

2022/4544/P - 56-58 Fortune Green Road



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Photos for 2022/4544/P – 56-58 Fortune Green Road, NW6 1DT

1. Aerial view of 56-58 Fortune Green Road



2. Existing front elevation (left) and side elevation (right)



3. Proposed front elevation (left) and side elevation (right)



4. Works as currently exist – new glazing part-installed



Delegated Report		Analysis sheet		Expiry Date:		14/12/2022	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		06/02/2023	
Officer				Application Number(s)			
Sam FitzPatrick				2022/4544/P			
Application Address				Drawing Numbers			
56-58 Fortune Green Road London NW6 1DT				Please refer to decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Installation of new shopfront glazing and doors, including retractable awnings (part-retrospective).							
Recommendation(s):		Grant Conditional Planning Permission					
Application Type:		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	04	No. of objections	04
Summary of consultation responses:	<p>Site notice: 13/01/2023 – 06/02/2023</p> <p>Three objections from members of the public were received, and their objections can be summarised as follows:</p> <ul style="list-style-type: none"> • Opposition to another eatery in the area; • Overbearing and unsympathetic design of seating area; • Concerns about traffic/parking, waste disposal, and other impacts on the highway environment; • Impact on neighbouring amenity, namely noise. <p><u>Officer Response:</u></p> <ul style="list-style-type: none"> - <i>The change of use to a café was already established to be lawful through the granting of a certificate of lawfulness at this site, so objections relating to this or any subsequent increase in traffic or waste are not material considerations.</i> - <i>The proposal originally included a large aluminium frame and glazed seating area to the forecourt area, however this was removed following officer comments – please see section 2. This alleviates many of the concerns regarding design and amenity impacts.</i> - <i>Please refer to section 4 of the report for concerns relating to amenity and note that a condition is attached that restricts the opening of the folding shopfront to 08:00 to 18:00 Monday to Sunday, in order to preserve the amenity of nearby residential occupiers.</i> 			
Fortune Green and West Hampstead Neighbourhood Forum:	<p>The Fortune Green and West Hampstead Neighbourhood Forum objected to the scheme. Their concerns can be summarised as follows:</p> <ul style="list-style-type: none"> - Poor design of proposal that does not enhance local area; - Café would constitute overdevelopment, especially given previous refusal at site; - Pedestrian access would be harmed by development. <p><u>Officer Response:</u></p> <ul style="list-style-type: none"> - <i>The change of use to a café was already established to be lawful through the granting of a certificate of lawfulness at this site. Additionally, the proposal has been revised (as explained in section 2 of this report) and no longer includes the seating area structure. As such, the previous refusal is not relevant to this case, given that the refusal was prior to the 1 September 2020 use class changes and also significantly different in design to this proposal.</i> - <i>Please refer to section 4 of the report for concerns relating to amenity.</i> 			

Site Description

The application site is a three-storey building located on the southern side of Fortune Green Road, on a corner site at the junction of Burrard Road and Fortune Green Road. The ground floor of the site was most recently used as an office but was granted a certificate of lawfulness for use as a café on 10 February 2023 (ref no.2022/4423/P).

The application site is not located within a conservation area but is located within the Fortune Green and West Hampstead Neighbourhood Forum Area. The property is not listed.

Relevant History

Application site:

2022/4423/P: Use of ground floor as café (Class E). **Granted 10/02/2023.**

2016/4715/P: Change of use of ground floor premises from car showroom (sui generis) to B1(a) (office). **Granted 11/11/2016.**

2015/0445/NEW: Retention of works and change of use from motor vehicle showrooms (sui generis) to class A1/A3 mixed use sandwich bar/café and shisha smoking place (sui generis) including an enclosed structure which has a wooden deck with a wooden handrail and balustrading. **Withdrawn.**

2014/2409/P: Retention of works and change of use from motor vehicle showrooms (sui generis) to class A1/A3 mixed use sandwich bar/café and shisha smoking place (sui generis) including an enclosed structure which has a wooden deck with a wooden handrail and balustrading. **Refused on appeal and warning of enforcement action to be taken.**

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan (2017)

- **A1** Managing the impact of development
- **D1** Design
- **D3** Shopfronts

Neighbourhood Plans

- Fortune Green and West Hampstead Neighbourhood Plan (2015)
 - o Policy 2: Design and Character
 - o Policy 15: Fortune Green Neighbourhood Centre

Camden Planning Guidance

- CPG Amenity (2021)
- CPG Design (2021)

1. The Proposal

- 1.1. Planning permission is sought for the installation of a new shopfront facing Fortune Green Road, including folding doors and the erection of retractable awnings.
- 1.2. The existing shopfront is split into five sections of glazing, and the new shopfront would involve the replacement of two of these parts, while the other three sections would be retained. An existing glazed panel would be replaced with a four-part folding door, and an existing single sliding door would be replaced with a three-part sliding door. The awnings would be retractable and would project approximately 3m from the shopfront with the lowest point 2.35m above the pavement.
- 1.3. It is noted that, during the consultation period of this application, work began on the shopfront and the changes to the glazing appear to already have been mostly completed, although the awnings are yet to be installed. The application is not technically retrospective, as the proposal has not been completely carried out, but it is important to note the initiation of the proposed works.

