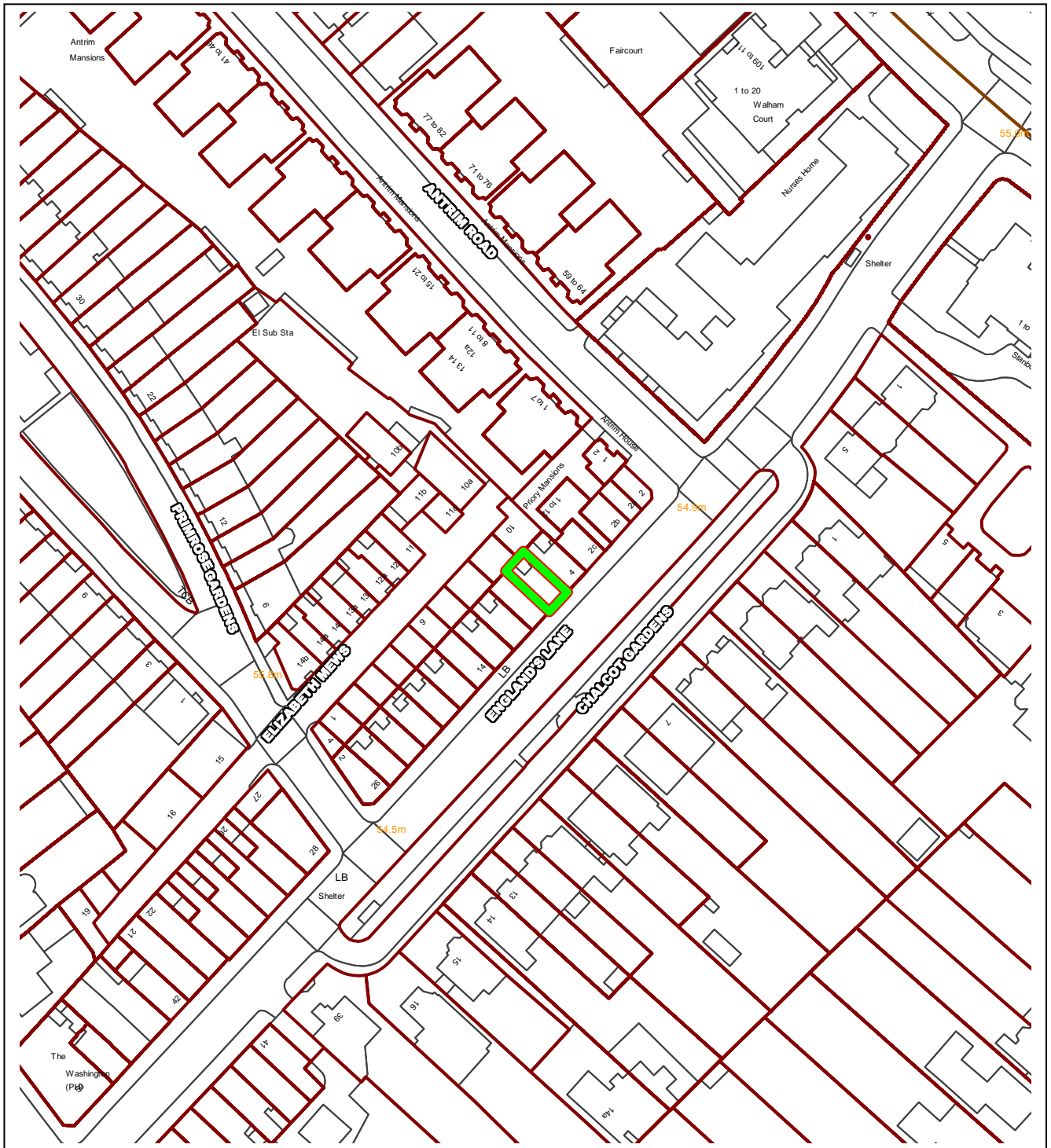


# 2023/3135/P - 6 England's Lane, NW3 4TG



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Figure 1: Application site viewed from England's Lane.

