

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		03/08/2004	
		N/A / attached		<b>Consultation Expiry Date:</b>		23/7/04	
<b>Officer</b>				<b>Application Number(s)</b>			
Mary Samuel				2004/2452/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
291-293 West End Lane London NW6 1RD				Location plan; 0005sv1b; 0005sk30a; 0005sk41a.			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		<b>Date:</b>		
07	SWaddell		fhwheat		13.6.05		
<b>Proposal(s)</b>							
Variation to planning permission granted on the 29/04/2004 ref 2003/1064/P for the demolition of the existing buildings and the erection of a new building comprising basement and ground floor in retail use and 3 upper floors in residential use, in respect of the change of use of basement and ground floor unit from retail use (Class A1) to restaurant use (Class A3).							
<b>Recommendation(s):</b>		<b>Refuse planning permission</b>					
<b>Application Type:</b>		<b>Full Planning Permission</b>					
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		<b>No. notified</b>	<b>71</b>	<b>No. of responses</b>	<b>01</b>	<b>No. of objections</b>	<b>01</b>
<b>Summary of consultation responses:</b>		Objections are on grounds that there is an excessive number of restaurants in West End Lane, especially when you consider those masquerading as A1 'take away food shops' when they are in fact coffee shops and cafes. Every time another café or restaurant opens, it nails another coffin in West End Lane as the focus of the community, diminishing its ability to serve the local community with a greater part of its needs and instead attracting more and more outsiders to what is fast becoming the leisure destination of North London.					
<b>CAAC/Local groups* comments:</b> *Please Specify		<b>WHAT</b> (West Hampstead Amenity and Transport) objected (27/6/04). "This (application) contravenes Camden's policy for West End Lane, which does not allow further changes to A3 on West End Lane".					

## Site Description

The site is on the west side of West End Lane between the Rat and Carrot Public House to the north and Inglewood Mansions to the south. It is currently being redeveloped, but was previously in retail and residential use. It is within the West End Green conservation area and lies within the secondary frontage of the West End Lane District Centre.

## Relevant History

On 24/3/99 p.p. was granted (PWX0003045R3) for the retention and refurbishment of two cottages and shops on site, including excavations and erection of a full width rear extension at basement and ground level and a full height rear extension to 191 West End Lane and alterations to the rear of 293 West End Lane, and installation of a new shop front to provide a shop and a 4-bedroom maisonette above. During implementation of this application the cottages were found to be unstable and a conservation area consent application (2003/1057/C) and planning application (2003/1064/P) were submitted for the demolition of the cottages and retail units and the redevelopment of the site to provide one retail unit in the basement and ground floor and 4 flats above. P.p and c.a.c. were granted on 29/4/04 and development has commenced on site.

## Relevant policies

**Hampden Unitary Development Plan 2000:** Relevant policies are: **SSH1** (Vitality and viability of town centres), **EN1** (General Environmental protection and improvement), **EN5** (Noise), **EN6** (Disturbance from plant and machinery), **EN31** (Character and appearance of conservation areas), **RE2** (Residential amenity), **RE3** (Access for all), **SH6** (District Centres), **SH8** (Secondary Frontages in Major and District Centres), **SH18** (Food and Drink), **TR4** (Cumulative impact of devts on transport), **TR11** (Onstreet parking controls).

**Replacement Unitary Development Plan 2003:** Relevant retail policies in that document are **Policy R3** regarding the assessment of Food and Drink uses and licensed entertainment, and **Policy R7** on the protection of shopping frontages and local shops. These, although some way of being adopted yet, indicate the Councils current thinking on the subject. However these draft UDP policies have limited or no weight at this stage due to objections having been received. A draft Supplementary Planning Document for West Hampstead has also been prepared (May 2005) and currently going through a consultation process.

## Assessment

The **proposal** is for the change of use of an approved retail unit to a restaurant. An internal extract duct running the full height of the building and discharging 30cm above the rooftop of no. 293 W.E.L is also proposed as well as an internal refuse store. The drawings show 120 well spaced out 'covers' on the two floors. There is a generous forecourt some 4.5m deep in the front, along West End Lane, where it would be possible to place more tables and chairs when the weather permits, although this is not indicated on the application.

### Main issues:

- 1) Impact of the proposed change of use on the retail character and function of the West End Lane District Shopping Centre
- 2) Impact on the amenity of residents and neighbours
- 3) Impact on the character and appearance of the West End Green conservation area
- 4) Traffic implications

### Assessment:

The Council aims to sustain and enhance shopping and local service provision in the Borough (SSH1). UDP policy SH6 seeks to maintain and enhance the vitality, level and range of shopping and service provision within District Centres and improve the quality and character of the environment. Within Secondary Shopping Frontages of District Centres, policy SH8 advocates that a change of use from retail to a non-retail use will be permitted provided the proposal would not be detrimental to the character, function, vitality and viability of the centre. Policy SH18 states that in considering applications for change of use to Food and Drink uses the Council will take into account the number

and distribution of such uses and will seek to avoid a cumulative harmful effect upon loss of retail outlets, traffic, parking and local residential amenity.

