



Planning, Design and Heritage Statement on behalf of

Daniel Kattan

**Regarding a retrospective planning
application for the retention of the raised
timber decking and enclosure serving the
outdoor seating area at:**

**The Alice House, 283-285 West End Lane,
London, NW6 1RD**

April 2016

Drawing and Planning Ref: ALHSE



1.0 INTRODUCTION



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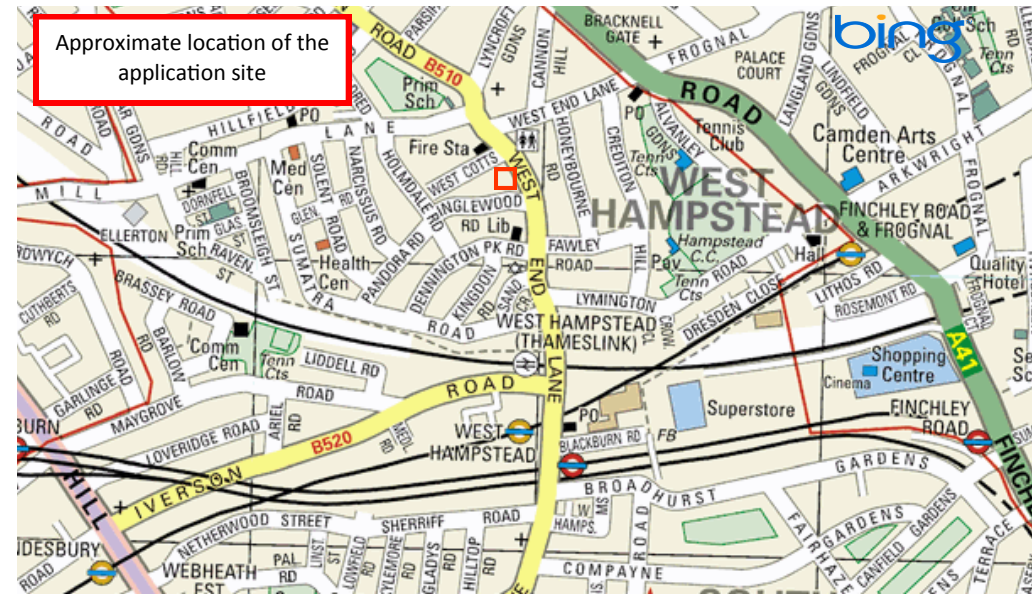


- 1.1 Drawing and Planning Ltd. have been instructed by Daniel Kattan to prepare a Planning, Design and Heritage statement in support of a retrospective planning application regarding the retention of the raised timber decking and enclosure serving the outdoor seating area located at The Alice House, 283-285 West End Lane, London, NW6 1RD.
- 1.2 This application is submitted in view of regularising the works and is in response to the Council's enforcement investigations.
- 1.3 The seating area subject of this planning application supports the existing A4 use and should be read in conjunction with the plans which help to illustrate the pre-existing variations in seating plan as implemented in 2008 and 2012.
- 1.4 It will be demonstrated that the existing seating area is an essential function of the business.
- 1.5 The site's location, within a Conservation Area is addressed within this statement where it will be demonstrated that the visual appearance of the existing seating area is compliant with the policies which serve to protect the borough's heritage assets.
- 1.6 This 'Planning, Design and Heritage Statement' is submitted in support of the application and is pursuant to Article 8 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. This submission should be read in conjunction with the submitted forms and the accompanying marketing report and drawings. The proposal was dictated by Section 38(6) of the Planning Act 2004 and section 70(2) of the Planning Act 1990 and secondly by Section 38(6) of the Planning act 2004 and Section 70 (2) of the Planning Act 1990.
- 1.7 The proposal endorses the Central Government Guidance contained within the National Planning Policy Framework (NPPF) as well as the relevant policies taken from the London Plan 2015 (with further including alterations). At a local level, the Camden Core Strategy 2010 and the Development Policies together with the advice and guidance taken from the suite of Supplementary Planning Documents.

