

Delegated Report		Analysis sheet	Expiry Date:	12/11/2021
		N/A / attached	Consultation Expiry Date:	22/05/2022
Officer			Application Number(s)	
Matthew Dempsey			2021/4163/P	
Application Address			Drawing Numbers	
178B Royal College Street, and Arches 73, 74 and 75 Randolph Street London NW1 0SP			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use of café/restaurant (Class Use E) at 178B Royal Collage Street and storage facilities (Class Use B8) at arches 73,74 and 75 and amalgamation of 178B Royal College Street with Arches 74 and 75 and part of Arch 73 to create commercial kitchen and delivery centre with ancillary offices (Sui Generis). External alterations to shopfront of 178B Royal College Street and provision of plant and machinery to the rear of the Arches 73, 74 and 75 in association with the new use. (Retrospective).				
Recommendation(s):		Refused and Warning of Enforcement Action to be taken.		
Application Type:		Full Planning Permission.		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	11	No. of objections	11
Summary of consultation responses:	<p>A site notice was displayed 22/04/2022 which expired 16/05/2022. A press notice was published 28/04/2022 which expired 22/05/2022.</p> <p>Neighbouring occupiers at nos 21, 23, 27 and 28 Rousden Street and no.3 Ivor Street have objected to the proposed scheme on the following grounds:</p> <ul style="list-style-type: none">• Support for the objection raised by the Camden Broadway CAAC• Noise generated by the extraction equipment• Odours from cooking oil• Negative impacts on local traffic• Loss of employment space• Loss of active frontage• Noise generated by vehicular deliveries and collections• Emissions generated by vehicular traffic• Lack of regard for designated parking areas• Road safety and safety for pedestrians• Lack of regard for the operational management plan• Members of the public accessing the site• Preference for the previous shop frontage and use.• Loss of biodiversity (Bats).• Change to the permitted hours of operation.• Lack of site management (despite the traffic marshal)• Lack of security, potential for crime and antisocial behaviour• Increased littering in the vicinity of site					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>The Camden Broadway CAAC responded to consultation with an objection. Their concerns can be summarised as follows:</p> <ul style="list-style-type: none">• Negative impacts on the character of the conservation area.• Negative impacts on residential amenity from noise and odours.• Inaccuracies with the supporting documentation.• Failure to comply with local plan policies D1 (Design) and D2 (Heritage). <p>The Tenants and Residents Association, Camden Town (TRACT) responded to consultation with an objection. Their concerns can be summarised as follows:</p> <ul style="list-style-type: none">• Negative impacts generated by noise and odours.• Negative impacts on residential amenity from deliveries and collections.• Negative impact on the character and appearance of the arches and the shop front.• Failure to comply with local plan policies D1 (Design) and D2 (Heritage).					

Site Description

The site is mostly enclosed by surrounding streets and existing buildings fronting; Royal College Street (SW of site), Camden Road (NW), Rousden Street (NNE), and Randolph Street (SSE). The application site includes a shop frontage to Royal College Street, and a vehicular access via Randolph Street through to three arches beneath railway lines; and, associated access lane, loading and parking bays within the enclosure.

Arches 74 and 75 are accessed via the lane beneath the Railway bridge over Randolph Street. These Arches are also linked to 178B Royal College Street via internal connections within the site, along with Arch 73, which does not benefit from direct vehicular access to the lane to the rear.

The property is not listed, but is located within the Camden Broadway Conservation Area. Nos. 25-29 Randolph Street neighbour the site to the South; these properties being Grade II listed early 19th century terrace houses.

This section of Royal College Street and Camden Road are characterised by commercial uses at ground floor, with residential units at upper floors. Rousden Street is predominantly in residential use. Randolph Street has some commercial uses at ground floor towards the Royal College Street junction, but is characterised by more predominant residential uses towards Agar Grove.

