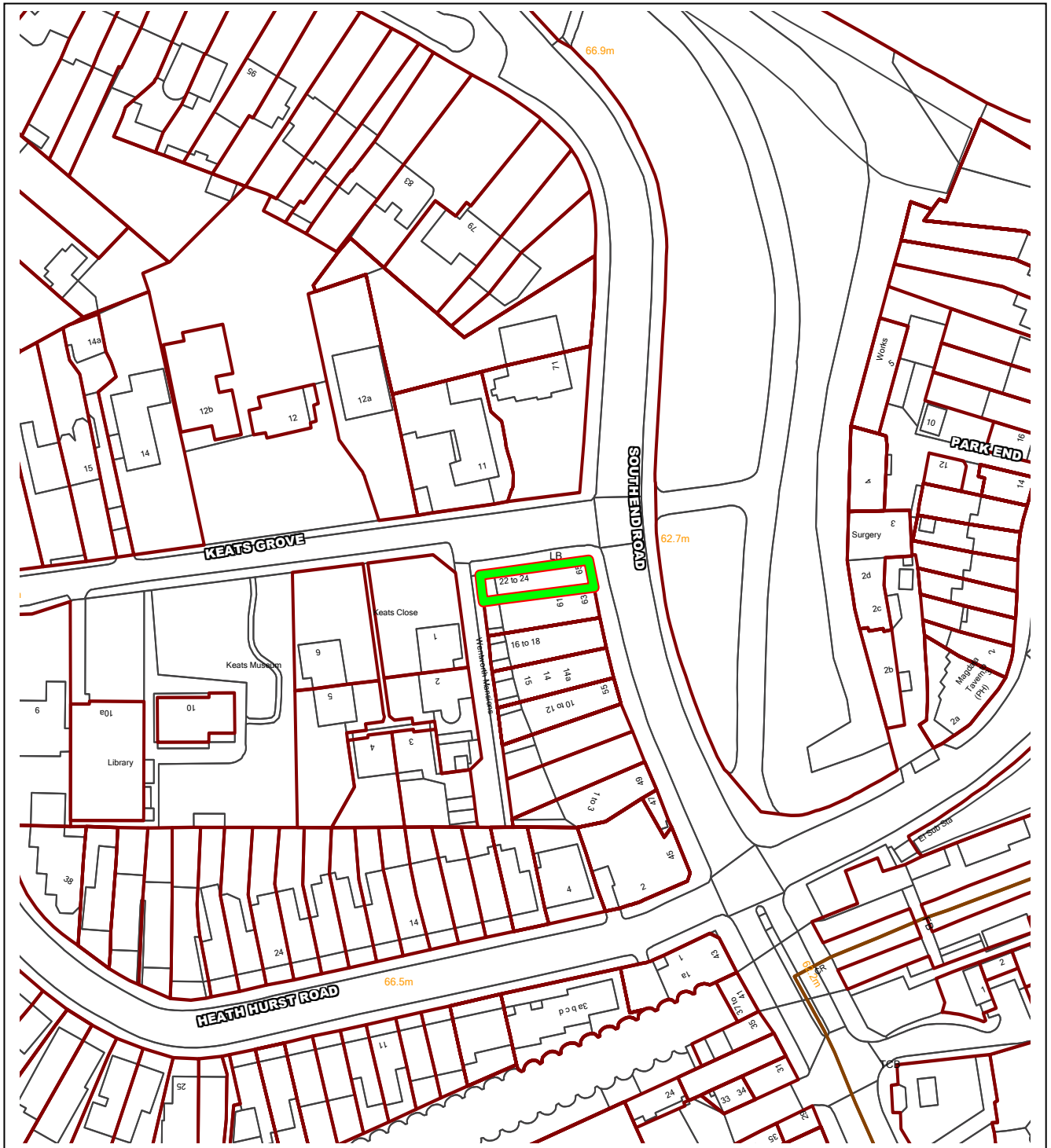


65 South End Road – 2024/3306/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

2024/3306/P – 65 South End Road – Photos



Junction of South End Road and Keats Grove



Keats Grove Elevation



'Pre-existing' condition (Note: Now lowered windows on side elevation have planning permission)

