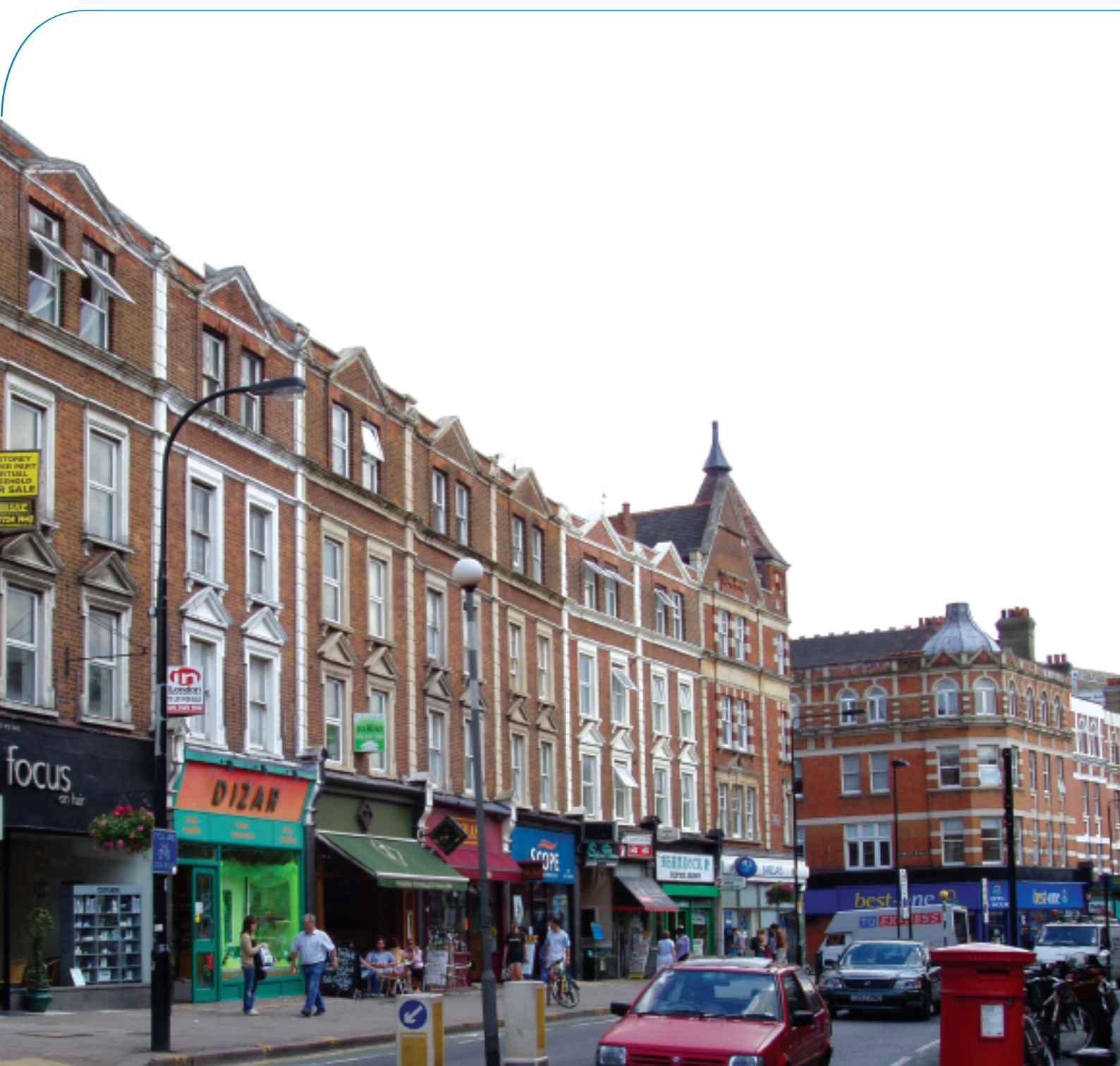


Supplementary Planning Document for West Hampstead

Retail, Food, Drink and Entertainment Uses

October 2005



**Supplementary Planning Document for
West Hampstead
Retail, Food, Drink and Entertainment Uses**

Adopted 20 September 2005

CONTENTS

Executive Summary	2
PART A – INTRODUCTION & BACKGROUND	
1. Introduction	3
2. Purpose of the Guidance	3
3. How to use the Document	3
4. Relationship to Other Plans and Policies	4
5. Area Description	7
6. Development Trends and Pressures in West Hampstead	9
7. Monitoring and Review	10
PART B – GUIDANCE	
8. Guidance for Retail Uses	11
9. Guidance for Food, Drink and Entertainment Uses	13
• Protecting the overall mix of uses and avoiding unacceptable impacts	
• Cumulative Impacts of Food, Drink and Entertainment Uses	
• Controlling the Impacts of Food, Drink and Entertainment Uses	
• Impacts of Different Types of Food, Drink and Entertainment Uses	
• Diversification of Uses	
• Hours of Operation	
• Tables and Chairs	
Appendix A: Summary of Relevant Policies	
Appendix B: Percentages for Frontages	
Appendix C: List of Properties in Each Frontage	

Executive Summary

In recent years there has been growing concern about the increasing number of food, drink and entertainment uses within West Hampstead and their impact on the overall mix of uses in the centre and on local amenity. While such uses have positive attributes, they can also have harmful impacts on amenity such as noise, litter, smells, anti-social behaviour, and parking impacts. They can also harm the retail character and function of a centre.

To address these concerns, the Council has produced this document to provide additional guidance on how the planning policies in Council's Unitary Development Plan (UDP) are interpreted and implemented in relation to planning applications for new and expanded retail, food and drink and entertainment uses in West Hampstead.

Part A of the document includes background information to the guidance. The relationship of the document to other plans and policies (including the Unitary Development Plan) is explained.

Part B of the document includes the specific guidance and controls for new development in West Hampstead. It provides guidance in relation to retail uses in the main shopping area of the centre. In this main shopping area (defined as 'protected retail frontages' in the document), the guidance requires that either 50% or 75% of specific frontages must be retained for retail purposes.

Guidance for food, drink, and entertainment uses is also included. No more than 25% of each frontage within the centre may be used for food, drink and entertainment uses, and in certain parts of the centre near residential areas, no new food or drink uses will be permitted. The guidance seeks to prevent concentrations of these uses with no more than 3 food or drink uses permitted adjacent to each other.

A wide range of measures to control the amenity impacts of development are outlined in Table 2 and with additional information in the text in relation to hours of operation, outdoor seating, and diversification of uses in the night time economy.

