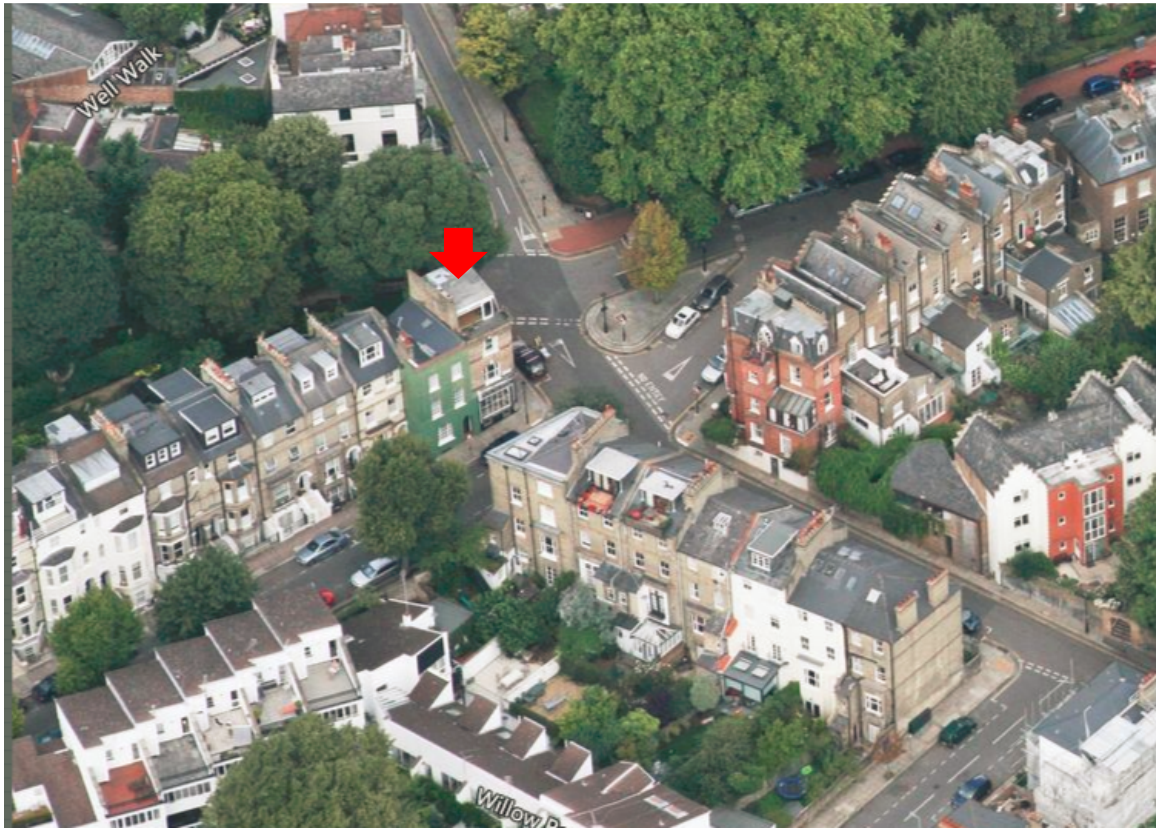


2019/1812/P - 49 Willow Road, NW3 1TS

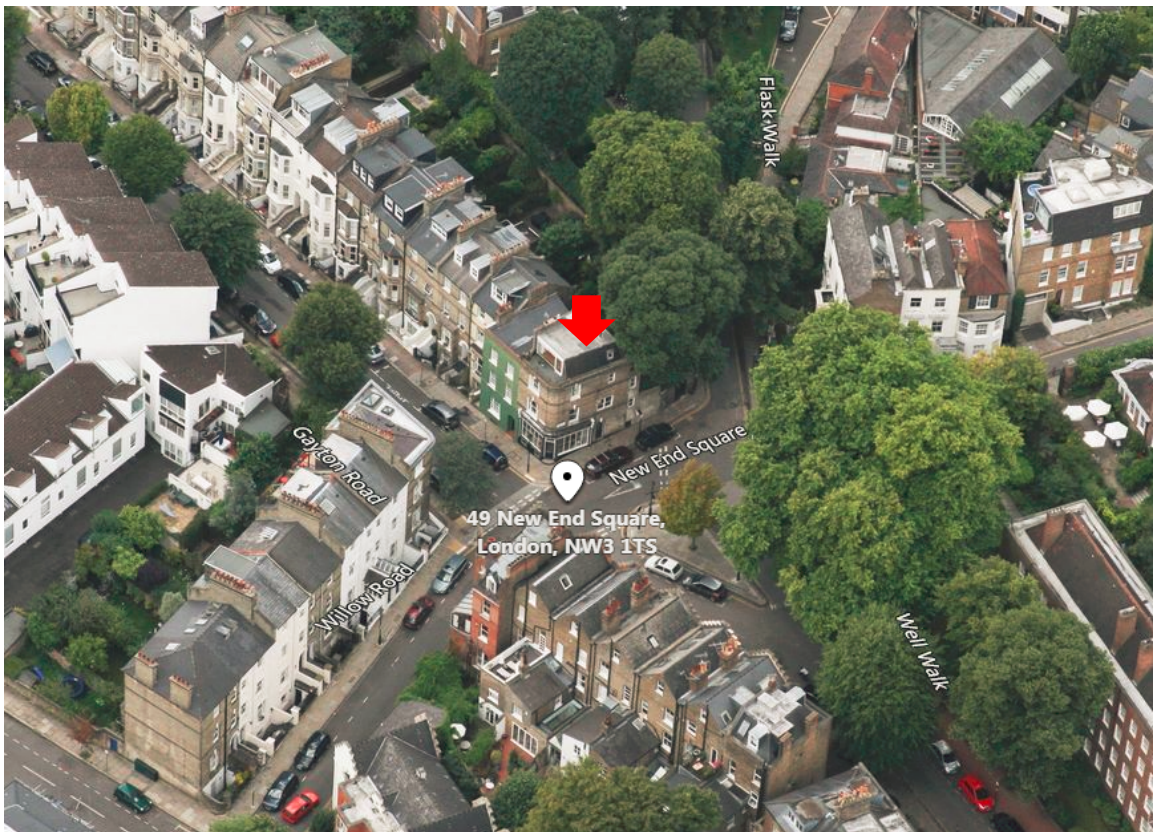


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2019/1812/P - 49 Willow Road, NW3 1TS – Site Photos



1. Aerial view



2. Aerial view



3. Corner elevation of application site



4. Existing shelves to be retained as part of the proposed bookshop.

Delegated Report		Analysis sheet		Expiry Date:	21/06/2019
(Members Briefing)		N/A		Consultation Expiry Date:	25/05/2019
Officer			Application Number(s)		
Nora-Andreea Constantinescu			2019/1812/P		
Application Address			Drawing Numbers		
49 Willow Road London NW3 1TS			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use of ground floor and basement levels from former pottery studio (Sui-generis class use) to children theatre at basement level and ancillary bookshop, café and workshop at ground level (Sui-generis class use), to include flue extract in existing chimney breast.					
Recommendation(s):		Grant conditional planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	Site notices Press notice	01/05/19-25/05/19 02/05/19-26/05/19	No. of responses	18	No. of objections	8
Summary of consultation responses:	<p>Responses from the following addresses have been received nos 6 Well Walk; 12, 31, 33, 36 Gayton Road, 45 Willow Road, 75 Flask Walk, 21 Rudall Crescent objecting to the proposed scheme on the following grounds:</p> <ol style="list-style-type: none"> 1. Cold food is better than cooked food as it reduces the risk of smells and extraction for neighbours. 2. Conditions should restrict to the provision of only cold food. 3. If granted for cooked food it will set a precedent. 