Delegated Report		Analysis sheet	Expiry Date:	17/10/2024
(Members Briefing)		N/A / attached	Consultation Expiry Date:	22/09/2024
Officer			Application Number(s)	
Adam Greenhalgh			2024/3306/P	
Application Address			Drawing Numbers	
65 South End Road London NW3 2QB			<i>Refer to decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retention of 4 louvred panels on Keats Grove elevation of ground floor unit				
Recommendation:	Grant conditional planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	<i>Refer to Decision Notice</i>			
Informatives:				
Consultations				
Summary of consultation:	A site notice was displayed 28/08/2024 (expiry 21/09/2024). A press advertisement was published on 29/08/2024 (expiry 22/09/2024).			
Adjoining Occupiers:	No. of responses	13	No. of objections	13
Summary of consultation responses:	<p>Letters of objection received from 13 neighbouring residents and 1 Ward Councillor. The neighbour objections were received from occupiers within the building, and in the local area.</p> <p>Objections raised (and Officer comments) are as follows:</p> <ol style="list-style-type: none"> 1. Inaccurate application: louvres have already been installed and are in use <ul style="list-style-type: none"> - <i>Officer response: The application has been amended to show/confirm that the louvres have already been installed and are in use. As such, it is now an application for retrospective planning permission</i> 2. Unacceptable emissions (heat, noise and odours) from louvres and harm to amenity of residential occupiers. Inaccuracy of Acoustic Report. <ul style="list-style-type: none"> - <i>Officer response: See 'Effects on Amenity of Residential Occupiers' below</i> 3. Inconvenience / reduced accessibility for pedestrians <ul style="list-style-type: none"> - <i>Officer response: The louvres do not compromise the accessibility and use of the adjacent pavement. The proposals are not considered to harm the convenience and efficacy of the footways</i> 4. Need to comply with operating regulations/other legislation <ul style="list-style-type: none"> - <i>Officer response: The application is considered without prejudice to the need to comply with any other relevant regulations/legislation</i> 5. Loss of a window and harm to appearance of building <ul style="list-style-type: none"> - <i>Officer response: See 'Conservation and Design' below</i> 6. Structural issues - damage to building <ul style="list-style-type: none"> - <i>Officer response: Structural issues are not a planning matter. Planning applications cannot be assessed on structural issues</i> 			

**Heath & Hampstead
Society:**

The louvres contribute to the emission of undesirable smells on the pavement and within the building

Officer response: See 'Effects on Amenity of Residential Occupiers' below

Site Description

The site is located at 65 South End Road on the corner with Keats Grove. The premises include a Class E unit at ground level with additional floor space of approximately 45m² at basement level. The site falls within the Hampstead Conservation area and is also within the Hampstead Neighbourhood Plan Area. There are a wide variety of building uses in the immediate area including restaurants, cafes and retail. The building is not listed but it is noted as being a 'positive contributor' in the Hampstead Conservation Area Statement.

Relevant History

2023/1986/P - Replacement and enlargement of side elevation windows with new timber windows – granted 22/08/2023 and implemented on site.

2024/1833/A - Display of 1 x non illuminated fascia sign, 1 x non illuminated projecting sign, 1 x non illuminated menu case – granted 26/06/2024

Relevant policies

National Planning Policy Framework (2023)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development
- A4 Noise and vibration
- D1 Design
- D2 Heritage

Hampstead Neighbourhood Plan 2025 – 2040

- DH1 Design
- DH2 Conservation Areas and Listed Buildings

Camden Planning Guidance:

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

Hampstead Conservation Area appraisal and management strategy 2001

Draft Camden Local Plan

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

1. The proposal

1.1. The proposal is for the retention of 4 louvres which have been installed on the Keats Grove elevation of the ground floor Class E unit. Two louvres have been installed in the brickwork below the shop window close to South End Road and two louvres have been installed within a former window opening towards the rear of the building (and the residential entrance to the flats above).



2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Design and conservation
- Effects on amenity of residential occupiers
- Biodiversity

3. Design and Conservation

3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 'design' are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

3.2. Policy DH2 (Conservation Areas and Listed Buildings) of the Hampstead Neighbourhood Plan seeks to ensure that development proposals 'protect and/or enhance buildings that make a positive contribution to the Conservation Area'.

3.3. Situated on the side (Keats Grove) elevation of the ground floor commercial unit, the louvres are not visually inappropriate on the building or unduly harmful to the character or appearance of the area. The louvres are constructed of timber and painted to match the existing windows and as such are in keeping with the existing windows and detailing to this elevation. As such, no harm to the character or appearance of the Conservation Area results and the proposals are considered acceptable in this regard.