PART A – INTRODUCTION & BACKGROUND

1. Introduction

- 1.1 West Hampstead is one of three designated District Centres in the Adopted UDP. The centre contains a mix of uses and provides a range of convenience goods and services. However, in recent years there has been growing concern about the increasing number of food and drink uses in the centre. In particular, the impact of these uses on the overall mix of uses in the centre and on local amenity.
- 1.2 To address these concerns, the Council has produced this document which provides specific guidance on how the Council will treat planning applications for new and expanded food, drink and entertainment uses in West Hampstead. It also provides guidance about retail uses.

2. Purpose of the Guidance

- 2.1 There are often strong and conflicting development pressures relating to food, drink and entertainment uses. The purpose of this document is to provide detailed guidance on how Adopted Unitary Development Plan (UDP) policies will be interpreted and applied to planning applications for these uses in West Hampstead. **Appendix A** provides a summary of key UDP policies. When determining planning applications the Council is under a statutory duty to have regard to its adopted Development Plan insofar as it is material to the application and to other material considerations. This document will assist the Council in carrying out its statutory duty. The Guidance supplements policies in the UDP and does not take precedence over the UDP or make new policy.
- 2.2 West Hampstead is a popular location for food and drink uses such as restaurants, cafés and bars. While food and drink uses can have many positive attributes, they can also create harmful impacts. These include noise and disturbance to residents, litter and refuse, smells, crime and anti-social behaviour, and parking and traffic impacts. If too many of these uses occur, this can harm the retail character and function of the centre. This guidance seeks to control the location and concentration of these uses to ensure that harmful impacts do not result.

3. How To Use The Document

- 3.1 Part A of this SPD provides background information to the guidance in Part B. It outlines the purpose of this document and describes its role in relation to other Council and Government plans and policies. It also includes a description of the West Hampstead area to which the document applies and the current development trends and pressures the area faces which have resulted in the creation of the guidance in Part B.
- 3.2 Part B of the SPD (Sections 8-9) provides detailed guidance on how policies in the Adopted UDP (March 2000) are interpreted in relation to retail, food, drink and entertainment uses.

- 3.3 Section 8 applies to changes relating to existing or new retail uses, or changes from a retail use to another use.
- 3.4 Section 9 applies to planning applications for **new** food, drink and entertainment uses, which include extensions and expansions of existing premises and activities. For a planning application for a new or expanded food, drink or entertainment use, the Council will consider whether the use:
- is appropriately located;
 - does not harm the retail function and character of the centre; and
 - does not create harmful impacts, either individually or cumulatively.
- 3.5 The guidance in this document should be read alongside the policies in the UDP, other Supplementary Planning Guidance, Supplementary Planning Documents, Conservation Area Statements, the Camden Statement of Licensing Policy and other Council policies (such as those controlling design and disabled access). Where planning permission is granted this may be subject to conditions and legal agreements.

4. Relationship of this SPD to other plans and policies

- 4.1 Council policies, plans and strategies which are relevant to this guidance document are summarised in **Appendix A**.

Adopted UDP 2000

- 4.2 The Council adopted its Unitary Development Plan (UDP) on 2 March 2000. This sets out the policies by which all planning applications in the Borough will be determined.
- 4.3 The purpose of Supplementary Planning Documents (SPD) is to provide additional guidance on how policies in the UDP are interpreted and implemented. It is drawn up within the framework provided by the Government's Planning Policy Statement 12: Local Development Frameworks (2004). Supplementary guidance does not form part of a UDP but must relate to policies in it. It must also be consistent with national and regional planning guidance. It does not have the same statutory importance in decision making as a UDP, but it is an important material consideration when a decision is made about a planning application. Therefore this guidance will be considered when the Council makes decisions on planning applications on food, drink and entertainment uses in West Hampstead. Reference to relevant UDP policies are set out in the text

Replacement UDP

- 4.4 Camden is reviewing its UDP. A public enquiry into the replacement UDP, which will replace the adopted plan ran from December 2004 to February 2005. By way of background and for information only, the SPD makes reference to policies in the Replacement UDP in the form currently proposed. The Replacement UDP is required to be in general conformity with the Mayor's London Plan and its policies.

- 4.5 It is expected that the Replacement UDP will be adopted in 2006. The SPD will be amended in the light of policies in the Adopted Version of the Replacement UDP as appropriate.

Draft Planning Framework for West Hampstead Interchange

- 4.6 A draft Planning Framework has been produced to guide development of the West Hampstead Interchange area. This document is consistent with the planning framework, but relates only to those areas of the Interchange with frontages to West End Lane (as shown on **Map 1**). Any change of use, or development of the interchange will be required to be in accordance with that framework once it is adopted, and also consistent with the guidance and controls in this SPD where it relates to the town centre area shown on the map.

Relationship to Use Classes Order

- 4.7 The Town and Country Planning Use Classes Order provides a classification of land uses. Table 1 below sets out use classes and the changes permitted between different use classes. Not all of the uses classes are included in the table, as some uses (e.g. warehouses and industrial uses) are not found in the West Hampstead town centre.
- 4.8 Retail shops are within the A1 Use Class. Food, drink and entertainment uses referred to in this guidance are predominantly within Classes A3 (restaurants and cafés), A4 (drinking establishments) and A5 (hot food takeaways). They may also include some uses within Class D2 (those which are licensed for public entertainment, performance, dancing and/or the consumption of alcohol e.g. cinemas and music clubs) and sui generis uses (e.g. theatres and night clubs).
- 4.9 Planning permission is needed for new development and generally needed to change the use of premises from one class to another. However, under the legislation, planning permission is not needed to change the use of a premises if it remains within the same use class. In certain circumstances, planning permission is also not needed to change the use of a premises to other use classes as set out in column 4 of table 1. For example, a hardware store can change to a travel agent, a shop selling food, or a charity shop without the need for planning permission as they are all within use class A1 - shops.
- 4.10 This has significant implications as many changes of use within the centre are outside the control of the Council. The Council cannot control the types of shops that open or close within the centre and has no power to control any perceived oversupply of some shops or shortage of others.
- 4.11 However, by ensuring a certain number or proportion of units stay in shop use within the centre, the Council aims to promote scope for a variety of retail uses to be provided in West Hampstead.

