

Application ref: 2019/6329/P  
Contact: Rachel English  
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Date: 23 March 2020

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
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[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Eveleigh Designs  
38 Northwood Road  
London  
N6 5TP

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**169 and 169A West End Lane  
London  
NW6 2LH**

Proposal: Change of use of part ground floor and basement to restaurant (Class A3) use following subdivision of existing retail space (A1 use) into two separate units.

Drawing Nos: SV 00 and SV 01/B

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: SV 00 and SV 01/B

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

Informative(s):

1 Reasons for granting permission.

The unit is located to the rear of an occupied dry cleaners (Use Class A1). The application site is vacant and has been so for a number of years as it has been used as storage for the retail unit. Policy TC2 of the Local Plan and the Town Centre CPG, seek to ensure that development in its centres is appropriate to the character and role of the centre in which it is located and does not cause harm to neighbours, the local area, or other centres. The retail unit consists of 61sqm at ground floor level and 95sqm at basement floor level, although the tradeable area is likely around 45sqm and solely at ground floor level. The change of use of the basement and rear ground floor retail area (Use Class A1) to form a cafe (Use Class A3) is considered acceptable on the basis that the retail area at ground floor which fronts West End Lane would be retained with a reasonable tradable area and therefore the unit would continue to contribute to the viability and vitality of the West Hampstead Town Centre. The proposal would therefore satisfy the objectives of Policy TC2 and the Town Centre CPG.

As there is no end user proposed as part of the application, there is no sort of extraction duct or ventilation system proposed. This application does not give permission for any external changes and as such, would not impact the appearance of the building or this part of the conservation area. The proposal would bring back into use a vacant unit. As no extraction or ventilation is proposed, the use would not give rise to any unacceptable impacts on neighbouring properties in terms of smells or noise. If the extraction or ventilation is required planning permission would need to be applied for as a separate application which would be assessed in terms of the impact on amenity.

The refuse and deliveries for the new use would take place outside the site on Sherriff Road as for the existing A1 unit. Due to the size of the unit this is unlikely to have an adverse impact on the amenity of nearby residential properties in terms of noise and disturbance.

The planning history of the site has been duly considered. A response has been received from Thames Water with no objections to the application. Two informatives are added to the decision regarding water pressure and drainage. No objections have been received following statutory consultation.

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

As such, the proposed development is in general accordance with policies A1, A4 and TC2 of the Camden Local Plan 2017 and Policy 13 of the Fortune Green West Hampstead Neighbourhood Plan 2015. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework.

- 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 Please be advised that whilst this permission is for use as cafe/restaurant (Class A3) use any form of ventilation or extract duct would need to be applied for via a separate planning application.
- 4 You are advised that as per Building regulations part H paragraph 2.21, Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-:2004 and designed in accordance with BS EN 1825-2:2002 or other effective means of grease removal. Thames Water further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Please refer to our website for further information : [www.thameswater.co.uk/advice](http://www.thameswater.co.uk/advice)
- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6 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.
- 7 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.

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 printed name and title.

Daniel Pope  
Chief Planning Officer