive planning permissions relating to the Site (117-119 Finchley Road) are considered to be as follows:-

- **8400217** - *Alterations to shopfront for Comet store (granted 24 April 1984)*

- **9005435** - *Sub-division of existing retail unit (A1) to form one hot food takeaway/restaurant (A3) and one retail unit (A1) and associated works (granted 18 January 1991)*

- **9200229** - *Change of use of ground floor unit from retail (A1) to mix of A1 and B1 (granted 8 May 1992).*

- **2017/4737/P** - *The installation of external plant, including 3 no. extract ducts, 4 no. flues, 3 no. air intake louvres, 1 rooftop extract and 3 no. air condenser units installation of external plant, including 3 no. extract ducts, 4 no. flues, 3 no. air intake louvres, 1 rooftop extract and 3 no. air condenser units (refused 11 May 2018)*

- **2018/0865/P** - *Certificate of Lawfulness of an Existing Use for use of the Site as a Class B1c Commercial Kitchen (refused 11 May 2018).*

2.6 Planning permission was granted for a 14 month period from 17 September 2019 for the use of the Site for commercial kitchens and delivery centre (sui generis) and the installation of external plant to facilitate that use including three (3) extract ducts, four (4) flues, three (3) air intake louvres and three (3) air condenser units following a Public Inquiry to determine an appeal under Section 174 of the Town & Country Planning Act 1990 (as amended).

2.7 A planning application was submitted to allow for the permanent use of the site for commercial kitchens and a delivery centre and retention of the installed plant in May 2020. Despite an officer's recommendation for approval, further temporary planning permission for a 9-month period was granted on 3 March 2021 (ref: 2020/2367/P).

2.8 The principle of the use of the Site and the installation of the plant equipment has therefore been considered acceptable by an independent Inspector and officers of the council. This application will demonstrate that the OMP (as revised) continues to work effectively and that the application proposal remains acceptable against all relevant planning policies and therefore a permanent planning permission should be granted.

Section 3 The Application Proposal

3.1 The application seeks planning permission for the permanent use of the Site as commercial kitchens and delivery centre (Sui Generis) and retention of external plant to facilitate that use including three extract ducts, four flues, three air intake louvres and three air condenser units.

a) **Use of the Site**

i) **The Deliveroo Editions Concept**

3.2 A briefing note setting out details of the Deliveroo Editions (**Editions**) concept and how the Site operates is attached at **Appendix 1**. Further information on the benefits and support provided by Deliveroo to restaurant partners and riders is attached at **Appendix 2**. A summary of both notes is set out in the paragraphs below.

3.3 Editions provides bespoke, fully-equipped, state of the art commercial kitchen units which are licensed and occupied by new and established restaurant partners. The kitchens are staffed and operated by the restaurant partners. Food is prepared and cooked within these kitchens by the restaurant partners and delivered to customers using Deliveroo's fleet of riders.

3.4 The concept provides a platform to support the restaurant industry, enabling restaurant partners to open in a new market without the up-front costs or risks of setting up and managing their own physical premises. Deliveroo does not charge partners a rent to occupy a kitchen pod at the Site. Instead, Deliveroo will take a commission against all orders made via the Deliveroo app. There is therefore zero upfront cost for partners to move into the Site - all they are required to do is source chefs and ingredients. At a time when restaurant businesses have been particularly hard hit due to the COVID-19 restrictions, Editions is appealing to restaurants as it gives them the chance to launch, expand and test new innovations at minimal cost, creating in excess of 1,000 new restaurant jobs across the UK. In tandem, Editions has providing an essential delivery service for customers, particularly during the recent social distancing measures, which have only just been relaxed.

3.5 Furthermore, Editions uses insights to identify cuisine gaps in the local market and predicts which menu items will succeed in each area, thereby reducing the risk of business failure for restaurants. The Editions concept also allows food entrepreneurs to prototype new food products and/or brands with

the benefit of insights from Deliveroo. This in turn supports small businesses and start-ups to launch and trial their menus at low risk, both helping new chefs launch for the first time and more established restaurants to reach customers in new places.

- 3.6 In addition, Editions goes one step further using customer feedback to help chefs refine their product offering. Deliveroo is also able to help restaurant owners tailor their menu items using information on the conversion rate (how many people consider vs. purchase from the menu), giving them insights around menu items that are proving popular for customers in their area.
- 3.7 The focus of the model is “*last mile*” delivery and Deliveroo utilises the latest technology to ensure that the food is delivered to the customer in the most efficient way. Deliveroo’s real-time dispatch algorithm, ‘Frank’, constantly looks at available riders and orders, and then every two seconds, evaluates the most efficient way to dispatch them. This decision process is based on (i) machine-learning predictive models of when the food will be ready; (ii) how long every part of the delivery process will take; and (iii) which rider is best placed to fulfil that specific order based on distance, type of location and other factors. The result is that the technology can predict when a rider should arrive on Site, minimising dwell time, and customers get an even more precise indication of when deliveries will arrive.
- 3.8 Each order that is serviced by Editions kitchens is processed in the following way:
- The customer creates an account on the Deliveroo app;
 - The customer logs into the Deliveroo app and places an order with the restaurant located at the Site;
 - The restaurant receives notification of an order being placed and, once it chooses to accept the order, prepares and cooks the food;
 - Deliveroo’s ‘Frank’ algorithm will assign a rider to the confirmed order. The rider must accept the delivery;
 - When the food is nearly ready, the Deliveroo app will notify the rider to go to the Site and pick it up;
 - When the food is cooked, it is packaged and marked with the order number, and then taken to the shared dispatch area, to be collected by the assigned rider;
 - The assigned rider collects the order from the Site and delivers the food to the customer;
 - In practice, orders are “*stacked*” where possible for efficiency so that the rider is often carrying more than one order; and

- The customer can monitor the progress of their order and track the location of the assigned rider (once the order has left the Site) on the Deliveroo app.