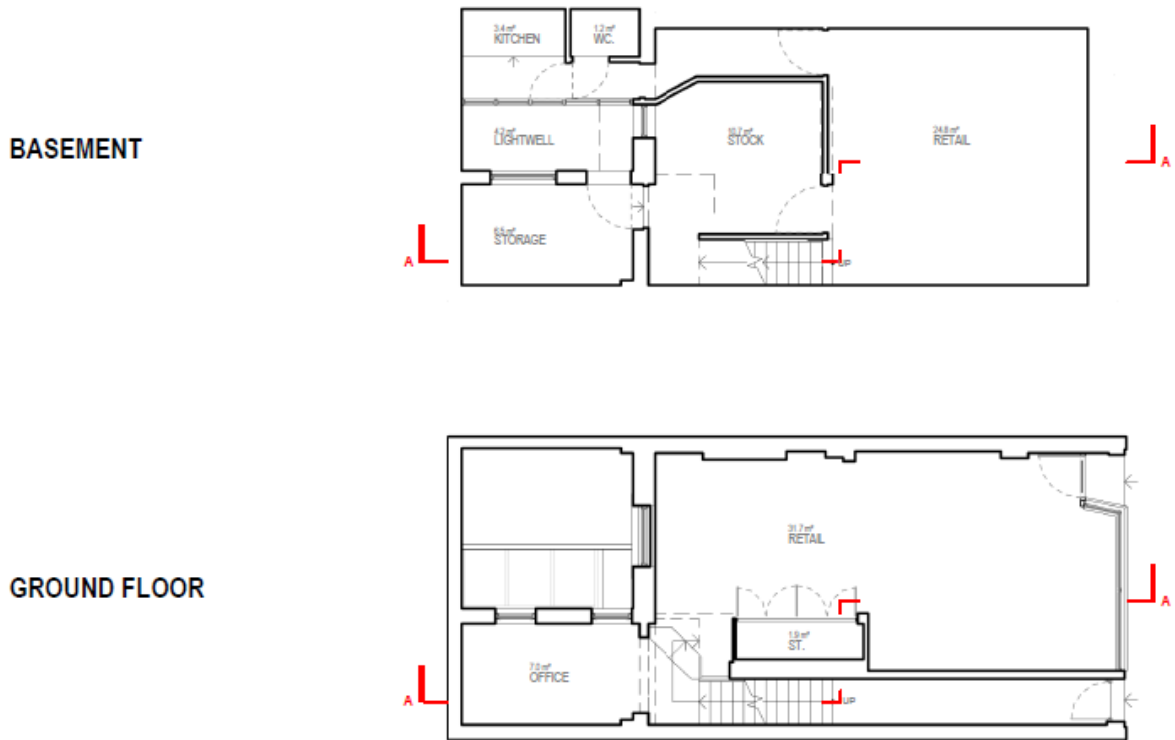


Figure 2: Existing basement and ground floor plan.

BASEMENT



GROUND FLOOR



Figure 3: Proposed basement and ground floor plan.