Relevant History

178 Royal College Street:

AC123 - An advertisement consisting of cut out letters affixed to two boards, illuminated with neon tubes glowing red and green and reading "UNWINS - WHITBREAD IN BOTTLES" to the dimensions shown upon plan submitted. **Granted 15/01/1951.**

AC345 - 178A, ROYAL College Street, sign illuminated with white daylight fluorescent tubing letters 21" and 12" mounted on tile fascia continuous with new shop front, in accordance with drawing submitted. **Granted 09/10/1952.**

H12/26/9/31357 - The installation of a new shop front. **Granted 28/11/1980.**

8600738 - Change of use of ground floor and basement from shop to residential use and associated works of alteration to ground-floor elevation as shown on drawing nos.A and B. **Refused 28/08/1986.**

9400193 - Continued use for Class A3 restaurant purposes within the meaning of the Town and Country Planning Use Classes Order 1987 and retention of ventilation duct at the rear as shown on drawing nos. 01 & 02. revised on 01.06.94 03.01.95 11.02.95 and amended by fax 24.02.95. **Granted 23/03/1995.**

9401161 - Change of use of the ground floor from retail to photographic studio. **Granted 29/09/1994.**

PE9800200 - Conversion of existing ground floor photography studio into additional residential accommodation and use of basement area for auxiliary storage, both in connection with the existing residential unit on the upper floor, as shown on one unnumbered drawing. **Granted 05/06/1998.**

PE9800238 - Renewal of ventilation duct to the rear; as shown on drawing number 01. **Granted 22/05/1998.**

PEX0100203 - The extension of the existing single storey rear extension to raise the ceiling of the building by 500mm, and the insertion of two windows to the rear elevation. As shown on drawing numbers: 11/E1/01 and 11/P1/01. **Granted 22/05/2001.**

PEX0100626 - Alterations to part of roof on single storey extensions by raising it by 500mm. (Amendment to existing permission PEX0100203 granted on 22nd May 2001), as shown by drawing numbers 11/P2/01, 11/P1/01 & 11/E1/01. **Granted 02/10/2001.**

2017/5000/PRE - Change of use of arches from B1a offices to B8 warehouses; change of use at ground floor of 178A and B Royal College Street from A1 and A3 tattoo parlour and cafe uses respectively, to retail use ancillary to the main B8 warehouse use of the arches; small extension to rear of arches. **Advice issued 20/12/2017.**

2018/0565/P - Change of use of arches (73, 74, 75, 76, 77, 79 and 80) from offices (B1) to storage (B8). Change of use at ground floor of 178A and B Royal College Street from retail (A1), tattoo parlour (sui generis) and cafe uses (A3) to retail use (A1). Erection of a covered access extension to rear of arches 73-75. **Granted 29/05/2018.**

2018/0844/P - Installation of new shopfront. **Granted 17/09/2018.**

2018/1482/A - Display of a fascia sign and one externally illuminated projecting sign at 178A and 178B. Display of panel sign on Randolph Street. **Granted 17/09/2018.**

2019/2377/P - Erection of single storey rear extension at lower ground floor level with roof terrace and garden access stair. **Granted 21/08/2019.**

2020/0764/P - Details of site contamination as required by condition 4 of planning permission dated 21/08/2019 ref. 2019/2377/P for Erection of single storey rear extension at lower ground floor level with roof terrace and garden access stair. **Granted 08/04/2020.**

Randolph Street:

Arches 88 & 89 Randolph Street

PE9800871 - Formation of new access to existing arches, as shown on drawing number> 4511/230/01. **Refused 18/02/1999.**

Arches 74-79 Randolph Street (& Arches 87-91 Baynes Street)

PEX0200413 - Refurbishment of rail arches comprising the demolition of an extension to the north of arches 90-91, the construction of new extensions to the north of arch 88 and to the south of arch 78, the provision of new arch infill walls to the north and south elevations, and associated works including the provision of 2 plant and machinery enclosures, 3 bin stores, 2 cycle stores, 2 new security gates to Randolph Street, 7 car parking spaces and 2 delivery bays, and the resurfacing of the service area, in connection with the change of use of the arches from a mixture of uses within the B1, B2 and B8 Use Classes to B1. (REVISED PLANS SUBMITTED). **Granted 04/09/2003.**