- 3.9 Sales do not take place at the Site and there is no ability for customers to collect an order at the Site themselves. The transaction occurs entirely online and is completed via the online app.
- 3.10 The Site is providing an important service to the residents of Camden. The attached briefing note at **Appendix 3** confirms that the Site serves an extensive radius of residents in Camden and analysis of the order data shows that the Site is popular with local residents in Swiss Cottage, many of which live within 500m of the Site.

ii) The operation at the Site

- 3.11 The Site accommodates nine micro kitchen pods (eight extending to 32 sqm each and one larger kitchen pod of 48 sq m). Each pod is independent and shares a dedicated dispatch area where food from all restaurants in occupation is collected by the riders. The Site also accommodates management offices, storage and welfare facilities for kitchen staff and riders.

Restaurant Partners

- 3.12 Since the Site began trading in November 2017, a variety of restaurant partners have operated from the Site including, Pinza, Zia Lucia, Waleema, Motu, Honest Burger, Ekachai, The Good Earth, Kalmaki Street Greek and Ahi Poke. These businesses are a mix of 'start-ups', small independent restaurants and more established brands.
- 3.13 **Waleema** are an example of a small 'start-up' businesses seeking to establish their product. The Site has allowed them to set up and trial their menus in this part of north west London without significant upfront costs.
- 3.14 **Ahi Poke** is an example of a small and independent restaurant business. The Site has enabled them to raise awareness of their brand and test out new areas before deciding to expand.
- 3.15 **Motu** is an Indian restaurant delivery brand created by JKS Restaurants. The Site has facilitated the development of the brand and its success means that JKS are now seeking to open physical premises.
- 3.16 The two most established restaurant partners to have operated from the Site are Honest Burger and Busaba both of which are London based brands. Honest Burger has 28 restaurants in London and

Busaba operates 13 restaurants in London. The Site enabled both brands to service a part of London where they have no representation.

Hours of operation

- 3.17 The Site can be accessed from 08:00 seven days a week by the restaurant partners for food preparation. However, customers are only able to place orders via the app from 12:00 each day. Last orders are placed at 22:45 and the kitchens close at 23:00.
- 3.18 The busiest period for orders is generally between 19:00 and 21:00, which mirrors the casual dining sector on the high street. Orders typically drop off after 21:00.

The collection of orders

- 3.19 Riders using motorised vehicles are prevented from collecting orders from the Site. Only those riders who deliver on foot, bicycles and electric two wheeled vehicles (**ETW**) are allocated an order to collect from the Site. Riders enter the Site, go down the ramp and park their bicycles/ETW in the dedicated parking spaces prior to entering the building to reach the order dispatch point.

iii) The OMP

- 3.20 The operation of the Site is controlled in accordance with a bespoke OMP. The document was prepared with agreement from Officers from Camden Borough Council and secured by a Section 106 agreement to the Appeal Decision. Following the further grant of temporary planning permission in March 2021, the OMP has been further revised.
- 3.21 The OMP covers the following elements:
- The operating hours of the Site;
 - How those who use the Site will be expected to conduct themselves;
 - How Deliveroo Rider deliveries will be managed;
 - The responsibilities of the on-Site marshals;
 - Servicing arrangements for the Site;
 - How refuse and recycling is stored and collected;
 - The noise mitigation measures employed on-Site;
 - Pest control;
 - Site security;

- On-Site staff training;
- Communication with local residents; and
- Complaints handling procedure and logging process.

3.22 Following the issuing of planning permission ref: 2020/2367/P it was agreed that further monitoring of the site should be carried out to determine the effectiveness of the measures implemented on-Site in accordance with the above topics, which were originally identified as the preferred means of providing an appropriate evidence base to make a robust case as to why a permanent planning permission should be granted. To achieve this, surveys have been carried out by an independent company and assessed in the supporting Transport Statement.

3.23 As set out within the Transport Statement, the latest monitoring has been undertaken via video surveys of the access and surrounding highway over three days per month in May, June, July and August. Furthermore, the site management and/or riders were not advised of the monitoring taking place.

b) Description of the installed plant

3.24 The extract and ventilation equipment that has been installed is as follows:-

- Three extract ducts on the rear elevation of the building facing west; the ducts are 900mm by 600mm. The ducts start at 3.7m above ground level and protrude upwards to 9.5m above ground level;
- Four extract flues (three on south facing elevation and one on north facing elevation). The three flues are small, 0.3m diameter circles which are flush with the external wall of the building. The north facing flue is a narrow 0.3m wide pipe that starts at 2.4m above ground level and is 5.5m high;
- Two air intake louvres positioned on the north facing elevation and one on the south facing elevation);
- Three air condenser units positioned on the southern elevation; and
- One condenser for refrigeration.

3.25 The extract was retrofitted in August 2018 with fine filtration and UV-Ozone treatment, which provides a very high level of odour control. This has been maintained regularly by appointed contractors Leech Mechanical Services.

Section 4 Relevant Planning Policy

4.1 The statutory development plan for the Site comprises the Camden Local Plan (2017) and the London Plan (2021). The National Planning Policy Framework (**NPPF**) (2021) is also a material consideration.

a) **The National Planning Policy Framework (2021)**

4.2 The NPPF sets out the overarching planning framework for England. It states that the purpose of the planning system is to contribute to the achievement of sustainable development.

4.3 **Section 2** discusses Sustainable Development, which is defined as meeting the needs of present generations without compromising that of future ones. Indeed, the inherent purpose of the planning system is noted as contributing to the achieving of such development, with **Paragraph 10** stating that at the heart of the NPPF lies the presumption of favour of sustainable development. **Paragraph 11** affirms that in terms of decision-making, this is to equate to “*approving development proposals that accord with an up-to-date development plan without delay*”.

4.4 **Paragraph 38** sets out that Local Planning Authorities should approach decisions in both a positive and creative manner and that they should work with applicants to secure development that will work to improve the economic, social and environmental conditions of an area, thereby setting the precedent that applications for sustainable development should be approved wherever possible.