Table 1: Use classes relevant to West Hampstead

Use	Use Class	Examples of type of premises	Permitted change to other uses
Shops	A1	shops, post offices, sandwich bars, internet cafés, drycleaners, hairdressers, travel agents,	none
Financial and professional services	A2	banks, building societies, estate agents, betting shops	To a shop (A1)
Restaurants and cafés	A3	Restaurants and cafés (selling food to be consumed on the premises)	To a shop (A1) or to financial and professional services (A2)
Drinking establishments	A4	pubs, bars etc	To a shop (A1), financial and professional services (A2) or a restaurant/café (A3)
Hot food takeaways	A5	Takeaways (selling food to be consumed off the premises)	To a shop (A1), financial and professional services (A2) or a restaurant/café (A3)
Business	B1a	offices	To storage and distribution use (B8), where no more than 235m ²
Dwelling houses	C3	houses, flats etc	none
Non-residential institutions	D1	medical and health services, places of worship, museums, libraries	none
Assembly and Leisure	D2	cinemas, concert halls, bingo halls, gyms, sports uses	none
Nightclubs	sui generis₁		none
Laundrettes	sui generis		none
Car showrooms	sui generis		none

¹ “Sui generis” is a Latin term which broadly means something is “a class of its own”. In planning, it means that a use is not in any use class and planning permission is generally needed for it to change to any other use.

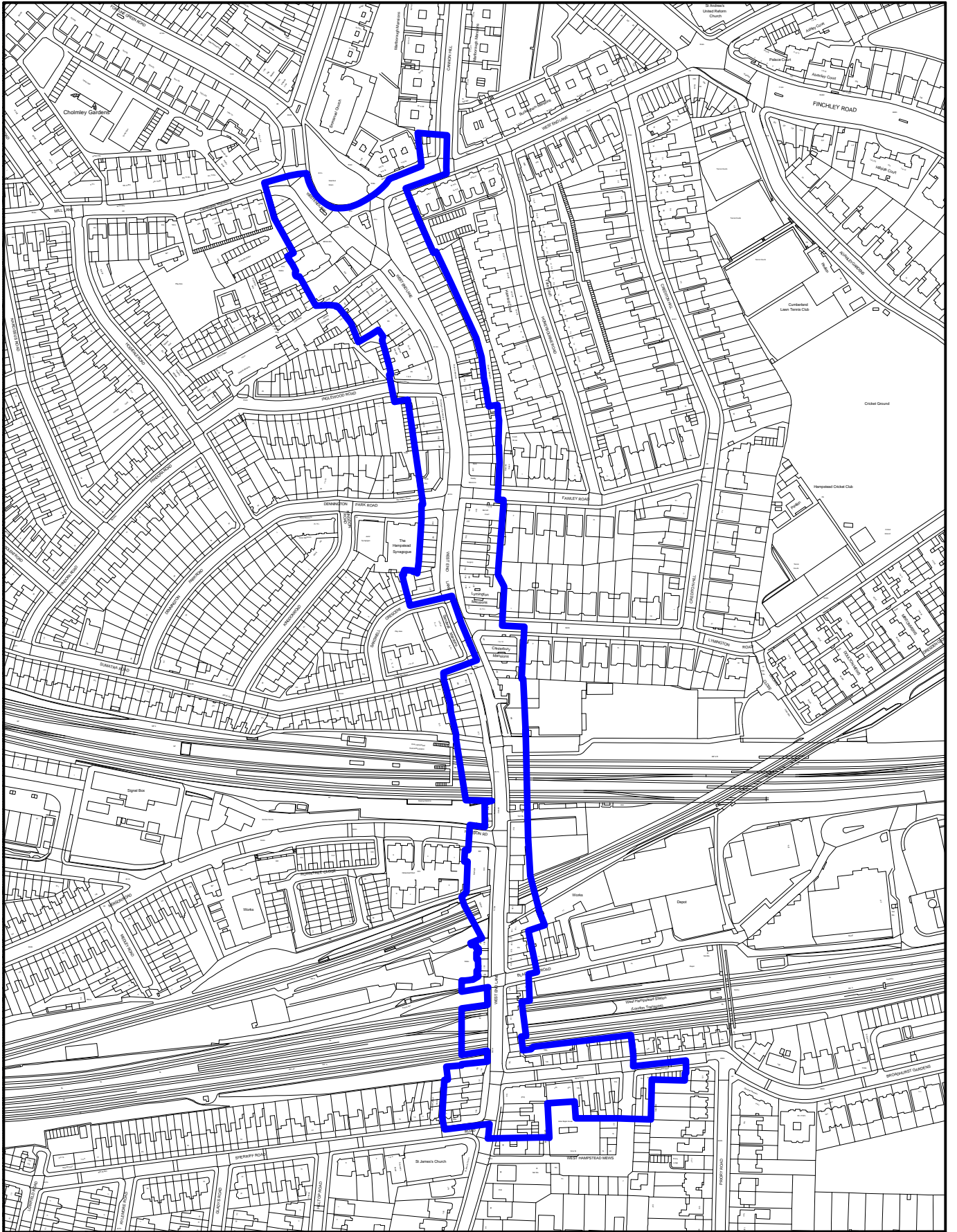
Licensing

- 4.12 The Secretary of State's Statutory Guidance on the Licensing Act 2003 states that the planning and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications should not be a re-run of the planning application and should not cut across planning decisions taken by the Council or following appeals against planning decisions taken by the Council. Similarly, the granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission where appropriate.
- 4.13 Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
- 4.14 The Council has a Borough-wide Statement of Licensing Policy that is relevant to new food, drink and entertainment uses in West Hampstead. This guidance document has been developed to be consistent with the Council's Licensing Policy.

5 Area Description

- 5.1 West Hampstead is one of three District Centres in the London Borough of Camden, designated in the Adopted UDP. It is a designated Town Centre in the Replacement UDP. It is located in the north-west of the Borough between the larger centres of Swiss Cottage/Finchley Road to the east and Kilburn High Road to the west. The centre is linear in nature, extending for approximately 700m along West End Lane with a small extension into Broadhurst Gardens in the south, shown on **Map 1**.
- 5.2 West Hampstead contains a variety of uses. Shopping uses account for approximately half of all the ground floor units within the centre. The West Hampstead Health check Assessment² considers that the primary role of the centre is as a local convenience shopping destination. There are however a number of comparison retailers which tend to be small local shops such as gift shops. There are no multiple retailers in the centre.
- 5.3 In addition to retail uses, a significant number of units in West Hampstead are occupied by food and drink uses. These are mainly small independent cafés and restaurants. There are relatively few public houses or bars in the centre by comparison with other centres in the Borough. There are currently no uses which would be considered 'entertainment' uses.

² Camden Retail Study 2004



Map 1: West Hampstead Town Centre



Reproduced from the O.S. map
with the permission of the Controller
of H.M.S.O. Licence no. LA100019726.

