

Glen Lake
42 Lloyd Road
London
E17 6NR

Application Ref: **2016/3869/P**
Please ask for: **Amy Grace Douglas**
Telephone: 020 7974 **8096**

7 September 2016

Dear Sir/Madam

DECISION

In accordance with section 60 (2B) and (2C) of the Town and Country Planning Act 1990
(as amended by section 4(1) of the Growth and Infrastructure Act 2013)

Process set out by condition C.2 of Schedule 2 Part 3 Class C of the Town and Country
Planning (General Permitted Development) Order 1995 (as amended by SI 2015 No 596)

Prior Approval Required - Approval Given

The Council, as local planning authority, hereby confirm that their prior approval is granted
for the proposed development at the address shown below, as described by the description
shown below, and in accordance with the information that the developer provided to the
local planning authority.

Address of the proposed development:

529 Finchley Road
London
NW3 7BG

Description of the proposed development:

Change of use from retail (Class A1) to associated cafe/restaurant (Class A3), installation
of extract ventilation.

Details approved by the local planning authority:

Drawing Nos: DWG 2406(--)02; DWG 2406 (--) 03A Rev A; DWG 2406 (--)04A Rev A;
DWG 2406 (--)01; Annex C: Risk Assessment for Odour



Conditions and Reasons:

- 1 Prior to commencement of the development, details of all cooking odour and fume extract equipment and associated ducting, including anti-vibration and noise mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be supported by an Acoustic Report, which demonstrates how the equipment would meet the noise standards set out in condition 2 of this permission.

Prior to the first use of the equipment it shall be fitted with the necessary noise and vibration mitigation measures in accordance with the approved details. All such noise and vibration mitigation measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations, for as long as the equipment remains in use.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise or vibration from plant/mechanical installations/ equipment, in accordance with Schedule 2, Part 3, Class C of the GPDO, para 123 of the NPPF, policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 2 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise or vibration from plant/mechanical installations/ equipment, in accordance with Schedule 2, Part 3, Class C of the GPDO, para 123 of the NPPF, policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The use hereby permitted shall not be carried out outside the following times 7am - 7pm Mondays to Saturdays and 10am - 5pm on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance in accordance with Schedule 2, Part 3, Class C of the GPDO, para 123 of the NPPF, policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

1 Reasons for granting prior approval:

The proposed change of use from retail (Class A1) to restaurant (Class A3) and associated installation of extract ventilation is acceptable as it complies with the requirements of Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

The site is not within a Town Centre location, Central London Frontage, or a Neighbourhood Centre, nor is it within a conservation area or a listed building. The site has previously been identified as vacant for some time and the loss of retail to this particular location is not considered to cause detriment to the surroundings as the adequate provision of shops exists nearby and the sustainability of the shopping area is therefore not detrimentally affected. There is provision of other A1 uses within 5-10 minutes walk close to the junction with Finchley Road and Fortune Green Road (approximately 200m away) therefore the loss of retail at this location is considered acceptable.

The proposed change of use involves only the partial conversion of a retail unit to accommodate for a restaurant/café which would be ancillary to a retail 'deli' at the site. The cumulative floor space of the proposed development site is under 150m² measuring approximately 58m² and the property is currently vacant, however was previously occupied by a carphone retail store. The external alterations include the installation of an extract fan and equipment to the rear of the property which would not cause significant harm in terms of design due to their siting and size, and the presence of existing extract equipment to this rear elevation which is not largely visible from the streetscene.

The proposed restaurant would be small in size and therefore unlikely to lead to significant disturbance by virtue of the number of customers on the premises at any one time.

No noise impact assessment has been provided, however the Council's Environmental Health officer is satisfied that the noise impact from the extractor equipment could be dealt with by securing further details by condition.

The hours of opening are proposed to be 7am to 9pm daily with the potential to open until midnight occasionally for events. In the context of the site and the surrounding uses not being of an evening/late-night nature, a condition is recommended for inclusion for the business to operate daytime hours only, so as to avoid increased noise disturbance to surrounding residents.

No objections were received and the site's planning history was taken into context as part of the assessment.

Overall it is considered the prior approval sought for change of use from A1 to A3 is required as full details of the extraction equipment have not been provided. It is not considered undesirable for the building to change to a use falling within Class A3

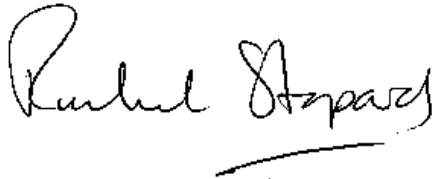
as the change of use would not have a detrimental impact on the surroundings or character of the area. Prior approval, subject to conditions, can be granted.

The proposal is therefore in general accordance with the Town and Country Planning (General Permitted Development Order 2015), policies CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP17 and DP24 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework.

- 2 You are reminded of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which you may wish to display on these premises.
- 3 You are reminded of the need to obtain separate consent under the Highways Act 1980 and Camden Council's licensing policy for any tables and chairs to be located within the public highway.

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.

Yours faithfully

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

Rachel Stopard
Executive Director Supporting Communities