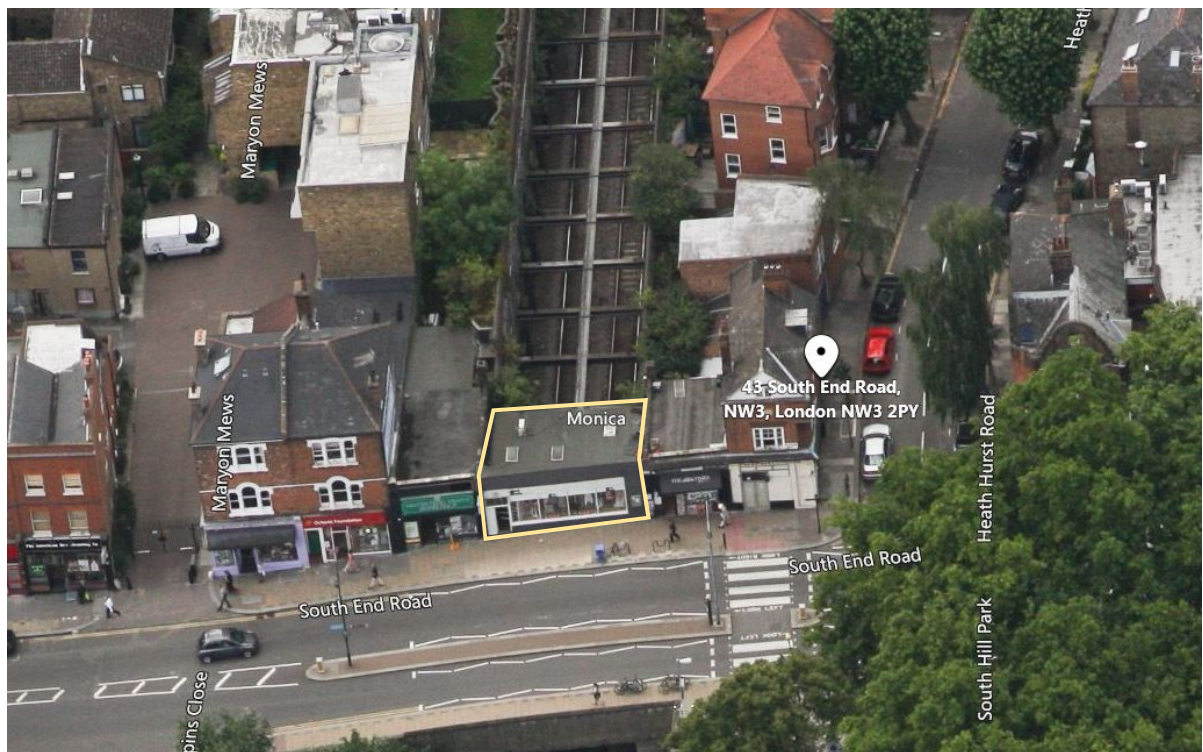


2019/3627/P & 2019/3630/P – 37-39 South End  
Road, Hampstead, London, NW3 2PY



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## Photographs – 37-39 South End Road