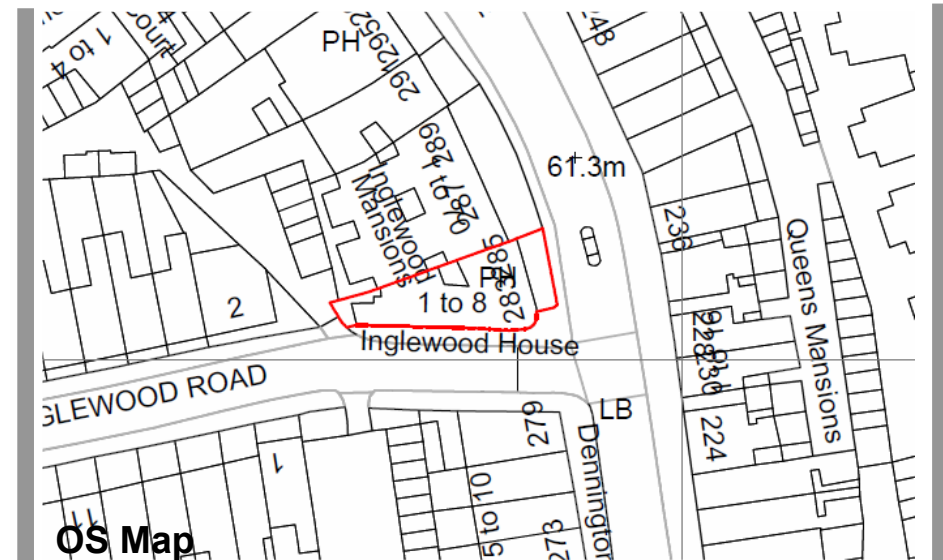
2.0 SITE AND AREA ANALYSIS



- 2.1 The application site at ground floor level is a public house (use class A4) also known as 'The Alice House'. The site is located on the corner of West End Lane and Inglewood Road. The site falls within the confines of West End Green Conservation Area and is located within West Hampstead Town Centre. The area's conservation area appraisal specifically identifies Nos.283-285 as being a building that makes a positive contribution in the Conservation Area. The opposite map highlights the general location of the application site together with the OS plan extract. The application plot has an area of approx. 280 sq.m.
- 2.2 The site's relevant planning policy designations are highlighted on page 11 of this statement. The site's relevant planning history is addressed on page 4 of this statement.
- 2.3 The business is heavily reliant on the subject outdoor seating area, especially during summer and autumn months as this attracts trade. The host building is four storeys in height and carries features noted to be synonymous with Arts and Crafts era. The seating area is located on the eastern side of the building and is readily accessible from the public highway on West End Lane. The subject building, from this side of the road, is generously set back. This has allowed provision for a seating area to be created and is a well-established feature of the business. There are no alternative outdoor seating areas elsewhere on the site and its use is properly enforced by staff to ensure that the amenity of neighbours is respected. The subject area also falls within the same ownership as the freeholders of the building.
- 2.4 A selection of photographs on page 6 of this statement show the said external seating area from a variety of external vantage points. There are no listed buildings which are within significant distance from the application site.
- 2.5 From an accessibility point of view, the application premises benefits from two access points, with the main entrance being from the corner doorway and the second entrance being via the raised decked area from West End Lane. The location of the pub is sustainably located given its proximity to West Hampstead underground and rail stations. Both stations provide direct routes into and out of key parts of the Capital. There are also a variety of bus services that provide local connections to key destinations. The application site has a PTAL rating score of 6a which renders the site to be in the best location in accessibility terms.



Extract from Bing maps to highlight the general location of the application site.





Application Details

Application Number 2010/3720/P

Site Address 283 - 285 West End Lane London NW6 1RD

Application Type Full Planning Permission

Development Type Commercial Minor Alterations

Proposal Erection of reinforced concrete balustrades and timber decking to the front of existing restaurant (Class A3) (retrospective).