FRONT ELEVATION

FRONT ELEVATION

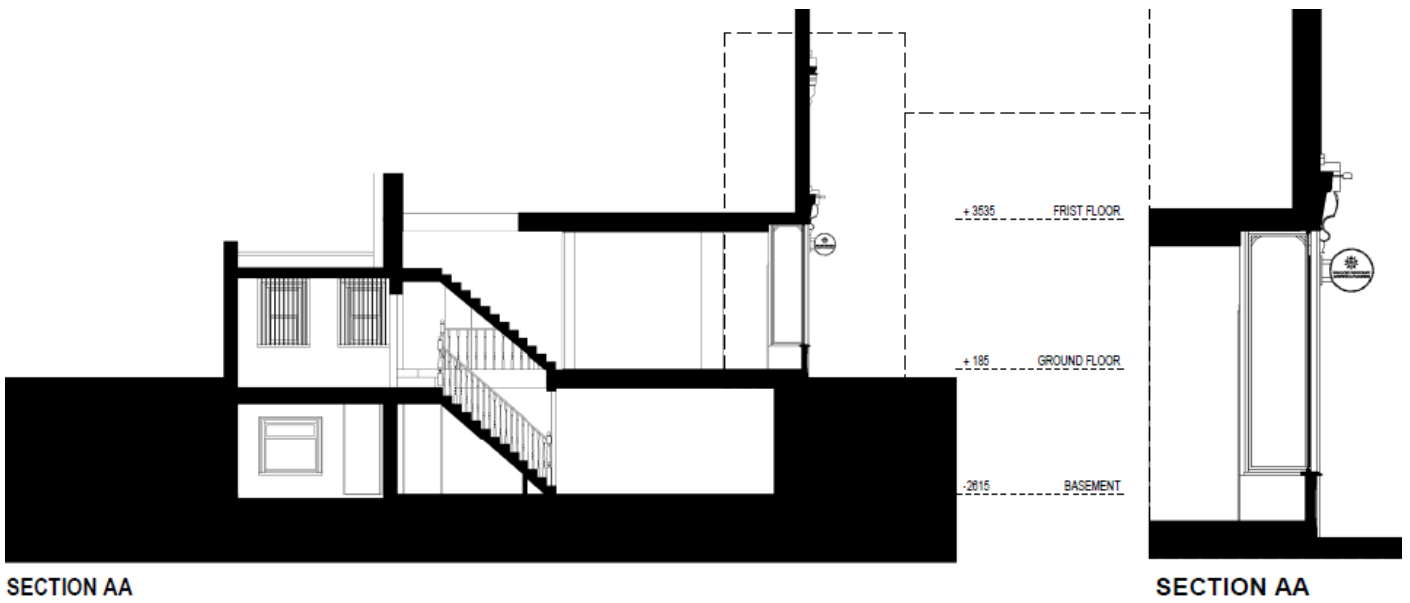
Figure 4: Existing Front Elevation.



FRONT ELEVATION

FRONT ELEVATION

Figure 5: Proposed Front Elevation.



SECTION AA

SECTION AA

Figure 6: Existing Section AA.

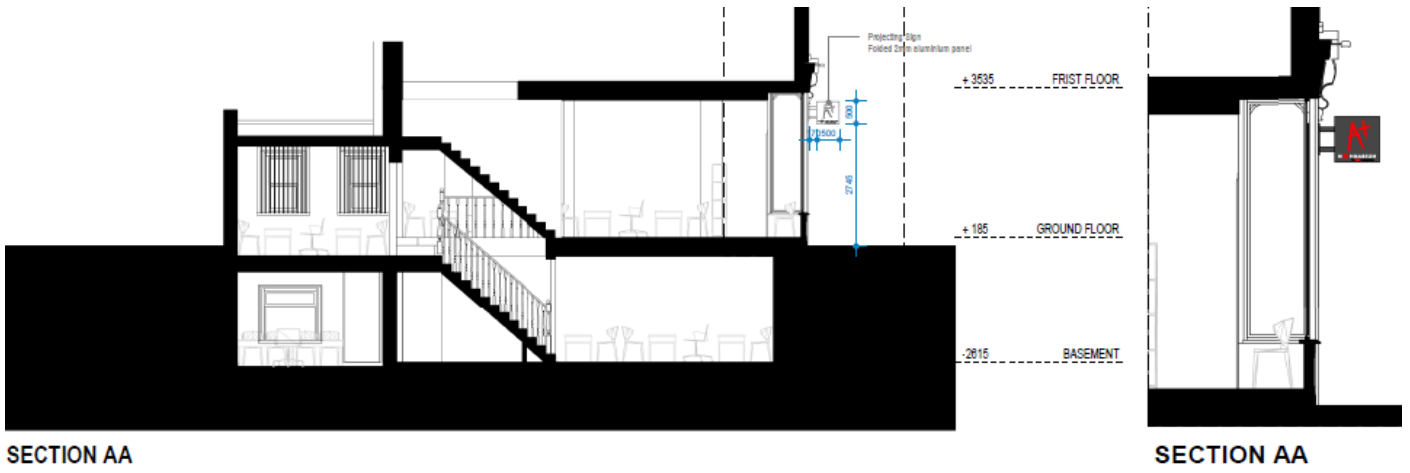


Figure 7: Proposed Section AA.

