

Application ref: 2019/0499/P
Contact: Nora-Andreea Constantinescu
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Date: 25 March 2019

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Mr Ram Sharestha
47 Oakdale Avenue
Northwood
HA6 1PG

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
102 Mill Lane
Ground and Lower Ground Floors
London
NW6 1NF

Proposal:
Change of use of ground and lower ground floors from retail (Class A1) to massage parlour (Sui Generis).

Drawing Nos: Site location plan; Existing plans Dwg no. 1; Proposed Plans for use of floorspace; Retail survey;
Planning Statement; Thai Massage details; Cover letter dated 31/01/2019.

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:

Site location plan; Existing plans Dwg no. 1; Proposed Plans for use of floorspace; Retail survey; Planning Statement; Thai Massage details; Cover letter dated 31/01/2019.

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: 10:30am to 19:30pm Mondays to Sundays including Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, A1, A4, TC1 and TC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The proposal seeks a change the use of the ground floor and basement premises at no. 102 from A1 Class Use to Sui-Generis Class Use for a Thai Massage parlour. The current application does not include any internal nor external alterations to the premises.

The site is located within Mill Lane Neighbourhood Centre, which is outside the Central London Area. The Council's aim is to protect the role of neighbourhood centres, maintaining a range of suitable uses whilst resisting the loss of retail use where this would cause harm to the character and function of an area. CPG Town Centres states that the Council will resist schemes that result in less than 50% of ground floor premises being in retail use, or more than 3 consecutive premises being in non-retail use, within the centre.

Mill Lane Neighbourhood Centre currently contains a variety of uses and following a site survey undertaken by the officers, as well as taking into account the most recent available data, it is considered that 51.3% of ground floor premises within the centre are in retail use. The proposed Thai Massage parlour under sui-generis use would result in 50% of the ground floor premises remaining in retail use. In addition, the proposed use at no. 102 would not result in more than three consecutive premises being in non-retail use along the frontage it is part of, which is in line with Council policy and guidance on uses within neighbourhood centres outside central London.

The Council's survey data shows that the premises have been vacant in 2013-2015, and been generally occupied by A1 uses for at least 10 years prior and after vacancy. The applicant confirmed that the premises were vacant since October last year. The vacancy levels are not significantly great at the application site, however there is a history of vacancy within Mill Lane town centre which is considered in this assessment.

The use as Thai Massage parlour, would provide therapeutic massage to the clients as detailed in the supporting information from the applicant. It is noted that along Mill Lane there are no other premises which provide Thai Massage, however the ground floor premises at no. 96 are occupied by a Physiotherapy use (Class D1); as well as at no. 41 being occupied by a beauty salon (Class A2) which provides some types of massages. As such, it is considered that the proposed Thai Massage parlour under sui-generis use would not result in a harmful proliferation of such use, and would not cause harm to the amenity of the neighbouring residents. Furthermore, a planning condition would be attached to this permission restricting the opening times, in order to safeguard the amenities of neighbours and the area generally.

Overall, it is considered that the proposed change of use would support the vitality and viability of the centre along with the other existing uses along Mill Lane.

No objections were received prior 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, TC1 and TC2 of Camden Local Plan 2017 and Policy 14 of Fortune Green and West Hampstead Neighbourhood Plan 2015. The development would also accord with the National Planning Policy Framework 2019 and the London Plan 2016.

- 2 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).
- 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 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.
- 4 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for

more advice.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

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, appearing to read 'DP', is positioned above the typed name and title.

Daniel Pope
Chief Planning Officer