Current Status WITHDRAWN

Applicant Mr D Kattan

Agent ASB Architects

Wards West Hampstead

Location Co ordinates Easting 525468 Northing 185110

OS Mapsheet

Appeal Submitted? No

Appeal Decision

Case Officer / Tel Colin Butcher 1045

Division Appeals and Enforcement Team

Planning Officer Colin Butcher

Determination Level Withdrawn

Existing Land Use A3 Restaurants and Cafes

Proposed Land Use A3 Restaurants and Cafes

2.6 The application of most relevance is highlighted opposite. Whilst attempts to retain an accompanying seating arrangement was withdrawn on a previous occasion, the applicant is committed to regularising the works under this application and considers that the existing arrangement is a far better option in planning terms when weighing the visual improvements made to preserve the site's heritage interests.

Aerial Photography



Aerial photograph outlining the location of application site and surrounding area taken from Bing maps

Photographic Analysis



A view of the premises and accompanying seating area as seen from opposite side of West End Lane



A view of the boundary treatments with the adjoining property



A view of the seating area



A view taken near the access point focusing on the detail of the of timber panelled enclosure



A view from the corner of the enclosure looking north along West End Lane

3.0 PLANNING POLICY CONTEXT



CENTRAL GOVERNMENT GUIDANCE

National Planning Policy Framework (NPPF)



3.1 The National Planning Policy Framework (NPPF) document sets out the Coalition Government's most up-to date vision for future growth. At the heart of the document is a presumption in favour of sustainable development. In the opening paragraph the Minister for Planning identifies that:

“The purpose of planning is to help achieve sustainable development.”

3.2 The Ministerial Foreword highlights that ***“sustainable development is about positive growth – making economic, environmental and social progress for this and future generations”***. The opening statement goes on to state that ***“Development that is sustainable should go ahead, without delay.”***

3.3 There are principally three aspects which define sustainable development and these are based on the associated economic role, the social role and the environmental role. In terms of the economic aspect land has to be made available where there is a demand to support growth. The social role is focused on providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment. The environmental role involves the protection of the natural, built and historic environment. The NPPF goes onto to stipulate:

“to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”

3.4 Paragraph 17 of the NPPF sets out the core planning principles. Of particular relevance the document states that Council's must look to:

“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth and; take account of the different roles and character of different areas, promoting the vitality of our main urban areas”

3.5 Paragraph 18 identifies the need to help secure economic growth in order to create jobs and prosperity.

3.6 Paragraph 21 advocates that Investment in business should not be over-burdened by the combined requirements of planning policy expectations and goes on to recognise the following:

- ***“support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;***
- ***plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;”***

3.7 Paragraph 23 is focused on the protecting the vitality of town centres and presents a strategic need to retain and enhance existing markets and where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive. A sequential approach is advised by paragraph 24 which identifies a need for main town centre uses to be located in town centre location.

3.8 Section 8 of the NPPF is focused on conserving and enhancing the historic environment. The application site is within a Conservation Area and there are listed buildings within close proximity to the site. There is a common duty to ensure that heritage assets are preserved or enhanced by new development proposals.

REGIONAL PLANNING POLICY

The London Plan 2015 (with further alterations)

GREATER LONDON AUTHORITY

3.9 The London Plan provides the Spatial Development Strategy for Greater London.

3.10 Paragraph 1.48 recognises the need to accommodate innovative businesses and to adapt to the required changes to meet this need and to sustain the attractiveness of London as a place to live and do business in. On the same theme the London Plan states that:

“with new knowledge and techniques being applied to the challenges facing the planet, across the creative sectors and in new forms of business services meeting the needs of new markets and a changing world. Against this background, it makes sense both to promote and support innovation and to ensure there are policies in place that allow them the space to grow in places meeting their needs, supported by the range of infrastructure they require.”



3.11 Policy 2.1 recognises that London should seek to retain and extend its global role as a sustainable centre for business, innovation, creativity, health, education, research and art as well as being a place to live, visit and enjoy.

3.12 Policy 4.1 is entitled 'Developing London's Economy' and under one of the policy's criteria states that the Mayor will work with partners to:

“promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for larger employers and small and medium sized enterprises, including the voluntary and community sectors.”

3.13 Policy 4.8 the Mayor recognises the important role that London's public houses can play in the social fabric of communities. Where necessary, support should be given to encourage boroughs to bring forward policies to retain, manage and enhance public houses.