4.5 **Paragraph 47** further stipulates that applications are determined in line with the relevant development plan, unless material considerations indicate otherwise.

4.6 **Section 6** contains guidance of achieving a strong and competitive economy. **Paragraph 81** states that:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential”. (our underlining)

4.7 **Paragraph 83** goes on to say that:

“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations”. (our underlining)

4.8 **Section 11** provides guidance on making effective use of land, with **Paragraph 120** stating that planning policies and decisions should encourage multiple benefits from urban land and give substantial weight to the use of suitable brownfield land.

4.9 In respect of design principles, **Paragraph 126** establishes that the creation of high-quality buildings and places is a pivotal component of the planning and development process, with good design forming a central facet of sustainable development. In line with **Paragraph 130**, proposals should: function well and contribute to the overall quality of an area; be visually attractive and responsive to the local character of an area whilst optimising the potential of the site

b) The London Plan (2021)

4.10 The London Plan provides the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of the capital.

4.11 **Policy GG1** identifies the need to help deliver strong and inclusive communities within which a wide range of economic and other opportunities continue to be supported. **Policy GG2** goes on to emphasise the need to make the best use of land whilst also maximising the development potential of sites. **Policy GG3** sets out a focus on creating a healthy city by promoting active and healthy lifestyles and improving London’s air quality.

4.12 **Policy GG5** relates to growing a good economy and identifies the need to plan for sufficient employment and industrial space in the right locations to support economic development.

4.13 **Policy SD6** sets out that the vitality and viability of London’s town centres should be promoted and enhanced. The policy identifies a range of ways to do this, which include ensuring town centres are the primary locations for commercial activity beyond the CAZ and allowing them to adapt and diversify in

response to the challenges and opportunities presented by multi-channel shopping and changes in technology and consumer behaviour, including improved management of servicing and deliveries.

- 4.14 **Policy SD8** defines that district centres should focus on the consolidation of a viable range of functions, particularly convenience retailing, leisure, social infrastructure, local employment and workspace whilst addressing the challenges of new forms of retailing and securing opportunities for new mixed-use residential development.
- 4.15 Design principles are provided at **Policy D4**, with **Policy D5** requiring development to achieve the highest standards of accessible and inclusive design.
- 4.16 **Policy D13** relates to the Agent of Change principle, ensuring that new noise and other nuisance-generating development proposed close to residential and noise-sensitive uses should mitigate this impact, with **Policy D14** relating specifically to Noise and requiring development to manage noise in accordance with **Policy D13**. It too identifies the need to avoid significant adverse noise impacts and mitigate against them where required.
- 4.17 **Policy E2** sets out that the provision of low-cost business space should be supported to meet the needs of micro, small and medium sized enterprises and to support firms wishing to 'start up' or expand. The supporting paragraph 6.2.1 sets out that a sufficient supply of business space of different types, uses and sizes will ensure that workspace is available at an appropriate range of rents for SMEs and businesses wishing the start-up or expand and paragraph 6.2.4 confirms that low-cost business space often can include smaller-scale units.
- 4.18 **Policy T4** identifies the need to consider the impact of development on the local transport network and be supported by a Transport Assessment where relevant. **Policy T5** goes on to require sufficient cycle parking is provided in accordance with Table 10.2 with **Policy T6** identifying the need for car parking to be restricted in line with levels of existing and future public transport accessibility and connectivity. **Policy T7** relates to servicing and requires development to facilitate safe, clean and efficient deliveries and servicing, with deliveries managed to be received outside of peak hours.
- 4.19 The Plan recognises the importance of emerging types of logistics to London's economy. **Policy E4** places 'last mile' distribution on equal footing with other industrial uses. The supporting paragraph to the policy (6.4.1) supports this by recognising that London depends on a wide range of industrial, logistics and related uses (including food and drink preparation) that are essential to the functioning of

the economy, for servicing the needs of its growing population as well as contributing towards employment opportunities for London.

c) **Camden Local Plan (2017)**

- 4.20 The adopted policies map of the Local Plan shows that the Site is situated within the defined boundary of **Finchley Road/Swiss Cottage Town Centre**. It is not subject to any other site specific or Borough wide designations.

i) **Town Centre policies**

- 4.21 The following policies are considered to be relevant to the town centre designation:-

- Policy TC2; and
- Policy TC4.

- 4.22 **Policy TC2** confirms that the Council will seek to promote successful and vibrant centres throughout the Borough to serve the needs of residents, workers and visitors.

- 4.23 **Policy TC4** seeks to ensure that the development of 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. Whilst the Applicant's particular use is not listed as a 'town centre use' in supporting **paragraph 9.32**, the list is not a closed list. It is attested that the Applicant's use should be considered as a 'town centre' use given it is a commercial use requiring a central location in order to provide an efficient service to local residents.

- 4.22 Criteria a) – f) of Policy TC4 are principally concerned with changes to the mix and balance of uses within identified shopping frontages and a result are not considered relevant to the assessment of this application. Criteria g) – k) of the policy seek to assess the impact of any proposed town centre use by reference to the following considerations:-

- g) on nearby residential uses and amenity and any prejudice to future residential development;
- h) parking, stopping and servicing and the effect of development on the ease of movement on the footpath;
- i) noise and vibration generated either inside or outside the site;
- j) fumes likely to be generated and the potential for effective and unobtrusive ventilation; and
- k) the potential for crime and anti-social behaviour, including littering.

4.23 The policy goes on to state that to manage potential harm to amenity or the local area, in appropriate cases planning conditions and obligations will be used to address issues raised by the particular use. A number of potential issues are listed in the policy text, but the issues considered to be relevant to the assessment of the application proposal are:-

- hours of operation;
- noise/vibration, fumes and the siting of plant and machinery; and
- the use of local management agreements to ensure that the vicinity of premises are managed responsibly to minimise impact on the surrounding area.

ii) Other relevant policies

4.24 The other Local Plan policies considered to be relevant to the assessment of the application are set out below:-

- **Policy G1** – Delivery and the location of growth;
- **Policy E1** – Economic development;
- **Policy A1** – Managing the impact of development;
- **Policy A4** – Noise and vibration;
- **Policy D1** – Design

4.25 **Policy G1** states that the Council will create the conditions for growth to deliver the homes, jobs, infrastructure and facilities to meet Camden’s identified needs. This includes supporting development that makes the most efficient use of land.