3.4. 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

4. Effects on Amenity of Residential Occupiers

- 4.1. Policy A1 'managing the impact of development' of the Local Plan 2017 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 also seeks to ensure that development protects the quality of life of occupiers and neighbours by stating that the Council will only grant permission for development that would not harm the amenity of neighbouring residents.
- 4.2. Policy DH1 (Design) of the Hampstead Neighbourhood Plan states that development proposals will be supported where (inter-alia): 'They protect the residential amenity and privacy of neighbouring properties'
- 4.3. A noise and odour assessment has been submitted by the applicant in support of the planning application.
- 4.4. Appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, BS 8233 Guidance on sound insulation and noise reduction for buildings, BS 4142:2014 "Methods for rating and assessing industrial and commercial sound" and the Camden Council's Local Plan, version June 2017.
- 4.5. The plant noise criteria have been adequately predicted, taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building.
- 4.6. The assessment indicates that the proposed installation along with suggested mitigation measures should be capable of achieving the Camden's environmental noise criteria at the nearest and potentially most affected noise sensitive receptors.
- 4.7. The odour assessment indicates adequate controls with installed "Odourpleat" carbon pleated panels and grease filters which are located within the kitchen hood itself.
- 4.8. Conditions can be used (and are attached to the decision) to ensure ongoing compliance with the Council's noise limits, the provision of anti-vibration measures and cleaning and maintenance of the extract and odour control systems.
- 4.9. The louvres are not considered to result in any harm to the visual amenity, light or privacy of any residential occupiers. As such, the proposals are considered acceptable in this regard.

5. Biodiversity

- 5.1. No new floorspace is proposed and the development does not involve any natural space. As such, there is no requirement for Biodiversity Net Gain. The circumstances under which Biodiversity Net Gain would be required are set out in informatives added to the decision.

6. Conclusion

- 6.1. The louvres which have been installed do not detract from the character or appearance of the building or the Conservation Area. Subject to conditions, which are attached, there would be no significant loss of amenity for any neighbouring residential occupiers. The proposals are therefore considered to accord with the Camden Local Plan and the Hampstead Neighbourhood Plan and are acceptable.

7. RECOMMENDATION

- 7.1. Grant planning permission subject to conditions

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday

4th November 2024, 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: 2024/3306/P
Contact: Adam Greenhalgh
Tel: 020 7974 6341
Email: Adam.Greenhalgh@camden.gov.uk
Date: 29 October 2024

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

Tim Greatrex Architect Ltd
Hackney City Farm
1a Goldsmiths Row
London
E5 0NF

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

65 South End Road
London
NW3 2QB

Proposal:

Retention of 4 louvred panels on Keats Grove elevation of ground floor unit
Drawing Nos: Location Plan, Toshiba (Hampstead Option 2), HVC Louvre Systems, Noise, Vibration & Ventilation Report (PC Environmental Consultants - 30/07/2024)

Pre-existing plan (P01), Pre-existing elevations (P01), Existing plan (P03), Existing elevations (P05), Proposed plan (P04) Proposed elevations (P04)

Design & Access Statement (Tim Greatrex Architects)

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 shall be carried out in accordance with the following approved documents and drawings:

Location Plan, Toshiba (Hampstead Option 2), HVC Louvre Systems, Noise, Vibration & Ventilation Report (PC Environmental Consultants - 30/07/2024)

Pre-existing plan (P01), Pre-existing elevations (P01), Existing plan (P03), Existing elevations (P05), Proposed plan (P04) Proposed elevations (P04)

Design & Access Statement (Tim Greatrex Architects)

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

- 2 The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be lower than the typical existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with machinery operating at maximum capacity and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017 and policy DH1 of the Hampstead Neighbourhood Plan 2025 - 2040.

- 3 Within two months of this decision the 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.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017 and policy DH1 of the Hampstead Neighbourhood Plan 2025 - 2040.

- 4 Within two months of this decision, details shall be submitted to and approved in writing by the Council of a suitable cleaning schedule and/or maintenance contract for the extract system and odour control system. The approved details shall be implemented within one month and thereafter permanently retained.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017 and policy DH1 of the Hampstead Neighbourhood Plan 2025 - 2040.

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 Biodiversity Net Gain (BNG) Informative (1/2):

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
 - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
 - The application is a Householder Application.
 - It is for development of a "Biodiversity Gain Site".
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
 - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

3 Biodiversity Net Gain (BNG) Informative (2/2):

+ Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) of the Town and Country Planning Act 1990

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission (“the earlier BGP”), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

DRAFT

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

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

Yours faithfully

Chief Planning Officer

DECISION