

Delegated Report		Analysis sheet	Expiry Date:	10/04/2009
		N/A / attached	Consultation Expiry Date:	10/03/2009
Officer			Application Number(s)	
Hannah Parker			2008/5365/P	
Application Address			Drawing Numbers	
62 - 64 Hampstead Road London NW1 2NU			See Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use of the ground and basement floors of 62-64 Hampstead Road from Class A1 (Retail) to Class A3 (Restaurant) with installation of new extract duct and new shopfront				
Recommendation(s):		Refuse Permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	69	No. of responses	01	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	<p>The objector has listed 23 restaurants which are in 2 minutes walking distance from their property at no. 142 Drummond Street. The objector would like the Council to consider the other businesses in the area who are suffering because of the catering establishments taking over the area. Retail shops which would attract more customers to the area would help all businesses rather than adding to the problems.</p>					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>TFL</p> <p>RE: 2008/5365/P; 62-64 Hampstead Road, London NW1 2NU</p> <p>With respect to the above development, TfL has the following comments:</p> <ul style="list-style-type: none"> • The site is located on the A400 Hampstead Road, which forms part of the Transport for London Road Network (TLRN). • The proposed new restaurant will be serviced from Drummond Road – this should be from a point beyond the existing ‘no waiting at any time’ (double red line) restriction. • All vehicles associated with the proposed development must only park, stop or load and unload at locations and within the periods permitted by existing on-street restrictions. • The footway and carriageway on the TLRN (A400 Hampstead Road) must not be blocked during the construction and maintenance of the proposal. Temporary obstructions during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic. • No skips or construction materials shall be kept on or loaded / unloaded from the footway or carriageway of the A400 Hampstead Road at all times. <p>Subject to the above, TfL feel the proposal would not result in an unacceptable impact on the Transport for London Road Network (TLRN).</p>					

Site Description

The site is located on the corner of Hampstead Road and Drummond Street, and is located within the Clear Zone Region. Hampstead Road is a TfL Red Route and forms part of the TLRN. The site does not fall within a conservation area and does not adjoin any listed buildings.

The site is occupied by a 4 storey building plus basement, with a two storey wing to the rear on Drummond Street. The site is currently vacant, however was most recently used as retail, with ancillary storage space above

Relevant History

2008/2780/P Refurbishment of the existing building and extension to provide 3 retail units (Class A1) and 4 self-contained flats (Class C3); (3 x 1-bed flats and 1 x 2-bed flat) Withdrawn by applicant

2007/6220/P: Erection of mansard roof extension and second floor extension over rear wing on Drummond Street elevation and elevational alterations, in association with change of use from ancillary retail space (Class A1) on upper floors to provide 5 x self-contained flats (Class C3) (1 x studio, 3 x 1-bed flats and 1x 3-bed flat) with the retention of retail use (Class C3) at basement and ground floor level as 3 units. Refused on grounds of; 1) visual impact of mansard roof; 2) the lack of cycle parking; and 3) the studio flat would be of a sub-standard size. Public Inquiry Allowed 29/01/2009

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against. However, it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

Camden's Replacement Unitary Development Plan 2006

- S1/S2 Sustainable development
- SD1A Quality of life: sustainable communities
- SD1C Quality of life: access for all
- SD2 Planning Obligations
- SD7 Noise and Vibration Pollution
- SD8 Disturbance
- SD6 Amenity for occupiers and neighbours
- R1A Location of new retail and entertainment uses: shops and services
- R2 General impact of retail and entertainment uses
- R7 Protection of shopping frontages and local shops: central London frontages, town centres and kings cross
- R3 Assessment of food and drink uses and licensed entertainment
- T3 Pedestrian and cycling
- T12 Works affecting the Highway
- B1 General Design Principles
- B3 Alterations and extensions
- B4a Shopfronts

Camden Planning Guidance 2006

Revised Planning Guidance for Central London

Assessment

The proposal is to change the use of 62 to 64 Hampstead road from a A1 to a A3. It is also proposed that a duct for ventilation will be installed along with a new shop front.

Main Considerations

- Land Use
- Impact on Host Building
- Transport
- Impact on Amenity

Land Use

The lawful use for this property is A1. The property is currently vacant.

62-64 Hampstead Road is located in a Drummond Street neighbourhood centre. To support Policy R7, supplementary guidance in the form of the Revised Planning Guidance for Central London was published in October 2007.

Drummond Street Neighbourhood centre contains 42 premises. However, one quarter are of these are offices without shop fronts. The noticeable characteristic of this centre is the concentration of ethnic Asian shops and restaurants. Overall less than a third of all premises are in retail use and more than a quarter are in food and drink use. In the past there has been a significant pressure for change of uses from A1 to A3 however over the last two years there has not been an increase in A3, A4 and A5 uses in the centre.

Paragraph 16.32 states; *This centre has a relatively small supply of retail premises and of these over half contribute to the concentration of specialist uses. Planning permission will not be granted for the further loss of retail premises as this would be detrimental to the centre's specialist role and local shopping convenience function.*

Taking this into account and the location of 62-64 Hampstead Road within the Drummond Neighbourhood centre it is considered that the change of Use from A1 to A3 is not acceptable and would have a detrimental impact on the character, function, vitality and viability of the town centre contrary to Policy R7 - Protection of shopping frontages and local shops sets a broad presumption against the loss of retail floorspace within town centres and the Revised Planning Guidance for Central London.

The applicants have indicated that the premises have been vacant for some time, but this has not been supported by any detailed evidence. If the applicants wish to make a case for ongoing viability of the A1 unit, a thorough marketing assessment should be produced, outlining details such as estate agents details, when and where the premises were advertised and rental values. The history of the site, including vacancy would also be useful. If a strong case can be made regarding viability, the Council will consider the principle of change of use to other appropriate uses that would contribute to the centre.

Impact on host building

This application requires the installation of an air ventilation system. The equipment has been largely situated within the building envelope. The only visible element will be the extract duct vent which would be positioned behind the roof parapet. It is considered that due to the location and the height of the building no adverse harm will be caused. Although visible the duct would not detract from the character of the host building or it surrounding. The application should therefore not be refused on this basis.

A new shop front is also proposed. The building is situated on the corner of Hampstead road and Drummond Street where there a variety of shop fronts. The changes to the shop front are considered fairly minor with alterations proposed in the window configurations which include the addition of glazing bars to give a more window like impression. The shopfront will still be mostly glazed and is therefore considered acceptable. There

will be no loss of continuity as there is no formal pattern to the shopping parade. This proposal is considered acceptable and therefore not detrimental to the host building or its surroundings. The application should therefore not be refused on this basis.

An application for advert consent was not submitted with this application.

Noise

No impact to the amenity of neighbouring properties in terms of noise is expected from the proposal. The applicant has submitted an acoustic report in support of the application. Background noise survey was undertaken for the duration of the survey between Monday 12th January 2009 at 12:05 and was monitored at 15 minute intervals until 13:05 on 13th January 2009. Average background measurements for;

The noise survey report depicts the lowest recorded background noise level at 46dB(A). The report further states that no plant will operate beyond 23:00hrs. The acoustic consultant has theoretically predicted that the noise from the various plant mentioned would operate at 45dB(), 40db(A) and 37dB(A) respectively after the proposed acoustic attenuators have been fitted to the plant.

However, the consultant has not shown the predicted noise level calculation from the plant to the nearest noise sensitive premises. To ensure the units would not have a detrimental impact on neighbour amenity this information is required. Therefore in the absence of an acoustic report detailing the noise level calculations and any required acoustic isolation of the plant to be installed, the proposal would fail to protect the amenity of surrounding residential properties contrary to policy SD6 (Amenity for occupiers and neighbours), SD7 (Noise/Vibration Pollution) R2 (General impact of retail and entertainment uses), R3 (Assessment of food and drink uses and licensed entertainment) and SD8 (Disturbance) of the London Borough of Camden Unitary Development Plan and Camden Planning Guidance 2006.

Neighbourhood Amenity

There are a number of residential uses in close proximity to the site. It is considered that the proposed external works are of minor nature and would not adversely impact on the amenity of the adjacent properties with regard to access to sunlight, daylight, visual bulk or sense of enclosure, and in these respects is considered to be consistent with Policy SD6 of the UDP.

Transport

The site is located on the corner of Hampstead Road and Drummond Street, and is located within the Clear Zone Region. Hampstead Road is a TfL Red Route and forms part of the TLRN. There is no vehicular access to the site and access to public transport is excellent (PTAL 6b). There is an existing 106sqm of A1 use and it is proposed to convert this into 106sqm of A3 use.

T3 Pedestrians and Cycling

The Council will only grant planning permission for development that it considers to make satisfactory provision for pedestrians and cyclists. (The term "Pedestrians" includes wheelchair users). Given that the proposed floor space does not meet the minimum threshold for cycle parking, cycle parking will not be required.

Construction Management Plan (CMP)

The site is located on the corner of Drummond Street and Hampstead Road, a TfL Red Route. Although proposed construction activities are not excessive, there are still significant layout changes to both the ground floor and the basement floor level. Therefore construction vehicles servicing this site still have the potential to create an impact on Hampstead Road. Hampstead Road is very sensitive to impacts of any scale, therefore any impacts caused by construction need to be minimised. In the absence of a Section 106 agreement securing a Construction Management Plan, the proposals would be likely to result in an unacceptable impact on the local transport system as the development is partially located on a red route.

A Construction Management Plan outlines how construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users.

Financial contributions

The previous application (2008/2780/P) was required to pay a financial contribution on the basis that the

intensifying of the land use would result in more trips being generated by the site. However, this application requires only the conversion of an existing use with no increase in floor area. Further, A1 land use compared to A3 land use has similar capacities to generate similar levels of trips; therefore it is likely that there will be no increase in trips. Therefore a financial contribution will not be required of this application.

Recommendation Refuse Permission

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please contact the Culture and Environment Department on (020) 7974 5613