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	26/09/2023
		N/A / attached	<b>Consultation Expiry Date:</b>	08/10/2023
<b>Officer</b>			<b>Application Number(s)</b>	
Alex Kresovic			2023/3135/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
6 England's Lane London NW3 4TG			See draft decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Change of use of ground floor premises and basement from commercial retail unit (Class E) to educational centre use (class F1-a)				
<b>Recommendation(s):</b>		Grant Conditional Planning Permission		
<b>Application Type:</b>		Full Planning Permission		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>			
<b>Informatives:</b>				
<b>Consultations</b>				
<b>Adjoining Occupiers:</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>	<p>Press Notice: published 14/09/2023, expired 08/10/2023          Site Notice: displayed 08/09/2023, expired 02/10/2023</p> <p>One (1) objection was received from a neighbouring occupier. Concerns arising from the objection is summarised below:</p> <p>The change of use is not in keeping with the local shopping and village area.</p> <ul style="list-style-type: none"> <li>• The students from the Hampstead Fine Arts College would cause disruption and are not mindful of locals.</li> <li>• Why does the school (Hampstead Fine Arts College) need to expand offsite?</li> <li>• This isn't the right setting for a school.</li> <li>• The Council has set a precedence at the Old Hampstead Police Station by not allowing the opening of a school and this application should follow suit.</li> </ul> <p><b>Officers Response:</b></p> <ul style="list-style-type: none"> <li>• <i>The application relates to the change of use of an existing carpet and flooring retailer to a supplementary education provider, not a school, as suggested by the objection.</i></li> <li>• <i>Hampstead Fine Arts College does not form part of this proposal and has no relation to this proposal. Hampstead Fine Arts College is not expanding off site to the application site.</i></li> <li>• <i>A school is not being proposed at the application site.</i></li> </ul>			
<b>Belsize CAAC:</b>	<p>An objection was received by the Belsize CAAC. Concerns arising from the objection is summarised below:</p> <ul style="list-style-type: none"> <li>• England's Lane is primarily a local shopping area.</li> <li>• High Street shopping is evolving, and new shops need to be appropriate for the location.</li> <li>• The application has not made a case that another shop could not be viable at the subject site.</li> <li>• Application is too vague about the parking.</li> </ul> <p><b>Officers Response:</b></p> <ul style="list-style-type: none"> <li>• <i>England's lane is a neighbourhood centre within Belsize Park and the proposed use will not erode the function of the neighbourhood centre as set out in Policy TC2.</i></li> <li>• <i>The site will not be losing any such employment floor space as it is all being retained as part of the change of use.</i></li> <li>• <i>Refer to the transport section of the report for a detailed analysis.</i></li> </ul>			

## Site Description

The existing property is a four storey (plus basement) terraced property located on the northwest side of England's Lane, in the Belsize Park Conservation Area. The site is identified as making a positive contribution to the character or appearance of the conservation area.

This application relates to the ground floor and basement of the premises only, with a GIA of 102sqm. The retail unit was mostly recently in use as a carpet/flooring retailer who have occupied the site for over 15 years.

The site is in the England's Lane Neighbourhood Centre and the neighbourhood centre contains a variety of commercial units. Closest to the site this includes, but is not limited to, cafés, convenience stores, estate agents, a butcher, and a dry cleaning and laundry premises. The area surrounding the neighbourhood centre is predominantly residential in character.