Camden

LOCAL PLANNING POLICY

3.14 The Camden Local Planning Framework is made up of the Core Strategy 2010 and the Development Policies Document 2010 together with a suite of planning guidance documents and an appraisal for West End Green Conservation Area.

Core Strategy 2010

3.15 Policy CS1 is entitled distribution of growth with the overarching aim of the policy being to focus Camden's growth in the most suitable locations and manage it to make sure that the Council deliver its opportunities and benefits and achieve sustainable development, while continuing to preserve and enhance the features that make Camden such an attractive place to live, work and visit.

3.16 Policy CS5 is focused on managing the impact of growth and development. The policy gives special consideration to the following:

***“a) providing uses that meet the needs of Camden's population and contribute to the borough's London-wide role;
b) providing the infrastructure and facilities needed to support Camden's population and those who work in and visit the borough;
c) providing sustainable buildings and spaces of the highest quality;
and
d) protecting and enhancing our environment and heritage and the amenity and quality of life of local communities.”***

3.17 Policy CS7 states that food, drink and entertainment uses add to the diversity and vibrancy of Camden's centres and bring activity to them outside normal shop hours. These uses are identified as being important to the borough socially, culturally and economically, and contribute to Camden's image as a vibrant and attractive place. The policy goes on to recognise that food, drink and entertainment uses, such as restaurants, pubs and bars are most appropriately located in commercial areas to minimise their impact on the amenity of local residents.

3.18 Policy CS8 helps towards the promotion of social business enterprises and recognises the social impacts these uses have to the borough as a whole.

3.19 Policy CS9 seeks to help achieve a successful London and highlights a variety of criteria which can help towards achieving this. Of particular note, the policy advocates the preservation and enhancement of an area's historic environment in addition to managing the location and concentration of food, drink and entertainment uses and their impact.

3.20 Policy CS14 is relevant on both the policy's key themes in that it addresses on promoting high quality places and conserving the borough's heritage. This is achieved from promoting the highest quality design, preserving heritage assets and their setting together with incorporating high quality landscaping with regard to high standards of access in all buildings and places.



Development Policies 2010

- 3.21 Policy DP12 helps towards establishing the criteria in support of promoting strong centres and managing the impact of food, drink, entertainment and other town centre uses. The criteria listed in the policy is largely relevant to new uses although deals with addressing the visual impacts of development. Part (A) of the policy highlights the effect of non-retail development on shopping provision and the character of the centre in which it is located will be considered.
- 3.22 Policy DP24 is relevant to securing high quality design which deals with a variety of issues relevant to ensuring that the character and appearance of an area can be maintained by new forms of development.
- 3.23 Policy DP25 refers to conserving Camden's heritage. The policy is split into 4 parts with the first, which deals with Conservation Areas, being most relevant. This repeated below for reference:

"In order to maintain the character of Camden's conservation areas, the Council will:

- a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;***
 - b) only permit development within conservation areas that preserves and enhances the character and appearance of the area;***
 - c) prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;***
 - d) not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and***
 - e) preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage."***
- 3.24 In the interest of addressing the impact of development on neighbour amenity, policy DP26 identifies the key areas where amenity is assessed against. Of relevance to this application visual privacy and overlooking are noted as being the key considerations when factored with the lawfulness of the seating area.

Materials

- 2.12 Materials should form an integral part of the design process and should relate to the character and appearance of the area, particularly in conservation areas or within the setting of listed buildings. The durability of materials and understanding of how they will weather should be taken into consideration. The quality of a well designed building can be easily reduced by the use of poor quality or an unsympathetic palette of materials. We will encourage re-used and recycled materials, however these should be laid to ensure a suitable level accessible surface is provided. Further guidance is contained within CPG3 Sustainability (Sustainable use of materials).

3 Heritage

KEY MESSAGES

Camden has a rich architectural heritage and we have a responsibility to preserve, and where possible, enhance these areas and buildings.