Draft policy R7 states that in Town Centres at ground floor level the Council will resist the net loss of shopping floor space (Use Class A1) and will only grant planning permission for development that it considers will not cause harm to the character, function, vitality and viability of the centre. Draft policy R3 outlines 9 points that the Council will consider in assessing whether a change of use to A3 would cause individual or cumulative harm to an area. These points are- the number and distribution of existing uses, the effect on shopping provision, the effect on nearby residential uses and amenity, any record of harm from the concentration of such uses in the area, any record of littering or antisocial behaviour from the concentration of such use, emission fumes and impact of ventilation, noise and vibration from plant and machinery, the effect on ease of movement on the footway, the vehicular stopping and parking characteristics and their effect on highway conditions.

The site was historically occupied by two shops and two cottages, although in the recent years the buildings were semi-derelict and boarded up, making no contribution to the vitality of the Centre. It was anticipated that, initially the refurbishment and subsequently the redevelopment of the site would bring back the site to good use and put an end to its derelict state.

**1) Level and range of shops in the Centre, vitality and viability:**

Overall in the West Hampstead District Centre there has been a steady decline in retail outlets from 50% in 1997 to 48% in 1999 and 46% in 2001. In the Secondary Frontages retail units accounted for 43% in 1997 and 40% in 2001. This is considered to be a low percentage and a further reduction would not be desirable if the retail function, vitality and viability of the centre are to be protected. However, that percentage has already been reduced further by incremental losses of long-term vacant sites to A2 uses since 2001. It is considered that the further loss in retail use, if planning permission is granted for this application, will undermine the retail use in the centre further.

The steady decline in retail outlets has been followed by an increase in restaurants. A3 uses overall in the Centre in 1997 accounted for 21% of the units, increased to 23% in 1999, 24% in 2001 and 26% in 2005. In the Secondary Frontages these figures were higher (23% in 1997 and 26% in 2001, although there is no figure for 2005 as the definition of primary and secondary frontages is to be abandoned.

Of the 9 commercial units on W.E.L between Inglewood Road to the south and the Fire Station to the north, within which the application site is located, 7 are already in a food and drink use (Classes A3, 4, A5). Directly opposite that stretch, on the other side of West End Lane, there are another 5 restaurants. It is considered that this proliferation of Class A3-5 uses in this location causes detriment to the vitality and viability of the centre as a shopping centre, as it precludes the provision of a range of facilities. The concentration in this small section of the centre of A3-5 uses would cause cumulative harm to local amenity and retail function of the centre. The change of use of this double unit to restaurant would further undermine the mixed-use character of the centre, contrary to Council's aims to promote mixed use. It will have a detrimental effect on the level and range of shopping and service provision, which will have a knock on effect on the vitality and viability of the centre as a shopping centre.

**2) Amenity of neighbours:** The property adjoins a large mansion block to the south, Inglewood Mansions, followed by a public house. To its north there is another public house, the upper floors of which probably contain residential use. The new building itself will have 4 new flats above, two of which will be family-size. Inglewood Road, the nearest road off West End Lane, is completely residential. Floors above the commercial uses in W.E.L are also primarily in residential use. The provision of a cluster of A3-5 uses has already resulted in a number of complaints from residents. Adding another restaurant here will have a cumulatively detrimental impact on the amenity of neighbours in terms of noise and music from within and outside the premises (including seating on the forecourt), late-night openings, possible antisocial behaviour, traffic generation and parking, etc. While the amenity of neighbours can be protected to some extent with conditions, the behaviour of customers and their associated cars on the street cannot be controlled or guaranteed all the time. A concentration of A3-5 uses in the area may result in a continuous nuisance for residents as different

restaurants may have problems at different times. Further increase in the number of restaurants here is considered to be excessive and against the amenity interests of local residents.

**3) Traffic implications:**

The proposed restaurant is of a considerable size. In addition to the 120 'covers' shown on plan, more seats can be added both internally and in the forecourt. In terms of servicing the premises, the difference between a retail unit and a restaurant may not be significant, but it is estimated that a restaurant of this size is likely to add some 10-12 cars from clients in the evenings in this very congested area where residents continuously complain about the lack of parking. The Controlled Parking Zone restrictions do not operate beyond 6.30pm, and thus parking would be available then to everyone. West End Lane is probably already well used by patrons from other restaurants in the vicinity and moreover Inglewood Road, the closest side street, is designated in the UDP as a heavily parked street, well used by local residents. Consequently additional parking generated by this use will cause parking congestion in competition with other patrons and residents in the area. In particular local residents may be unable to find a parking space before closing time of restaurants, adding further deterioration of their amenity.

**4) Impact on the appearance of the building and conservation area:** No external alterations to the building are being proposed. The ventilation duct of the restaurant, which is usually the unsightly element of a restaurant, will be internally accommodated. Its small projection above roof level will not be visible from the street.

**Refusal is recommended.**