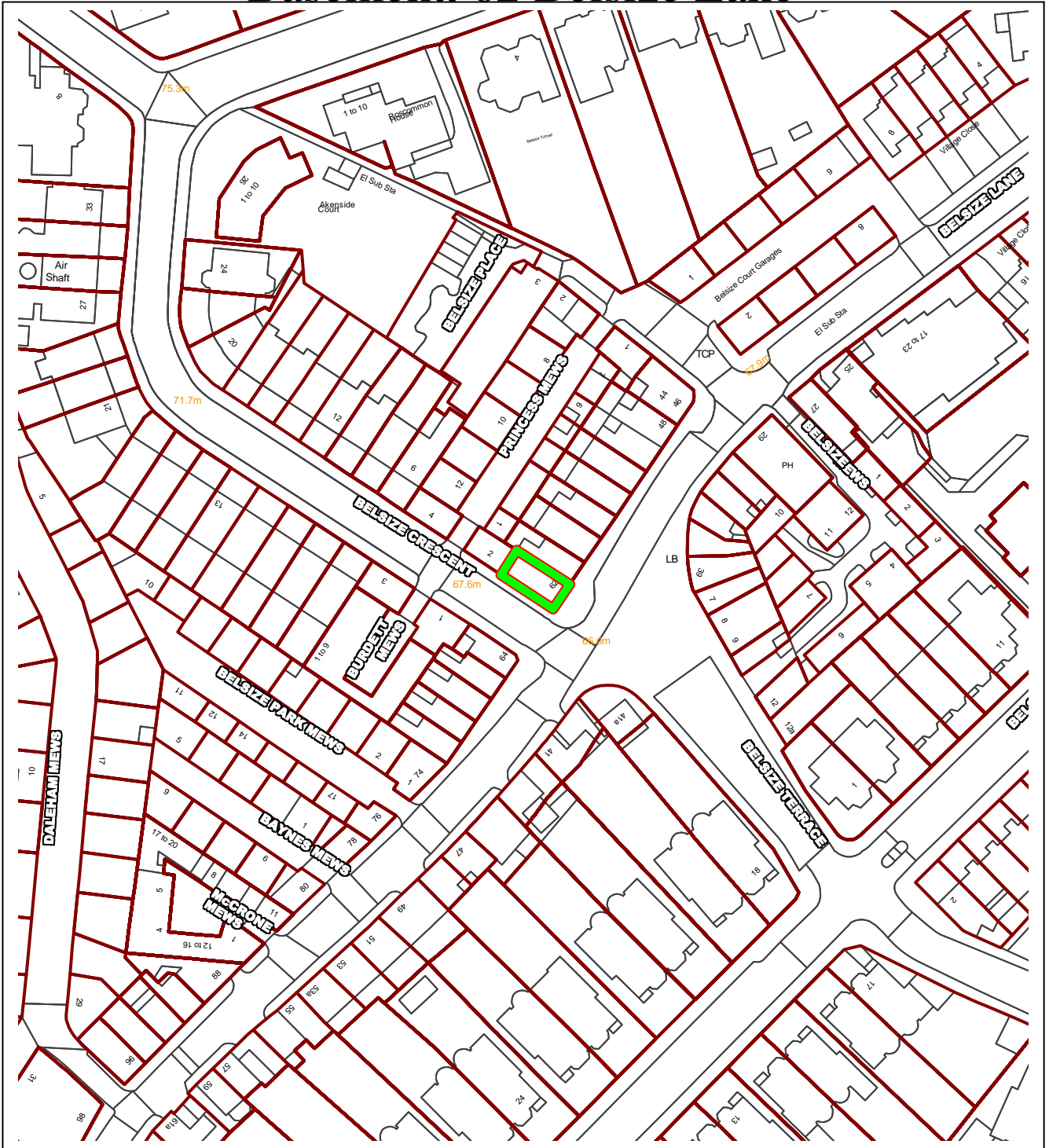


# 2024/2918/P

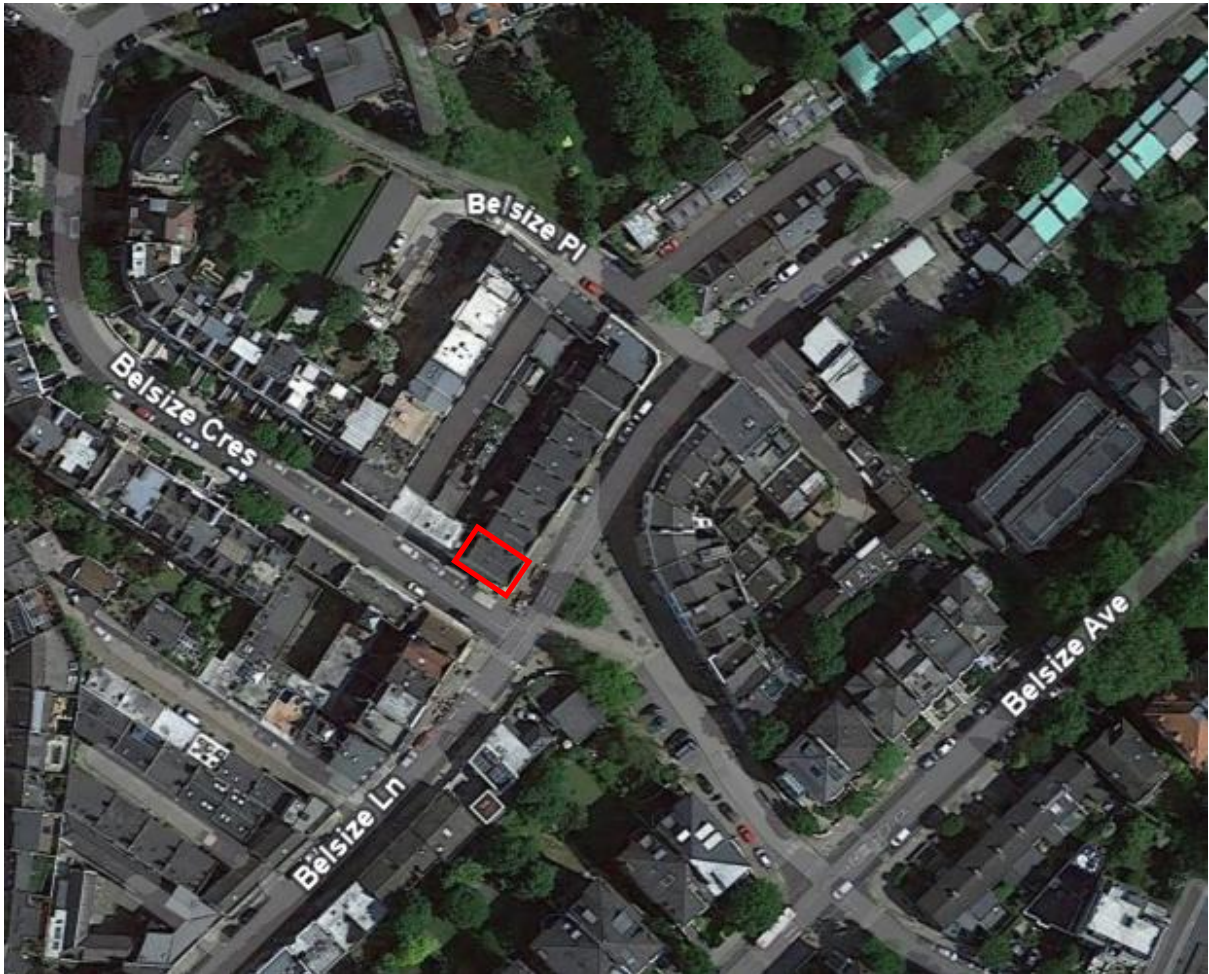
## Basement. 62 Belsize Lane



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2024/2918/P Photo Document

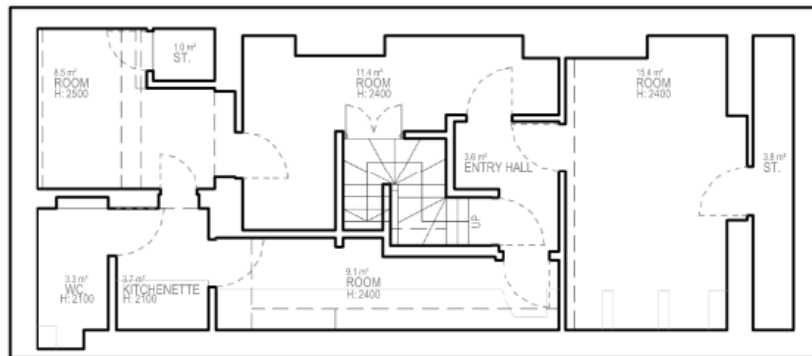