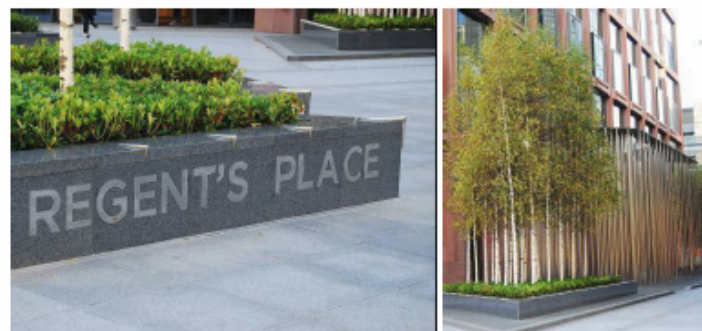
- We will only permit development within conservation areas that preserves and enhances the character and appearance of the area
- Our conservation area statements, appraisals and management plans contain more information on all the conservation areas
- Most works to alter a listed building are likely to require listed building consent
- The significance of 'Non-Designated Heritage Assets' (NDHAs) will be taken into account in decision-making
- Historic buildings can and should address sustainability and accessibility



6.20 The principle components of landscape design are soft landscape details (planting) and hard landscape details (the constructed aspects of design) for example surfaces, lighting, seating, water features and boundary treatments.

6.21 Urban spaces have particular character which results from a combination of factors including geology, ecology, topography and the history of their development and use. We will expect new landscape design to respond to, preserve and enhance local character, including through the:

- preservation of existing trees and hedges;
- planting of new trees and hedges; and
- detailed design of boundary treatments and spaces within the site particularly where they are visible to the public domain.



6.22 Planning applications will be assessed against

- the successful resolution of the above elements into the design of the site
- whether the site design has optimised opportunities to increase a site's sustainability and function in adapting to climate change (see CPG3 Sustainability for further details on Biodiversity and Climate change adaptation)
- the need to reduce opportunities for criminal behaviour (see the chapter in this guidance on Designing safer environments)
- the need to provide inclusive environments (see CPG6)

1 The Lane

West End Lane is today a busy shopping street that winds along the line of the ancient lane beneath. Photographs from 1906 show the street in new and pristine state (see page 81 of *Kilburn and West Hampstead Past*). Today, the street is remarkably intact and with few later insertions. The buildings from the start of the 20th century remain, and above shop level they are little changed. The pattern of shop window, canopy, scroll-shaped dividers between fronts is also legible; however, many shopfronts have changed, many scrolls are missing, signage is large and disorderly and the street and pavements are overlaid with clutter

Buildings that make a positive contribution

These buildings relate to the core reason for the conservation area designation and significance. This is primarily the development at the end of nineteenth and turn of the twentieth century. They have a positive effect on the environment and could be a single building, group or landmark. The Council will resist demolition.

West End Lane

217–229 (odd)
Sandwell Mansions
243–255 (odd)
Dennington Park Mansions
283 and 285

Problems and pressures, and capacity for change

Commercial pressures

The nature of commercial activity is changing due to decline in local retail, economic problems due to the recession, poor quality and seeming uncontrolled signage, loss of many of the original shop fronts, a proliferation of illuminated signs and changes from high street retail to restaurants with the proliferation of ad hoc seating areas.

Positive change

The capacity for new development is low within the area; however, high quality new development outside the area by the railway would greatly enhance the area.