4. Bins and waste are concerns in the residential street. This should not be located on the street. Previously the rubbish was stored in the existing gable end of the property, and this should be extended to accommodate commercial waste. 5. New business would bring crowds and congestion. 6. Traffic generated by parents in Hampstead is already a problem. Visitors should be restricted from coming by car. 7. Objection to food outlet/café as it will cause odour, waste, noise nuisance to neighbouring amenity. The street level differences would result in the roof level at no 49 to be at the eye/ear/nose level of some properties of Flask Walk. 8. The suggestion that 60-120 persons might be accommodated is absurd given the size of the premises. 9. The size of the kitchen and extractor unit seem excessive and inappropriate for a domestic use. 10. Poor choice of location for a theatre given the small pavement area in front and will cause serious hazard and disaster. <p><i>Officer response:</i></p> <ol style="list-style-type: none"> 1. <i>Given the very limited menu options for hot food by means of pancakes and waffles, the small size of the kitchen, the extract extending through the chimney breast at 1.4m above the ridge height, it is considered that no harmful impact would be caused to neighbouring amenity in terms of fumes and odours. See paras 3.6, 4.2-4.8</i> 2. <i>The Noise and Vibration, Fumes and Odours Assessments demonstrate that the restricted amount of hot food as proposed could be prepared on site without significant impact to neighbouring amenity. See paras 4.2-4.8</i> 3. <i>The proposed kitchen and extract is part of the overall proposed change of use to children's theatre, bookshop, café and workshop in sui-generis use. If a new use would be proposed at this site, then planning permission would be required and proposal assessed in line with council's policies and guidance.</i> 					

