

Application ref: 2019/4826/P
Contact: Elaine Quigley
Tel: 020 7974 5101
Email: Elaine.Quigley@camden.gov.uk
Date: 15 March 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk

www.camden.gov.uk/planning

Planning Resolution Ltd.
Thorncroft Manor
Thorncroft Drive
LEATHERHEAD
KT22 8JB

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

35-37

Fairfax Road

London

NW6 4EW

Proposal:

Change of use of ground and lower ground floors from A1 (retail) to D1 (Community Use)
Drawing Nos: Site location plan; Existing layout A1; Proposed layout A1; Planning Statement prepared by Planning Resolution dated September 2019; Supplemental Operational Information prepared by Planning Resolution dated March 2020; Revised timetable of classes, meetings and events at Chabad West Hampstead dated 20/12/2019; Transport Statement prepared by Caneparo Associates Ltd dated September 2019.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site location plan; Existing layout A1; Proposed layout A1; Planning Statement prepared by Planning Resolution dated September 2019; Supplemental Operational Information prepared by Planning Resolution dated March 2020; Revised timetable of classes, meetings and events at Chabad West Hampstead dated 20/12/2019; Transport Statement prepared by Caneparo Associates Ltd dated September 2019.

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

- 4 Notwithstanding the provisions of Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the building shall only be used for a community centre and for no other purpose.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of noise, traffic congestion and excessive on-street parking pressure in accordance with policies A1, A4, and T1 of the Camden Local Plan 2017.

- 5 The use hereby permitted shall not be carried out outside the following times
08:00 to 21:00 hours Mondays, Tuesdays, Thursdays, Fridays and Saturdays,
08:00 to 22:00 hours on Wednesdays, and 10:00 to 16:00 on Sundays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, A4 and TC2 of the London Borough of Camden Local Plan 2017.

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

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, and A4 and TC2 of the London Borough of Camden Local Plan 2017.

- 7 Before the use commences, details of secure cycle storage area for 2 long stay cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the premises being occupied, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities

in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 8 The premises shall have no more than 30 people within the property at any one time, within the approved hours of use above, apart from during Saturday (10:00 to 14:00) when 80 would be allowed.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to ensure the safety of those using the premises, in accordance with the requirements of policy A1 and A4 of the Camden Local Plan 2017.

- 9 Before the development commences, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of the use and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1, A4 and TC4 [if A3/A4/A5 use] of the London Borough of Camden Local Plan 2017.

- 10 Prior to commencement of the use hereby approved, the ground floor windows on the rear elevation facing onto the service road shall be fixed shut and non-opening up to an internal floor height of 1.7m.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, and A4 and TC2 of the London Borough of Camden Local Plan 2017.

- 11 The rear lower ground floor openings of the premises leading onto the service road shall only be used in the case of an emergency or for servicing (including the removal of refuse and recycling) between the hours of 08:00 until 19:00 Monday to Saturdays and 10:00 to 12:00 on Sundays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, and A4 and TC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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).
- 2 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.

- 3 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.

- 4 You are advised that condition 5 means that no customers shall be on the premises and no noise generating activities associated with the use, including clearing up, shall be carried out otherwise than within the permitted time.
- 5 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.
- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

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:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

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