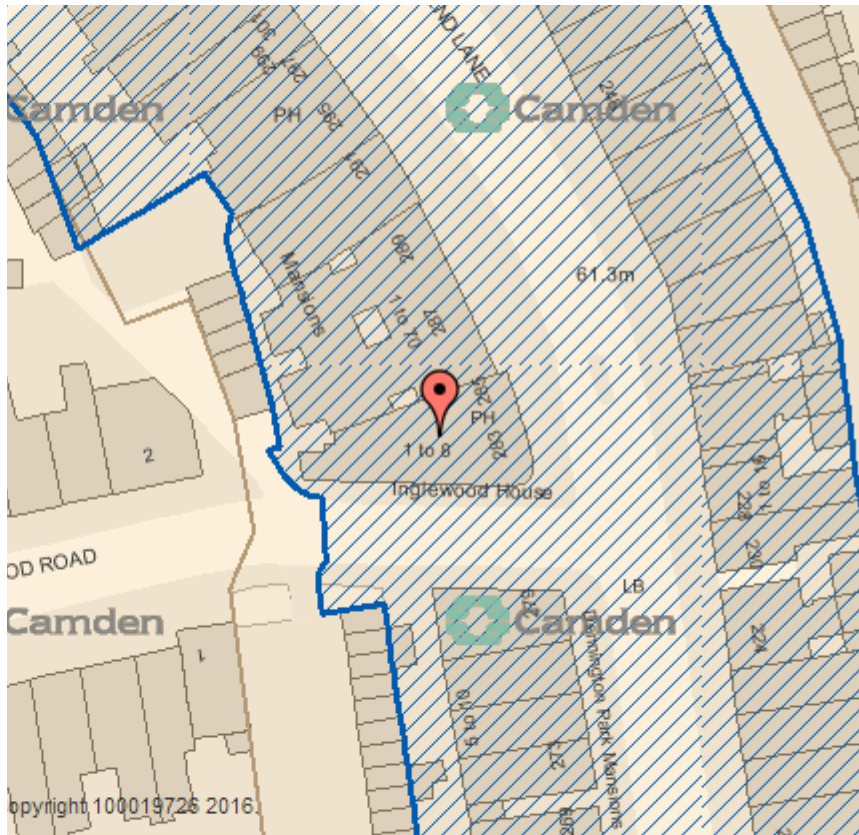
There is scope for public realm improvement, e.g. improved materials, removal of clutter etc, and incremental, private investment particularly to shopfronts, reinstatement of residential boundaries and of front gardens, all of which will preserve and enhance the area.






Planning Policies Map



Camden



Map Key

-  Archaeological Priority Area West End
-  Conservation Area West End Green
-  Town Centre