4.26 **Policy E1** confirms that the Council will secure a successful and inclusive economy in Camden by creating conditions for economic growth and harnessing the benefits for local residents and businesses. The policy sets out a number of objectives and those considered relevant to the assessment of the application are set out below:-

- a. support businesses of all sizes, in particular start-ups, small and medium-sized enterprises;
- b. maintain a stock of premises that are suitable for a variety of business activities, for firms of differing sizes, and available on a range of terms and conditions for firms with differing resources;
- c. support local enterprise development, employment and training schemes for Camden residents;

- d. encourage the concentrations of professional and technical services, creative and cultural businesses and science growth sectors in the borough; and
- i. recognise the importance of other employment generating uses, including retail, education, health, markets, leisure and tourism.

4.27 The supporting paragraph 5.9 confirms that the Council *“will seek the provision of innovative new employment floorspace in developments that will provide a range of facilities including flexible occupancy terms, flexible layouts, studios, workshops and networking, socialising and meeting space that will meet the needs of a range of business types and sizes.”*

4.28 **Policy A1** refers to managing the impact of development. The policy states that the Council will seek to protect the quality of life of occupiers and neighbours and confirms that planning permission will not be granted for development that causes *“unacceptable harm to amenity”* (our emphasis). The policy sets out how the Council will seek to achieve this and the relevant actions the Council will undertake are:-

- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;
- c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and
- d. require mitigation measures where necessary.

The factors we will consider include:

- h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;
- j. noise and vibration levels; and
- k. odour, fumes and dust.

4.29 Paragraph 6.3 sets out the Council’s approach in terms of expecting development to avoid harmful effects, but also requires developers *“where this is not possible, to take appropriate measures to minimise potential negative impacts.”*

4.30 **Policy A4** refers specifically to noise and vibration. The policy seeks to ensure noise and vibration is controlled and managed. It confirms that planning permission will not be granted for development likely to generate unacceptable noise and vibration impacts. The policy states that planning permission will only be granted for noise generating development, including any plant and machinery, if it can be

operated without causing harm to amenity. Reference within the policy is made to Appendix 3 (Noise Thresholds) of the Local Plan, which sets the parameters for the assessment of proposed sources of noise in areas sensitive to sounds. This requires plant and machinery to achieve a noise rating level of 10 dB below background noise levels.

- 4.31 **Policy D1** refers to design and in the context of the appeal is only a relevant consideration in terms of the plant equipment. The policy seeks to secure high quality design in development that (amongst other considerations) respects local context and character.

d) Camden Supplementary Planning Guidance

- 4.32 The Council has adopted a series of documents, the latest versions of which were issued in January 2021. These documents provide further guidance on the implementation of the Local Plan policies. The following are considered relevant to the assessment of the application proposal:-

- CPG: Employment Sites and Business Premises;
- CPG: Town Centres ;
- CPG: Amenity; and
- CPG: Transport.

i) CPG: Employment Sites and Business Premises

- 4.33 **Paragraph 35** refers to “*industrial kitchens for deliveries*”. The paragraph states as follows:-

“In response to the popularity of takeaway delivery apps there has been a growth in industrial scale kitchens to cook food off site on behalf of restaurants. The food is then delivered locally, usually by scooter. The Council considers that existing industrial areas are the most appropriate location for such uses. However, their impact in terms of noise, odour, fumes and dust generation need to be carefully considered and managed and they should not have a detrimental impact on nearby uses and / or residents.”

ii) CPG: Town Centres

- 4.34 This document provides specific guidance for each of Camden’s designated town centres. Whilst the focus of the guidance is controlling the mix of uses within identified shopping frontages, it contains a useful description of Finchley Road/Swiss Cottage Town Centre, describing its role and key features of

its character. It references the presence of “*the busy A41 Finchley Road*” and notes that the town centre “*generally serves the local population, a role which is expected to continue*”.

iii) CPG: Amenity

- 4.35 This document sets out further guidance as to the assessment of amenity considerations. Section 6 refers to noise and vibration and confirms that acoustic reports should be submitted in support of applications for noise generating commercial uses and plant, ventilation, air extraction and/or air conditioning equipment and flues.
- 4.36 **Paragraph 6.8** confirms that the Council will consider reported measurements against noise thresholds (No Observed Effect Level – NOEL), (Lowest Observed Adverse Effect Level – LOAEL) and (Significant Observed Adverse Effect Level – SOAEL). **Paragraph 6.9** notes that the cumulative impact of numerous individual noise sources should be considered, for example in town centre locations, where known to have a proliferation of air conditioning machinery and contain numerous food, drink, leisure and entertainment uses.
- 4.37 **Paragraph 6.11** confirms that (where necessary), proposals will be expected to mitigate the impact of noise to an acceptable level and that the Council will consider the use of planning conditions or a legal agreement to ensure that these are provided and regulated.

iv) CPG: Transport

- 4.38 Section 4 refers to delivery and servicing plans and explains how they can be used to manage and mitigate the potential impacts of deliveries and servicing on the amenity and safety of the general public. **Paragraph 4.5** confirms that they should be provided for major developments and those schemes identified through a Transport Assessment as likely to impact on the safe and efficient operation of the transport network. **Paragraph 4.9** notes that delivery and service plans are secured as a planning obligation via a Section 106 Agreement.
- 4.39 In terms of timing for deliveries, **paragraph 4.20** requires deliveries outside 7:00 to 20:30 to be subject to an out of hours delivery agreement and the delivery and servicing management plan should state the commitment from the operator to minimise noise, setting out the proposed measures which will be used. The paragraph makes reference to an example measure where an operator had agreed to operate a quiet approach to deliveries through the use of quiet vehicles and practices.

