

Application ref: 2019/2831/P
Contact: Kate Henry
Tel: 020 7974 3794
Date: 20 January 2020

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Cubic Building Surveying Limited
9 West Hill
London
SW18 1RB

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**332 West End Lane
London
NW6 1LN**

Proposal:

Change of use of first and second floors from ancillary restaurant use (Class A3) to create 2 self-contained flats (Class C3); loft conversion involving installation of rear dormer and 2x front rooflights; creation of 2x rear roof terraces

Drawing Nos: C13941-100 A; C13941-101 A; C13941-102 A; C13941-103 A; C13941-104 A; C13941-105 A; C13941-106; C13941-107; C13941-108; Design & Access Statement (updated, undated); Air Quality Assessment, dated 03/09/2019

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: C13941-100 A; C13941-101 A; C13941-102 A; C13941-103 A; C13941-104 A; C13941-105 A; C13941-106; C13941-107; C13941-108; Design & Access Statement (updated, undated); Air Quality Assessment, dated 03/09/2019.

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 Prior to occupation, details of secure and covered cycle storage area for 2x cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 5 The second floor side-facing window to serve the bedroom shall be obscurely glazed and non-openable below a height of 1.7m. The windows shall thereafter be retained as such.

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.

- 6 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwellings shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 7 Prior to commencement of development, full details of the mechanical ventilation system including air inlet locations shall be submitted to and approved by the local planning authority in writing. Air inlet and openable window locations should be located away from busy roads and any boiler stack and as close to roof level as possible, to protect internal air quality. The development shall thereafter be constructed and maintained in accordance with the approved details.

Reason: To protect the amenity of residents in accordance with London Borough of Camden Local Plan Policy CC4.

- 8 Prior to occupation evidence that an appropriate NO₂ filtration system on the mechanical ventilation intake has been installed and a detailed mechanism to secure maintenance of this system should be submitted to the Local Planning Authority and approved in writing.

Reason: To protect the amenity of residents in accordance with London Borough of Camden Local Plan Policy CC4.

- 9 Sound insulation of the floor/ ceiling/ walls separating any residential from commercial shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 5dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained. .

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with the requirements of Policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 10 The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise and vibration, in accordance with the requirements of Policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 11 The flue on the rear elevation shall be removed from the building prior to the occupation of either of the new residential units.

Reason: To protect the amenity of residents in accordance with London Borough of Camden Local Plan Policies A1 and A4.

Informative(s):

1 Reasons for granting

Policy G1 supports development which makes the best use of the site and Policy H1 regards housing as the priority land use of the Local Plan. On this basis, the provision of housing (1x studio flat and 1x 1-bed flat) is welcomed. The application site is within a designated Neighbourhood Centre (Finchley Road / West End Lane,) wherein the Council will seek to retain convenience shopping for local residents and where it will ensure that development does not harm the function, character or success of that centre (Policy TC2). It is not considered that converting the upper floors of the application building to housing would have a detrimental impact on the use of the ground floor as a restaurant, albeit it would need to operate with a smaller kitchen. It is also worth noting that the fume vent on the rear elevation is being removed as part

of the proposals and therefore any future restaurant operator would need to re-apply for any required ventilation equipment etc. Nevertheless, it is not considered that this would prejudice the future operation of the ground floor as either a restaurant, café or retail shop.

Policy H7 seeks to ensure that all housing development, including conversion of existing homes and non-residential properties, contributes to meeting the priorities set out in the Dwelling Size Priorities Table (DSPT). The Fortune Green and West Hampstead Neighbourhood Plan (FGWHNP) also requires the provision of a range of different unit sizes in residential development, including 3 and 4 bed homes suitable for families, where appropriate. The DSPT gives low priority to 1-bed and studios and high priority to 2-bed units. Nevertheless, the proposed mix is considered to be acceptable, taking into account the constraints of the host building whereby it is not possible to provide a policy compliant 2 bed unit on the upper floors (the plans have been revised to ensure the new dwellings meet the space standards).

Policy H4 seeks to maximise the supply of affordable housing in the borough and expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floor space of 100sqm (GIA) or more. In this case, the proposed provides 2 additional homes, involving a total additional to residential floorspace of 103 sqm (GIA) and therefore a contribution towards affordable housing in the borough is required. Targets are based on an assessment of development capacity whereby 100sqm of housing floor space is generally considered to create capacity for one home and a sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% of for each home added to capacity. In this case, the target is 2% and the payment-in-lieu figure is £6,148. The contribution will be secured by the s106 legal agreement.

Policy H6 of the Local Plan requires that all self-contained homes meet the nationally described space standard. A 1-bed-1-person or studio unit should measure at least 37sqm and a 1-bed-2-person-2-storey unit should measure at least 58sqm. The proposed studio flat (S1) would measure 37sqm and the proposed 1-bed-2-person flat over two floors (F2) would measure 66sqm. This is considered to be acceptable.

