

Mr Paul Jenkins
SF Planning Limited
12 Royal Crescent
Cheltenham
GL50 3DA

Application Ref: **2017/0631/P**
Please ask for: **Leela Muthoora**
Telephone: 020 7974 **2506**

29 June 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
168 West End Lane
London
NW6 1SD

Proposal:
Change of use of ground and lower ground floor to mixed-use retail and cafe use (Class A1/A3) (Sui Generis)

Drawing Nos: Noise Report 15817.PCR.01 dated 21.04.2017, Planning Statement dated 01.02.2017, (3021_) PL01-PL04, PL05 rev01, PL06 rev01, PL07, PL08 rev01, PL09, PL10 rev01, PL11 rev01, PL12 rev01, PL13 rev01, PL14, PL15, PL16, PL17 rev01, PL18 rev01, PL19, PL20 rev01, PL21, PL22 rev04, PL23 rev02 and (BCL122_M_GA_)001_T2 & 002_T3.

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 policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies and policies D1 and D2 of the Draft Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans Noise Report 15817.PCR.01 dated 21.04.2017, Planning Statement dated 01.02.2017, (3021_) PL01-PL04, PL05 rev01, PL06 rev01, PL07, PL08 rev01, PL09, PL10 rev01, PL11 rev01, PL12 rev01, PL13 rev01, PL14, PL15, PL16, PL17 rev01, PL18 rev01, PL19, PL20 rev01, PL21, PL22 rev04, PL23 rev02 and (BCL122_M_GA_)001_T2 & 002_T3.

Reason:

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

- 4 The external noise level emitted from plant equipment at the development hereby approved along with specified noise mitigation shall be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of 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, policies G1, A1, and A4 of the Draft Camden Local Plan 2017 and policies 2, 12 and 13 of the Fortune Green and West Hampstead Neighbourhood Development Plan 2015.

- 5 Prior to use, plant equipment and associated 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 safeguard the amenities of the occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of 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, policies G1, A1,

and A4 of the Draft Camden Local Plan 2017 and policies 2, 12 and 13 of the Fortune Green and West Hampstead Neighbourhood Development Plan 2015.

- 6 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, policies DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies, policies A1, A4 and TC4 of the Draft Camden Local Plan 2017 and policies 2, 12 and 13 of the Fortune Green and West Hampstead Neighbourhood Development Plan 2015.

- 7 The use hereby permitted shall not be carried out outside the following times 07:00 to 21:00 Mondays to Sundays and Bank Holidays.

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, policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies, policies G1, A1, A4, D1 and TC4 of the Draft Camden Local Plan 2017 and policies 2, 12 and 13 of the Fortune Green and West Hampstead Neighbourhood Development Plan 2015.

- 8 You are advised that this application has been assessed and considered to be acceptable as a mixed use restaurant/retail unit (Sui Generis) only. The site is located on a primary retail frontage and the development is only considered to be acceptable as a mixed use restaurant/retail unit with a designated retail area at front which results in an acceptable impact on the retail parade's vitality and viability and on local amenity, in accordance with London Borough of Camden policies and guidance. Any future proposal that results in further loss of retail from this mixed use is likely to be refused planning permission.

Reason: To ensure that the occupation of the building does not adversely affect the immediate area and the primary retail frontage in terms of its retail function, vitality and viability and of local amenity, in accordance with policies CS5 and CS7 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, policies A1, A4, TC2 and TC4 of the Draft Camden Local Plan 2017 and policies 12 and 13 of the Fortune Green and West Hampstead Neighbourhood Development Plan.

Informative(s):

- 1 Reasons for granting permission.

The application is for a change of use of basement & ground floor from retail use (Class A1) to a mixed use of retail (Class A1) and café/restaurant use (Class A3) and relates to approximately 112 square metres of floor space. The associated

alterations to the shop front and signage have been assessed in the associated planning and advertisement consent applications.

The site is located in a designated Town Centre of West Hampstead, which is outside the Central London Area. The Councils' aim is to protect the role of the town centres, maintaining a range of suitable uses whilst resisting the loss of shops where this would cause harm to the character and function of an area; making sure that food, drink and entertainment uses do not have a harmful impact on residents and the local area. The proportion of shops that the Council aim to retain varies according to the town centre or neighbourhood area. West Hampstead Town Centre contains a variety of uses where almost half the ground floor premises are retail and a significant number are food and drink uses.

