

<p><u>MEETING</u></p> <p>COMMITTEENAME</p>
<p><u>DATE AND TIME</u></p> <p>MEETINGDATELEGAL</p> <p>AT MEETINGTIME</p>
<p><u>VENUE</u></p> <p>MEETINGLOCATION</p>

TO: MEMBERS OF COMMITTEENAME (Quorum 3)

Chairman: ChairExpectedRolesList,
 Vice Chairman: ViceChExpectedRolesList

Councillors

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Substitute Members

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You are requested to attend the above meeting for which an agenda is attached.

Andrew Nathan – Head of Governance

Governance Services contact: MeetingContact

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
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FACILITIES FOR PEOPLE WITH DISABILITIES

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Addendum to the agenda

24 Charcot Road, London, NW9 5WU
17/7421/FUL
pp109-118

An objection has been received from a residential occupier of the same building that the application relates. The objections are as follows:

- Strong objection to the change of use to A5 and to the change in opening hours.
- Concern that the application proposes a change to the opening hours of 06.30 – 23.00
- These opening hours would give rise to the noise from traffic and from visitors and these opening hours are inappropriate for the local residential environment.
- The opening hours were set by H/00093/13 and were deemed to be required to safeguard residential amenity.
- No changes have occurred which would justify the increase in hours.
- The applicant has used Spaccanopoli as a justification for the opening hours
- Sainsburys should not be used as a comparable case either.
- The 2013 planning application described the development with the interior of the site away from Colindale Avenue as having a more residential led mixed use development.
- Other local commercial premises have much shorter hours.
- None of the other premises local would facilitate such a large amount of patrons who would in any case regardless of the size be liable to loiter outside.

- The proposed change of use was not set out in the letter of consultation to the neighbours and was deliberately concealed from residents.
- An A5 use is wholly unsuitable for the location with the increase in noise, litter and road traffic will be detrimental to the quality of life for residents
- The meat based cuisine is unwelcome in the context of takeaway litter.
- The cuisine will lend itself to on street eating by people who may be drunk and would increase antisocial behaviour in the area.
- A5 use was not granted in the original planning process.
- No evidence is put forward to support the claims that the additional A5 use would not affect amenity.
- No provisions are in place for the traffic implications of the proposed development.
- The parking resources identified by the applicant are not realistic or feasible to accommodate the parking demand for the site.
- It is untrue that the scheme is justifiable because of the long term vacancy of units as there are very low levels of commercial unit vacancy.
- It is also untrue to say that there are no restaurants, cafes or shops in the area on the basis that there are already 2x A3 units, 2xA1 (café) units and 3xA1 (food retail) units with one of each of these uses arriving in the next few months.
- The 2013 permission showed a cycle store adjacent to the site which would be overtaken by this development and as a result, the development as a whole has been undermined in respect of sustainable travel.
- Comments have been received from people and parties either unrelated to the site, the area and the use and from people whose comments are unrelated to the planning application.

Officer response

- It is noted that the application form proposes a change of the operating hours from 06.30 – 2300 on a daily basis. This has not been inserted within the description of development and this matter has therefore not been expressed to the public.
- However, this is not an application for a variation of condition or a variation of the original planning permission, but rather a self contained stand alone application in its own right and as such, it is not necessarily the case that the opening hours need to form part of the description, as it is the change of use that is being applied. The condition is imposed as mitigation to a harm that might arise and is appropriate.
- It should be noted that the application has been considered by the Environmental Health officers who do not raise an objection to the planning application.
- It is noted that Spaccanopoli has been used as a justification for the proposed development's opening hours. Their website refers to 07.30 – 22.30 on weekdays and subsequently 0900 – 2230 on Saturdays and 0900 – 2200 on Sundays.
- These hours are not dissimilar to the hours that the Council has conditioned in the recommendation to read as 0700 – 2300 on weekdays and Saturdays and 0800 – 2200 on Sundays. Should the committee feel further mitigation is necessary, this can be agreed by Members as part of a motion to modify the recommendation.
- The Colindale Area Action Plan recognises the area as a Corridor of Change and paragraph 4.2.1 sets out that a range of uses should be delivered to create a sustainable neighbourhood centre.
- The absence of the A5 use from the list of uses delivered in the 2013 permission is not an indication that the presence of this use within the mix would be harmful.
- It should be noted that the premises retains an existing A1 and A3 use and the addition of an A5 would not undermine or limit the continued use of the previous uses. It is considered that the additional A5 use would not exacerbate the perceived harms that might arise from this additional use.
- The Environmental Health officers are content that the noise and odour aspects of the further extraction would be successfully mitigated for neighbours.
- While the additional opening hours and the additional use could attract more patrons, it is considered that in the AAP area, this is acceptable.
- In respect of highways and parking, the highways officer has been consulted and although the two parking spaces provide some degree of a resource, it is noted that parking controls in the area prevent parking close to or outside the unit or deeper into the complex. Although it is accepted that some drivers may park on double yellow lines, these are matters for parking enforcement and not development management.
- No objections have been received from the highways officer about the displacement of cycle parking that might arise as a result of this development.
- In respect of the objections received from parties unrelated to the area for reasons unrelated to planning, the general public are entitled to object to any application anywhere. People who have submitted representations have some stakeholder interest in the local area whether they are visitors, residents or workers. The impact of development is not only felt by residents and the needs of all must be taken into account by the planning system.

A further expression of support has been received by the Council as follows

A plan showing the location of the premises in relation to other meat based food retailing premises.

The author makes the following points:

- There is a chicken takeaway opposite the site.
- Out of 3500 people living in the area, only five local people have objected.
- The flue has been redesigned in consultation with the environmental health officers.
- Many of the objections appear to have been received from people with the same surname.
- Most objections come from the same address.
- Ethics and beliefs should not be a consideration in stopping a butcher and deil from opening.

Officer response

- These points are acknowledged.

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