- 2 Policy D1 (n) requires development to provide a high standard of accommodation. Each unit would be self-contained with its own entrance and each unit is considered to have an acceptable layout and room sizes. The plans have been revised during the course of the application to simplify the layouts. Whilst the kitchen to serve S1 is now within the main living space, this is preferable to having the kitchen facilities in the corridor and the room is considered to be of a sufficient size to successfully accommodate eating and sleeping facilities. Each unit would be dual aspect and each has access to private outdoor amenity space in the form of a roof terrace.

At the front of the building two rooflights would be inserted into the roof. The rooflights are considered to be subordinate in size and their position on the roofslope is considered to be acceptable such that they would not detract from

the character and appearance of the host building or the wider terrace.

At the rear, a dormer window would be inserted into the roofslope. The principle of inserting a dormer is considered to be acceptable on the basis that there are other rear dormers in the same terrace. The plans have been revised during the course of the application so that the dormer now complies with the Council's guidance insofar as it would be subordinate to the roofslope and a 500mm gap would be left to either side of the dormer and between the top of the dormer and the ridgeline. The door on the dormer (to access the roof terrace) would align with fenestration on the lower levels, which is considered to be acceptable.

Two roof terraces would also be created at the rear of the building, one at first floor level (to serve the studio flat) and one at roof level (to serve the 1-bed flat). Each roof terrace would feature black painted metal railings, which is considered to be appropriate to the style of the host building. Furthermore, the roof terraces are at the rear of the building where they would not be prominent in the public realm.

Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. It is not considered that the proposed works would cause undue harm to neighbouring properties by way of visual privacy, outlook, sunlight and daylight and overshadowing or noise and vibration due to the nature of the works. The new roof terraces may give rise to some overlooking towards neighbouring properties, but not to such a degree as to warrant a refusal of the application on this basis.

The new dwellings have been designed to limit the impact on each other. The main living spaces are stacked above each other and the upper flat benefits from additional living space in the roofspace. The second floor roof terrace (to serve the 1-bed flat) has been designed to limit overlooking towards the other roof terrace (serving the studio flat) by setting in the railings from the side edge which is welcomed. There are some existing side-facing windows in the rear outrigger which are to be retained and there is potential for overlooking from these windows onto the roof terrace below, which serves the other flat. On the basis that the bedroom is also served by a rear-facing window, a suitable condition will ensure that the side-facing windows are obscurely-glazed and non-opening below a height of 1.7 metres.

- 3 Further conditions will ensure that noise levels in the rooms meet specified noise standards and that sound insulation for floor/ceilings/walls separating the residential units are provided.

Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough, and the FGWHNP also requires the provision of appropriate cycle storage in residential development. The London Plan requires 1x long-stay space per studio or 1-bed unit and the plans indicate the provision of 2x spaces under the stairs. A suitable planning condition will require full details of secure and covered cycle parking to be submitted to and agreed in writing with the local planning authority prior to occupation.

Policy T2 requires all new developments in the borough to be car-free. A s106 legal agreement will secure the new dwellings as car-free.

Policy CC1 requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. Policy CC2 requires all development to be resilient to climate change. Policy CC3 seeks to ensure that development does not increase flood risk, and reduces the risk of flooding where possible. The Design & Access Statement notes that energy efficient measures have been incorporated into the proposed design, including improved insulation, use of recycled building materials where possible, use of efficient boilers, increasing the building's air tightness, the use of LED lighting and limiting maximum water usage through sanitaryware design. These measures are welcomed and a suitable planning condition will place a limit on maximum internal water use levels.

Policy CC4 of the Local Plan seeks to ensure that the impact of development on air quality is mitigated and to ensure that exposure to poor air quality is reduced in the borough. An Air Quality Assessment has been provided with the application, which suggests the use of a mechanical ventilation system and a filtration system to scrub the incoming air stream of NO₂. Suitable conditions will ensure that details of such systems are submitted to and approved in writing with the local planning authority.

No objections have been raised in relation to the works. The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

The proposed development is in general accordance with Policies G1, H1, H4, H6, H7, A1, A4, D1, D2, CC1, CC2, CC3, CC5, TC2, T1, T2 and T4 of the Camden Local Plan 2017 and Policies 1, 2, 3, 7 and 8 of the Fortune Green and West Hampstead Neighbourhood Plan 2015. The proposed development also accords with the London Plan 2016; and the provisions of the National Planning Policy Framework 2019.

- 4 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).
- 5 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.

- 6 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.

- 7 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.
- 8 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 9 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 10 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

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 'DPope', is centered on the page. The signature is fluid and cursive.

Daniel Pope
Chief Planning Officer