

Mr James Raiher
115d Fordwych Road
London
NW23NJ

Application Ref: **2016/5038/P**
Please ask for: **Obote Hope**
Telephone: 020 7974 **2555**

23 November 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
322 West End Lane
London
NW6 1LN

Proposal:
Change of use of ground floor level from Estate Agents (Class A2) to Medical Centre (Class D1).
Drawing Nos: Existing plan RevA, Proposed plan RevA and site location map.

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 The development hereby permitted shall be carried out in accordance with the



following approved plans Existing plan RevA, Proposed plan RevA and site location map.

Reason:

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

- 3 Notwithstanding the provisions of Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the premises shall only be used as a health/medical service, and for no other purpose.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of noise, traffic congestion and excessive on-street parking pressure etc, in accordance with policies CS5 (Managing the impact of growth and development), CS10 (Supporting community facilities and services) and CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy; and policies DP15 (Community and leisure uses), DP19 (Managing the impact of parking) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission.

The change of use from Estate Agency (Class A2) to a Osteopathy Clinic (Class D1) is supported in principle.

The host building is located within a designated Neighbourhood centre and predominately commercial parade. The parade consists of three restaurants (Class A3), four Class A2 uses, an optician (Class D1) and an office within Class B1 use. The proposed change to community use would not impact on the existing retail use nor cause harm to the character, function, vitality and viability of the neighbourhood centre, in compliance with the requirements of CPG 5.

Class D1 also includes a wide variety of uses, including places of worship and museums. It would ordinarily be possible to change between different types of D1 use without the need for planning permission. Such other class D1 uses could generate different impacts on the local area than a therapy treatment use. For example, more concentrated traffic generation and noise disturbance for the local area could be associated with a place of worship or school. It is therefore considered that it would be appropriate to restrict the permission to medical use (including surgeries and therapy centres) only, through the use of a planning condition, in order to remove the ability to change to other D1 without planning permission. This would allow the Council to manage any potential impacts associated with a possible change to another type of D1 use.

Given the scale of the proposal and no external alteration is proposed, the change

of use from Class A2 to D1 is unlikely to impact upon the amenity of the neighbouring occupiers in terms of daylight, sunlight, privacy or outlook of neighbouring properties.

Due to the limited floorspace impact of the proposed use, it is not considered necessary to impose any conditions on the opening hours of the premises.

4 neighbours were consulted and a site notice and press notice were displayed. One objection has been received and taken into consideration when coming to this decision. The sites planning history and relevant appeal decision were also taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS1, CS5, CS7, CS8 and CS9 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP12, DP13, DP15, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development is also in general accordance with the Fortune Green and West Hampstead Neighbourhood Plan, The London Plan and 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.

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

David T. Joyce

David Joyce
Executive Director Supporting Communities