

Application ref: 2017/6780/P
Contact: Charles Thuaire
Tel: 020 7974 5867
Date: 23 July 2018

Development Management
Regeneration and Planning
London Borough of Camden
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Fabrica Architecture Limited
16 Valentine Road
London E9 7AD

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**43 Chalk Farm Road
London NW1 8AJ**

Proposal:

Installation of new shopfront, lowering of existing lower ground floor rear extension by 350mm, and erection of new upper ground floor rear extension above, with green roof and rooflights, to provide additional restaurant accommodation to the existing Class A1/A3 use.

Drawing Nos: Design and Access Statement dated 6.12.17; 1028.PO.100, 101, 201B; 1028.SK.001; BIA letter from M74 Consulting Engineers Ltd dated 5.6.18

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- Design and Access Statement dated 6.12.17;
1028.PO.100, 101, 201B; 1028.SK.001; BIA letter from M74 Consulting Engineers
Ltd dated 5.6.18

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

- 3 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 D1 of the London Borough of Camden Local Plan 2017.

- 4 The new roof lights of the rear extension hereby approved shall be obscure glazed and fixed shut prior to commencement of use of the rear extension and shall be permanently retained as such thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy 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.

- 6 The use hereby permitted shall not be carried out outside the following times: 10am - 10.30pm Mondays to Thursdays, 10am - 12am midnight Fridays to Saturdays, 10am - 10pm Sundays.

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.

- 7 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include-
- i. a detailed scheme of maintenance;
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used;
 - iii. full details of planting species and density.

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, CC3, D1 and A3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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 Reasons for granting permission.

The new rear extension at mezzanine level would be sized 32sqm and accommodate an additional approx. 26 covers for the existing restaurant operation which currently has about 47 covers according to the previous permission ref 2013/0756/P dated 11/04/2013 for a mixed Class A1/A3 use here. The intention is that both the existing and extended mezzanine floors would have a mix of informal lounge seating, desk space for private work and traditional restaurant tables and chairs.

Nevertheless it is considered that the additional space and seating for the Class A3 element is relatively modest in size and nature and would not cause harm to local amenity and retail function of the parade in this core frontage of Camden Town centre. The front retail element of the premises would remain, thus retaining the retail frontage and character of the town centre. The additional customers using the expanded space would not seriously result in loss of amenity to neighbouring flats on upper floors or to the immediate area which is characterised by a mix of commercial uses and no residential accommodation opposite. Conditions will be imposed restricting audible music noise and hours of operation in line with the remainder of the existing restaurant use. The existing ventilation and extraction systems, kitchen and refuse facilities will remain unchanged.

The additional restaurant capacity and construction of the extension is modest enough to not have any material impact on transport conditions and to not require a Construction Management Plan.

The rear extension in its central section will be 2.5m higher than the existing flat roof of the ground floor rear extension; its front and rear ends adjoining the main building and rear block of flats will be raised by only 2m to be level with the existing boundary fences. Both the central and rear elements will have green roofs which will enhance biodiversity, subject to more details secured by condition. It is considered that the extension of this articulated size and design, with glazed

rooflights and green roofs, will remain subordinate to the main building. It will not appear overly bulky in this enclosed situation with limited visibility and in the context of neighbouring commercial premises, given that all have full depth rear extensions and some have rooftop additions on them.

The proposed new shopfront with traditional timber detailing is considered appropriate for the parade and acceptable.

The proposed rear extension, on account of the raised element being set back from the edges adjoining neighbouring flats and the end elements being no higher than existing boundary enclosures, will not cause any material loss of amenity to neighbours in terms of light and outlook. A condition will be imposed requiring the glazed rooflights to be obscure glazed to prevent overlooking and light pollution to the adjoining 1st floor flats.

The lowering of the lower ground floor by 350mm will not go any deeper than the existing foundations nor involve underpinning. The BIA screening report, as revised with trial pit evidence, has been checked by external auditors who agree that the excavations should not undermine the existing foundations and that no harm will be caused to adjoining land stability or local hydrogeology.

No comments have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A3, A5, D1, D3, T1 and TC2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

- 4 You are recommended that the developer is satisfied that the foundation depths discovered in trial pit TP1 are similar along both party walls at the rear of the property prior to undertaking the works. The engineer should also ensure that their temporary works arrangements are adequate to maintain stability during demolition of the existing slab.
- 5 You are advised that condition 6 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

David T. Joyce

David Joyce
Director of Regeneration and Planning