Camden Planning Guidance 5 (Town Centres, Retail & Employment) states that the Council will resist schemes that would result in less than 75% of ground floor premises being in A1 retail use, more than 25% of premises being in food, drink and entertainment uses and more than 2 consecutive food, drink and entertainment uses. The proposal complies with the guidance based on existing uses and extant planning permissions with potential to be implemented. There are currently six units within the frontage, with planning permission for one of those units to be subdivided into three units. The implementation of the proposal would result in 75% of the percentage of ground floor premises within A1 retail use, there would not be more than 25% of premises in food, drink and entertainment uses and there would not be more than two consecutive food, drink and entertainment uses. Furthermore, the proposed use is mixed-use retail and café use (*sui generis*) with a majority element of retail use and cooking is limited to breakfast dishes, which are usually cooked once a day in the morning and the rest of the food offered for dining at the premises is served cold, baked or reheated on site. The retail element of the scheme would also be located towards the front on the unit which would maintain the existing shopping character of the frontage. On this basis, the principle of change of use is considered acceptable as it would not disrupt the shopping character of the street and would not harm the vitality of the town centre.

It is not considered that the proposal would cause undue harm to the character and appearance of the street scene or the West End Green Conservation Area. The alterations to the shopfront and signage are assessed under the associated applications named in this decision notice. The Fortune Green and West Hampstead Neighbourhood Plan seek an increase in the range of food and drink premises.

- 2 The Council seeks to protect the amenity of residents by ensuring the impact of development is fully considered.
Electric hobs and an oven in the basement kitchen for cooking/reheating purposes as well as recirculating heat/fume extraction equipment, which treats air before discharging it at rear lower ground floor level passageway are proposed. The passageway is a service area to the ground and lower ground floor units on the shopping frontage to West End Lane and would not be visible from Lymington Road. Due to the proximity to residential neighbouring windows at the rear first floor level, the Council requested a noise assessment report to establish whether the

extraction equipment would negatively impact the nearest residential occupiers. The findings show that predicted noise levels are not expected to exceed the lowest background noise levels measured at the site and is not considered to negatively impact upon the amenity of the nearest residential occupiers. On the basis of the information provided the proposals calculations show compliance with Camden criteria, subject to conditions, which have been attached to this permission. The applicant has indicated that the waste and recycling will be stored on the premises.

The Council considers the impact of parking, stopping and servicing that the development would generate would not involve a significant movement of goods or materials during construction or operation, as the proposal is small scale in terms of floorspace and the uplift in café use. Therefore, the proposal does not warrant the submission of a transport assessment, delivery and servicing management nor a Construction Management Plan. Overall, it is not considered that the proposed change of use from A1 to a mixed use of A1 and A3 would cause any harmful transport impacts in the wider area and the proposal is considered acceptable in this respect. On balance, it is not considered that allowing the change of use from A1 to a mixed use of A1 and A3 would cause significantly more harm to the amenity of any nearby residential properties than the existing A1 use in terms of general activity.

No objections have been received prior to making this decision and the site's planning history has been taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (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, CS5, CS7, CS14 and CS18 of the London Borough of Camden Local Development Framework Core Strategy, policies DP12, DP16, DP20, DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies, policies 2, 3, 12 and 13 of the Fortune Green and West Hampstead Neighbourhood Development Plan 2015 and policies G1, A1, A4, D1, D2, E2, TC1, TC2, TC4, T4 and CC5 of the Draft Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2016, The National Planning Policy Framework 2012.

- 3 The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.
- 4 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).

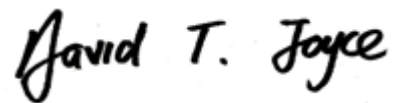
- 5 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, 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.
- 6 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 7 You are advised that condition 7 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.
- 8 The Council supports schemes for the recycling of bottles and cans and encourages all hotels, restaurants, wine bars and public houses to do so as well. Further information can be obtained by telephoning the Council's Environment Services (Recycling) on 0207 974 6914/5 or on the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 9 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.
- 10 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.

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 that reads "David T. Joyce". The signature is written in a cursive style with a large 'D' and 'J'.

David Joyce
Director of Regeneration and Planning