Not to Scale



- 5.4 Other uses in the centre include a number of offices falling within Class A2 of the Use Classes Order, most of which are estate agents. There are a few social and community uses, including a local library and some offices falling within Use Class B1. Many of the upper floors of premises are in residential use. The surrounding area is also highly residential in character. Overall there is a very low level of vacancy of ground floor units in the centre.
- 5.5 Part of the south of the centre falls within the Swiss Cottage Conservation Area, while the area to the north of the railway lines lies within the West End Green / Parsifal Road Conservation Area.
- 5.6 West Hampstead is highly accessible by public transport. It has three rail stations – West Hampstead underground station, which is on the Jubilee line, a Thameslink station and a Silverlink station. These stations are all located in southern part of the centre but provide easy access to the entire centre. The areas around the stations are the subject of a Draft Planning Framework for the West Hampstead Interchange, which seeks to ensure a comprehensive approach to development in the vicinity of the existing interchange to ensure that development accords with the Council's policies and maximises benefits to the area and interchange. This is aimed to improve the environmental quality of this area.

6. Development Trends and Pressures in West Hampstead

- 6.1 In recent years there has been growth in food, drink and entertainment uses throughout Camden in line with national trends. Analysis of planning applications received over the last 10 years for the West Hampstead area has indicated that there is considerable pressure for changes of use to restaurants, cafes and drinking establishments and for extensions of opening hours for existing Class A3 uses. Many of these change of use applications have involved a change of use from shops (Class A1 retail).
- 6.2 The Council has permitted some changes of use to food, drink and entertainment uses although not where the change of use is considered to be harmful to the retail character and function of the centre or where the use will create harmful impacts. Where planning permission has been granted for new or expanded A3 uses, conditions have been imposed to control the impact of these uses on the surrounding area and local amenity.
- 6.3 Another issue of key significance is the new licensing legislation for the UK, which received Royal Assent in July 2003. It involves a major change in the licensing system, with local authorities taking over responsibility for liquor licensing and a general relaxation of controls on licensed premises.

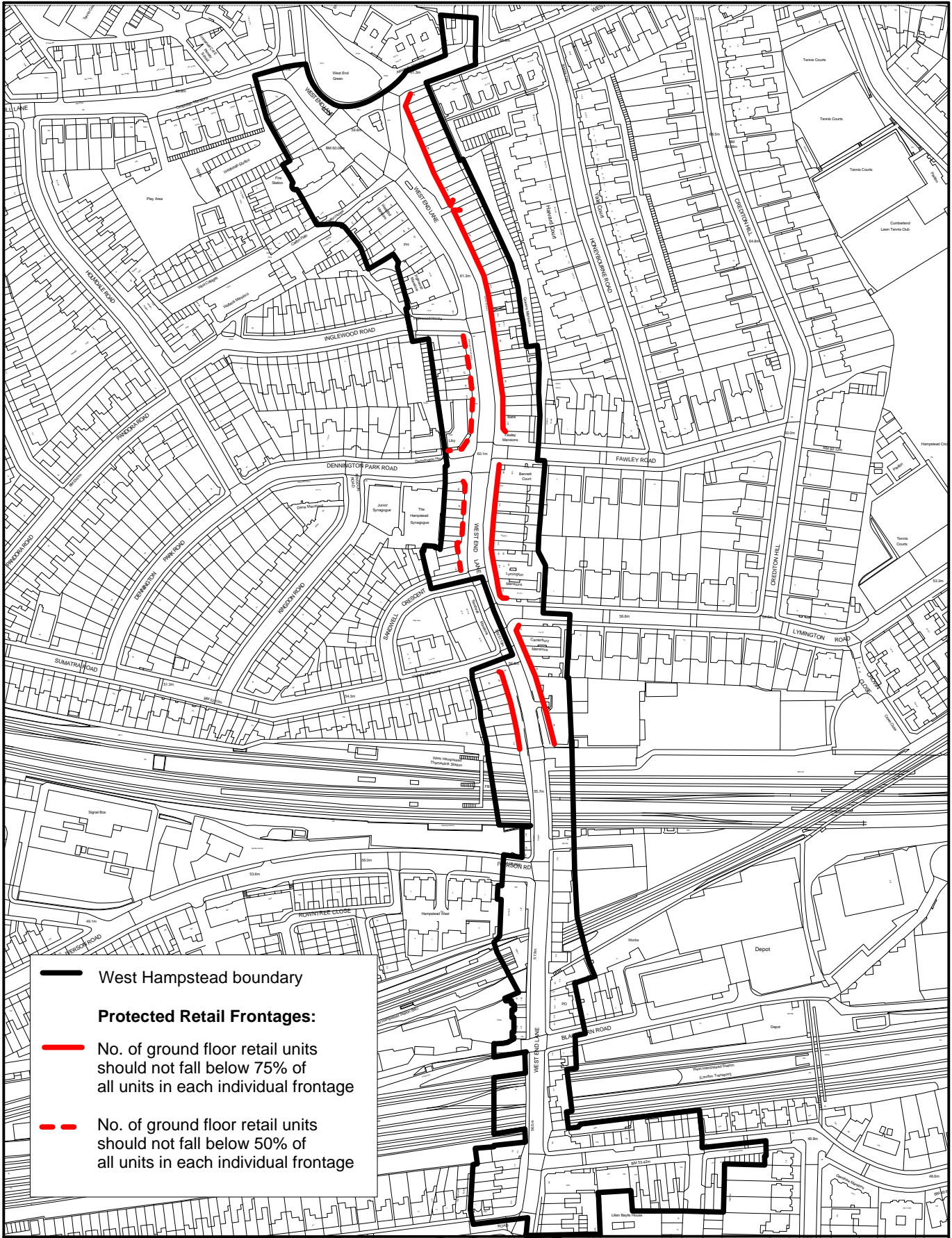
7. Monitoring and Review

- 7.1 Changes to the West Hampstead Town Centre will be monitored as outlined in the Sustainability Appraisal for this SPD. The guidance will be reviewed and updated in the light of any changes in the local context such as trends in food, drink and entertainment uses, or in light of any evolving national, London and Borough-wide policy, as appropriate.
- 7.2 Given the lag time between lodgement of planning permission applications, and results on the ground, it is not considered that any significant changes arising from the adoption of the SPD will be measurable until 2007.
- 7.3 It is therefore proposed that the first review of the SPD and its impacts will be carried out in 2007. At the time of that review, and depending on the extent of change realised in the first year, a date for a second review will be determined. It is expected that the situation will be assessed every one to three years.
- 7.4 The monitoring indicators are set out in the Sustainability Appraisal Report and Statement for this SPD.