Arch 87 Randolph Street

2021/2516/P - Use as micro-brewery/tap room. **To be determined.**

Relevant policies

NPPF National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

A4 Noise and vibration

C1 Health and Wellbeing

C5 Safety and Security
C6 Access for all
CC4 Air quality
CC5 Waste
D1 Design
D2 Heritage
D3 Shopfronts
D4 Advertisements
E1 Economic development
E2 Employment premises and sites
H3 Protecting existing homes
G1 Delivery and location of growth
TC1 Quantity and location of retail development
TC2 Camden's centres and other shopping areas
TC3 Shops outside of centres
TC4 Town centre uses
TC5 Small and independent shops
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
T3 Transport infrastructure
T4 Sustainable movement of goods and materials

Camden Planning Guidance

Access for all (2019)
Adverts (2018)
Air Quality (2021)
Amenity (2021)
Design (2021)
Employment sites and business premises (2021)
Planning for health and wellbeing (2021)
Town centres and retail (2021)
Transport (2021)

Camden Broadway Conservation Area Appraisal and Management Strategy (2009)

Assessment

1.0 Proposal:

- 1.1 Retrospective planning permission is sought for the Amalgamation of 178B Royal College Street with Arches 74 and 75 and part of Arch 73, and change their use from cafe/restaurant (Class Use E), and storage facilities (Class Use B8) to create commercial kitchen and delivery centre with ancillary offices under Sui Generis class use.
- 1.2 Arches 74 and 75 are proposed to be arranged into 16 individual kitchen pod spaces. New extraction plant and machinery is proposed to the rear of the Arches 73, 74 and 75.
- 1.3 External alterations to ground floor shopfront of 178B Royal College Street are proposed, which includes minor alterations to the ground floor shopfront itself; namely, replacement full height windows and a new door to the right side of the shop, new awning, new external roller shutter; and replacement signage.
- 1.4 178B Royal College Street and part of Arch 73 are proposed as office space with provision of storage, W.C. facilities and break out space for staff.
- 1.5 Vehicular access to the site is provided through the existing gateway from Randolph Street beneath the railway. Motorcycle and bicycle parking spaces are provided immediately to the left of the Randolph Street entrance, with a right fork in the access lane enabling deliveries to the rear of the arches. 12 existing parking bays are retained within the access lane to the rear of the arches.
- 1.6 Bins for recycling and general waste are proposed, including 6 larger bins and 2 smaller bins, adjacent to the motorbike parking area immediately to the left of the Randolph street access.
- 1.7 The purpose of the commercial kitchen and delivery centre is to provide bespoke kitchen and cooking facilities for restaurants and kitchen businesses that prepare food, which is then delivered to customers who have placed orders via a mobile phone application. The operation requires that individual food orders are collected by an online delivery platform (ODP) rider and then taken to the customer at their private address for consumption. There are no on-site dining facilities for customers and customers cannot collect orders for themselves.
- 1.8 For the avoidance of doubt, arches 76-80 are also accessed via the existing gateway from Randolph Street but do not form part of this application. The upper floors for 178B Royal College Street are in residential use and do not form part of this application.

2.0 Assessment

2.1 The main considerations in the determination of this application are as follows:

- Land use (loss of A3 restaurant and B8 Storage facilities)
- Design
- Impacts on neighbouring amenity
- Transport
- Waste management

3.0 Land use:

3.1 Local Plan Policy E1 (Economic Development) confirms the Council will support businesses of all sizes, in particular start-ups, and medium-sized enterprises, and would also safeguard existing

employment sites and premises that meet the needs of industry and other employers.