d) Conclusions

4.40 The principal conclusions that can be drawn from a review of the planning policy framework are as follows:-

- The Site is situated within Finchley Road/Swiss Cottage Town Centre. Policy SD6 of the London Plan confirm that London's town centres are the main foci beyond the CAZ for commercial development;
- A wide range of uses should be supported in town centres not only to ensure their vitality and viability and that they continue to meet the needs of the local population, but also in response to the restructuring of the retail sector and changes in consumer behaviour;
- There is planning policy support at all levels for economic development supporting businesses of all sizes, particularly start-ups and small and medium business enterprises;
- There is increasing recognition of the important contribution of newer sectors such as last mile logistics to London's economy and meeting the needs of its residents and the need to address specific locational requirements'. This is reflected by the reference to delivery only kitchens within Camden's Planning Guidance; and
- Development proposals are required to demonstrate that they will not cause an unacceptable harm to the amenity of communities, occupiers and neighbours through noise and vibration, transport impacts and odour, fumes and dust. Where harm is identified, appropriate mitigation measures should be considered to minimise impact and these could be secured by conditions and/or legal agreements.

Section 5 Planning Assessment

5.1 This section provides an assessment of the main planning issues arising from the proposed permanent use of the Site for commercial kitchens and a delivery centre and the retention of the installed plant equipment and the relevant planning policy framework as follows:-

- The principle of the permanent use of the Site;
- Whether the permanent use of the Site results in an unacceptable impact upon residential amenity;
- The effectiveness of the OMP in managing the operation on site and on the local highway;
- The design of the plant equipment;
- How the permanent use of the Site complies with relevant policies relating to economic growth; and
- How the permanent use of the Site supports Camden's objectives to make the Borough net carbon zero by 2030.

a) **The principle of the permanent use of the Site**

i) **The principle of the location of the Site**

5.2 The Site is situated within the defined boundary of the busy Finchley Road/Swiss Cottage Town Centre. Policy SD6 of the adopted London Plan (2021) confirms that town centres are *"the primary locations for commercial activity beyond the CAZ"*.

5.3 From the description of the concept set out in Section 3, it is clear that Editions is a commercial use, which provides an important consumer service to local residents and businesses and is therefore an appropriate permanent use for a town centre location in accordance with Policy SD6 of the London Plan (2021) and Policy TC4 of the Local Plan (2017).

5.4 As recognised in Policy SD6 of the London Plan, town centres need to diversify and continually adapt in response to the challenges and opportunities provided by multi-channel shopping, changes in technology and consumer behaviour. The Site is a typical 'back of high street' site with no direct street frontage and a dedicated servicing area that is suitable to accommodate the Editions business model, which is a prime example of a new service for which there is considerable demand. In tandem, the permanent Editions use will ensure that the Site is in productive economic use, which provides an

essential service to local residents, particularly in the current COVID-19 situation, and through its workforce can only assist in bringing footfall to other shops and services within the centre, improving its vitality and viability in line with Policy TC2 of the Local Plan and Policy SD6 of the London Plan.

- 5.5 Paragraph 83 of the NPPF (2021) confirms that planning decisions “*should recognise and address the specific locational requirements of different sectors*”. The Site principally serves the local residents of Swiss Cottage, Hampstead, Kilburn and St John’s Wood. The concept of ‘last mile’ delivery is focused on delivering the product to the end user as fast as possible. As such, the use is only viable in reasonable proximity to residential areas. For this catchment, this means that a central town centre location (where the use does not conflict with other relevant policies) with good radial accessibility.
- 5.6 Paragraph 35 of the Council’s adopted CPG on Employment Sites and Business Premises considers that existing industrial areas “*are the most appropriate locations*” for commercial kitchens with deliveries. The implication of the Council’s guidance (by referring to the need to ensure that the impact of ‘industrial scale kitchens’ is managed so as not to impact on neighbouring uses) is that alternative non-industrial locations may be appropriate where such impacts are appropriately managed. Importantly, the guidance is predicated on deliveries from such kitchens being undertaken “*usually by scooter*”. Clearly, the Site’s mode of operation justifies a different approach and the town centre location is appropriate for a permanent use of the Site for commercial kitchens and a delivery centre. Indeed, this view was also taken by Council Officers in their recommendation to the Committee in October 2020, where it was reasoned at Paragraph 8.2 that:

“Employment sites and business premises CPG acknowledges the growth of industrial scale kitchens with a delivery service to customers, usually by scooter. Existing industrial areas are considered the most appropriate for such uses. However, this direction as to location is within local planning guidance and there is no policy in the development plan that requires an industrial area location for these types of uses. There is therefore no objection to the use subject to the development being assessed against the full range of local plan policies, in particular those on amenity, design and heritage, pedestrian safety and transport.”

They go on to say at Paragraph 8.4 that:

“Officers consider the use of this site for this commercial function, and the controls which accompany it, to be appropriate, subject to the other material considerations discussed in this report.”

ii) The principle of the mode of operation for delivery vehicles

- 5.7 The mode of operation of the delivery vehicles is also acceptable in principle on a permanent basis as bicycles and ETWs supports Camden Council's commitment to make Camden net zero carbon by 2030.
- 5.8 ETWs run on batteries and therefore do not produce any toxic fumes or residues. Accordingly, the use of such vehicles protects the environment and reduces the carbon emissions from deliveries. This is fully in accordance with Policy GG3 of the adopted London Plan.

iii) The principle of retaining the plant equipment

- 5.9 In relation to the external plant equipment, this is a common feature in town centre locations given that they are the focus for commercial developments, including retail, restaurant, leisure and entertainment uses, all of which require ventilation and (to varying levels) extraction. Indeed, before taking into account the proposed plant, the building already accommodates various plant equipment associated with the operation of the ground floor retail/restaurant units fronting onto Finchley Road, including roof top plant and an extract flue.

b) Whether the permanent use of the Site results in an unacceptable impact upon residential amenity

