

Application ref: 2019/4989/P  
Contact: Thomas Sild  
Tel: 020 7974 3686  
Date: 6 May 2020

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
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HAD  
44 Standish Street  
Burnley  
BB11 1AP

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**84 Heath Street**  
**London**  
**NW3 1DN**

Proposal:  
Change of use of basement, ground and 1st floors from retail (Class A1) to restaurant (Class A3)  
Drawing Nos: Site location plan; Existing / Proposed Plans & Elevations; Supporting Statement (Hussain Architectural Design Ltd)

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: Site location plan; Existing / Proposed Plans &

## Elevations

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

- 3 The use hereby permitted shall not be carried out outside the following times:  
0800hrs - 2300hrs daily.

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

- 4 The use of the rear courtyard for Class A3 purposes shall not be outside the hours of 0800hrs - 2000hrs daily except for the purposes of maintenance or servicing.

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

- 5 Prior to the first use of the premises for the Class A3 use hereby permitted, full details of a scheme for ventilation, including manufacturers specifications, odour control, noise levels and attenuation, shall be submitted to and approved by the Local Planning Authority in writing. The use shall not proceed other than in complete accordance with such scheme as has been approved. All such measures shall 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 policies A1, A4 and TC4 of the London Borough of Camden Local Plan 2017.

- 6 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 policies A1 and A4 of the London Borough of Camden Local Plan 2017.

## Informative(s):

- 1 Reasons for granting permission

The site is within a designated secondary retail frontage of Hampstead Town Centre. Camden Planning Guidance (Town Centres and Retail) gives guidance on assessment of changes of use from retail in order to maintain the special role and character of Hampstead Town Centre. These include a target for 50%

A1 shops within secondary frontages. The most recent retail survey (2018) indicates that the secondary frontage, of which 84 Heath Street forms part, has 54% in A1 use and the change of use would result in the proportion in A1 reducing to 46%.

The Hampstead Neighbourhood Plan resists the proliferation of Class A2 uses such as estate agents due to the harm caused to footfall in the town centre. The plan does not however seek to resist the loss of retail to Class A3 cafes and restaurants. Hampstead Neighbourhood Forum has indicated that, when formulating the Hampstead Neighbourhood Plan policies, it considered not only the needs of the local residents but also the local economy where tourism plays an important part. It recognises that cafes and restaurants are important for both local residents and tourists. Thus the Forum has indicated that in this particular location, and considering the mix of shops on this side of lower Heath Street, it does not consider that a change from A1 to A3 would be detrimental.

The Council seeks to promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. Whilst the change of use would result in a small proportional reduction of A1 use in the overall secondary frontage, it is considered that on balance, given the fringe location of this unit at the end of a parade, the new use would support continued footfall and would not harm the character, vitality and success of the town centre generally.

Given no external alterations are proposed, there would be no impact upon the amenity of the neighbouring occupiers in regards to daylight, sunlight, privacy or outlook. There are no residential uses within 84 Heath Street or behind; however these are noted at first floor level above the adjoining 82 Heath Street. The application site has been in use as a café for a number of years but given the potential increase in kitchen noise, fumes and further impact on neighbours arising from primary cooking activities, a condition is attached limiting the hours of use for the premises to between 0800hrs and 2300hrs to mitigate any unacceptable impact. Use of the rear courtyard for customers would be limited to between the hours of 0800hrs and 2000hrs to further limit the potential for noise disturbance to the surroundings. The premises currently enjoys a mechanical ventilation system which vents to the side alleyway; however planning permission has not been granted for this and, in order to properly assess and control noise and odour impact, conditions are attached requiring full details of the system be approved by the local planning authority and to specify maximum permitted noise levels.

Given the premises' current use as an A1 café and its town centre location with no parking available, there will not be any significant increase in pedestrian or traffic generation.

One response in support was received prior to making this decision and duly taken into consideration. The planning history of the site and surrounding area were taken into account.

The proposal is in general accordance with policies A1, A4, TC2 and TC4 of the Camden Local Plan 2017 and policy EC1 of the Hampstead Neighbourhood Plan 2018. The proposed development also accords with the

policies of the London Plan 2016 and National Planning Policy Framework 2019.

- 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 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 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>

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name.

Daniel Pope  
Chief Planning Officer