- 3.2 As stated within the Council Planning Guidance; 'Employment sites and business premises' (2021), specifically in relation to 'Industrial kitchens for deliveries', "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" (page 8).
- 3.3 Local Plan Policy E2 (Employment premises and sites) confirms the Council will encourage the provision of employment premises and sites in the borough, however the Council requires evidence of a marketing exercise to support an application involving the loss of employment uses in accordance with policy E2.
- 3.4 The premises at no. 178B Royal College Street along with the other ground floor premises fall within Royal College Street – Camden Road Neighbourhood Centre outside of Central London. CPG Town Centres highlights that as a guide the Council will resist schemes that result in "less than 50% of ground floor premises being in retail use; or, more than 3 consecutive premises being in non-retail use. In this instance, the proposal would not comply with the 50% requirement due to the lack of retail uses along the stretch of Royal College Street from the junction of Randolph Street to the elevated rail line, between nos 168-180. The development would also exacerbate a situation whereby there are 3 consecutive units not in retail use, although it is acknowledged the majority of the ground floor uses here are in commercial use.
- 3.5 No marketing information has been provided to demonstrate that the premises are no longer suitable for their pre-existing use as café/restaurant and storage facilities, and that the possibility of retaining, reusing or redeveloping the premises has been fully explored over an appropriate period of time. It is acknowledged that the pre-existing café restaurant use (class A3), at 178B Royal College Street, would now fall under the commercial use (class E); and therefore this premises could become an office, (formally class B1), classified as commercial use (class E) without the need for consent. However the proposed amalgamation of the commercial frontage with the Arches to the rear requires classification as sui generis; the arches are lawfully classified as storage and distribution (class B8).
- 3.6 Whilst, the applicant confirms that there would be no loss of commercial floor space as result of the development which may be accurate, the proposed sui-generis use would result in loss of use of the café/restaurant (Class A3) fronting Royal college Street; which is important for maintaining the existing neighbourhood centre; and, storage and distribution (Class B8) within the arches accessed via Randolph Street of which there is limited existing provision within the borough and it is therefore desirable to retain what remains of this, as per CPG Employment Sites and Business Premises, paragraph 24.
- 3.7 Furthermore the applicant claims that over 40 jobs would be created through the proposed sui generis use, however no detail of specific employment opportunities are provided. It is understood that job opportunities may include, Chefs, kitchen porters, cleaners and maintenance staff; and, at least one traffic marshal.
- 3.8 Policy E2 requires that schemes should increase employment opportunities for local residents, including training and apprenticeships. Whilst there is no explicit commitment to this policy requirement, it is anticipated that were approval granted then local residents may benefit from employment opportunities arising from this proposal. However, it is noted there is no detail regarding provision of training and/ or apprenticeships.
- 3.9 Although the application is for retrospective consent, given the policy restrictions in place to protect existing lawful uses, it is considered that marketing evidence and other supporting information should have been provided to demonstrate the lack of need for existing uses and the demand for the proposed use and operation under consideration. However, if consent were granted for this proposed land use, the Council would seek details of local employment

opportunities and would wish to secure these details be condition.

