

Application ref: 2020/0919/P
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Date: 23 September 2021

Development Management
Regeneration and Planning
London Borough of Camden
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BM Ltd
6-8 St Katherine's Court
Winch Wen Ind Est.
Swansea
SA1 7ER

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**159 - 161 Camden High Street
London
NW1 7JY**

Proposal:

Change of use from an existing A1 (Retail use) to A3 (Restaurant use), together with the installation of replacement shopfront

Drawing Nos: J-01, J-02, J-03, J-04, J-05B, J-06B, J-07B, J-08B, J-09B, J-10A, Noise Impact Assessment HA/AC488/V1 (dated 4th January 2021), Letter from Knight Frank dated 5th January 2020, Manufacturers details of Therminox flue.

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans- Noise Impact Assessment HA/AC488/V1 (Received 21 January 2021), J-05 Rev B, J-06 Rev B, J-07 Rev B, J-08 Rev A, J-09 Rev B (Received 5 January 2021), J-03 Rev A, J-10 Rev A (Received 10 June 2020), J-01, J-02 (Received 24 February 2020)

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

- 4 Prior to the first use of the premises for the A3/A4/A5 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 scheme. 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 provided, 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.

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

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Prior to use, machinery, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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.

Informative(s):

- 1 Reasons for granting permission.

Change of use from an existing A1 (Retail use) to A3 (Restaurant use), together with the installation of replacement shopfront and signage.

The application forms part of the primary shopping frontage within the Camden Town, Town Centre. It is located at the southern end of a parade of 11 units comprised of A1 and A3 uses. The proposed change of use from A1 floor space to A3 at ground floor would be the third on the terrace. The proposed change of use would relate the entire ground floor area of 177sqm. A marketing letter produced by Knight Frank was submitted in support of this application. The letter states that the site had been vacant since its redevelopment in 2015 with no success finding tenants, although they have provided limited detail about the extent of marketing undertaken. A desktop survey of the site using google maps and the council's retail survey data confirmed that the property had been vacant since 2015.

Paragraph 4.15 of the Camden Town Centre CPG states that 'new food, drink and entertainment uses may be acceptable up to a maximum of 20% of each street frontage.' The proposed A3 use would be the third on the parade as such would exceed the 20% cap allowed. Officers have given due regard to the proposed change of use within the context of Sections 7 of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which provides that for the purposes of the Use Classes Order, building or other land within the A1, A2, A3 use class is to be treated, on or after 1st September 2020, as if it is being used for a purpose specified within Class E on 31st August 2020. Whilst the unit does not benefit yet from the flexibility of Class E, were the existing lawful use of A1 to commence it would then benefit from it and could change to a restaurant thereafter without the need for planning permission. Taking account of this factor and the long term vacancy it is considered that the proposed change of use is acceptable.

The proposal would replace the existing shopfront hoardings with a powder coated metal framed shopfront,. This would be visible along from the public realm alongside other contemporary shopfront designs within the parade. In particular within the context of No.157 and 163 Camden High Street. Therefore, the proposed arrangement, would not harm the character and appearance of the building or this part of the Camden Town Conservation Area.

The proposed development includes the installation of 2 condenser units and 2 extract flues at the rear of the premises to service the commercial property, the noise from which could have the potential to affect existing noise sensitive properties nearby. The nearest Noise Sensitive Receptor (NSR) are the residential dwellings located above the commercial property. The flues could also create smells and odour.

The proposed 2 condensor units would be installed on the rear of the premises at ground floor level. The units would have a 20m set back from the rear wall of residential property on the host property at first floor level. The council's environmental health officer has reviewed the noise assessment and is satisfied that the units could operate in line with the noise levels set in policy, the standard noise condition should be applied and all plant should be installed with anti-vibration isolators.

The application property is located within an area of PTAL rating 6b. The property is readily accessible by public transport as it is within short walking distance of Camden Town and Mornington Crescent tube stations. Given that the surrounding streets are within a Controlled Parking Zone, the proposed new commercial unit would need to be subject to a section 106 agreement to secure a 'car-free' development.

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Policy T1 requires the provision of cycle parking comprising 1 long-stay cycle space and 9 short-stay cycle spaces. Officer note that the site does not benefit from forecourt spaces that could accommodate such provision, as such the site would be considered as being constrained. The applicant has agreed to make financial contribution towards sustainable transports within the surrounding area. Therefore, the application would be recommended for approval subject to a section 106 agreement.

No objection was received from neighbouring properties. The site's planning history was taken into account when determining this application.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in general accordance with Policies A1, D1 and D2 of the Camden Local Plan 2017 and The Town and Country Planning (Control of Advertisements) 2007. The proposed development also accords with the London Plan 2018; and the provisions of the National Planning Policy Framework 2019.

- 3 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.
- 4 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.

- 5 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).

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 2021.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer