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Date: 04/02/2016
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Dear Mr Cattano

Re: Extension of existing restaurant at 103-105 Hampstead Road by way of merging adjoining unit at no 101 incorporating change of use from a1 to a3 - 103 Hampstead Road, London, NW1 3EL

Thank you for submitting a pre-planning application enquiry which was received on 26 November 2015 together with the required fee of £960.

The applicant wishes to receive the Council's view on the proposed extension of the existing restaurant (Class A3) at 103-105 Hampstead Road into the adjoining premises at 101 Hampstead Road including the change of use from A1 to A3 together with shopfront alterations.

1. Drawings and documents

1.1 The following documentation was submitted in support of the pre-application request:

- Dwg no. MZ_PL_099_Existing;
- Dwg no. MZ_PL_100_Existing;
- Dwg no. MZ_PL_099_Proposed
- Dwg no. MZ_PL_100_Proposed;
- Dwg no. MZ_EL_300_Existing;
- Dwg no. MZ_EL_300_Proposed;
- Dwg no. MZ_EL_301_Existing;
- Dwg no. MZ_EL_301_Proposed;
- Dwg no. MZ_EL_302_Existing;
- Dwg no. MZ_EL_302_Proposed;
- Dwg no. MZ_SE_200_Existing;
- Dwg no. MZ_SE_200_Proposed.

2. Proposal

- 2.1 Change of use of 101 Hampstead Road from A1 to A3 to create one larger A3 unit between 101, 103 and 105 Hampstead Road, London, NW1 3EL.
- 2.2 The applicant also seeks pre-application advice on the acceptability of alterations to the shopfront to 101 Hampstead Road.

3. Site description

- 3.1 The application site comprises two buildings on the west side of Hampstead Road on the junction of Netley Street. One comprises a five-storey building with special needs housing

units on the upper floors with an A3 unit occupying the ground floor and basement (see planning history below). The building adjacent is a four storey building with mansard with a double fronted A1 unit on the ground floor.

- 3.2 The application site is part of a small parade of retail units on the west side of Hampstead Road which includes mainly A1 uses with the only A3 unit being located at the application site. The site is not located on a designated retail frontage and it is not located in a Conservation Area nor is it in the vicinity of any listed buildings.

4. Relevant planning history

- 4.1 The following planning history is relevant to this site:

- **P9601057R3** – Demolition of existing terrace building and rebuild to match existing height of adjoining building (No. 101) to provide A1,A2 or A3 use at ground floor and basement levels with one 3-bedroom flat and two 2-bedroom flats on floors 1-4, with two parking spaces at ground floor rear, as shown on drawing numbers 1854/08, 09, 10, 11A, 12A, 13, 14, 15, 20, 21A, 22 & 23. – **Granted 21 February 1997.**
- **PS9805103R1** – Demolition of existing buildings to facilitate the erection of a five storey building to provide twelve self-contained special needs housing units with ancillary support office and facilities on part ground floor (at rear); the balance of the ground floor (front) and basement being used for either retail (class A1) or restaurant use (class A3), as shown on drawing numbers:1037/111a, 112a, 113a, 114a, 115a, 116a, 118a, 119 & 120. – **Granted Subject to Section Agreement 18 May 1999.**

“Condition 5 – The food and drink use hereby permitted shall not be carried out outside the hours of 0800 hrs 0000 hours daily.”

5. Relevant policies and guidance

- 5.1 The relevant policies that would apply to this proposal are taken from the London Borough of Camden Local Development Framework (Core Strategy and Development Policy documents) as adopted on 8th November 2010, The London Plan 2015 Consolidated with Alterations (2011) and the NPPF (2012). The following policies will be taken into consideration:

- **National Planning Policy Framework (2012)**
- **London Plan (2015) Consolidated with Alterations Since 2011**
- **Local Development Framework**
- **Core Strategy (2011)**
 - 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 (2011)**
 - DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses;
 - DP24 – Securing high quality design
 - DP26 – Managing the impact of development on occupiers and neighbours
 - DP28 – Noise and vibration

- **Supplementary Guidance**

- CPG 1 – Design

- CPG 6 – Amenity

6. Assessment

6.1 The main issues to consider in this case are as follows:

- Change of use from A1 to A3;
- Amenity; and
- Design.

Change of use from A1 to A3

6.2 As noted above, the application site is not located within a designated retail frontage and nor is it located within a town centre. To that effect, the policy restrictions for this application site are not as extensive as if it were located within a town centre or on a designated frontage.

6.3 Policy CS7 notes how food, drink and entertainment uses can be important to the borough socially, culturally and economically, and contribute to Camden's image as a vibrant and attractive place. The existing unit covers approximately 240sqm of floorspace over both the basement and ground floor levels. With the addition of the adjacent ground floor unit, this will increase to approximately 370sqm as a result of the proposal. The shopping parade currently includes uses ranging between A1, A2, A3, and A4 and varying size of units. It is considered that, as a result of the proposal, there would still be an appropriate mix of retail uses along the parade and the principle of the change of use of no.101 to create an enlarged A3 unit between 101-105 Hampstead Road, is considered acceptable.

6.4 Whilst, food, drink and entertainment uses can add to the vibrancy of an area, policy CS7 and DP12 notes that local residents can be affected by disturbance and anti-social behaviour associated with some of the people visiting such premises, particularly premises serving alcohol. A key consideration in this case, therefore, will be the potential impacts on the amenity of the local residents and neighbours. This is discussed in more detail below.

Amenity

6.5 Policy DP26 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity of nearby residential occupiers which, in this case, reside directly above the application site. Factors to consider, and which are particularly relevant to this case, include noise and the opening hours of the restaurant.

6.6 To assess whether acceptable levels of noise will be generated from the use of the adjacent A3 unit, a noise report will be required to be submitted in support of the planning application. As identified above, the A3 unit at no.103-105 currently has consent to operate from 0800-0000 daily. An assessment will need to be made of the proposed A3 unit at no.101 to identify if the operation of the proposed unit at the same hours would compromise the amenity of residents in the local area.

6.7 It is noted that the existing restaurant will effectively double in size as a result of the proposal. It will therefore be required for the noise assessment to assess the impacts of the increase in customer activity when arriving, using and leaving the site.

- 6.8 This will be in accordance with policy DP28 (Noise and vibration) which states that the Council will seek to ensure that noise and vibration is controlled and managed and will not grant planning permission for:
- Development likely to generate noise pollution; or
 - Development sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided.
- 6.9 In order to ensure that the amenity of the nearby residential occupiers is protected a number of conditions will be attached to the permission, should planning permission be granted. These will restrict levels of audible music, hours of operation, restricting customers outside of the premises at certain hours, outdoor seating and hours of deliveries.
- 6.10 If, in the future, it is recognised by the tenant that the size of the kitchen must increase in order to cater for the additional customers, then a new planning application will be required. It is likely that new plant machinery and duct work will be required as a result of that proposal. It will therefore be important within that application to demonstrate the impacts of the proposal in terms of noise and odour.

Design

- 6.11 Policy DP24 (Securing high quality design) requires that all developments, including alterations and extensions to existing buildings will be expected to consider:
- a) *the character, setting, context and the form and scale of neighbouring buildings;*
 - b) *the character and proportions of the existing building (structure), where alterations and extensions are proposed.*
- 6.12 With particular regard to the street level, policy DP24 also states that buildings should be visually interesting at street level, with entrances and windows used to create active frontages, which allow overlooking of public areas, provide a sense of vitality and contribute to making Camden a safer place.
- 6.13 CPG 1 (Design) sets out guidance for shopfronts in particular by noting that shopfront alterations should respect the detailed design, materials, colour and architectural features of the shopfront and building itself. The following will need to be considered:
- *Historic, locally distinctive or characteristic shopfronts which contribute to the townscape should be retained. In some cases the reinstatement of missing features will be encouraged.*
 - *New shopfronts should be designed as part of the whole building and should sensitively relate to the scale, proportions and architectural style of the building and surrounding facades.*
 - *Shopfronts forming part of a larger new development should be considered as an integral part of the overall design.*
 - *Standardised “house-style” frontages may have to be amended in order to harmonise with the surrounding context and respect the building, particularly in conservation areas and for listed buildings.*
 - *All shopfronts should be designed to provide access into the premises for all.*

- 6.14 With above guidance in mind, the proposed alterations could be welcomed by officers, provided that the appropriate level of detail and design is accompanied within the proposed plans.

7. Conclusions

- 7.1 The principle of the change of use of combining no.101 with no.103-105 to create a larger A3 unit could be considered acceptable by officers. The main consideration of such a change of use will be the impacts on the amenities of local residents. Appropriate supporting documentation will need to be submitted to demonstrate that the levels of noise from the proposed unit will be kept at acceptable levels in accordance with policy DP28. The Council will also need to consider whether the existing opening hours are suitable if an application for a larger A3 unit is proposed. Finally if any changes proposed to the signage, an advertisement consent would also need to be sought when a planning application is made.
- 7.2 The proposed planning drawings will need to incorporate appropriate levels of detail and design to ensure that the design context of both the surrounding area and the host building is respected within the proposal.

8. Planning application information

- 8.1 In order to ensure your application is valid, the following information will be required to support the planning application:
- Completed and signed planning application forms for Full Planning Permission;
 - An Ordnance Survey based location plan at 1:1250 scale denoting the application site in red;
 - Floor plans at a scale of 1:50 labelled 'existing' and 'proposed';
 - Roof plans at a scale of 1:50 labelled 'existing' and 'proposed';
 - Elevation drawings at a scale of 1:50 labelled 'existing' and 'proposed';
 - Section drawings at a scale of 1:50 labelled 'existing' and 'proposed';
 - Proposed signage detail drawings at 1:20 or 1:10;
 - Design and Access Statement;
 - Noise Assessment;
 - The appropriate fee
 - Please see [supporting information for planning applications](#) for more information.
- 8.2 We are legally required to consult on applications with individuals who may be affected by the proposals. We would notify neighbours by putting up a notice on each of the proposed sites. The Council must allow 21 days from the consultation start date for responses to be received.
- 8.3 As the proposal will involve the creation of A3 floorspace, the application must be determined at Development Control Committee in line with our scheme of delegation. The date of the committee will depend on when the application is submitted and if any revisions will need to occur throughout the planning process. Please note that the application will only be referred to Development Control Committee if the application is recommended for approval.

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about the above letter or the attached document please do not hesitate to contact Ian Gracie (0207 974 2507)

Thank you for using Camden's pre-application advice service.

Yours sincerely,

Ian Gracie

Planning Officer
Planning Solutions Team