4.0 Design:

- 4.1 Policy D1 (Design) requires high quality design in development, and requires development to respect local context and character, to preserve or enhance the historic environment, and to comprise of details and materials that are of high quality and complement the local character. Local Plan Policy D2 (Heritage) states that the Council will require that developments preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including listed buildings and conservation areas. This is supported by the Camden Broadway Conservation Area Appraisal and Management Strategy.
- 4.2 It is noted, the premises are within the Camden Broadway Conservation Area, additionally there is a terrace of Grade II listed buildings along Randolph Street which back on to the site, and therefore special consideration has been given to the proposed development to preserve or enhance the character and appearance of the conservation area.
- 4.3 The proposed alterations to the shop frontage facing Royal College Street are considered to be quite minor in nature and would not appear incongruous in this setting. The alterations include; replacement full height windows and a new door to the right side of the shop, new awning, new external roller shutter; and replacement signage. It is noted that new signage has been installed as part of these works, which require separate advertisement consent. The fascia sign as displayed on the proposed drawings is similar in scale to the previously existing signage in place. It is also non-illuminated which is appropriate for premises in a conservation area; nevertheless, express consent would be required for the display of such advertising. The replacement windows and door are in a broadly similar arrangement to the previous situation. The new awning replaces a similar awning in the same position; and, the previous café frontage also had an external roller shutter in place.
- 4.4 Council planning guidance highlights that the installation of extraction systems can harm the visual appearance of an area, and advises that where extraction systems are proposed, they should be sensitively positioned so that they do not have an unacceptable impact.
- 4.5 The proposals include the installation of extraction systems fitted to the rear of Arches 74 and 75 which is necessary to enable to the use. Given the position of the plant to the rear, within the enclosed site, there would be limited opportunities to view the extraction system. It is not considered there would be any views of the installation from the public realm and given it is needed to facilitate the use, is not considered out of context on this commercial building. Some views may be apparent from private views from residential properties along Rousden Street which back on to the site, in particular nos.21-25; and also, the upper floors of residential units along Camden Road, nos.114-110, however this is not considered to cause significant harm.
- 4.6 The proposed motorbike and bicycle parking facilities, as well as the proposed waste management area, are positioned behind an existing boundary wall fronting Randolph Street. The current submission includes limited detail of the appearance of these elements of the proposal, however these details could be secured by condition were approval to be granted for the scheme.
- 4.7 On balance in design terms, the proposal would not be considered to be sufficiently harmful to the appearance of the host site or surrounding street scene so as to warrant refusal of the application on this ground.

5.0 Amenity:

- 5.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, odour, daylight and sunlight.

- 5.2 A noise assessment has been submitted in support of the application which has been reviewed by the Council's Environmental Health Officer (EHO) to determine the impact of the proposed extraction flue on the amenity of the nearest noise sensitive properties. The Council EHO has determined that the proposals are acceptable in environmental health terms with regards to the proposed extraction system.
- 5.3 The applicant has not provided information to demonstrate any impacts or lack thereof with regards to nearby residential amenity in terms of loss of light, outlook or privacy. It is noted that several respondents to the consultation exercise have raised concerns in relation to privacy and the potential for members of the public to access the rear lane with associated impacts. It is considered the presence of the Jacuna Kitchen Vehicle Marshal at the entrance gate to the lane would somewhat mitigate this issue, however the Marshal would not always be present or maybe otherwise pre-occupied and therefore the resident concerns may be valid.
- 5.4 Policies C5 (Safety and Security) and A1 seeks to address the cumulative impact of food, drink and entertainment uses and ensure businesses and organisations providing such uses do so responsibly. The Council will seek management and maintenance plans to ensure areas outside of premises are appropriately managed. The applicant has not provided such a management and maintenance plan to govern the areas outside of the premises; and it is considered given the close proximity to residential premises it is likely that harm would be caused, due to the number of comings and goings on motorised vehicles, particularly late into the night time.
- 5.5 The applicant has provided an operational management plan to outline the proposed day to day running of the premises. This document highlights the following:
- 7 days a week operations.
 - Site opening hours: 08:00 – 00:00
 - Site trading hours: 10:00 – 23:00
 - A Marshal would be onsite: 12:00 – 00:00
- 5.6 The main concerns relate to both the management of deliveries servicing the kitchens; and, the ODP (Online Delivery Platform) riders who collect orders on site and then deliver them to customers.

Deliveries:

- The OMP states that only delivery vehicles servicing the arches are permitted to access the site (rear lane).
- These vehicles shall be restricted to 7.5t and 7.2m and a maximum of 2 supplier vehicles shall be permitted at any one time.
- Supplier deliveries to the site shall be restricted to occur between 08:00 and 16:00, with an anticipated 9 daily deliveries between 08:00 and 12:00 and a further 6 daily deliveries between 12:00 and 16:00. i.e.) a total of 15 deliveries every day, 9 of which are proposed prior to the traffic marshal being on site (details provided by the applicant of a 'typical trading week').
- Delivery vehicles are expected to manoeuvre without turning, guided by the traffic marshal.
- No deliveries are permitted on Sundays or Bank holidays.

