



# DESIGN & ACCESS STATEMENT

March 2025

**Address:** 154 West End Lane,  
NW6 1SD

**Appeal Proposal:**  
change of use from Class E use to takeaway (Sui Generis)

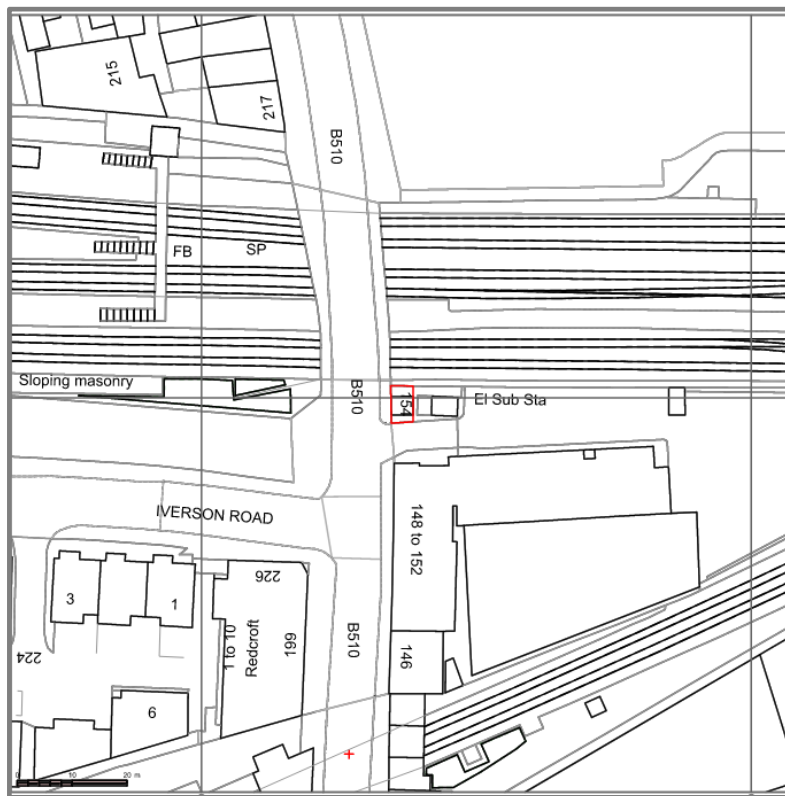
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*145 West End Lane*

*NW6 1SD*

## 1. Introduction

- 1.1. Drawing and Planning has prepared this Design and Access Statement on behalf of the applicant to support a planning application to the London Borough of Camden to change the use of the premises from a flexible commercial use (Class E) to a hot food takeaway (Sui Generis) at 154 West End Lane in West Hampstead.
- 1.2. Following a description of the site and surrounding area, this statement will review the planning history, will set out an overview of relevant planning policy and will look to outline the case for the development
- 1.3. It will be demonstrated that the proposal complies with relevant local and national policies and that planning permission should be granted.



**Figure. 1: Site Location Map**

## 2. Site Description

- 2.1. The site is on the eastern side of West End Lane. It is comprised of a modest single-storey building with a pitched roof. The site is within the West Hampstead Town Centre and the Fortune Green and West Hampstead Neighbourhood Plan area. The site is not located on a primary or secondary retail frontage within the West Hampstead Town Centre.



*Figure. 2: View of the site from West End Lane*

### 3. Planning History

- 3.1. There are several relevant applications on the Council's website.
- 3.2. **2016/5128/A** Display of non-illuminated signage board to side elevation. **Granted 05/10/2016**



**Figure 3.** *Photograph of the site from application documents*

- 3.3. **35086** Change of use to business supplies shop with ancillary embossing services, and the installation of a new shopfront. **Granted 29/11/1982**
- 3.4. **33664** Change of use to office for "private hire" car firm. **Granted 31/03/1982**

## 4. Planning Policy

- 4.1. This section of the Statement provides an overview of the planning policy context in which the proposed development should be considered following the relevant planning legislation and national policy guidance.
- 4.2. Planning decisions in England and Wales should be made in accordance with the development plan unless material considerations indicate otherwise. This statutory requirement is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 4.3. The statutory development plan for the London Borough of Camden consists of:
  - London Plan 2021
  - Camden Local Plan 2017
- 4.4. Camden Local Plan Policy TC2 (Camden's centres and other shopping areas) seeks to promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors.
  - a) seek to protect and enhance the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located;
  - b) provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice;
  - c) make sure that food, drink, entertainment and other town centre uses do not have a harmful impact on residents and the local area and focusing such uses in King's Cross and Euston Growth areas, Central London Frontages, and Town Centres (Refer to Policy TC4 Town centre uses);
- 4.5. Policy TC4 (Town centre uses) states that the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. The policy considers inter alia:
  - a) the effect of development on shopping provision and the character of the

centre in which it is located;