4. *Revised drawings show a dedicated waste and recycling area in the rear garden. A private contractor would collect the waste and recycling weekly. See para 5.4*
5. *There are no parking permits provided with the proposed change of use. It is not expected that crowds of people would wait outside the premises, however a Customer and Community Management Plan would be secured via condition. See paras 5.1-5.3*
6. *The area is served by good public transport connections with PTAL 3 and customers are expected to come via public transport, walking or cycling. See paras 5.1-5.3*
7. *As at points 1 and 2, The Noise and Vibration, Fumes and Odours Assessments demonstrate that given the height of the extract vent there would be no significant impact to the neighbouring amenity. See paras 3.6, 4.2-4.8*
8. *The number of customers attending the premises at one given time was not confirmed and this is subject to the Customer and Community Management Plan as secured by condition. See para 3.9*
9. *The size and kitchen of 8sqm and extractor proposed are considered suitable for the proposed mix of uses as supported by specialist assessments and environmental health officers' considerations. See paras 3.6, 4.2-4.8*
10. *The proposed puppetry children's theatre use would develop inside the premises at basement level which is considered appropriate in this instance, with a Customer Management Plan secured via condition. See paras 3.1-3.10*

Responses from the following addressed have been received: nos 107 Heath Street, Flat 10 at 59 Christchurch Hill; 10, 19, 35, Flat 1 at no. 21, 54 Gayton Road, 36 New End Square, 5 Cannon Place, Flat 34 Avenue Mansions, 54 Lisburne Road, supporting the proposed development on the following grounds:

- Respectful, viable, pro-community use of The Pottery.
- Additional venue for afterschool classes for local primary children is very beneficial.
- Wonderful idea, fully supported.
- Great idea to offer a high quality children activity in this part of Hampstead.
- Wonderful cultural and social addition to our neighbourhood to become a vibrant centre for your families and others.
- Very compelling proposal as it respects and builds on the history of the place.
- The neighbourhood is full of families but lacks of things to do with little ones.
- Perfect cultural entertainment for children in Hampstead.
- Delighted that a recreational and educational project such as this is proposed. There are no real dedicated spaces where kids and parents can relax, have a snack and enjoy some new cultural experiences.

**Gayton Resident's
Associaition**

The Gayton Resident's Association objected to the proposed scheme on the following grounds:

1. The need for an industrial extractor is surprising. Concerns that the place might be developed into a take-away food outlet.
2. Concerns over the noise and food odour which will adversely affect the amenities of neighbours.
3. Significant daily rubbish. No clear plans for refuse storage. Rubbish on the pavement will attract foxes and lead to an unpleasant mess for pedestrians.
4. Very narrow pavement and danger of young children queuing/congregating on the corner of the street.
5. The safety of the basement theatre in the event of fire, presumably be dealt with through Camden's Health & Safety.

Officer response:

1. *The proposed extract is considered to be adequate for the limited food menu proposed at the premises. See paras 3.6, 4.2-4.8. A take-away food outlet would require a new planning permission.*
2. *The Noise and Vibration, Fumes and Odours Assessments demonstrate that the restricted amount of hot food as proposed could be prepared on site without significant impact to neighbouring amenity. See paras 4.2-4.8*
3. *Revised drawings show a dedicated waste and recycling area in the rear garden. A private contractor would collect the waste and recycling weekly. See para 5.4*
4. *It is not expected that children would be congregating in great numbers outside the premises. Future customers of the new uses proposed would be appropriately managed within the premises and in close proximity to the site, a customer management plan would be secured by condition. See para 3.9, 3.10, 5.2, 5.3*
5. *The proposal would be approved by a Building Control body which would ensure the premises are secured in the event of fire.*

Site Description

The application site comprises an end of terrace five storey building, including basement and mansard levels, located on the western side of Willow Road, at the junction with Well Walk and Flask Walk. The site lies within Hampstead Conservation Area and the building is considered to make a positive contribution to the area.

