

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>16/11/2012</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	<b>07/11/2012</b>
<b>Officer</b>			<b>Application Number</b>		
Aysegul Olcar-Chamberlin			2012/3837/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
341 West End Lane London NW6 1RS			See decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal</b>					
Retention of decked terrace enclosed by timber fencing and planters adjacent to the front facade providing an outdoor seating area and removal of the wind screens and timber posts above the existing fencing in connection with existing café (Class A3).					
<b>Recommendation:</b>		Grant conditional planning permission			
<b>Application Type:</b>		Full Planning Permission			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>24</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
			No. Electronic	<b>01</b>		
<b>Summary of consultation responses:</b>	<p>A site notice was displayed from 05/10/2012 to 26/10/2012. A press notice was advertised on 11/10/2012 and expired on 01/11/2012.</p> <p>The occupier of 3 Elm Walk objected to the proposal on the following grounds:</p> <ul style="list-style-type: none"> <li>• The seating area is not an outdoor area given the awning and windbreaks- but an extension.</li> <li>• The existing restaurant has not been used to capacity therefore no capacity constraints forcing an extension.</li> <li>• The proposed terrace has a tatty and temporary appearance detracting from the streetscape.</li> </ul> <p><i>Response: Please refer to assessment part of the report for the design and appearance issues.</i></p>					
<b>CAAC/Local groups comments:</b>	None					
<b>Site Description</b>						
<p>The application site is a ground floor café-restaurant within a terrace of eight on the west side of West End Lane next to the corner of West End Lane and Mill Lane (opposite West End Green) in the West End Green Conservation Area.</p> <p>The West End Green Conservation Area Appraisal identifies the application property as a positive contributor (despite its poor condition and alterations).</p> <p>The site falls within West Hampstead town centre.</p>						
<b>Relevant History</b>						
<p><u>Application site:</u></p> <p><b>2003/3185/P</b> – Planning permission was granted on 02/02/2004 for the change of use of the ground floor from A1 (retail) to A2 (financial services).</p> <p><b>2003/0363/P</b> – Planning permission was granted on 22/08/2003 at appeal for the change of use of basement, ground , and ground floor mezzanine from Class A1 (shop) to Class A3 (restaurant) with new access to flat above and extract ventilation flue at rear. Condition 2 of this planning permission limits the opening hours of the premise in the interest of residential amenity.  <i>Condition 2: The use hereby permitted shall not be open to customers outside 9:00-23:00 hours on Mondays to Saturdays and 9:00-23:00 hours on Sundays and Bank and Public Holidays.</i></p> <p><b>2003/3670/P</b> – Planning permission was granted on 10/03/2004 for the change of use of the 1st and 2nd floor residential maisonette to 2 x 1-bedroom flats and external alterations, including the removal of a small dormer and the installation of two roof lights.</p> <p><b>EN11/0470</b> – An enforcement complaint was logged in on 08/06/2011 for the use of semi-permanent structure on the pavement outside the shop as a smoking area. The Council's enforcement section</p>						

did find any evidence concerning the smoking and advised the owner of the premise to make a retrospective planning application for the structure in April 2012. The Council's Environmental Health officer sent a letter to the owner to inform him about the Health Act 2006 for smoking on the premises

331 West End Lane:

**PWX0202168** – Planning permission was granted on 15/07/2002 for the retention of decking to forecourt.

76B West End Lane:

**PW9902259R1** – Planning permission was granted on 19/05/1999 for the alterations at rear ground floor level to provide a new door, timber deck and disabled lift for access to garden,

**Relevant policies**

**LDF Core Strategy and Development Policies**

**Core Strategy**

CS5 - Managing the impact of growth and development

CS7 – Promoting Camden's centres and shops

CS14 - Promoting high quality places and conserving our heritage

**Development Policies**

DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

**Camden Planning Guidance 2011**

CPG 1 - Design

CPG 5 – Town Centres, retail and employment

CPG 6 – Amenity

**West End Green Conservation Area Appraisal and Management Strategy**

## Assessment

**Proposal:** The proposal is for the retention of outside seating area within the forecourt of the café-restaurant and removal of the wind screens and timber posts above the existing fencing. The outside seating area is raised by 150mm by a timber decking and enclosed by planting beds with timber fencing behind.

Portable wind screens inserted within the timber posts (above the fencing) have been removed from the proposal.

The outside seating area is approximately 38sqm.

**Design and Appearance:** Policy DP25 aims to protect and enhance the special character or appearance of the conservation area. Policy 24 also requires developments to consider the context and form of the neighbouring buildings and the provision of visually interesting street frontages.

West End Lane is a busy shopping street. The pattern of shop window, canopy, scroll-shaped dividers between fronts are characteristic features of the streetscene. Many of the cafes and restaurants on West End Lane have outside seating areas enclosed by low fencing below the canopies. CPG5 acknowledges that these outside seating areas form the character of that part of West End Lane. An outside seating area to the application premise is acceptable in principle. It should also be noted there is no article 4 direction to West End Lane to prevent erection of fencing within the parameters of 'permitted development' rights and therefore a means of enclosure up to 1m high could be erected around the front court without a planning permission.

The existing means of enclosure around the seating area currently includes wind screens inserted between the posts above the existing 80-90cm high fencing. When canopies are down and all the wind screens are inserted, the seating area becomes almost fully enclosed. None of the premises on West End Lane has additional wind screens which provide additional enclosure. Therefore the wind screens and timber post above the fencing are considered to be out of character with the established pattern of development of that part of the conservation area and harm the appearance and character of the existing shopfront. It is proposed to remove the wind screens and their fixings (timber posts) from the enclosure of the existing seating area. Removal of these are considered to overcome the design issue raised above and would make the existing seating area acceptable in design terms.

The proposed decking would be 150mm above the street level and would not be visually intrusive.

**Amenity:** Policy DP12 requires development proposals for shopping, food, drink and entertainment uses not to cause harm to the character, function, vitality and viability of a town centre, the local area and the amenity of neighbours. This policy also refers to use of planning conditions for hours of operation tables and chairs outside of premises etc. In addition to that, policy DP26 aims to protect the quality of life of occupiers and neighbours by only granting planning permission for development that does not cause harm to amenity.

It is also noted that the existing café could lawfully use their forecourt as a seating area without the decking (and appears to have been used as such prior to the installation of the decking and planters) and the proposal does provide any additional internal permanent Class A3 floor space. The tables and chairs shown on the proposed ground floor plan are indicative and do not represent the actual number of chairs and tables on the front court yards indeed, the arrangement shown on the drawings appears to be inaccurate). The moveable tables and chairs shown within the forecourt of the application site are beyond the scope of planning control in terms of limiting their number. The structures proposed do not present any amenity concerns.

A condition for outside seating area not to be open to the customer outside 9:00-23:00 hours is recommended to protect the amenities of the residential flats above (which repeats condition 2 on the 2003 permission for change of use of the ground floor to Class A3 use)..

The Council's transport planner also raised no concerns.

**Conclusion:** The proposed seating area without the wind screens and timber posts above the fencing are considered to be acceptable in design terms and does not raise amenity concerns.

**Recommendation:** Grant conditional planning permission.

**DISCLAIMER**

**Decision route to be decided by nominated members on Monday 12<sup>th</sup> November 2012.**

**For further information see**

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>