- 5.10 As set out above, town centres are the focus for commercial activity beyond the CAZ. It is therefore axiomatic that there will be a degree of impact from such uses as activities such as deliveries, servicing, comings and goings and operation of plant as these are all essential to the successful operation of businesses. The advantages for residential occupiers of a town centre location in terms of accessibility to services and facilities depends on such activities. The following are also relevant context:
- The Site was built with a commercial use in mind and this is evident in terms of the form and layout of the Site;
 - The Site has not historically been subject to operating restrictions despite the proximity of the neighbouring residential properties; and
 - The Site only trades for 11 hours a day (12:00 -23:00), during day-time hours, on Mondays to Sundays. This is a total of just 77 hours per week, which equates to just 46% of the hours in a week.
- 5.11 The test set out in Policy A1 of the Local Plan is whether impact on amenity is "*unacceptable*". The term indicates a clear acceptance that any new development will have some impact on the amenities of existing properties which their occupants are likely to regard as "*adverse*". It is only where the adverse

effects significantly impair the reasonable use and enjoyment of affected properties that it can properly be described as “*unacceptable*”. It is also important to ensure that the potential effects of the operation are transparently assessed, with appropriate recourse to objective measures of impact, so that the decision taker can bring a balanced, proportionate judgement to bear when making the planning decision.

i) Noise

Site operation and delivery vehicles

5.12 Sharps Redmore (**SR**) undertook an updated Noise Assessment to review the noise impacts of the operations in May 2020 following the Appeal Decision granted in September 2019. This report was submitted as part of planning application ref: 2020/2367/P.

5.13 The Assessment drew the following conclusions:-

- The switch, in early July 2019, for riders serving the Deliveroo Editions site at Swiss Cottage to only use E-bikes, E-scooter and bicycles/foot has resulted in a significant drop in levels of noise associated with the operation of the site.
- All aspects of the delivery process was observed to be well managed, and noise from riders waiting to collect orders was negligible at all times. The site marshals demonstrated strong organisation skills and maintained control of operations at all times; and
- The noise impact from the operation of the Site is considered to be low at all times. Noise from the site complies with the requirements of both national and local planning policy.

Plant Noise

5.14 SR also undertook an updated assessment of noise associated with the fixed plant equipment at the Site.

5.15 This assessment confirms that there have been no changes to the plant equipment in terms of the unit type, location or operational settings since the Appeal Decision and demonstrates that the predicted rating noise levels from the operation of the current installed fixed plant equipment continued to comply with Camden’s requirement for plant rating noise levels to be 10 dB below the existing background noise climate.

Summary

- 5.16 The on-site operation has not altered since the updated noise reports were prepared in May 2020. As such, as is detailed within the supporting note on noise it is considered that the use continues to be acceptable in this regard.

ii) Odour

- 5.17 An updated Odour Assessment has been prepared by Robert Lockwood for this application. The report details the findings of a further assessment of the site, which consisted of a sniff test carried out on 29 July 2021.
- 5.18 The report reconfirms that the odour filtration system currently being used is effective at reducing cooking smells from the Deliveroo Editions kitchens, with no odours from the site being discernible from any assessment point outside the boundary of the site. It goes on to say that this can and will continue to be achieved should the system be maintained in accordance with the premise's Plant Management Plan currently being used.
- 5.19 Overall our view is that based on the above conclusions, the use of the Site and operation of the external plant on a permanent basis will continue to have a negligible effect on amenity by way of noise or odour and therefore complies with policies A1 and A4 of the Local Plan. This is affirmed by the case officer in their report to the committee in 2020 where they said at Paragraph 12.5:

“On the basis of the evidence presented, the Environmental Health officer has confirmed that there would be no harmful impact on living conditions from the site as a result of odour from cooking on the application premises, and the current controls appear to be effective at mitigating the impact of the operations.”

c) The effectiveness of the OMP in managing the operation on Site and local highway

i) The Monitoring Report

- 5.20 The Monitoring Report prepared by Firstplan in support of planning application ref: 2020/2367/P concluded that the Site is operating in accordance with the OMP as evidenced by our visits between November 2019 and March 2020. The key points in summary are as follows:-

- Whilst the Site was not being strictly operated in accordance with the OMP on the first visit in November 2019 (only two months after the Appeal Decision), the subsequent visits demonstrate that the OMP is being enforced effectively and this is evidence that the measures have ‘bedded-in’ well and all users of the Site understand the rules;
- In terms of the safety of the access/egress for riders and pedestrians, very few incidents have been recorded, and in each of these cases no collisions have occurred. Furthermore, although a number of Highway Code breaches were observed in the first survey, the number dropped considerably during the latter dates, which again is a clear indication that the measures being used at the Site are effective at controlling this once the rules are understood;
- It is observed that the use of marshals at the Site to ensure that the measures on-Site are adhered to has been successful. It has allowed regulation and control of the users of the Site and has helped to make sure that there are no detrimental impacts on the local area, particularly in terms of noise and highway safety. Where incidents do occur, the results of the monitoring set out in section 4 of the Monitoring Report have shown that they are able to take effective positive action in accordance with the rules set out in the OMP.

5.21 The acceptability of the OMP is highlighted in the case officer’s report to the committee, who reasoned that:

“The Council’s Enforcement Team has received no complaints about the operation of the site since the temporary permission was granted. This is a strong indication that the procedures are, on the whole, working effectively. Nonetheless, if breaches do occur that are not adequately addressed, the council will have the power to take further action.”

ii) Further monitoring regarding highways movements

5.22 Despite the above, the committee resolved to require further monitoring to take place to assess whether the measures implemented in the OMP were sufficient to protect the amenity of the surrounding area. In particular they were concerned regarding the levels of highways movements associated with the site. In the light of this, an independent survey company has been instructed to monitor the site for 3 days a month between May and August 2021. This was carried out without the knowledge of the site team or the Riders and the evidence gathered was assessed by Transport Planning Associates (TPA) as part of an updated Transport Statement. As a result of the survey, TPA summarise that:

“Monitoring of Deliveroo rider activity has been undertaken and shows an extremely high level of compliance with the OMP, plus that riders not following the OMP are being given warnings or are being turned away by security staff.”