PART B – GUIDANCE & LAND USE CONTROLS

8. Guidance for Retail (Shop)Uses

- 8.1 Retail uses are important for ensuring West Hampstead retains a viable shopping function to meet the needs of the local area. The Adopted UDP defines Primary Shopping Frontages in the centre which are those areas where shopping uses predominate. All remaining frontages not specifically defined are treated as Secondary Shopping Frontages in the Adopted UDP. The Replacement UDP does not define Primary and Secondary Shopping Frontages.
- 8.2 The core retail area of West Hampstead is considered to be in those frontages to the north of the Thameslink railway lines. This area includes the defined Primary Shopping Frontages as well as some additional frontages. There are a considerable number of small shops around the stations in the south of the centre which mainly serve commuters. While these shops are important, they are not considered to form the core retail area of West Hampstead.
- 8.3 The Council considers that the retail function and character of the centre would be harmed by a reduction in the stock of premises suitable for retail purposes in the core retail area of the centre (refer to Adopted UDP **policies SH7 and SH8**, and Replacement UDP **policy R7**). The Council will not grant planning permission for development which results in the number of ground floor premises in retail use falling below 75% or 50% of the total units in each individual Protected Retail Frontage as indicated on **Map 2**. (Refer to **Appendix B** for calculation of the percentage of uses in Protected Retail Frontages and **Appendix C** for a list of all properties in each frontage). Since the number of retail units in these frontages is already less than the minimum requirement of 75% or 50%, this guideline does not allow further loss of retail units in these locations. Changes of use will be considered, (for example between A2, , A3, A4, A5 or D2 uses), where appropriate, and subject to impact assessment and guidance for food, drink and entertainment uses as set out in section 9.
- 8.4 Outside the Protected Retail Frontages, the Council will permit a change of use from a use within Class A1 to a non-retail use provided the proposal would not harm the character, function, vitality and viability of the centre and is consistent with the guidance in section 9.(refer to Adopted **policy SH8**, and Replacement UDP **policy R7**).



Map 2 - Protected Retail Frontages in West Hampstead



Reproduced from the O.S. map with the permission of the Controller of H.M.S.O. Licence no. LA100019726.

Scale 1: 3100

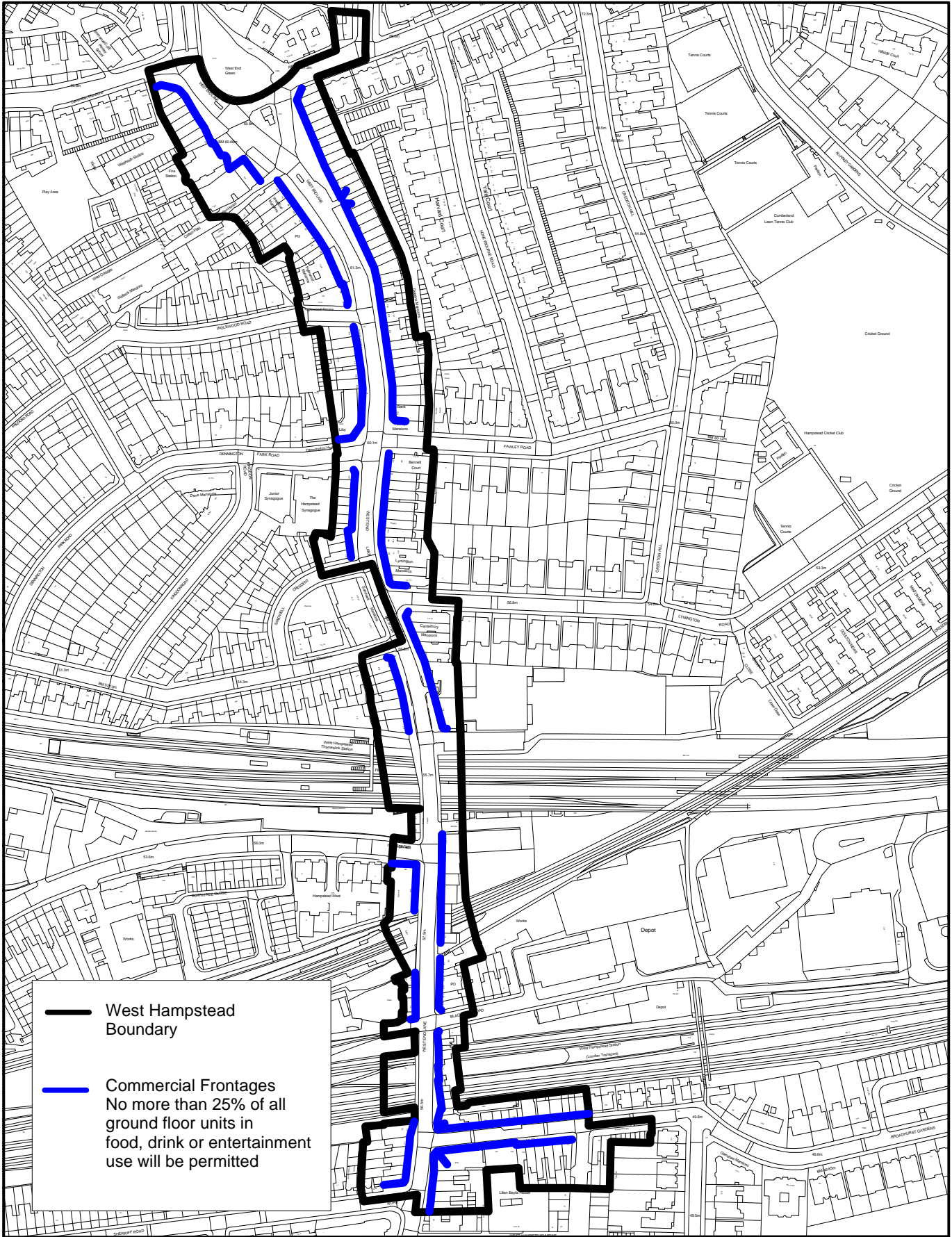


9. Guidance for Food, Drink and Entertainment Uses

- 9.1 The Council recognises that food and drink uses make a positive contribution to West Hampstead. These uses contribute to the overall mix of uses and may provide additional variety. Many of the existing food and drink uses located in the north of the centre have taken advantage of the wide pavements that exist and have outside seating areas. This adds vitality to the street scene.
- 9.2 In addition, food, drink and entertainment uses provide employment and leisure facilities for local people and visitors. These uses bring activity to the streets during the evening and on weekends and can provide natural surveillance. Having a range of food and drink uses alongside shops can also reduce travel by allowing people to combine trips.
- 9.3 However, food, drink and entertainment uses can have a variety of adverse impacts on the areas in which they are located. These impacts include loss of retail uses and harm to the retail character and function of areas, traffic congestion and parking problems, noise and fumes, litter and refuse, crime and anti-social behaviour. The UDP includes various policies that seek to protect the local environment from the impacts of development, including of food, drink and entertainment uses (Adopted UDP **policies RE2 and SH18**, Replacement UDP **policies SD6 and R3**).
- 9.4 For all planning applications for new or expanded food, drink and entertainment uses in West Hampstead the Council will consider the impact of these uses, whether cumulatively or individually, on:
- the retail character and function of the centre,
 - the overall mix of uses in the centre
 - local amenity.