The ground floor and basement premises, known as The Pottery, was designated as an Asset of Community Value (ACV) on 18th of September 2018, for it being part of local historical memory (since 1950's) and its ability to bring people together to take part in a shared activities. It is highly valued by both people living nearby and more widely in Hampstead. It is noted that the use as a pottery studio has never been formally regularised through planning consent.

It is noted that the nomination letter for ACV indicated that the operation of the premises ceased from approximately 2000 to 2017. The most recent occupiers, Claytime Community Interest Company, have recently vacated the site.

Relevant History

No relevant planning records at the application site.

Relevant policies

National Planning Policy Framework 2019

The London Plan March 2016

Camden Local Plan 2017

G1 - Delivery and location of growth
A1 - Managing the impact of development
A4 – Noise and vibration
C2 – Community facilities
C3 – Cultural and leisure facilities
E1 - Economic Development
E2 – Employment premises and sites
D1 - Design
D2 - Heritage
D3 - Shopfronts

Camden Planning Guidance

CPG - Design 2019
CPG - Amenity 2018
CPG – Community uses, leisure facilities and pubs 2018

Hampstead Conservation Area Statement 2002

Hampstead Neighbourhood Plan 2018-2033

Policy HC2 – Community Facilities

Assessment

1. Proposal

1.1 The applicant seeks planning permission to change the use of the existing ground and basement floor levels from pottery studio in Sui-generis class use to:

- basement level - children theatre comprising auditorium, stage and back of house (27sqm), cloakroom (5sqm) and toilet (2sqm);
- ground floor level – bookshop (15sqm), café (5sqm) and workshop (11sqm)
- outdoor garden area - waste and recycling area (4sqm)

1.2 The proposed café hot food offer constituting waffles and pancakes, would be serviced by plant at ground floor level in the kitchen area and an extraction fan to be installed through the existing chimney breast.

2. Considerations

2.1 The main issues for consideration area:

- Land use
- Impact on neighbouring amenities
- Transport and refuse

3. Land use

3.1 The premises have been used as a pottery studio for a significant amount of time. It is understood that the previous operation included a mix of uses, comprising 3 kiln rooms and storage, used for pottery and ceramics classes at basement level, the shop at ground floor frontage was used for selling pots and ceramics created in the basement and associated storage in the middle part of the floor level and workshop to the rear. Due to this wide range of uses the premises would have been in sui-generis class use.

3.2 The Pottery was designated as an Asset of Community Value (ACV) on 18th of September 2018, for it being part of local historical memory (since 1950's) and its ability to bring people together to take part in a shared activities, highly valued by both people living nearby and more widely in Hampstead. It is noted that the use as a pottery studio has never been formally regularised through planning consent. The previous occupiers, Claytime Community Interest Company have vacated the site in 2018.

3.3 The proposed development also includes a variety of uses which are materially different but they can be widely associated with The Pottery, by means of retaining the glazed open shopfront at ground floor level, workshop area to the rear, and performance space at basement level. Therefore, the proposed mix of uses would also fall under sui-generis use, and they overall would aim to retain community involvement and participation in cultural and leisure activities. The proposed uses are designed to entertain and relax both children and parents through a mix of cultural, recreational and leisure activities.

3.4 The puppet theatre at basement level would be the main activity at the premises and the other uses would be ancillary to it. The theatre performances would be accompanied by live piano music directed towards children but enjoyable for adults too. The applicant confirmed

that the proposed use would act in the realms of the ACV through collaboration with local communities, schools and other educational institutions. In order to ensure this long term, a Community and Customer Management Plan would be secured by condition.