5.23 TPA go on to conclude that the application proposal does not propose to change the operation of the site beyond that previously deemed acceptable. The operation of the Site is in accordance with the relevant planning policies and has not resulted in an increase in personal injury collisions and will continue to operate with no material detriment to the local highway network or to highway safety.

5.24 Accordingly, it is considered that the permanent use of the Site complies with Policy A1 of the Camden Local Plan and the CPG relating to Transport.

iii) The Community Working Group

5.25 The Section 106 Agreement attached to the Appeal Decision required the establishment of a Community Working Group (**the CWG**) to facilitate consultation with the local community in respect of matters relating to the operation of the Site and the OMP. Such measures were also secured by a Section 106 Agreement attached to permission ref: 2020/2367/P.

5.26 The CWG meetings have continued to occur since the previous planning submission in order to address any matters raised by local residents. As such, it is concluded that the measures set out within the OMP have been effective at ensuring that the Site operates safely and without having an unacceptable impact upon the neighbouring residential properties. The granting of a permanent planning permission is therefore in accordance with policies A1 and A4 of the Camden Local Plan (2017) and paragraph 4.20 of the CPG on Transport.

c) The design of the plant equipment

5.27 Seen in context, the Site accommodates a large rectangular shaped commercial warehouse building extending to 460 sq m. The built form is not listed or situated within a Conservation Area. It was developed for commercial use and has previously accommodated a mix of commercial uses over time. Before the occupation of the Site by Editions, the building already accommodated various plant equipment associated with the operation ground floor retail/restaurant units fronting onto Finchley Road, including roof top plant and an extract flue. The building is therefore a large functional commercial unit.

- 5.28 In terms of the character of the local area, the Site is located within Finchley Road/Swiss Cottage Town Centre. Plant equipment is a common feature on the rear of buildings within the town centre and is essential to the operation of the commercial uses, which are actively encouraged in such locations by Policies TC2 and TC4 of the Local Plan and Policy SD6 of the London Plan. The design is appropriate both to the building and the location.
- 5.29 In terms of siting, the extract ducts and associated equipment are positioned at the rear of the building. This is appropriate as the ducts are not visible from Finchley Road. Whilst the ducts are visible from the gated entrance to Cresta House car park to the north and the south east corner of Dobson Close to the south, they are not unduly prominent and reflect the commercial character of the building and the backdrop of other large scale buildings facing Finchley Road such as Cresta House.
- 5.30 Whilst the residential properties to the rear of the Site (facing Dobson Close) are in close proximity to the rear of the building, these properties are situated at a lower level to the Site and the extract flues are largely screened from view. It is noteworthy that no objections were raised either by local residents or the Council at the Public Inquiry in relation to design or on grounds of visual amenity.
- 5.31 Irrespective of this, during the application process for application ref: 2020/2367/P, officers of the council advised that they would want to see the extract ducts wrapped in a brick vinyl should a permanent permission be given. Deliveroo would be willing to agree to such a condition again in the event of the application being permitted on a permanent basis.
- 5.32 Accordingly, overall the plant and extract equipment is functional and is considered appropriate for this commercial Site in the defined boundary of the town centre subject to the installation of external cladding. Further it is sited at the rear and its visual impact is negligible. Therefore the permanent retention of the plant equipment does not cause harm to the character and appearance of the Site or to the context of the local area and is not contrary to Policy D1 of the Camden Local Plan.

d) How the permanent use of the Site complies with relevant policies relating to economic growth

- 5.33 Editions is an innovative concept for which there is significant consumer demand, as recognised within Policy E4 of the London Plan and within Camden Planning Guidance on Business and Employment uses. The Site is an important economic use, which has occupied an underutilised unit within a defined town centre, has created a significant number of jobs and facilitates the growth of new and existing restaurant businesses, including start-ups and SMEs. The support that the Site brings to restaurant

businesses is even more important as the COVID-19 restrictions are being lifted when the hospitality sector is trying to recover in what is sure to be a prolonged period of economic uncertainty. It will be vital during this time for restaurant businesses to be able to trade at a low cost whilst they attempt to rebuild their business, particularly if they have had to close physical premises.

- 5.34 In the Appeal Decision, the Inspector recognised the economic benefits of the Editions use and concluded the following in paragraph 73:-

“The development has brought back into use part of a vacant building, which involved an initial significant capital investment and resulted in a short term positive economic effect in terms of employment, provision of building services and supplies. In the order of 29 people are employed at the site, including 6 employees of Deliveroo. In 2018, a total of 1,340 riders made deliveries from the site, 780 of whom are registered as residing in Camden. Additional economic benefits for the area are derived from the spending by employees on goods and services and stimulation of spending in the supply chain. The estimation of revenue generated and the delivery figures indicate that the service has been successful and fulfils a consumer demand.”

- 5.35 The Site continues to provide these benefits and has provided a particularly important local service for the community in the lockdown period due to COVID-19.

- 5.36 The below table demonstrates that the permanent use of the Site for commercial kitchens and a delivery centre complies with the relevant requirements of Policy E1 (and London Plan Policy E2) in creating condition for economic growth, which harnesses benefits for both local residents and businesses:-

Relevant Policy E1 criteria	How the Site complies
a) support businesses of all sizes, in particular start-ups, small and medium-sized enterprises;	The Site has supported restaurant businesses of all sizes, particularly start-ups (eg Waleema), small (eg) and medium sized enterprises (eg Honest Burger).
b) maintain a stock of premises that are suitable for a variety of business activities, for firms of differing sizes, and available on	The Site accommodates 9 kitchen pods. This ensures a stock of premises that are suitable for a variety of restaurant partners of different sizes. Deliveroo offers different terms and conditions for partners who do not

a range of terms and conditions for firms with differing resources;	undertake cooking at the Site (such as dessert brands who may only utilise freezer space) to those that occupy a whole kitchen.
c) support local enterprise development, employment and training schemes for Camden residents;	All entry level jobs are currently advertised in the local Job Centre Plus.
d) encourage the concentrations of professional and technical services, creative and cultural businesses and science growth sectors in the borough;	The Site encourages local chefs to be a part of the community of fellow professionals, sharing ideas, experiences, techniques and encourages a concentration of professionals.
i) recognise the importance of other employment generating uses, including retail, education, health, markets, leisure and tourism.	The Site employs 29 people (6 directly by Deliveroo and 23 by restaurant partners)

