

Application ref: 2022/5197/P
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Paddington Planning
7 Aspen Grove
Paddington
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WA1 3ET

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused

Address:

94 Mill Lane
London
NW6 1NH

Proposal:

Conversion of basement and part of ground retail unit (Class E) to residential flat; construction of lightwell and railings at front; new windows to side and rear elevations.

Drawing Nos: 3515/PA-01/SP, 3515/PA-02/SP, 3515/PA-03/SP, 3515/PA-04/SP, 3515/PA-05/SP, 3515/PP-06/SP.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed loss of part of the commercial floor space in this location would lead to a significant reduction in the flexibility and viability of the ground floor commercial premises and thereby fail to protect, preserve and enhance the commercial role and function of this part of the Mill Lane Neighbourhood Centre, and would have a detrimental impact on the vitality and viability of the Centre as a whole. As such, the proposed development would be contrary to Policies TC1 (Quantity and location of retail development) and TC2 (Camden's centres and other shopping areas) of the Camden Local Plan 2017 and Policy 14 (Mill Lane Neighbourhood Centre) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 2 In the absence of basement impact assessment, the applicant has failed to demonstrate that the proposed basement excavations would not have significant adverse impacts on local drainage, flooding, groundwater conditions and structural stability and is therefore considered likely to present an unacceptable risk to the amenity of future occupiers. As such, the scheme is contrary to policies A5 (Basements) and CC3 (Water and flooding) of the Camden Local Plan 2017.
- 3 In the absence of supporting information including evidence of flood risk mitigation measures, the applicant has failed to demonstrate that the proposed basement excavations would not have significant adverse impacts on the drainage and the local water environment and is considered likely to present an unacceptable risk of flooding to the detriment of the amenity of future occupiers. As such, the scheme is contrary to policies A1 (Managing the impact of development), A5 (Basements) and CC3 (Water and flooding) of the Camden Local Plan 2017.
- 4 The proposed front lightwell and associated railings, due to their design and location would create a discordant feature in the terrace of properties and would result in additional harmful street clutter which would be detrimental to the character of this part of the Mill Lane Neighbourhood Centre street frontage which is relatively unaltered by railings and front lightwells and would be contrary to Policy D1 (Design) of the Camden Local Plan and Policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
- 5 The proposed railings and lightwell would present an obstruction to pedestrians and other users of the public highway and would add unnecessarily to street clutter on this part of the street. As such, the proposed development would fail to provide pedestrian friendly public realm, would fail to maximise space for pedestrians and would fail to improve conditions for wheelchair and other non-ambulatory users of the public highway. As such, the proposed development is contrary to Policies T1 (Prioritising walking, cycling and public transport) and C5 (Safety and security) of the Camden Local Plan 2017 and Policy 9 (Pavements and pedestrians) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
- 6 The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policy T2 (Parking and car free development of the Camden Local Plan 2017 and Policy 7 (Sustainable Transport) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
- 7 The proposed development, in the absence of a legal agreement securing approval in principle for basement works adjacent to the public highway, would be likely to contribute to an unsafe public highway environment and a loss of public amenity contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.

Informative(s):

- 1 If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

- 2 Without prejudice to any future application or appeal, the applicant is advised that reasons for refusal 6 to 7 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

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