- 3.5 In relation to the activities proposed at ground floor level, these would complement the theatre at the basemen level through their use and layout. As such, the proposed bookshop would be facing the street corner, making use of the glazed shopfront and existing shelves. The bookshop would provide specialised children's book to be enjoyed by children and parents also. The bookshop includes a small café area, with three tables and chairs, where parents can relax whilst waiting for their children. The snacks served at the café would be made in the small kitchen located in the middle of the ground floor level.
- 3.6 The café offer is limited to hot drinks, pancakes, waffles and fruits. Due to the cooking element required by pancakes and waffles, the kitchen would be served by an extract which makes use of the existing chimney breast, exhausting above the roofs of the application site and neighbouring buildings. The proposal is supported by a Noise & Vibration and Fumes and Odours assessment, which confirms that there would be no harmful impact caused to neighbouring amenity - this element of the proposal is discussed in more detail in the next amenity section. In terms of land use, given the restricted floor space, limited food offer and being supported by specialist assessments, it is considered that the kitchen use and extract would complement the proposal and be appropriate in the current context.
- 3.7 The proposed workshop at the ground floor level to the rear would be used to develop various creative activities for children, such as sewing and art workshops. This would also be ancillary to the main puppet theatre use and would further support the premises as an ACV.
- 3.8 In terms of employment, the premises would employ two full time people and six part time people including, a puppeteer, a piano player, a hostess, two sales people for the bookshop and café, three animators for the puppet workshops, sewing and art workshops. This would be an increase in employment at the premises from the previous occupation, which is considered acceptable and in line with the economic development aims of the site.
- 3.9 The maximum number of children and parents to be attending the proposed activities, as well as possible travel patterns of visitors and their management whilst on site, are due to be confirmed as part of a Customer and Community Management Plan secured via condition.
- 3.10 Overall, the proposed change of use would be considered acceptable in this location as it aims to re-provide in a new and original manner the benefits of the previous use which in time became so popular as to be considered an asset of community value. The proposal also responds positively to policy HC2 of Hampstead Neighbourhood Plan through the re-provision of a facility that meets the needs of the local residents.

4. Impact on the neighbouring amenity

- 4.1 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm their amenity. In the current context, the main factors which are considered to impact the amenity of the neighbouring residents are noise and vibration, odour and fumes, and transport impacts.
- 4.2 As noted above, the proposed change of use would include the provision of extract and associated plant located in the kitchen at ground floor level. The extract would extend within the existing chimney breast and it is supported by a Noise and Vibration, Fumes and Odour assessment. The noise and vibration assessment was based on two closest receptors,

Receptor 1 adjacent to the application site at no. 36 Gayton Road and opposite the application site Receptor 2 at no. 48 Willow Road. The surveys undertaken and assessment concluded that the proposed plant and extract will operate at a lower level than the lowest existing background noise level of 46dbA La90, and would be perceived by Receptor 1 at a level of 31dBA and by Receptor 2 at a level of 28dBA. This would be considered acceptable given it is less by more than 10dBA than the background noise. A compliance condition would be attached to ensure that the noise levels would be minimal and not cause harm to the neighbouring amenity.

- 4.3 Regarding vibration levels, given the small extent of the proposed plant and equipment it is considered that this would not cause harmful vibration levels to the neighbouring amenity. Anti-vibration isolators for plant and equipment would be secured via a compliance condition attached to this decision.
- 4.4 In relation to noise levels within the existing building, it is noted that the upper floors of the application building are in residential use. The Noise assessment included internal testing in order to establish the existing sound insulation performance of the existing floor construction. Based on the tests results the proposal would upgrade the sound insulation for the ceiling within the ground floor level. Given that the main point of concern in this instance is the noise between the ground floor and the upper floors, the proposed mitigation measures are considered acceptable.
- 4.5 In relation to fumes and odours from the proposed kitchen extract, the applicant provided an Odours and Fumes assessment which took into account the location of the extract vent at 1.4m above the ridge and 3.9m above eaves height, the distance to the nearest sensitive receptors, the size of the kitchen (8sqm) and the limited food offer to pancakes and waffles. As such, following the Defra Odour Risk Assessment methodology it is concluded that potential odour risk for the proposed development is "Low to medium". Given the very limited menu options proposed for hot food and that no frying or use of spiced or highly odorous foods are proposed, it is considered that the resulting impact would be mainly at the lower and the risk odour.
- 4.6 In addition, the Source Pathway Receptor Odour Assessment (SPR) undertaken, concluded that given the high level discharge and the very limited cooking proposed, the odour risk from the proposed kitchen would be low, and therefore there would be no need for further odour mitigation. This assessment is considered acceptable.
- 4.7 Environmental health officers have assessed the proposed plant equipment and associated documentation and considered the information sufficient to demonstrate that no harm would be caused to the neighbouring amenity in terms of noise, vibration, odours and fumes.
- 4.8 In addition, given the location of the premises and as the proposed bookshop and café use located at ground floor level, and shopfront glazed fenestration retained, this would provide a good level of natural surveillance for this corner area which would be generally beneficial for the neighbouring amenity. The opening hours for the premises would be Monday to Sunday from 9am to 6pm, which would be considered acceptable, given the residential surroundings and proposed uses.