5.37 The Site is already bringing with it a range of economic and other benefits. In the event planning permission is granted on a permanent basis, these benefits can only develop further as relationships with the Council and local businesses continue to evolve. This is particularly important in supporting the restaurant industry to recover post the effects of the COVID-19 pandemic, when the sector is sure to face a prolonged period of economic uncertainty, and to help ensure that restaurant businesses are sustainable going forward.

5.38 Furthermore, if a permanent planning permission is granted, the Site has potential to continue to support local high streets at a time where they face many threats and challenges by supporting small restaurant businesses until they are able to invest in physical premises.

e) **How the permanent use of the Site supports Camden's objectives to make the Borough net carbon zero by 2030.**

5.39 At a full Council meeting in October 2019, Camden Council committed to take all the action it can to make Camden net zero carbon by 2030. Four main themes emerged:-

- People taking action to reduce their environmental impact;
- public spaces being green, car free and healthier;
- buildings using less energy and harnessing power from the sun; and
- organisations leading the climate emergency response.

5.40 Deliveroo are committed to working with Camden to ensure that the permanent use of the Site supports these objectives. Deliveries from the Site only take place via bicycles, ETWs or on foot. No motorised scooters are permitted to operate from the Site. ETWs run on batteries and therefore do not produce any toxic fumes or residues. Accordingly, the use of such vehicles protects the environment and ensures that there are no carbon emissions from deliveries. This is fully in accordance with Policy GG3 of the adopted London Plan.

5.41 Furthermore, the Editions model, whereby more than one restaurant business operates under a single roof, such as at the Site, lowers a business's environmental impact. The Site is fitted with state-of-the-art cooking equipment and the latest energy efficiency appliances (such as refrigerators), maximising shared efficiencies and minimising wasted energy.

5.42 Editions has also partnered with Olleco, the UK's leading circular economy company, to convert the waste oil from the Site into high value renewable fuels, such as biodiesel. The waste oil from the Site is sealed in containers and transported off by Olleco, on a weekly basis. This innovative process can help to reduce the carbon impact of the oil supply chain by 50%.

5.43 All of the above initiatives confirm that the permanent use of the Site fully supports Camden's objectives to make the Borough net carbon zero by 2030.

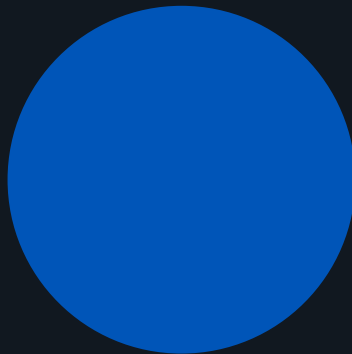
Section 6 Conclusions

- 6.1 This Planning Statement has been prepared in support of a planning application for the permanent use of the Site for commercial kitchens and a delivery centre and retention of the installed plant equipment.
- 6.2 It has been demonstrated through the monitoring exercise undertaken by Firstplan and TPA, together with the conclusions of the noise, transport and odour reports that the site runs efficiently in line with the OMP and that a permanent planning permission should be granted accordingly.
- 6.3 The application proposal complies with all relevant policies within the Development Plan. In summary:-
- The Site is situated within a busy town centre where commercial development is encouraged in line with Policy SD6 of the London Plan and Policy TC4 of the Local Plan. The Site was originally built with a commercial use in mind, which is capable of accommodating deliveries, and no operating restrictions were imposed by the Council;
 - When taking into account of the context of the Site, the limited hours of operation and the conclusions of the monitoring exercise and the noise and odour reports, it is our view that the permanent use of the Site and retention of installed plant equipment does not have an unacceptable impact upon the amenity of neighbouring residential properties and complies with policies A1 and A4 of the Local Plan;
 - Based on the conclusions of the transport statement, the permanent use of the Site does not result in unacceptable harm to highway safety and complies with Policy A1 of the Local Plan; and
 - The Site is an important economic use, which has occupied an underutilised unit within a defined town centre, has created a significant number of jobs, benefited the local supply chain and facilitates the growth of new and existing restaurant businesses, including start-ups and SMEs. This is supported by all tiers of planning policy, particularly Policies E2 of the London Plan and Policy E1 of the Local Plan and therefore should be allowed to continue on a permanent basis.
- 6.4 Indeed, the conclusions reached within this Planning Statement were echoed within the case officer's report to committee regarding application ref: 2020/2367/P, where they considered a permanent operation would be appropriate, concluding that:

"The site is a commercial site in a mixed-use town centre and it would be unreasonable to expect a commercial use to operate in such an area without impact.

The use supports the economy, local business and would also secure an employment and training plan. This, together with appropriate conditions and heads of terms secured by a s106 legal agreement, including further review of the current controls, will ensure that the use can be managed and operate without causing unacceptable harm to amenity, the surrounding environment, pedestrians and the highway network in accordance with planning policy.”

- 6.5 The use of the Site has been particularly important during the COVID-19 crisis, with many local people relying on food delivery due to the Government’s lockdown measures. Post COVID-19 it will be even more important for restaurant businesses to trade at low cost, particularly if they have had to close physical premises. If a permanent planning permission is granted, the Site will be able to continue to support restaurant businesses and enable them to retain jobs until they are able to invest again in physical premises.
- 6.6 Accordingly, it is respectfully requested that a permanent planning permission is granted for the use of the Site for commercial kitchens and a delivery centre and the retention of installed plant equipment.



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