Collections:

- Orders are collected by ODP riders who should access the site via Randolph Street, and park their bike in the allotted parking area, then walk around to the arch to collect the order

before returning to their bike to then leave the site via the same access.

- No collections should occur from Royal College Street.
- No collections should be carried out by members of the public.
- A maximum of 30 ODP riders shall be permitted on site at any time.
- The traffic marshal shall ensure that the users follow the requirements of the OMP.

- 5.7 The Operational Management Plan provided by the applicant raises a number of concerns. Responsibility for the safe management of vehicular access is given to the traffic marshal, however the marshal are not expected to begin working until midday, which is 4 hours after the premises is open, therefore there is a significant period of each day without safety and security marshalling in place. Also due to the potential volume of traffic, accessing and egressing the site, it is not considered that one marshal could reasonably perform the duties expected of them as described within the Operational Management Plan. There are additional concerns about the potential for clashes with pedestrians and other road users where the access lane meets Randolph Street without adequate marshalling in place.
- 5.8 The applicant has confirmed they would be willing to adjust the OMP to ensure the marshal would be on site throughout opening hours, however; this proposed alternative arrangement is not considered to alleviate the potential for conflict between deliveries and ODP riders, i.e.) a single traffic marshal could not reasonably be expected to safely manoeuvre delivery trucks and monitor the number of ODP riders and ensure safety for any passing pedestrians or other road users.
- 5.9 It is also noted, that whilst the OMP states that no more than 30 ODP riders would be permitted on site, there is no explanation of how this would be governed. Equally it is not clear where delivery trucks would park whilst waiting for access to the site, nor how they would be informed that access is not possible at any given time.
- 5.10 The number of vehicular journeys required to adequately service the business is considered to be a significant impact on the local area. Given the potential for motorised comings and goings to such a degree as would be expected in a typical trading week the noise impacts of such should be assessed. The noise impacts of the proposal have only been assessed with regards to the proposed installation of plant machinery, but noise has not been considered with regards to traffic. Were such a proposal considered acceptable it is considered that the use of pedal powered vehicles or electric vehicles should be employed to minimise the noise impacts of so many frequent journeys in this location.

6.0 Transport:

- 6.1 In accordance with Policy T2 (Parking and car-free development) the Council will limit the availability of parking and will require all new developments in the borough to be car-free.
- 6.2 It is noted that the applicant confirms that no personnel working from the premises should arrive by motorised vehicle, and in any event any personnel working on site shall not be able to park on site.
- 6.3 The Council Transport Officer was consulted on the scheme and had concerns regarding the proposed use of motorised vehicles and potential for increase air pollution, noise and congestion. The Officer also queried the lack of clear delineation of existing onsite parking spaces. In addition, they do not consider that a single traffic marshal would be sufficient and also highlight the lack of any marshal between 08:00 and 12:00, which are key hours of high pedestrian flows in the area
- 6.4 The Transport Officer also highlights the lack of consideration for general road safety, particularly for pedestrians and other road users along Randolph Street when delivery trucks are forced to

reverse out of the site. They also highlight the potential for unwanted increased traffic along Rousden Street and is especially concerned about the lack of control site management would have over ODP riders outside of the site boundary.

- 6.5 Given the concerns as outlined by the Council transport Officer, it is considered the proposal should be refused on these grounds.

7.0 Waste management:

- 7.1 The applicant has provided limited details regarding waste management. It is noted that the proposed floor plan highlights a designated area for waste management and there would appear to be 8 waste bins depicted, adjacent to the motorbike parking area immediately to the left of the Randolph street access. However there is no clear information about which bins would be designated for what type of waste.
- 7.2 The Council Environmental Services Officer has reviewed the details of the scheme and suggested the applicant should provide a waste strategy document to be considered as part of the scheme. Given the application is for retrospective consent, it is fundamental to the continuation of the use that this information is available, and therefore proposal would be refused on these grounds.