- b) the cumulative impact of food, drink and entertainment uses,
- c) the individual planning objectives for each centre, as set out in the supplementary planning document Camden Planning Guidance on town centres and retail;
- d) impacts on small and independent shops and impacts on markets;
- e) the health impacts of development;
- f) the impact of the development on nearby residential uses and amenity and any prejudice to future residential development;
- g) h. parking, stopping and servicing and the effect of the development on ease of movement on the footpath;
- h) noise and vibration generated either inside or outside of the site;
- i) fumes likely to be generated and the potential for effective and unobtrusive ventilation; and
- j) the potential for crime and antisocial behaviour, including littering.

4.6. To manage potential harm to amenity or the local area, we will, in appropriate cases, use planning conditions and obligations to address the following issues:

- a) l. hours of operation; m. noise/vibration, fumes and the siting of plant and machinery; n. the storage and disposal of refuse and customer litter;
- b) o. tables and chairs outside of premises; p. community safety;
- c) q. the expansion of the customer area into ancillary areas such as basements;

4.7. The London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport, and social framework for its development over the next 20-25 years.

4.8. Policy SD6 (Town centres and high streets) states that the vitality and viability of London's varied town centres should be promoted and enhanced, including through a diverse range of uses. However, certain uses, including hot food takeaways, should not be over-concentrated.

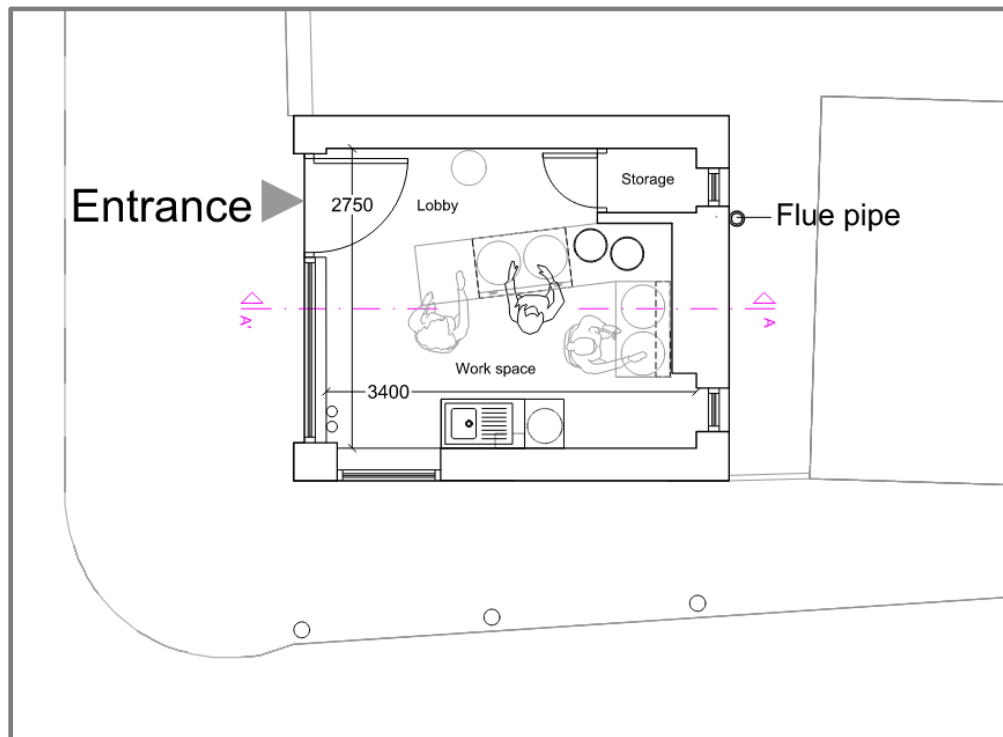
4.9. Policy E9 (Retail, markets and hot food takeaway) part D states that development

proposals containing A5 hot food takeaway uses should not be permitted where these are within 400 metres walking distance from the entrances and exits of an existing or proposed primary or secondary school. Boroughs that wish to set a locally-determined boundary from schools must ensure this is sufficiently justified. Boroughs should also carefully manage the over-concentration of A5 hot food takeaway uses within town centres and other areas through the use of locally-defined thresholds in Development Plans.