1. Aerial View (As of Sept 2019)



2. Exterior views of the building (As of Oct 2019)

<b>Delegated Report (Members Briefing)</b>	Analysis sheet	Expiry Date:	10/09/2019
	N/A / attached	Consultation Expiry Date:	22/09/2019
<b>Officer</b>		<b>Application Numbers</b>	
Mark Chan		i) 2019/3627/P & ii) 2019/3630/P	
<b>Application Address</b>		<b>Drawing Numbers</b>	
37-39 South End Road Hampstead London NW3 2PY		Please refer to decision notice	
<b>Proposals</b>			
2019/3627/P – Installation of new shopfront including roof alterations and associated works.  2019/3630/P – Installation of plant equipment and 2 x external condenser units on roof.			
<b>Recommendations:</b>	i) Grant conditional planning permission ii) Grant conditional planning permission		
<b>Application Types:</b>	Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	8	No. of objections No of comments No of support	6 0 0
Summary of consultation responses:	<p>Site notices were displayed for both applications from 23/08/2019 until 16/09/2019. Press notices were displayed for both applications from 29/08/2019 until 22/09/2019.</p> <p>Four objections from neighbouring residents were received regarding:</p> <p>1. <u>Land Use</u></p> <ul style="list-style-type: none"><li>o No room and no need for any more café and takeaway, especially not food franchises</li></ul> <p><i>Officer's comment: The application shop unit was previously in Retail use (Class A1) and the proposed Pret A Manger, despite its sale of food and drinks, is also considered a retailer. As such, no change of land use is proposed.</i></p> <p>2. <u>Impact on Neighbouring Amenities</u></p> <ul style="list-style-type: none"><li>o Add to congestion, both vehicular and pedestrian</li><li>o Add to rubbish left in the area</li></ul> <p><i>Officer's comment: See 'Impact on neighbouring amenity' Section</i></p> <p>3. <u>Miscellaneous</u></p> <ul style="list-style-type: none"><li>o Premises should be used by other, privately owned, small business</li><li>o The pavement is too narrow for tables and chairs</li></ul> <p><i>Officer's comment: Whilst the Council do support small independent businesses, the scale of the business does not affect the assessment of the proposed developments and the Council cannot control which tenants occupy a commercial unit. The placement of chairs and tables on the pavement are not within the scope of this application and would be addressed in other applications.</i></p>					
CAAC/Local groups comments:	<p>Two objections were received from the <b>Heath &amp; Hampstead Society (H&amp;H)</b> regarding:</p> <p>1. <u>Design</u></p> <ul style="list-style-type: none"><li>o The installation can be seen from nearby habitable rooms at first floor level and above. A housing for the plant and ducts etc. would help.</li></ul> <p>Officer's comment: See 'Design' Section</p> <p>2. <u>Land Use</u></p> <ul style="list-style-type: none"><li>o No room and no need for any more food outlets, especially not food franchises</li></ul> <p>3. <u>Impact on Amenities</u></p> <ul style="list-style-type: none"><li>o The noise from the extraction fans will be a serious nuisance to the nearby domestic properties.</li><li>o No allocation has been made for storage of rubbish and food waste inside the property. Piles of waste outside on the pavement creates a health hazard and</li></ul>					

a physical barrier to the many passers-by and neighbours.

*Officer's comment: See 'Impact on neighbouring amenity' Section*

4. Miscellaneous

- The pavement is too busy for external seats and tables.

*Officer's comment: The placement of chairs and tables on the pavement are not proposed as part of the current application.*

Councillor comments

**Councillor Higson** has commented on the applications:

- I wanted to raise a concern regarding the applications for 37-39 South End Road. I understand that the application doesn't ask for a change of use as the existing A1 use would be appropriate for a shop predominantly selling food for takeaway. However, we all know that Pret stores serve food to eat in (which, if that was the predominant business, would be an A3 use).
- I'm concerned that, if they want it to be an A1 business, they would need to:
  - Refrain from placing chairs and tables on the pavement, something which I think would be beneficial to consider as the pavement in that area is very busy
  - Have appropriate litter policies to help with another shop selling takeaway food.

**Councillor Stark** has also commented on the applications:

- The applicant states the noise from the railway will disguise the noise from the plant. Officers need to check operating times of the plant and times the railway is running. What is the background noise level (night and daytime). Applicant needs to provide this. This needs to be compared to the operating level of the plant (I think between 55/73 dba). Will a restriction on the use of the plant be imposed? Noise from the machinery will increase with time. What is the maintenance schedule for the plant? Is this plant being used at another Pret site, site inspection to be arranged Restrictions to be put in place.

*Officer's comment: The current applications are seeking permission for the installation of plant equipment on the roof level and installation of a new shopfront at a currently vacant ground floor retail (Class A1) unit. Whilst Councillor Higson's concerns about the business nature of Pret, the placement of chairs and tables on the pavement and potential littering are noted, no outdoor seating is proposed as part of the current application and the Council cannot control the type of business occupying an existing retail unit. The potential littering will be addressed in the amenity section below.*

*A Noise Impact Assessment was conducted and submitted by the applicant. The Council's Environmental Health Officer has reviewed the assessment and application and is satisfied that the proposal meets the minimum noise level requirements and a condition is included to ensure the proposed measures are implemented. Furthermore, the operating hours of the Pret is not material to this application as it is not seeking to change or established its use.*

## Site Description

The application site consists of a vacant ground floor retail unit in a single storey building. The building is part of a terrace along the western side of South End Road. The unit and shopfront as a whole are now in very poor condition and quality. The nearest residential properties are the residential flats on the upper floors of Nos. 33 and 43 South End Road. None of the flats have windows that directly face over the roof of the application site.



The site is located within the Hampstead Conservation Area but does not contain nor is it in the vicinity of a Listed Building.

### Relevant History

**2019/3628/A** – Display of 1x externally illuminated fascia sign, 1x non-illuminated fascia sign, 1x externally illuminated projecting sign and vinyl to the shopfront. Granted 28/11/2019.

**2019/4002/TC** – 3 Tables and 6 Chairs, Monday- Friday 08:00 to 19:30, Saturday 08:00 to 19:00, Sunday 08:00 to 18:00. Granted 17/10/2019.