8.0 Biodiversity:

- 8.1 Respondents to the public consultation have objected on the grounds that the development has had a negative impact on biodiversity, namely the local Bat population. Residents suggest that Bats were often spotted roosting within the Arches and in flight along the rear lane. Whilst development has already been carried out, and so the damage here may have been done, it is considered that a biodiversity survey should have been carried out prior to any works taking place.
- 8.2 Given the local knowledge of Bat population in the area, a Bat Survey is required to identify if any bat roosts and foraging/commuting habitats are on site, provision of new roosting, foraging and commuting opportunities, and if any sensitive lighting should be accommodated. For the reasons highlighted above the survey could not have been conditioned and therefore proposal would be refused on these grounds.

9.0 Conclusion:

- 9.1 Overall, the development the development has been carefully assessed by the Council and is considered unacceptable on a number of principle grounds. The development includes the display of advertising for which consent has not been sought. The applicant has failed to provide any evidence to demonstrate lack of need for the lawful uses. The potential amenity impacts with regards to noise generated by vehicles accessing and egressing the site have not been satisfactorily addressed. The potential for road safety impacts at the junction of the site entrance and Randolph Street have not been satisfactorily addressed. Details of waste management are not considered sufficient. The operational management plan is not considered sufficient to mitigate potential impact on neighbouring residential amenity.

10.0 Recommendation:

- 10.1 Refuse planning permission with warning of enforcement action to be taken.
- 10.2 That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring cessation of the use of the ground floor of 1788B and Arches 74 and 75 and part of Arch 73 as commercial kitchens and delivery centres with ancillary offices and removal of the plant and machinery, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order

to secure the cessation of the breach of planning control

The notice shall allege the following breaches of planning control:

Change of use of café/restaurant (Class Use E) at 178B Royal Collage Street and storage facilities (Class Use B8) at arches 73, 74 and 75 and amalgamation of 178B Royal College Street with Arches 74 and 75 and part of Arch 73 to create commercial kitchen and delivery centre with ancillary offices (Sui Generis). External alterations to shopfront of 178B Royal College Street and provision of plant and machinery to the rear of the Arches 73, 74 and 75 in association with the new use. (Retrospective).

WHAT ARE YOU REQUIRED TO DO: Within a period of six (6) months of the notice taking effect:

- 1) Permanently cease the use of the ground floor of 1788B and Arches 74 and 75 and part of Arch 73 as commercial kitchens and delivery centres with ancillary offices.
- 2) Permanently remove the plant and machinery from the rear of Arch 74 and 75.
- 3) Make good the exterior of the property following the completion of the above works.

PERIOD OF COMPLIANCE: 6 months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

- 1 The use by virtue of its nature and intensity, in particular the volume and frequency of deliveries and collections, and the manner in which they are undertaken using disruptive and potentially dangerous vehicle manoeuvres, causes harm to the amenity of the area, pedestrian and highway safety contrary to policy A1 (Managing the impact of development) and T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017 and policy T4 (Assessing and mitigating transport impacts) of the London Plan 2021.
- 2 The use, by virtue of the nature and intensity of deliveries and collections generates vehicular noise which has not been fully mitigated, and due to the proximity of neighbouring residential uses causes harm to the amenity of the area, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.
- 3 In the absence of a legal agreement securing a local employment and training package, would to lead to the exacerbation of local skill shortages and lack of training and employment opportunities for local residents, contrary to policies G1 (Delivery and location of growth), E1 (Economic development), E2 (Employment premises and sites) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.
- 4 In the absence of a legal agreement securing a satisfactory Operational Management Plan (including a community working group), would be likely to give rise to harmful impacts with local residents and conflicts with local road users and would be detrimental to the amenity of the area generally contrary to policies A1 (Managing the impact of development), T1 (Prioritising walking, cycling and public transport), (T3 (Transport infrastructure), CC5 (waste) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.
- 5 In the absence of a Bat survey, the development has potentially harmed the local bat population and biodiversity, contrary to policy A1 (Managing the impact of development) and A3 (Biodiversity) of the London Borough of Camden Local Plan 2017.