Extract from the Camden Planning Policies Map

4.0 PLANNING AND HERITAGE

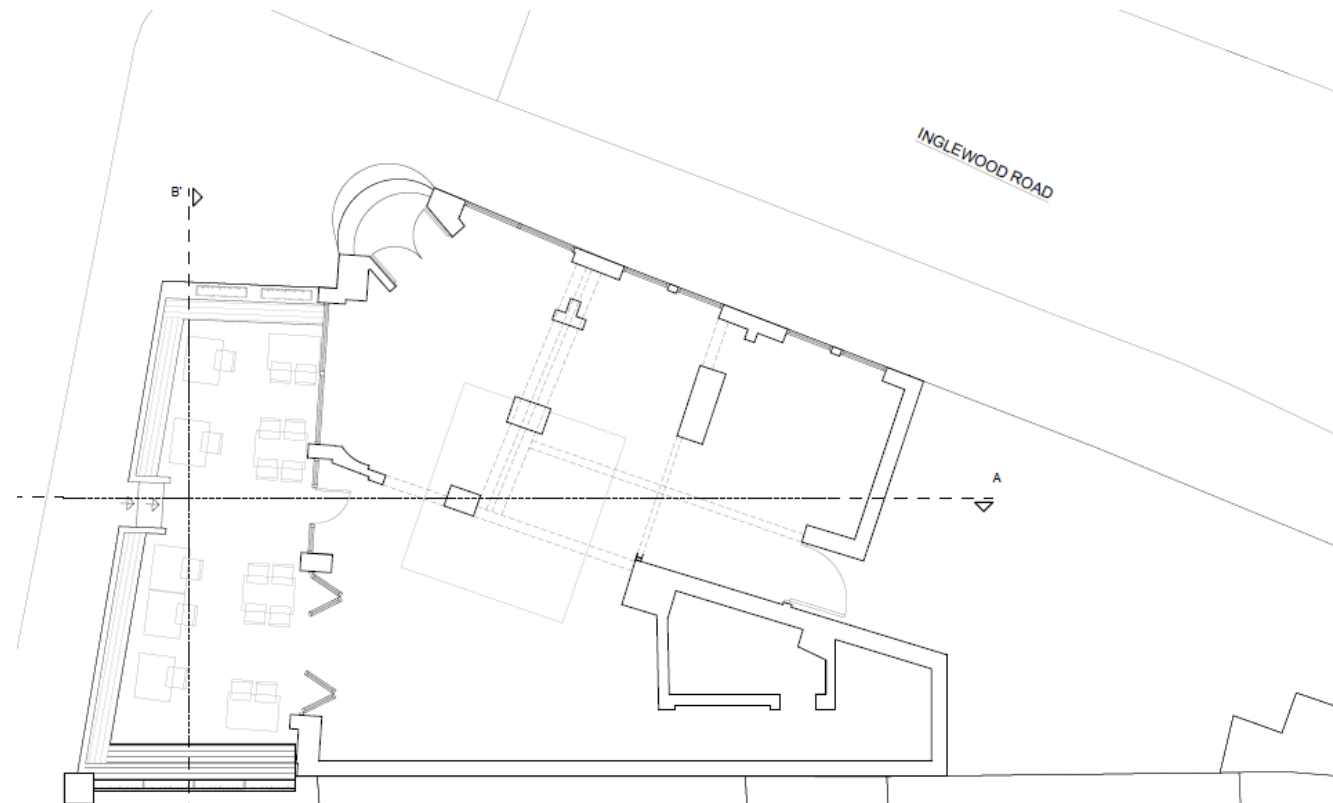


- 4.1 This application is pursuant of retrospective planning permission for the retention of the raised timber decking and enclosure serving the outdoor seating area located to the front of 283-285 West End Lane, London, NW6 1RD. The application site is currently operating as a public house (use class A4), the subject area at the front allows for the external seating of customers.
- 4.2 This application is submitted in response to Council's investigations and request that the works are regularised. The subject decking is raised 0.4m above ground level with the enclosure possessing a total height of 1.35m.
- 4.3 The existing layout follows two previous seating arrangements which consisted of temporary enclosures in order to provide a clear division between the public highway and land controlled by the commercial use.
- 4.4 Officers verbally accepted that a form of enclosure would be warranted and should be given weight alongside supportive notions by planning policy, in particular policy CS7, which stresses the importance of the social-related businesses within the Borough. The support for such businesses is in fact in favour of the works as there is a clear presumption that external seating areas help towards promoting social cohesion.
- 4.5 The enclosure is made from composite timber decking boards which have been stained in a dark varnish. The premises is reliant on stepped access from both entrance points which lead directly from West End Lane. The raised decking area provides an area that is visibly distinct from the public area. Its appearance is further softened by raised hedging to provide additional screening. The principle of such amenities for a public house should be welcomed on the basis that it helps towards promoting use of the premises. The public house sector is recognised as being under continual threat from closure and so it is hoped that the Council can take a sympathetic stance from this viewpoint.
- 4.6 The area provides seating for up to 26 covers externally. The area becomes the pub's preferential seating area during summer and autumn months of the year.
- Heritage**
- 4.7 The site is located within West End Green Conservation Area. Planning policy recognises the duty for new development to preserve or enhance the character and appearance of the borough's heritage assets. Whilst there are no listed buildings within notable proximity, the site itself is recognised as being a building that makes a positive contribution in the Conservation Area.
- 4.8 There is clear support for retention of the existing arrangement on the basis that there is no embargo to having decking or any form of enclosure to that matter within a Conservation Area so long as it is sensitively applied. The tests are therefore reliant on whether the development fails to achieve one of the two key requirements or commonly reoffered to as 'preserving or enhancing' the Conservation Area.
- 4.9 The Conservation Area appraisal provides scope to improve certain features of the area. The principle of seating is not a matter which requires addressing by this application and therefore any change to this area must be considered in light of the lawfulness of the area's use. Therefore the narrative should focus on whether any harm is caused.
- 4.10 It is firmly suggested that there are often competing demands when addressing development and these can be exacerbated when dealing with heritage assets. However, it cannot be said that whilst the retrospective works serve a purposeful function, they demonstrably harm the character and appearance of the Conservation Area. For instance, the enclosure keeps a relatively low profile, which when placed in context of the subject building, helps to maintain its dominant appearance on this prominent corner of the CA. The enclosure presents an inviting environment, when factored alongside the soft landscaping, helps to direct views towards the subject building. This therefore helps to enhance the building's contribution to the area and should be weighed against the lesser alternatives when say table and chairs are just placed externally with poor integration of temporary screening, which together avertedly adds unnecessary clutter to the buildings appearance and its setting within the Conservation Area.
- 4.11 Furthermore, the pre-existing arrangements were considered to be 'light' in their appearance, providing an 'ad-hoc' arrangement. The Conservation Area appraisal identifies this as being one of the area's commercial pressures. The existing arrangement provides a more permanent and robust appearance and in doing so, uses quality materials and finishes to compliment the traditional style of the building whilst also presenting a modern twist to reflect the contemporary establishment.
- 4.12 It can be concluded that the existing enclosure and raised decking provides a seamless addition when factored alongside the established walled frontages of properties to the north, which can be seen in the photographs on page 6. The expectation of providing a robust solution to the outdoor seating area should be supported by the Council in recognition to the benefits of the development to the business and the minimal harm it has caused to the Conservation Area, thereby preserving its appearance.