5. Transport and refuse

- 5.1 Given the proposal would result in minimal internal alterations and no external ones, it is considered that a Construction Management Plan would not be necessary in this instance.
- 5.2 It is noted, that the proposed change of use would bring additional number of people, mainly children to the site and therefore the comings and goings would increase. It is

highlighted that the previous pottery studio in sui-generis use did not have any restrictions on the number of patrons who would want to join the premises at one given time. As such, in order to ensure that the future customers of the new uses proposed would be appropriately managed within the premises and in close proximity to the site, a customer management plan would be secured by condition.

5.3 In relation to additional traffic, it is confirmed that the proposed change of use would not entitle the occupiers to a parking space, nor the visitors of the premises. The premises are served by good public transport connections and it is expected that most of the customers would arrive using public transport means, walking or cycling.

5.4 In relation to refuse, the proposed plans show an area of 4sqm in the rear garden to be occupied by waste and recycling containers. Also, the applicant confirmed that a private contractor to collect the waste and recycling weekly would be appointed. It is therefore considered that the proposed waste and recycling location and arrangement would be acceptable.

6. Recommendation

6.1 Grant conditional planning permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 5th of August 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2019/1812/P
Contact: Nora-Andreea Constantinescu
Tel: 020 7974 5758
Date: 31 July 2019

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
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Phone: 020 7974 4444

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Michael Burroughs Associates
93 Hampton Road
Hampton Hill
TW12 1JQ

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
49 Willow Road
London
NW3 1TS

Proposal: Change of use of ground floor and basement levels from former pottery studio (Sui-generis class use) to children theatre at basement level and ancillary bookshop, café and workshop at ground level (Sui-generis class use), to include flue extract in existing chimney breast.

Drawing Nos: Site location plan; Planning & Heritage Impact Statement April 2019; DZLM Ltd Odour Appraisal 28 March 2019; Cabiner & Twin Fans - Air Vent Technology Uniclass L7534; EX_302; PL_322; 17628/E/01-01; S-02 Rev B; Noise Impact Assessment R7865-1 Rev 1 dated 1st May 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 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 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; Planning & Heritage Impact Statement April 2019; DZLM Ltd Odour Appraisal 28 March 2019; Cabiner & Twin Fans - Air Vent Technology Uniclass L7534; EX_302; PL_322; 17628/E/01-01; S-02 Rev B; Noise Impact Assessment R7865-1 Rev 1 dated 1st May 2019.

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

- 4 The use hereby permitted shall not be carried out outside the following times 09.00-18.00 Mondays to Sunday.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1, A4 and TC3 of the London Borough of Camden Local Plan 2017.

- 5 Before the use commences sound insulation shall be provided for the building in accordance with the Noise Impact Assessment R7865-1 Rev 1 dated 1st May 2019. The use shall thereafter not be carried out other than in accordance with the approved scheme.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 6 No sound emanating from the use shall be audible within any adjoining premises between 1900 hrs and 0800 hrs.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, A4, D1, TC3, A4 of the London Borough of Camden Local Plan 2017.

- 7 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, by 15dBA 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 safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 8 Prior to use, machinery, plant or equipment and 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 adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 The plant and machinery associated with the development shall only be operational between the hours of 09:00-18:00 Monday to Sunday.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policies A1 and A4 of the Camden Local Plan 2017.

- 10 Prior to the use commencing, a Customer Management and Community Involvement Plan shall be submitted and approved in writing by the local authority, which includes details of the community engagement regarding the proposed use and management of customers within the premises and in close proximity.

Reason: To ensure the continuation of the premises as an Asset of Community Value and ensure the amenity of occupiers of the development site and surrounding occupiers are not adversely affected by noise from mechanical installations/ equipment, in accordance with Policy A4 of the 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 All works should be conducted in accordance with the Camden Minimum Requirements – a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council

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>

DRAFT

Yours faithfully

Director of Regeneration and Planning

DECISION