Protecting the overall mix of uses and avoiding unacceptable impacts

- 9.5 The centre's existing commercial activities are located in the Commercial Frontages identified on **Map 3** and in **Appendix C**. In order to protect retail facilities, maintain the mixed use character of the area and avoid cumulative impacts, permission for development of food, drink and entertainment uses may be granted to a maximum of 25% of total units of each individual Commercial Frontage (refer to Adopted UDP **policies SH18, SH7 and SH8**, Replacement UDP **policies R3 and R7**, and **Appendix C** for calculation of the percentage of uses in Commercial Frontages). It should be noted that in many of these frontages the number of food, drink and entertainment uses already account for over 25% of units and therefore no further food, drink and entertainment uses will be permitted in these locations.
- 9.6 Where no Commercial Frontages are defined (at a few locations close to the residential boundaries) the Council considers that new or expanded food, drink or entertainment uses would be inappropriate due to the proximity to residential areas.



West Hampstead Boundary
 Commercial Frontages
 No more than 25% of all ground floor units in food, drink or entertainment use will be permitted

Map 3: West Hampstead Commercial Frontages



Reproduced from the O.S. map with the permission of the Controller of H.M.S.O. Licence no. LA100019726.
 Scale 1: 3150



Cumulative Impacts of Food, Drink and Entertainment Uses

- 9.7 Where several food, drink or entertainment uses are located in close proximity to each other unacceptable cumulative impacts may occur. The development of clusters of food, drink and entertainment uses can also undermine the mixed use character of an area, and can result in displacement of other uses, especially retail uses, that contribute positively to the character of an area and to the range of facilities and services provided. For the purposes of this guidance a cluster is considered to be a grouping of three or more adjacent or opposite uses.
- 9.8 In assessing applications, the Council will take into account the number of food, drink and entertainment uses in adjacent and opposite premises. To avoid the creation of concentrations of food, drink and entertainment uses that could create a harmful impact planning permission will not be granted for development which results in more than two of these uses being located consecutively in a frontage.
- 9.9 In addition, in some circumstances cooking activities which require air handling equipment may result in unacceptable impacts and may not be appropriate, and conditions will be attached to planning permissions for development to limit permitted activity. In some locations there are existing food, drink and entertainment uses in the basement or upper floors of buildings. The cumulative impacts of these premises will be considered when assessing planning applications for additional premises.
- 9.10 Meeting the locational requirements is not enough in itself to allow new or expanded food, drink and entertainment uses to be permitted. For ALL planning applications for new or extended food, drink and entertainment activities, the Council will assess and consider the impacts of the proposal.

Controlling the Impacts of Food, Drink and Entertainment Uses

- 9.11 **Table 2** at the end of this section provides an overview of how impacts are considered and which UDP policies are applicable. The table also sets out some of the supplementary information likely to be required by the Council as part of applications. It is important to note that not all controls are relevant to all applications. The Council may use conditions and legal agreements to ensure that premises are designed, operated and managed in a way that does not cause harm to the area. Where conditions and agreements cannot prevent harm, planning permission will not be granted.

Impacts of Different Types of Food, Drink and Entertainment Uses

- 9.12 Certain types of food, drink and entertainment activities have potentially greater impacts than others. For example, larger establishments that focus on serving alcohol and encourage "vertical drinking" (such as some bars and public houses falling within Class A4) may generate more significant amenity impacts than smaller premises that focus on serving food (for instance uses falling within Class A3 like cafés and restaurants where the main business is sit-down dining). Hot food takeaways (Class A5) can be problematic in terms of creation of litter, noise and traffic impacts. All food, drink and entertainment uses can have a greater amenity impact if they operate late at night.

- 9.13 The amendment to the 1987 Use Classes Order gives the Council greater control over changes of use between different types of food, drink and entertainment uses. Planning permission for new or extended food, drink and entertainment uses will not be granted if proposals are likely to generate significant harmful impacts.

Diversification of Uses

- 9.14 The Council's Cultural Strategy supports diversity in the cultural economy, including the night-time economy. Recent guidance (e.g. the GLA's draft Culture Strategy for London) has highlighted the need to encourage diversification of evening activities to ensure that the night-time economy is not dominated by alcohol consumption. This is considered to be important in terms of providing facilities that appeal to a broad cross section of people and improving the safety, amenity and quality of urban areas, which is in line with objectives of the Council's Community Strategy. The Council will seek diversification of evening activities in West Hampstead, and will resist the creation of a concentration of alcohol-based uses (such as uses falling within Class A4 and *sui generis* uses like night-clubs). The Metropolitan Police Authority has advised that the requirement for a "police shop" may emerge in West Hampstead. Such a use would promote safety and security and would be welcomed, subject to compliance with all relevant policies.

Hours of Operation

- 9.15 The Council will attach conditions controlling hours of operation to planning permissions for development of food, drink, and entertainment uses. Many of the upper floors of premises in West Hampstead town centre are in residential use. These uses can be adversely affected by late night activity. The Council therefore will generally not permit food, drink or entertainment uses to operate later than midnight on Friday and Saturday nights and Sunday nights preceding a Bank Holiday; and 23.30 from Sunday to Thursday, excluding those Sunday nights preceding a Bank Holiday. These closing times refer to the time by which all customers should be off the premises and all noise-generating clearing up activities, audible from outside the premises, should cease. However, all such applications will be assessed on a case-by-case basis and will be subject to impact assessment as set out in **Table 2**.

Tables and Chairs

- 9.16 Tables and chairs placed outside buildings can provide enjoyable facilities and contribute to the vibrancy and character of an area. However, they may also generate impacts in terms of expanding or intensifying food and drink uses, generating noise leading to a loss of residential amenity, obstructing the footway, impeding street cleansing and rubbish collection, and providing opportunities for crime and anti-social behaviour like begging and theft. In addition, if they are of an inappropriate form, they may detract from the character of the area. Tables and chairs may be located on the public highway, within the curtilage of a building, or both.

