

Mr Mike Spurgeon
Pegasus Group
10 Albemarle Street
London
W1S 4HH

Application Ref: **2017/2169/P**
Please ask for: **John Diver**
Telephone: 020 7974 **6368**

11 July 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Former Lloyds Bank Plc
145 Finchley Road
London
NW3 6JJ

Proposal:

Change of use of ground floor and basement unit from a bank (Class A2) to a mixed use café/restaurant (Sui Generis)

Drawing Nos: Plan A - LGF Plan (dated 25.10.16), Plan B - GF Plan 002 (dated 25.10.16), P17-0852_01 (dated 11.04.17), SD-2.1 (dated 18.05.17), SD-3 (dated 18.05.17), SD-3.1 (dated 18.05.17), Planning Statement (April 2017), Email confirmation of cooking extent and ventilation requirements (received 30.05.17)

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:

Plan A - LGF Plan (dated 25.10.16), Plan B - GF Plan 002 (dated 25.10.16), P17-0852_01 (dated 11.04.17), SD-2.1 (dated 18.05.17), SD-3 (dated 18.05.17), SD-3.1 (dated 18.05.17), Planning Statement (April 2017), Email confirmation of cooking extent and ventilation requirements (received 30.05.17)

Reason:

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

- 3 The use hereby permitted shall not be carried out outside the following times: 06:00 - 21:00 Mon - Sat; 08:00 - 18:00 Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC2 of the London Borough of Camden Local Plan 2017.

- 4 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 safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1 and A1 of the London Borough of Camden Local Plan 2017.

- 5 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 A1, A4 and TC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The proposed development includes the proposed change of use of the GF/basement unit only and would not include any external alterations. The

applicant has confirmed that due to the operational requirements of the business as well as the total lack of primary cooking onsite, no kitchen extract/HVAC would be required. Should the applicant find that plant equipment (i.e. AC units) were required in the future, express permission via the submission of a full planning application would be required and the Council would retain full control of such works.

The proposed use would be for a café but due to the size of the unit and the resulting number of tables & chairs, this use could not be defined as a retail (A1) use. Similarly, as the café would not serve freshly cooked food, include table serve or be open late it would not fall within the definition of a restaurant (A3) use. The proposed use is therefore defined as Sui Generis, similar to many larger café uses nationwide.

The application unit is situated within the designated Finchley Road / Swiss Cottage Town Centre and within a core frontage. The proposed change of use would not however lead to the loss of any retail (A1) space or result in a row of more than 2 consecutive food, drink or entertainment (FDE) uses. The loss of the A2 floorspace is not objectionable in planning terms and it is not considered that there would be a resulting over concentration of similar uses. As the proposed use is not included within the definition of a FDE use, the proposed change would not alter the existing levels of such uses across the centre. Overall the proposed café is considered to maintain/enhance the viability and vitality of the designated Centre in accordance with policy TC2.

Despite the town centre location, the proposed business hours (06:00-21:00 daily) are considered to be slightly excess for Sundays and bank holidays due to the resulting noise impacts for local residents and as such a condition is recommended that would restrict hours to a greater degree on these days. Conditions are also recommended relating to the maximum noise levels to be emitted from the unit during sensitive hours as well as restrictions to levels of amplified music. As no external changes are proposed, subject to these conditions it is not considered that the proposed change would result in any detrimental impact upon the residential amenities of local residents.

Due to the satisfactory existing servicing arrangements, the proposed change is unlikely to result in disruption in this regard. The application site features a high PTAL level and is located within a Town Centre and as such there would be no anticipated transport implications as a result of the change of use. Due to the spatial limitation of the site, proximity to public street parking and high PTAL rating, there lack of cycle parking provision is not considered to be objectionable in this instance. Having consulted with TfL, the applicant is asked to ensure that the guidance outlined within other informatives is adhered to.

No objection comments were received in relation to the proposed development. The site's planning history has been taken into account when making this decision.

As such, the proposal is in general accordance with policies D1, A1, A4, C5, TC2 and T1 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

- 2 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.
- 3 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).
- 4 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk.
- 5 The display of an advertisement without consent is a criminal offence under Section 224(3) of the Town and Country Planning Act 1990. Under Section 225 of the Town and Country Planning Act, Section 10 of the London Local Authorities Act 1995 and Section 11 of the London Local Authorities Act 1995 the Council has powers to enter the land and remove the display. As such, the Council will commence prosecution/action to secure the removal of the advertisement.
- 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 fumes and smells.
- 7 The Council supports schemes for the recycling of bottles and cans and encourages cafes 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>.
- 8 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

9 Transport of London guidance:

In respect to the construction phase of development please note that the site lies on the A41 Finchley Road, which forms part of the Transport for London Road Network (TLRN) and for which TfL is the highway authority. TfL wish to add the following comments:

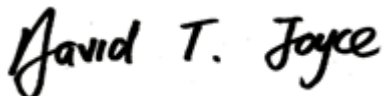
- 1) The footway and carriageway on Finchley Road must not be blocked during construction. Temporary obstructions during construction/installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic
- 2) All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- 3) No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any 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



David Joyce
Director of Regeneration and Planning