- AS EXISTING LAYOUT -



- 4.13 The subject area is 41m² in area and as can be seen from the plan shown opposite, is integral to the building's ground floor function. The inner side of the enclosure serves as seating to customers.
- 4.14 The enclosure does not encroach on the adjoining public highway or the adjoining property and leaves a gap of 1.7m to the road.





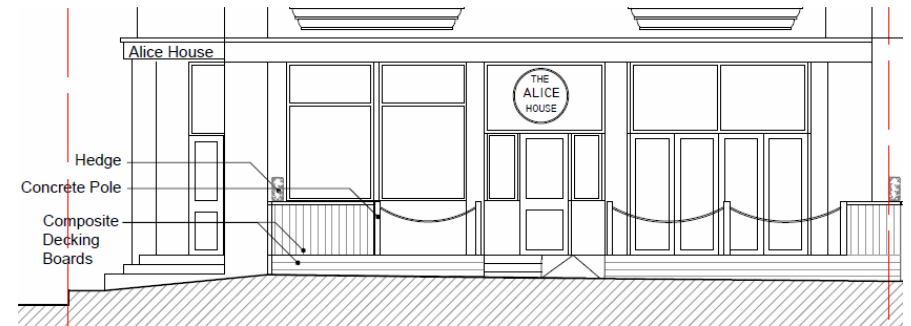
- AS EXISTING ELEVATIONS -

4.14 Whilst the retrospective works are best viewed on site, the elevations shown opposite demonstrate the size and scale of the works in relation to the host building, which is of grander scale, is not out of context. The works maintain an acceptable degree of subservience to the main building. As mentioned already seating features like this are common to pubs and restaurants across the Capital and can help to attract trade, with the benefits of people enjoying the delights of designated Conservation Area being improved.

4.15 The earlier variations are shown below for ease of reference and demonstrate a more permanent solution is required.



Pre-existing 2008



Pre-existing 2012

5.0 CONCLUSION



- 5.1 This application submission is for a retrospective planning application regarding the retention of the raised timber decking and enclosure serving the outdoor seating area located at The Alice House, 283-285 West End Lane, London, NW6 1RD.
- 5.2 This application seeks to regularise the works which provide is a robust solution and does not undermine the setting of the building. This application is submitted on request of the Council and the existing arrangement replaces two previous variations of seating layouts. This option presents the better solution from a visual and practicality point of view.
- 5.3 It has been demonstrated that the works preserve the character and appearance of West End Green Conservation Area.
- 5.4 The development was carried out in full compliance to the National Planning Policy Framework and the relevant Development Plan Policies in the form of The London Plan 2015 (with further alterations) and at local level, the Camden Core Strategy 2010 and the Development Policies together with the advice and guidance taken from the suite of Supplementary Planning Documents and the Conservation Area appraisal.
- 5.5 For the reasons outlined within this statement and the proposal's compliance with planning policy, it is requested that the Council look upon the scheme favourably.