Tables and Chairs on the Public Highway

- 9.17 For tables and chairs on the public highway, annual permits are issued by the Council under Section 115 A-K of the Highways Act 1980. The Council's adopted Licensing Policy "Night In, Night Out" sets out guidance for tables

and chairs placed on the public highway. For new applications in West Hampstead Town Centre, the Council will apply hours of operation between 8am and 11pm Monday to Thursday, 8am to 11.30 pm on Friday and Saturday and 8am to 10.30pm on Sunday.

Tables and Chairs within the Curtilage of a Building

- 9.18 When the Council considers planning applications for new food and drink uses, it considers the potential impacts of tables and chairs placed outside a building (Adopted UDP **policy SH18**, Replacement UDP **policy R3**). A condition may be attached to planning permissions for new food and drink uses which prevents the placing of tables and chairs outside buildings, or which puts controls on the tables and chairs, if appropriate. The Council will attach a condition to limit hours of operation to between 8am and 11pm Monday to Thursday, 8am to 11.30 pm on Friday and Saturday and 8am to 10.30pm on Sunday.

Table 2: Impacts and Controls on Food, Drink and Entertainment Uses

Issue	Relevant UDP Policies	Type of control that may be used
<p>1. Likely impact on use of public transport and other vehicles, transport congestion, stopping and parking by cars and taxis, and blocking of pavements</p>	<p>Adopted policy TR1 Adopted policy RE4 Adopted policy RE6 Adopted policy SH18 (Replacement policy SD5 Replacement policy SD2 Replacement policy T1 Replacement policy T2 Replacement policy R1 Replacement policy R2 Replacement policy R3)</p>	<p>Refusal of permission Submission of a Transport Impact Statement (for major proposals) For major proposals, a legal agreement could be used to provide:</p> <ul style="list-style-type: none"> • a Green Travel Plan (to be reviewed periodically) including delivery arrangements • a contribution to funding of enhanced public transport <p>Require details of servicing (including delivery) arrangements Annual permits are required for tables and chairs on the public highway. These are issued by the Council under Section 115 A-K of the Highways Acts 1980.</p>
<p>2. Likely impacts of the activity on crime and anti-social behaviour in the vicinity</p>	<p>Adopted policy EN20 Adopted policy RE6 Adopted policy SH18 (Replacement policy SD1D Replacement policy SD2 Replacement policy R2 Replacement policy R3)</p>	<p>Require designs that minimise opportunity for crime Condition requiring installation and monitoring of CCTV Legal agreement could be used to provide a contribution to community safety</p>
<p>3. Proximity to local residents</p>	<p>Adopted policy RE2 Adopted policy SH18 Adopted policy S1 Adopted policy S2 (Replacement policy SD6 Replacement policy R2 Replacement policy R3)</p>	<p>Refusal of permission Condition controlling opening hours Condition controlling noise / fumes</p>
<p>4. Proposed opening hours</p>	<p>Adopted policy SH18 (Replacement policy R3)</p>	<p>Condition controlling opening hours</p>

Issue	Relevant UDP Policies	Type of control that may be used
5. Likely impacts caused by fumes, noise and vibration created on the premises (e.g. by ventilation, food storage and other machinery and amplified music)	Adopted policy SH18 Adopted policy EN5 Adopted policy EN6 (Replacement policy R2 Replacement policy R3 Replacement policy SD7B Replacement policy SD8A)	Refusal of permission Submission of an acoustic report Condition requiring installation of air handling equipment that limits fumes, noise and vibration Require designs that position machinery and outlets away from residences Condition requiring sound insulation or sound insulation required in design Require designs that minimise escape of noise and fumes from doors / windows, including controls on the provision of opening frontages (such as sliding and folding doors) Condition limiting hours of use of equipment Condition restricting the use of private outdoor forecourts / gardens for outdoor seating.
6. Noise created elsewhere by operation of the premises (e.g. by customers and staff leaving)	Adopted policy SH18 (Replacement policy R2 Replacement policy R3)	Condition controlling opening hours Require designs which seek to minimise noise disturbance outside premises
7. Refuse and litter dropped outside a premises	Adopted policy SH18 Adopted policy RE6 (Replacement policy R2 Replacement policy R3 Replacement policy SD2)	Require designs to include refuse storage and recycling facilities within the curtilage of a premises where possible Legal agreement could be used to provide: <ul style="list-style-type: none"> • litter bins • a contribution to street cleaning
8. The number and distribution of similar activities and their cumulative impact (including valid planning permissions which have not yet been implemented)	Adopted policy SH18 (Replacement policy R2 Replacement policy R3)	Refusal of permission Condition controlling opening hours

Issue	Relevant UDP Policies	Type of control that may be used
9. The effect of the development on the character, function, vitality and viability of the retail centre	Adopted policy SH18 Adopted policy SH7 Adopted policy SH8 Adopted policy RE6 (Replacement policy R2 Replacement policy R3 Replacement policy R7 Replacement policy SD2)	Refusal of permission Condition requiring installation or retention of a shopfront
10. Likely impact of any increase in the size of premises or change in the nature of activities	Adopted policy SH18 (Replacement policy R2 Replacement policy R3)	Condition to limit expansion of use (e.g. to private outdoor forecourts, gardens and/or basements) Condition to limit capacity/number of covers

Appendix A: Summary of Relevant Policies

Relevant Adopted UDP policies

- RE2 Seeks to ensure that developments will not have an adverse impact on residential amenity, the environment, or the safety and efficiency of transport systems.
- RE4 Guides uses which increase the demand for travel to locations where they are easily reached by public transport.
- RE5* Requires development in suitable locations to include a mix of land uses.
- RE6 Requires developers to meet the need for infrastructure, facilities, etc. created by their development, where this is appropriate.
- EN1 Seeks to ensure that developments will not have an adverse impact on the amenity of the surrounding area and the quality of the wider environment in the short and long term.
- EN5 Seeks to control disturbance from noise.
- EN6 Seeks to ensure that ventilation ducts and/or air handling equipment can be operated without causing harm.
- EN20 Encourages a sensitive design approach which aims at reducing the opportunities for threatening and criminal behaviour and promotes personal safety and security of property.
- EN31 Seeks to ensure that development in conservation areas preserves or enhances their character or appearance.
- SHG1 States that the Council will regard housing as the priority use of the UDP and will seek to retain residential development and secure net additions to the housing stock.
- TR1 Seeks to ensure that development which increases travel is located at places which are easy to reach by public transport. The public transport system in the vicinity of a development site must have sufficient capacity.
- SH3 Sets a hierarchy of shopping centres and seeks to direct new retail development into existing centres of an appropriate size.
- SH6 Seeks to maintain and enhance the vitality, level and range of shopping and service provision within District Centres.
- SH7 Seeks to prevent the loss of shopping floorspace in Primary Shopping Frontages where this would harm the character, function, vitality and viability of the centre.
- SH8 Allows the change of use from retail to a non-retail use provided the change would not be detrimental to the character, function, vitality and viability of the centre.