## Relevant History

**2023/3699/A** – Erection of 1 x projecting sign and 1 x fascia sign. Granted 3 January 2024.

## Relevant policies

### The National Planning Policy Framework 2023

### The London Plan 2021

### Camden Local Plan 2017

A1 Managing the Impact of Development

A4 Noise and Vibration

D1 Design

D2 Heritage

D3 Shopfronts

E1 Economic development

E2 Employment premises and sites

CC5 Waste

TC1 Quantity and location of retail development

TC2 Camden's centres and other shopping areas

TC4 Town centre uses

T1 Prioritising Walking, Cycling and Public Transport

T2 Parking and Car Free Development

### Camden Planning Guidance

Amenity CPG (2021)

Design CPG (2021)

Transport CPG (2021)

Employment Sites & Business Premises CPG (2021)

Town Centres and Retail CPG (2021)

### Belsize Conservation Area Appraisal and Management Strategy (2002)

## Assessment

### 1. Proposal

1.1. The application proposes to change the use of the ground floor and basement from commercial retail unit (Class E) to educational centre use (class F1-a), and new signage.

1.2. The proposed use (educational centre use (class F1-a)), which will be a Mathnasium UK establishment, will facilitate twenty (20) pupils and five (5) staff on site at any one time and seeks to operate between the hours of 15:30-19:30 Mon-Fri and 9:30-13:30 Saturday.



1.3. The signage consists of a fascia and projecting sign, similar in dimensions/appearance to the existing signage onsite and is considered under a separate application (consent granted under 2023/3699/A).

## **Assessment**

### **2. Land Use**

- 2.1. Policy E2 is clear that the Council will resist the loss of a business use to a non-business use unless it has been thoroughly explored whether there is possibility for that use to continue. Policy E2 does not apply in this instance as the existing use is of a retail nature (carpet and flooring retailer). Para 5.5 of the Local Plan lists employment uses, and retail is not included. The proposed use is arguably included as being of "similar nature" and because there are 6 FT and 2 PT employees as part of the proposed operation of the Mathnasium UK establishment. Therefore, the loss of the retail is only governed by the town centre policies and there is no explicit protection for retail in a Neighbourhood Centre in those.
- 2.2. Furthermore, policy TC2 promotes successful and vibrant centres throughout the borough to serve the needs of residents, workers, and visitors, by way of ensuring that new development is of an appropriate scale and character for the centre, and providing for and maintaining, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy, and choice.
- 2.3. Policy TC2 also states that the Council will seek to retain convenience shopping for local residents in Camden's Neighbourhood Centres and will ensure that development in them does not harm the function, character or success of that centre. It is noted the previous use was not a convenience shop but a specialist shop (carpet / flooring retailer). The Town Centres and Retail CPG (para 4.72) states that the Council will resist schemes that result in (i) less than 50% of ground floor premises being in retail use; or (ii) more than 3 consecutive premises being in non-retail use. As described in the site description, there is a variety of land uses within the Neighbourhood Centre, and therefore the proposal is not in contrary to policy and can be supported. Furthermore, it is noted that due to the flexibility afforded by Class E, the retail use could change to a non-retail use without the benefit of planning permission.
- 2.4. Policy TC4 seeks to ensure that the development of shopping, services, food, drink, entertainment, and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area, or the amenity of neighbours. The proposed use is also not a convenience shop, but an employment generating use that can be considered a professional service and a suitable use that would provide variety, vibrancy, and choice. The primary function of the proposal, Mathnasium UK, would be of an educational centre use (class F1-a), and any such retail component of the site by way of selling merchandise and educational supplies, would be secondary. It is therefore considered that the proposal will complement and support the ongoing operations of neighbouring employment / business uses and will not be detrimental in the functions sought in the borough's high streets / neighbourhood centres. As such, the current proposal can be supported.

### **3. Design**

- 3.1. Policy D1 states that the Council will seek to secure high quality design in all cases. This policy states that in order to demonstrate high quality, developments should meet several criteria including: respecting local context and character; be sustainable and durable and comprise details and materials that are of high quality and complement the local character. It continues to state that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy D2 'Heritage' states that to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

3.2. Policy D3 expects a high standard of design in new and altered shopfronts, canopies, blinds, security measures and other features. The glazing in the shopfront would remain clear so there will still be a visual connection between the ground floor unit and the street. The shopfront will only be altered by way of signage.

