

Application ref: 2019/0509/P
Contact: Josh Lawlor
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Date: 1 August 2019

Development Management
Regeneration and Planning
London Borough of Camden
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Design Squared Ltd
International House
Canterbury Crescent
Brixton
London
SW9 7QE

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Basement and Ground Floor
79-81 Heath Street
London
NW3 6UG

Proposal:

Change of use of ground floor and basement from estate agents (Class A2) to bakery and cafe (Mixed Class A1/ A3 - sui generis) and associated alterations including the installation of 1 x air conditioning condenser unit to first floor flat roof and extraction system to rear.

Drawing Nos: Site Location Plan, Block Plan, R2-28.3.19 Heath Street, Hampstead-1818457-DJA, 2568r1-Odour Impact Assessment-Heath Street Hampstead, 5472-CBC-00-RF-DR-M-57600 Ventilation Layout, 190610 - JCH00871 - Heritage Statement 2, 762-MS-204, 762-MS-203, 762-MS-101, 762-MS-102, 762-MS-103, 762-MS-201, 762-MS-202, 762-MS-301, 762-MS-302, 762-P-103_REVB, 762-P-302_REVB, 762-P-301_REVB, 762-P-401, 762-P-101, 762-P-102, 762-P-201, MEP Services report, Odour Impact Assessment ref. 2568r1 dated 20th December, EH Response document dated 18/07/2019

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 and policy DH1 and DH2 of the Hampstead Neighbourhood Plan (2018),

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans [Site Location Plan, Block Plan, R2-28.3.19 Heath Street, Hampstead-1818457-DJA, 2568r1-Odour Impact Assessment-Heath Street Hampstead, 5472-CBC-00-RF-DR-M-57600 Ventilation Layout, 190610 - JCH00871 - Heritage Statement 2, 762-MS-204, 762-MS-203, 762-MS-101, 762-MS-102, 762-MS-103, 762-MS-201, 762-MS-202, 762-MS-301, 762-MS-302, 762-P-103_REVB, 762-P-302_REVB, 762-P-301_REVB, 762-P-401, 762-P-101, 762-P-102, 762-P-201, MEP Services report, Odour Impact Assessment ref. 2568r1 dated 20th December, EH Response document dated 18/07/2019]

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 07:00 to 19:00 Mondays to Sundays

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC2 and TC4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing daytime 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. The post installation noise assessment shall be carried out as required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC2 and TC4 of the London Borough of Camden Local Plan 2017.

- 6 Prior to commencement of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that extract/ ventilation system are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC2 and TC4 of the London Borough of Camden Local Plan 2017.

- 7 The installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, shall be carried out in accordance with the 'Guidance on the assessment of odour for planning 2018' by the Institute of Air Quality Management. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour in accordance with policy A1, TC2 and TC4 of the Camden Local Plan 2017.

- 8 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 and A4, TC1, TC2, TC4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

In terms of land use the proposal seeks a change of use from Class A2 (Estate Agent) to a mixed use Class A1/A3 (Café and Bakery). The site is located within the Hampstead Town centre and situated on a secondary retail frontage. Policy TC2 aims to provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice. Para.4.66 of the Town Centres CPG (2018) states that the Council will generally resist proposals which would result in less than 50% of the premises in secondary frontages within the Hampstead Town Centre being in retail use. The Council will also generally resist more than three consecutive premises within a secondary frontage being in non-retail use (para. 4.68). The Hampstead Neighbourhood Plan provides further guidance under Policy EC1, which seeks to preserve small retail premises. The application site was most recently operating at an estate agents (Class A2), which is a town centre use but did not contribute a retail unit to the secondary shopping frontage. As such the change of use to a mixed use Café/Bakery (Class A3/A1) would increase retail provision on the existing and is considered compliant with policy TC2.

Policy TC4 part b, states that that the Council will consider the cumulative impact of food, drink and entertainment uses, taking into account the number and distribution of existing uses and non-implemented planning permissions and any record of harm caused by such uses. Policy TC4 part c and d states that the expectations for the mix and balance of uses within frontages for each centre are set out in CPG Town centres and retail. CPG Town centres and retail set no maximum proportions of A3, A4 and A5 (food drink and entertainment uses) for the Hampstead Town Centre, therefore the change of use to a mixed use A3/A1 (Café and Bakery) is considered to be compliant with policy TC4, subject to amenity considerations.

It is noted that the mixed use Café/Bakery would cause less residential amenity impact in terms of noise and general disturbance when compared to a pure food and drink establishment within the A3 Use Class. This is due to the operating hours being limited to 07:00 - 19:00 by condition and the nature of the use which involves a retail element. The Council's environmental health officer has reviewed the submitted noise report and considers the details acceptable to approve subject to prior to commencement conditions for further details relating to proposed plant equipment and anti-vibration measures. Conditions have been attached to restrict the opening hours, noise and odour emanating from the site, which are deemed necessary to protect residential amenities.

The proposed extraction system would be installed to the rear first floor flat roof. The extract system would be of a modest size and the flue would be painted black which would help it blend in with the building. The location of the flue which would run against a brick wall would mean it would not be visible in public views.

The proposal would provide two long stay bike stands at ground floor for staff use. The Council's transport planner has confirmed that this would meet the requirements of policy T1 and T4.

Two objections were received following public consultation on the scheme and have been duly considered. The site's planning history was taken into account in coming to this decision.

The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and Listed Building, under s.72 and s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with policies G1, CC1, TC1, TC2, TC4, T1, A1, A4, D1 and D2 of the Local Plan (2017), policies DH1, DH2, TT4, EC1 and EC2 of the Hampstead Neighbourhood Plan (2018), CPG Town Centres and Retail (2018), The London Plan 2016, and NPPF 2019.

- 2 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.
- 3 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.

- 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.

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



Daniel Pope
Chief Planning Officer