

Application ref: 2019/6320/P
Contact: Leela Muthoora
Tel: 020 7974 2506
Date: 11 June 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

SF Planning Limited
12 Royal Crescent
Cheltenham
GL50 3DA

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
168 West End Lane
London
NW6 1SD

Proposal:
Conversion of basement area for additional seating for retail / restaurant use (Sui Generis) including installation of roof lantern to rear ground floor.

Drawing Nos: 3030_PL01, (5274) 00_100, 01_100, 00_101, 01_101, 00_200, 01_200, 00_201, 01_201, 00_300, 01_300

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 3030_PL01, (5274) 00_100, 01_100, 00_101, 01_101, 00_200, 01_200, 00_201, 01_201, 00_300, 01_300

Reason:

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

- 4 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, A4 and TC4 of the Camden Local Plan 2017 and policies 2, 12 and 13 of the Fortune Green and West Hampstead Neighbourhood Development Plan 2015.

- 5 The use hereby permitted shall not be carried out outside the following times 07:00 to 21:00 Mondays to Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, A4, D1 and TC4 of the Camden Local Plan 2017 and policies 2, 12 and 13 of the Fortune Green and West Hampstead Neighbourhood Development Plan 2015.

- 6 The designated retail area to the front at ground floor level (as shown on drawing no. 5275 00_101 and 5275 00_101) should be retained in this location as part of the wider restaurant/retail unit (Sui Generis).

Reason: To ensure that the occupation of the building does not adversely affect the immediate area and the primary retail frontage in terms of its retail function, vitality and viability and of local amenity, in accordance with policies A1, A4, TC2 and TC4 of the Camden Local Plan 2017 and policies 12 and 13 of the Fortune Green and West Hampstead Neighbourhood Development Plan.

- 7 The roof lantern hereby approved to the rear roof at upper ground floor level (as shown on drawing numbers 5275 00_101, 5275 00_201 and 5275 00_300) shall be provided with obscure glazing in its entirety and fixed shut so it is non-openable and shall be permanently maintained as such.

Reason: In order to prevent unreasonable overlooking, impact from noise and safeguard the residential amenity of occupiers of neighbouring premises in accordance with the requirements of policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The proposed alterations would extend the mixed use of retail (Class A1) and café/restaurant use (Class A3) into a rear basement area that is currently used as storage and staff room area adjacent to the kitchen ancillary to the cafe unit and consists of alterations to the internal layout to the servicing area of approximately additional 25 square metres of floor space to be used as seating. The extended use into the basement area involves alterations to the existing roof by replacing two smaller roof lanterns with one larger, single roof lantern. The alteration would respect the architectural feature of the projecting bay above and is considered to be a sensitive alteration. The relatively minor alterations to the external appearance of the host property are considered to preserve the character and appearance of the West End Green Conservation Area.

The site is located in a designated Town Centre of West Hampstead, which is outside the Central London Area. The Council seeks to protect the role of town centres, maintaining a range of suitable uses whilst resisting the loss of shops where this would cause harm to the character and function of an area and making sure that food, drink and entertainment uses do not have a harmful impact on residents and the local area. The permission for the change of use under ref: 2017/0631/P was conditional on retaining the retail element of the unit at the front on the unit which would maintain the existing shopping character of the frontage. The permission for this extension, includes the same condition that any loss of the retail area is likely to be refused.

The Council seeks to protect the amenity of residents by ensuring the impact of development is fully considered. The roof lantern is set back from the building line and one storey below the nearest residential windows and would be adjacent to non-habitable rooms of a storage area, shared corridor and seating area to the rear of the applicant's property. Due to the increased activity within the basement area, conditions have been attached to this decision to mitigate the impact of the light trespass, potential noise and odours by specifying the roof lantern as non-openable and obscure glazed and restricting opening hours. The applicant has indicated that the waste and recycling will be stored on the premises and the Council considers the impact of parking, stopping and servicing that the development would generate would not involve a significant increase compared to the existing situation. Overall, it is not considered that the proposed expansion to the seating area would cause any harmful transport impacts in the wider area and the proposal is considered acceptable in this respect. On balance, it is considered that the increased use would cause no more significant harm to the amenity of any nearby residential properties than the existing, in terms of general activity.

No objections have been received prior to making this decision and the site's planning history has been considered in the determination of this decision.

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, D1, D2, CC5, TC1, TC4 and T4 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the London Plan 2016, The London Plan (Intend to Publish) 2019 and the National Planning Policy Framework 2019 and policies 2, 3, 12 and 13 of the Fortune Green and West Hampstead Neighbourhood Development Plan.

- 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.
- 5 You are advised that condition 7 means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.

The Council supports schemes for the recycling of bottles and cans and encourages all hotels, restaurants, wine bars and public houses to do so as well. Further information can be obtained by telephoning the Council's Environment Services (Recycling) on 0207 974 6914/5 or on the website

<http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide>

- 6 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services>
- 7 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 8 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 1825-1:2004 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
- 9 If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

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.

- 10 You are advised that the application has been assessed and considered to be acceptable as a mixed use restaurant/retail unit (Sui Generis) only. The site is located on a primary retail frontage and the development is only considered to

be acceptable as a mixed use restaurant/retail unit with a designated retail area at front which results in an acceptable impact on the retail parade's vitality and viability and on local amenity, in accordance with London Borough of Camden policies and guidance. Any future proposal that results in further loss of retail from this mixed use is likely to be refused planning permission.

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 and title.

Daniel Pope
Chief Planning Officer