

Mr Robert Marchant
Urban Insights
9 Woodbank
101 Tollington Park
Finsbury Park
London
N4 3AH
United Kingdom

Application Ref: **2016/0240/P**
Please ask for: **Tessa Craig**
Telephone: 020 7974 **6750**

13 July 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
152 Haverstock Hill
London
NW3 2AY

Proposal:
Change of use from existing A1 (dry cleaners) to A3 (restaurant)
Drawing Nos: Design and Access Statement, Site Location, W/C/001, H/H/002, H/H/001
and EA Environmental Noise Impact Assessment.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as



possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement, Site Location, W/C/001, H/H/002, H/H/001 and EA Environmental Noise Impact Assessment.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as specified in submitted acoustic report dated 26th April 2016. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with machinery operating at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment.

- 5 Prior to use, the extract/ ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration.

- 6 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwellings and noise sensitive premises. Details shall demonstrate that the sound insulation value $D_{nT,w}$ [and $L'_{nT,w}$] is enhanced by at least 20dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the adjacent dwellings/ noise sensitive premises is not adversely affected by noise.

- 7 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 8 The use hereby permitted shall not be carried out outside the following times 11.00 to 00.00 (Monday to Sunday).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission.

The nearest neighbourhood centre is 140m to the north of the subject site. The subject site does not lie within a core shopping frontage. Whilst normally the Council would seek to retain A1 uses in neighbourhood centres, the subject property is one of a small group of three non-residential units outside of the neighbourhood centre. Permission was also granted in 2015 for change of use to D1 (dental surgery) which could still be implemented. In this case, the loss of an A1 unit is considered acceptable at this location.

Given there are residential uses above the subject site, an acoustic report has been provided to confirm noise generated from the use and conditions of consent have been imposed to manage the existing extraction equipment. The proposed operating hours are to be 11.00 to 00.00 Monday to Sunday. The activity is considered acceptable given the busy road which the site is located on and that, no music shall be permitted which is audible at other premises and no customers shall be on the premises and no noise generating activities associated with the use shall be permitted after 12pm. No external alterations are proposed. The applicant has stated they will use the existing kerbside refuse collection. This is considered to be accessible for a restaurant of this size.

Paragraph 3.49 of CPG5, supported by paragraph 12.6 of DP12, advises that other uses in place of retail may be permitted where they are not considered to cause harm to the amenity, character, vitality, or viability of the Town Centre or the local area. It is considered that on balance a restaurant in this location would be acceptable in line with the above.

Two objections were received in relation to this proposal and taken into account in assessing the change of use. The sites' planning history and relevant appeal decisions were taken into account when coming to this decision. Considerable importance and weight has been attached and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS1, CS2, CS5, CS8, CS9, CS10, CS14 and CS16 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP10, DP12, DP13, DP15, DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 2.15, 4.7 and 4.8 of the London Plan 2016; and paragraphs 14, 17, 23, 56-66 and 126-141 of the National Planning Policy Framework.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 The Mayor of London intends to introduce a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time will need to pay a CIL including those submitted before April. This CIL will be collected by Camden on behalf of the Mayor of London. From April Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable. The proposed charge in Camden will be £50 per m2 on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented and we will issue a CIL demand notice setting out what monies needs to be paid when and how to pay The CIL will be collected from Camden on behalf of the Mayor.
- 5 You are advised that condition 8 means that no customers shall be on the premises and no noise generating activities associated with the use, including

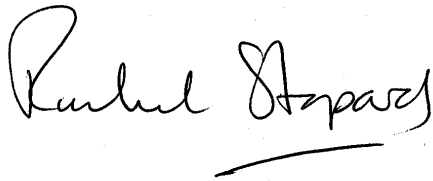
preparation and clearing up, shall be carried out otherwise than within the permitted time.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard
Executive Director Supporting Communities