- 4.10. Part E of the policy states that where development proposals involving A5 hot food takeaway uses are permitted, boroughs should encourage operators to comply with the Healthier Catering Commitment standards. Where justified, boroughs should ensure compliance with the Healthier Catering Commitment through use of a condition.
- 4.11. The National Planning Policy Framework 2024 (NPPF) sets out the government's planning policies for England and how they should be applied. It identifies a presumption in favour of sustainable development. Development is sustainable when it meets a community's economic, social and environmental needs.
- 4.12. The NPPF, under Paragraph 11, states that development that accords with an up-to-date Local Plan should be approved without delay.
- 4.13. According to paragraph 39 of the NPPF, *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available ... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*
- 4.14. Chapter 9 deals with promoting sustainable transport. According to paragraph 116, *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.."*

## 5. Proposal

- 5.1. The proposal is the retrospective change of use of a key cutting and shoe repair shop (Class E) use to a creperie (Sui Generis). The change of use took place in August 2024 and began operating continuously in January 2025. No external alterations are proposed beyond general refurbishment works and signage.
- 5.2. Internal alterations to accommodate the new US include a small customer area with a counter for service and the kitchen to the rear. The premises would continue to operate a commercial function within the same operating hours as the former business.



**Figure 4.** Existing (proposed) floor plan





**Figure 5.** View of the side elevation

## 6. Case for the development

### 6.1. Loss of Class E use

6.2. The previous shoe repair and key cutting use was not a conventional retail use, and the unit size does not allow for the display of goods. It is noted that Class E of the Use Classes Order comprises a range of operations, including shops, banks, gyms, restaurants, and offices, amongst others. Therefore, the unit could be converted to any of these operations without the need for planning permission.

6.3. The previous use was also not a retail unit and therefore not protected by Policy TC1 (to specifically protect the previous A1 uses), which is somewhat outdated in that shops could now be converted to other operations without the need for planning permission.

6.4. Notwithstanding this, it is accepted that hot food takeaways do not fall within Class E. Permission is still required to convert the site from a retail unit to a hot food takeaway (Sui Generis), and therefore, the loss of the Class E use has been considered against Policy TC1.

6.5. Regarding viability, the building has been vacant for a over 7 years (since at least 2018). It has not activated the street, attracting any footfall or contributing to the daytime or evening economy.

6.6. A creperie's proposed occupation of a vacant unit offers an active frontage on West End Lane. It attracts footfall throughout the day, contributing to the daytime economy within West Hampstead. The new use would continue to provide employment opportunities. As such, the proposed change of use is in accordance with the requirements of Policy TC1 of the Camden Local Plan.

### 6.7. Proposed creperie

6.8. Following policy TC4 regarding town centre uses, the proposed use is not considered to have a negative impact on the character of the surrounding local area. London Plan Policy E9 requires that any new hot food takeaway should be more than 400m walking distance from the nearest school. The nearest school to the host site is Kingsgate Primary Lower School, 1 Liddell Rd, London NW6 2DJ,

approximately 482m away. There is no risk of an unwanted over-proliferation of takeaways in the vicinity. With controls in place, takeaways using sui generis methods should be considered acceptable in this location.

- 6.9. The proposal caters to one or two customers at a time, and no residential uses are immediately above or adjacent to the site. As such, the impacts in terms of noise and disturbance would not be overconcentrated on these uses given the relative distance of the site from the secondary and primary frontages within the town centre. The creperie does not rely on significant primary cooking on site as most of the 'cooking' is done off-site. As such, there is not expected to be an adverse cumulative effect on food and drink use, given the distinct location of the site, size of the site, and nature of the operation.
- 6.10. Although not requiring planning permission, the viable operation and use of the site, along with the cosmetic enhancements, i.e. painting and signage, improve the appearance of this characterful site. Preventing it becoming a vacant building which would likely appear derelict.

## 7. Conclusion

- 7.1. The site's previous use as a shoe repair and key-cutting service was not a conventional retail use. The site had been vacant for a significant period (at least 6 years) when the previous business vacated. Since the site falls under Class E of the Use Classes Order, it could lawfully change to various other uses — including shops, banks, or offices — without requiring planning permission. However, the unit's size limits its capacity to display goods and restricts most commercial operations. This use of the site as a creperie is an innovative use of such a small space that activates the high street, provides employment, and prevents a characterful building from becoming vacant and derelict.
- 7.2. Although hot food takeaways fall outside Class E and require permission for this change of use, the loss of the previous Class E use has been assessed against Policy TC1.
- 7.3. The unit has remained vacant since January 2019, contributing nothing to footfall or the local economy. The proposed creperie would introduce an active frontage, attract footfall throughout the day, and contribute to the area's economic vitality. It would also provide employment opportunities, aligning with Policy TC1.
- 7.4. The proposal complies with Policy TC4, as it would not negatively impact the area's character. Additionally, the site is over 400m from the nearest school, meeting London Plan Policy E9 requirements. There is no risk of takeaway overconcentration in the area.
- 7.5. Given the creperie's limited capacity, absence of nearby residential units, and minimal on-site cooking, the risk of noise, disturbance, or cumulative impacts is low. The site's location, size, and operational model make it suitable for the proposed use.