SH18 Controls food and drink uses to avoid harmful effects on traffic, parking and the amenity of neighbours.

LC2 Guides new leisure and cultural development to the most suitable locations.

*Alteration No 2

Relevant Replacement UDP policies as currently proposed

S1 Seeks to ensure that all development is sustainable.

S2 Seeks to ensure that development promotes a high quality of life for all, contributes to sustainable land use and does not harm local amenity.

S4 States that the Council will regard housing as the priority use of the UDP and will seek to retain residential development and secure net additions to the housing stock.

SD1D Requires development to incorporate design, layout and access measures which address personal safety including fear of crime, security and crime prevention.

SD2 Seeks planning obligations in appropriate circumstances. Requires development to make provision for necessary supporting infrastructure, facilities and services.

SD3 Requires development in suitable locations to include a mix of land uses.

SD5 Guides development that significantly increases travel demand to appropriate locations.

SD6 Protects amenity of occupiers and neighbours.

SD7B Seeks to control disturbance from noise and vibration.

SD8A Protects local amenity from the negative impacts of plant or machinery.

B7A Seeks to protect the character and appearance of conservation areas.

T1 Supports travel by walking, cycling and public transport. Requires Transport Assessments and Travel Plans where appropriate. Requires measures to minimise transport impacts In the Clear Zone region where necessary.

T2 Seeks to ensure that the transport system has sufficient capacity to support development.

R1 Guides retail, food, drink and entertainment uses to locations within existing centres.

R2 Ensures that food, drink and entertainment uses do not harm the surrounding area and are readily accessible by a choice of means of transport.

- R3 Controls the impact of food, drink and licensed entertainment uses.
- R7 Protects the character, function, vitality and viability of designated centres.
- C3A Guides new leisure development to the most suitable locations.
- C4A Protects leisure facilities.

Note: Only relevant part of policies are explained here. For complete policies and further detail, refer to the Adopted and Replacement UDPs

The Community Strategy

The Community Strategy aims to build stronger communities, reduce crime and the fear of crime, make the Borough a healthier, more economically successful, attractive and environmentally friendly place, as well as providing excellent services.

The Cultural Strategy

The Cultural Strategy sets out a five year plan for cultural development and activity which seeks to use cultural resources to improve the quality of life for all Camden residents.

Night In, Night Out (The Licensing Policy)

Guides the Council in decision-making on a range of licence applications. The policy seeks to secure the safety and amenity of residential communities while facilitating a sustainable entertainment and cultural industry. This policy is currently under review in the light of new legislation.

Camden's Draft Statement of Licensing Policy

This Policy sets out the Council's approach to Licensing which is aimed at promoting a strong and diverse night-time economy that serves the whole community whilst at the same time ensuring the safety and amenity of local residents.

Appendix B: Percentages for Frontages

Introduction

This guidance identifies controls expressed as a percent of units for a number of frontages. This Appendix explains the method by which these percentages were derived and the way in which they should be calculated.

Method for Preparation of Frontage Percentages

The method used to generate the percentage controls for frontages was as follows:

- existing and committed uses in each frontage were analysed;
- the character of the area was reviewed;
- residential development was identified;
- public transport provision was reviewed;
- available data relating to impacts potentially from food, drink and entertainment activities was reviewed; and
- relevant policies were considered in the light of the above data for each specific street frontage to produce draft percentages for consultation.

Calculation of Frontage Percentages

The percentage is calculated as the number of units in the specified use (e.g. food, drink and entertainment use) as a percentage of the total number of units within the frontage. All calculations should be based upon the existing lawful use of the properties and valid planning permissions with potential to be implemented, and refer only to ground floor uses.

In some instances a shop unit may include a number of addresses, such as where two shops have been combined into one. For the purposes of this guidance they will be counted as one unit.

In the example below there are 11 different addresses within the commercial frontage, but only 8 individual shop units. The percentage should be calculated on the basis of the 8 individual uses. For example, if there are two individual A3 uses within the frontage, this would account for 25 per cent of the frontage. Each individual frontage is shown by a continuous line on the relevant map.



Appendix C: List of Properties in Each Frontage

Protected Retail Frontages (PRF) in West Hampstead (These are shown on **Map 2**)

75% of total units to remain as retail:

PRF1 154 – 174 West End Lane*

PRF2 176 – 206 West End Lane*

PRF3 208 – 254 West End Lane*

PRF4 256 – 280 West End Lane*

PRF5 217 – 229 West End Lane

50% of total units to remain as retail:

PRF6 237 – 255 West End Lane

PRF7 257 – 279 West End Lane

* These Frontages are all defined as Primary Retail Frontages in the Adopted UDP.

Commercial Frontages (CF) in West Hampstead (These are shown on **Map 3**)

CF1 92 – 100 West End Lane

CF2 102 – 122 West End Lane

CF3 124 – 136 West End Lane

CF4 138 – 152 West End Lane

CF5 (PRF1) 154 – 174 West End Lane

CF6 (PRF2) 176 – 206 West End Lane

CF7 (PRF3) 208 – 254 West End Lane

CF8 (PRF4) 256 – 280 West End Lane

CF9 169 – 181 West End Lane

CF10 187 – 199 West End Lane

CF11 199A - 203 West End Lane

CF12 (PRF5) 217 – 229 West End Lane

CF13 237 – 255 West End Lane

CF14 257 – 279 West End Lane

CF15 283 – 315 West End Lane

CF16 319 – 341 West End Lane

CF17 180 – 198 Broadhurst Gardens & 102 West End Lane

CF18 153 – 167 Broadhurst Gardens & 100 West End Lane

Forward Planning and Projects Planning Division

Environment Department

5th Floor, Town Hall Extension, Argyle Street, London WC1H 8EQ
Tel: 020 7974 5502 Email: udp@camden.gov.uk

Published October 2005.  Printed on post-consumer waste paper
Produced by Camden Design & Print • tel 020 7974 1985 • 10/05 347.2