

Application ref: 2024/2237/P  
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Date: 4 September 2024

**Development Management**  
Regeneration and Planning  
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WC1H 9JE

Phone: 020 7974 4444

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Casting House  
Moulding Lane  
Deptford  
SE14 6BN

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**255 West End Lane**  
**London**  
**NW6 1XN**

Proposal:  
Change of use of Ground and Basement floor commercial unit from Sui Generis (takeaway) to Eb (eat in restaurant), replacement flue on rear elevation.  
Drawing Nos: Site Location Plan; 05 Rev 1G; 06 Rev 1G; 07 Rev 1G; 08 Rev 1G and Odour Control assessment with attachments dated 01/05/2024

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 Plan; 05 Rev 1G; 06 Rev 1G; 07 Rev 1G; 08 Rev 1G and Odour Control assessment with attachments dated

01/05/2024

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 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Before the use commences the cumulative plant noise levels from all fixed plant associated with the application site, when at a point 1m external to the nearest noise sensitive residential facades shall be at least 10 dB(A) less than the existing background measurement (LA90), expressed in dB(A), when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that is distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses(bangs, clicks, clatters, thumps), then the noise levels from the plant/equipment at any sensitive façade shall be at least 15 dB(A) below background noise level.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such for the duration of the development.

Reason: To protect the amenity of the surrounding premises and the area generally in accordance with policies A1 and A4 of the Camden Local Plan 2017.

- 6 The odour control equipment shall provide a Very High level of odour control as defined by EMAQ+ Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 (Managing the Impact of Development) and TC4 (Town Centre Uses) of the London Borough of Camden Local Plan 2017.

- 7 The flue hereby approved shall be painted black and so maintained.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 (Managing the Impact of Development) and TC4 (Town Centre Uses) of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The site is a basement and ground-floor commercial property that has been used as a sui generis takeaway business. It is located on the west side of West End Lane at the southern junction with Dennington Park Road. The site is located within the West End Green Conservation Area and is considered to make a positive contribution.

The proposed works relate to a change of use from a sui generis takeaway to Class E (b) commercial restaurant, with an upgraded replacement flue at the rear. The site is in the West Hampstead Town Centre and is part of a run of units within a secondary parade, which consists of a mix of types of units. The change of use has the potential to be less disruptive as deliveries are reduced. The Council recognised the flexibility afforded within the Class E and the ability to change from a range of high street commercial uses without planning permission.

The Council's Environmental Health team has no objections to the proposed replacement plant but has requested conditions be added to help ensure that potential amenity concerns raised by noise and odours from the replacement flue don't harm neighbouring residential properties.

The flue at the rear would be replaced with a larger one. There would be an increase in size but condition 7 requires it to be painted black. The increase in size would not harm the appearance of the building and, as such, would preserve the character and appearance of the conservation area.

No objections were received prior to this decision, which was based on the site's planning history.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Therefore, the proposal aligns with policies G1, A1, D1, D2, A4, E1, TC1, TC2, and TC4 of the Camden Local Plan 2017. It is also considered in line with Policy 13 of the Fortune Green and West Hampstead Local Neighbourhood Plan. The proposal accords with the London Plan and NPPF.

- 2 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).
- 3 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.

- 4 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](http://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.

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



Daniel Pope  
Chief Planning Officer