**9005262** – The erection of new doorway within the previously existing wooden and brick shopfront and erection of fixed canvas awnings in connection with the creation of a separate Class A2 financial services unit as shown on drawing no. P004 (March 90). Granted 19/03/1991.

**9080815** – The display of an externally illuminated fascia sign consisting of spot light illuminated block lettering reading 'The Mortgage Fair' as shown on drawing no. P004 (March 90). Granted 19/03/1991.

**6783** – The re-erection of a single-storey building for use as shops or a bank extension at Hampstead Heath Station, 37-39 South End Road, Camden. Granted 14/05/1969.

### Relevant policies

**National Planning Policy Framework 2019**  
**London Plan 2016**

**London Borough of Camden Local Plan (2017)**

A1 Managing the impact of development  
A4 Noise and vibration  
D1 Design  
D2 Heritage  
D3 Shopfronts

**Hampstead Neighbourhood Plan (2018)**

DH1 Design  
DH2 Conservation areas and listed buildings

**Camden Supplementary Planning Guidance**

CPG Design (2019)  
CPG Amenity (2018)

**Hampstead Conservation Area Appraisal and Management Strategy (2001)**

### Assessment

#### 1. Proposal

1.1 Planning permissions are sought for:

- Installation of a replacement shopfront, roof alterations and associated works; and
- Installation of plant equipment and 2x external condenser units on the roof.

1.2 The lawful use of the existing unit is Class A1 (retail) and Pret a Manger outlets are considered to fall with this use class, as such no change of use is proposed as part of the proposals.

#### 2. Revisions

2.1 No revisions have been sought for either application.

### **3. Assessment**

3.1 The material planning considerations in the determination of this application are:

- Design (the impact of the proposal on the character and appearance of the host building and wider Hampstead Conservation Area); and
- Amenity (the impact of the proposal on the amenity of neighbouring occupiers).

### **4. Design and impact on Conservation Area**

4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Local Plan policy D1 seeks to achieve high quality design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Through Local Plan policy D2, the Council will seek to preserve and, where appropriate, enhance Camden's conservation areas. Camden's Local Plan is supported by CPG Design (2019).

4.2 CPG Design (2019) provides further guidance relating to shopfronts (Chapter 6), and states that alterations should respect the detailed design, materials, colour and architectural features of the shopfront and building itself.

4.3 Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") are relevant. It requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

4.4 The effect of these sections of the act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.

4.5 The Hampstead Conservation Area Appraisal and Management Strategy states that with the exception of Nos. 23, 31, 45, South End Road, the shopfronts in the road are of very poor quality. Whilst this section of the shopping parade dates back to the late 1890s, the current shopfront is not original as it was rebuilt in 1969. Following vacation by the previous tenant, the condition of the application unit and shopfront has deteriorated.

4.6 The replacement shopfront is considered to be a significant improvement over the existing as it offers an aesthetic improvement to the shopping parade. It introduces traditional architectural features of shopfronts such as stall risers, makes good of existing pilasters and brickwork, and utilises traditional materials such as timber and tiles. The entrance door is moved from the left of the unit to the right to enable level access which is a betterment over the existing position. The proposals would also replace the fascia band across the width of the shopfront whilst removing the unsightly existing shopfront fascia. The inclusion of a parapet assists in the construction of the flat roof, while also providing a feature that hides the future installation of external plant upon the flat roof.

- 4.7 Overall, the replacement shopfront has been designed to improve the streetscene along South End Road by relating to the scale, proportions and architectural style of traditional buildings and surrounding facades. It is considered the materials, colour and architectural features of the new shopfront would complement the character and appearance of the wider Conservation Area.
- 4.8 The new flat roof and flat parapet wall will replace the existing roof partially and the sloped parapet completely which are in a poor state of repair and unserviceable. The new parapet wall will be approximately 0.2m higher than the existing which would match the walls on either side of the unit. The new flat roof will not be visible from the public realm, and is therefore considered acceptable.
- 4.9 The size of the external condenser units and plant equipment are considered acceptable for units and equipment of their kind when compared to the overall mass of the building and roofspace. The equipment and units will be installed behind the proposed parapet on the new roof and would not be visible from street level. During the site visit it was noted that whilst the nearest residential properties are flats on the upper floors of Nos. 33 and 43 South End Road, none of the flats appear to have windows facing towards the roof of the application site. Thus, no significant harm would be caused to the visual amenity of the occupiers of these flats as a result of the development.
- 4.10 Overall, the external condenser units and plant equipment would not result in an incongruous addition and would not have harmful impact on the character and appearance of the host building and wider area. A condition will be included to ensure all external duct work will be painted dark grey to match the finish colour to the flat roof in order to further reduce its impact on visual amenity.