3.3. Overall, the proposal is considered to be of high quality design and therefore not considered harmful to the character or appearance of the host building, streetscene or the Belsize Conservation Area, in accordance with the requirements of policy D1, D2 and D3 of the London Borough of Camden Local Plan 2017.

#### **4. Neighbouring Amenity**

4.1. Policy A1 seeks to ensure that development does not cause adverse amenity impacts upon neighbours in terms of sunlight, daylight, privacy and overlooking, noise, vibration, and odour.

4.2. In terms of the noise or disturbance resulting from the use, this is a material planning consideration; however, it is not considered that the level of noise generated from the proposed educational centre use (class F1-a) operating between the hours of 15:30-19:30 Mon-Fri and 9:30-13:30 Saturday or comings and goings with a maximum of twenty (20) pupils and five (5) staff on site at any one time would cause undue harm to neighbouring properties. A condition restricting the hours and number of pupils onsite at any one time will be added to the decision notice to ensure the proposal does not cause any such adverse impacts to neighbouring properties. It is therefore considered that the proposal is in general accordance with policies A1 and A4.

#### **5. Transport**

5.1. The use will facilitate twenty (20) pupils and five (5) staff on site at any one time. The proposed educational centre use (class F1-a) will operate between the hours of 15:30-19:30 Mon-Fri and 9:30-13:30 Saturday.

5.2. No details of the cycle parking have been provided in line with Policy T1 of the Camden Local Plan 2017, however, due to space constraints, there is no space for a cycling facility to be provided on site. There appears to be at least eight Sheffield / Camden 'M' stands within the Neighbourhood Centre and further stands within a few minutes walk. This is considered sufficient short stay provision to cater for cyclists.

5.3. A commercial use can only be granted a business permit if there is a clear operational need - the nature of the use suggests this is very unlikely. Therefore, it is considered that the use is not required to be secured as car free as per Policy T2 of the Camden Local Plan 2017.

#### **7. Recommendation**

7.1 Grant conditional planning permission.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 15<sup>th</sup> January 2024, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2023/3135/P  
Contact: Alex Kresovic  
Tel: 020 7974 3134  
Email: [Alex.Kresovic@camden.gov.uk](mailto:Alex.Kresovic@camden.gov.uk)  
Date: 4 January 2024

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

4D PLANNING  
86-90 Paul Street  
3rd Floor  
London  
EC2A 4NE  
United Kingdom

# DRAFT

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

## **Full Planning Permission Granted**

Address:

**6 England's Lane**  
**London**  
**NW3 4TG**

Proposal: Change of use of ground floor premises and basement from commercial retail unit (Class E) to educational centre use (class F1-a)

Drawing Nos: Design & Access Statement prepared by 4D Planning dated July 2023;  
4D-412 E 00, 4D-412 E 01, 4D-412 P 01, 4D-412 E 02, 4D-412 P 02 Rev A dated  
31.10.2023, 4D-412 E 03, 4D-412 P 03 Rev A dated 31.10.2023, 4D-412 E 04, 4D-412 P  
04 Rev A dated 31.10.2023, LED Trough Light SPEC prepared by Lumenlinear-SOLIS.

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:

Design & Access Statement prepared by 4D Planning dated July 2023;  
4D-412 E 00, 4D-412 E 01, 4D-412 P 01, 4D-412 E 02, 4D-412 P 02 Rev A dated  
31.10.2023, 4D-412 E 03, 4D-412 P 03 Rev A dated 31.10.2023, 4D-412 E 04,  
4D-412 P 04 Rev A dated 31.10.2023, LED Trough Light SPEC prepared by  
Lumenlinear-SOLIS.

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:  
15:30-19:30 Mon-Fri and 9:30-13:30 Saturday.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, A4, TC1, TC2 and TC5 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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).
- 2 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, 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.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) 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 the National Planning Policy Framework 2023.

You can find advice about your rights of appeal at:

[https://www.gov.uk/appeal-planning-decision.](https://www.gov.uk/appeal-planning-decision)

Yours faithfully

Chief Planning Officer

**DRAFT**

**DECISION**