2. Revisions

- 2.1. A revised proposal was submitted following planning and conservation officer advice. The original design featured a structure comprising aluminium framed glazed screens to facilitate an outdoor seating area. This would have caused harm to the local area due to inappropriate design, as well as potentially limited movement and created unnecessary hazards on the public highway. The amended design removed the structure around the seating area and altered the awning design so that it complied with the recommendations of the CPG 'Design'.

3. Design and Conservation

- 3.1. The Council's design policies aim to achieve the highest standard of design in all developments. Local Plan Policy D1 (Design) aims to ensure that all developments are of the highest standard of design and respect the character, setting, form, and scale of the neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas. Policy D3 (Shopfronts) seeks to protect existing shopfronts by considering the existing character, architectural and historic merit, and design of the building and its shopfront.
- 3.2. CPG Design states that shopfronts should be designed to a high standard and should consider the character and design of the building and its context and that alterations should respect the detailed design, materials, colour and architectural features of the shopfront.
- 3.3. Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan aims to ensure that all development is of high design quality, and that it positively interfaces with the street and streetscape. Policy 15 states that development should preserve or enhance the character of the Fortune Green Road Neighbourhood Centre (of which this application is part of).
- 3.4. The proposal involves the replacement of two sections of existing glazing (one fixed panel and one single sliding door) with two new sections of glazing – one consisting of a folding shopfront and one of fixed glazing split into three panels. The material of the new sections of shopfront would be glazed aluminium to match the existing, and the dimensions of the opening (including height and width) would not be changed. Any stall riser that the shopfront may have once had has no existing for a substantial amount of time, and this proposal does not involve the removal of stall risers or any other elements that should be preserved. The materials used are sympathetic to the existing shopfront and surrounding area. It is considered that the proposed altered sections of the shopfront would not be out of keeping with the character and appearance of the existing shopfront or neighbouring shopfronts and is considered acceptable.
- 3.5. Although folding shopfronts are generally discouraged, in this instance the existing shopfront has been changed several times over the years and has no historic fabric or appearance – especially due to the way that it effectively merges multiple shopfronts (nos. 56 and 58) into one shopfront. The existing shopfront is considered to have minimal to nil merit in terms of its fabric and appearance, and the proposed alteration does not result in a more visually harmful appearance. It is also noted that, although close to the boundary of one, the application site does not lie within a conservation area.
- 3.6. The proposal also involves the installation of awnings to the shopfront. The design follows Camden's guidance, as the awnings are located at an appropriate height, are retractable, and are proposed to be installed as separate canopies above each section of the glazing rather than a single awning across the entire shopfront, so are of a more elegant appearance and not over-dominant.
- 3.7. An informative has also been recommended that reminds the applicant that the seating demonstrated in the submitted drawings is not permitted through this decision but would require a separate table and chairs licence to

be sought from the Council.

3.8. As such, the proposal would not have any detrimental impact on the character and appearance of the property and the wider area and complies with policies D1 and D3 of the Camden Local Plan 2017 and policies 2 and 15 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

4. Amenity

4.1. Policy A1 (Managing the impact of development) seeks to protect the amenity and quality of life of Camden's residents by only granting permission to development that would not harm the amenity of communities, occupiers, and neighbouring residents. This is supported by CPG Amenity, which requires that the potential impact on the amenity of neighbouring properties must be fully considered and seeks for developments to be "*designed to protect the privacy of both new and existing dwellings to a reasonable degree*".

4.2. The shopfront itself is already an established feature of the ground floor, and the revised plans that remove the aluminium structure to the forecourt of the property remove concerns regarding light spill resulting from the proposal. However, the folding doors could potentially harm the amenity of nearby residents through noise impact, and this was noted by some objectors to the application.

4.3. In order to alleviate concerns surrounding amenity impacts, a condition is recommended that would restrict the opening (partially or otherwise) of the folding doors to 08:00 to 18:00 Monday to Sunday.

4.4. As such, it is considered that the proposal would not significantly harm the amenity of neighbouring occupiers regarding light, privacy, and outlook in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

5. Recommendation

5.1. Overall, the proposed development is considered acceptable in terms of its design and impact on the character and appearance of the host building, neighbouring buildings, and wider area. There would be no significant adverse impacts on the residential amenity of neighbouring occupiers, and the development is deemed consistent with the objectives, guidance, and policies identified above. It is therefore recommended that conditional planning permission is granted.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 17th April 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2022/4544/P
Contact: Sam Fitzpatrick
Tel: 020 7974 1343
Email: sam.fitzpatrick@camden.gov.uk
Date: 11 April 2023

Development Management
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Capital Architectural Design
189 Cat Hill
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EN48HS

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

56-58 Fortune Green Road
Camden
London
NW6 1DT

DECISION

Proposal: Installation of new shopfront glazing and doors, including retractable awnings (part-retrospective)

Drawing Nos: Site Location and Block Plan; 2022-959/300_B - Existing and Proposed Plans, Elevations, and Sections.

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 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location and Block Plan; 2022-959/300_B - Existing and Proposed Plans, Elevations, and Sections.

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

- 3 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 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 4 The folding doors hereby permitted shall not be opened (partially or otherwise) outside the following times: 08:00 - 18:00 Mondays to Sundays.

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.

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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, 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 (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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 The applicant is reminded that this permission only relates to the works to the shopfront and that any seating in the forecourt of the property may require a table and chairs licence to be obtained from the Council. This permission does not approve the seating area shown in any drawings.

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>.

Yours faithfully

Chief Planning Officer

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DECISION