## **5. Amenity**

- 5.1 Policies A1 of the Local Plan seek to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.
- 5.2 Whilst it should be noted that the use of the site and its refuse storage and collection arrangements are not considered directly relevant to the assessment of these two applications, the store will have provision for refuse and recycling storage and collection.
- 5.3 The Council's Environmental Health officer has reviewed the application and is satisfied that the proposed plant equipment meets the minimum noise level requirements as long as Section 6 of the Noise Impact Assessment (duct work mounted on attenuators, fans mounted on vibration isolators and housed within an enclosure) are implemented. The proposed units would not have a harmful impact on the amenity of neighbouring residential properties in terms of noise and would be considered acceptable, subject to condition.
- 5.4 As such, the proposed works are not considered to cause harm to the amenity of neighbouring residents in terms of outlook, daylight, privacy or noise disturbance.
- 5.5 It is acknowledged that asbestos is present in the internal walls of the building. However, works relating to the removal or management of asbestos are controlled under separate environmental



health legislation (Control of Asbestos Regulations 2012) and thus would not inhibit the determination of the current planning applications. An informative has been added to the decision notice reminding the applicant to notify the Health and Safety Executive of the proposed refurbishment works.

## **6. Conclusion**

- 6.1 On balance, the proposed development is considered acceptable and would preserve the character and appearance of the host building, the conservation area and would not result in significant harm to the amenities of neighbouring occupiers.

## **7. Recommendation**

- 7.1 Grant conditional planning permissions.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 9<sup>th</sup> December 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2019/3627/P  
Contact: Mark Chan  
Tel: 020 7974 5703  
Date: 5 December 2019

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

Savills  
2 Kingsway  
Cardiff  
CF10 3FD

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**37-39 South End Road  
Hampstead  
London  
NW3 2PY**

# DECISION

Proposal:

Installation of new shopfront including roof alterations and associated works.

Drawing Nos: Cover Letter, Site Location Plan, TD19/PM103/PL01.1, TD19/PM103/PL02.1, TD19/PM103/PL1.2 Rev A, TD18-PM103-PLS1.2 Rev A, TD19/PM103/PLS1.1 and TD19/PM103/PL02.2 Rev D

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

Drawing Nos: Cover Letter, Site Location Plan, TD19/PM103/PL01.1, TD19/PM103/PL02.1, TD19/PM103/PL1.2 Rev A, TD18-PM103-PLS1.2 Rev A, TD19/PM103/PLS1.1 and TD19/PM103/PL02.2 Rev D (Last received 25/11/2019)

Reason:

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

DRAFT

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 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 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.
- 5 It is noted that asbestos is present in the building and the applicant is reminded of the need to notify the Health and Safety Executive (HSE) officer when carrying out refurbishment works at the site.

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

Director of Regeneration and Planning

**DECISION**

Application ref: 2019/3630/P  
Contact: Mark Chan  
Tel: 020 7974 5703  
Date: 5 December 2019

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
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Savills  
2 Kingsway  
Cardiff  
CF10 3FD

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**37-39 South End Road  
Hampstead  
London  
NW3 2PY**

# DECISION

Proposal:

Installation of plant equipment and 2 x external condenser units on roof.

Drawing Nos: Cover Letter, STS0231-M01 Rev T3, TD19/PM103/PL01.2 Rev B, TD18-PM103-PLS1.2, Location Plan and Noise Impact Assessment

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:

Drawing Nos: Cover Letter, STS0231-M01 Rev T3, TD19/PM103/PL01.2 Rev B, TD18-PM103-PLS1.2, Location Plan and Noise Impact Assessment (Last received 04/10/2019)

Reason:

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

- 4 All the external duct work shall be painted dark grey to match the finish colour to the flat roof 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.

- 5 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(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 15dB(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 policy A1 of the London Borough of Camden Local Plan 2017.

- 6 Before the use commences, the extract ventilating system and air-conditioning plant shall be provided with sound attenuation and anti-vibration measures in accordance with the scheme approved in writing by the local planning authority. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

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

Informative(s):

- 1 This permission relates to the installation of plant equipment only and does not grant permission for the replacement roof, parapet and new hatches as shown on drawing Nos: TD19/PM103/PL01.2 Rev B and STS0231-M01 Rev T3.



- 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 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.
- 4 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.

- 5 It is acknowledged that asbestos is present in the building but this is controlled under separate environmental health legislation - Control of Asbestos Regulations 2012 and thus would not affect the determination of the current planning application.

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:

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Yours faithfully

Director of Regeneration and Planning