1. Aerial photo of site



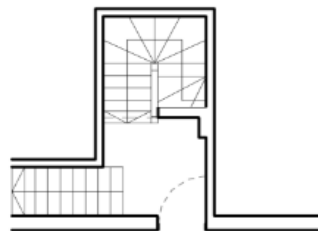
2. Photo of proposed entrance



### 3. Existing floor plan

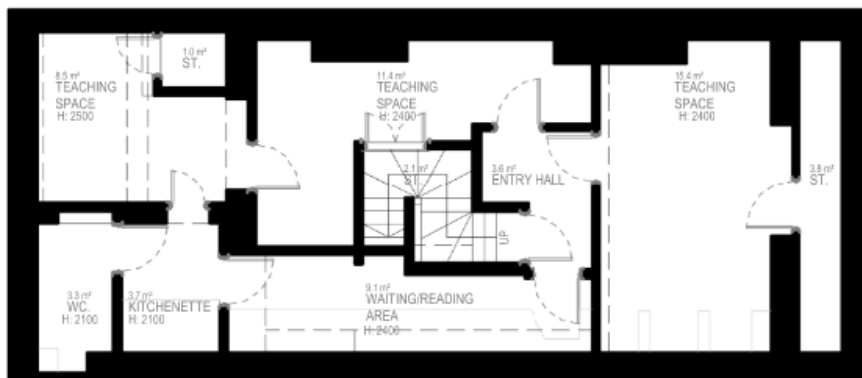


BASEMENT FLOOR

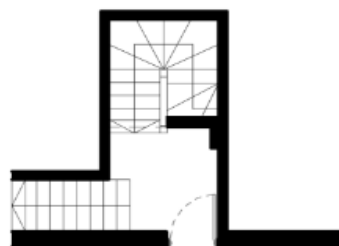


GROUND FLOOR

### 4. Proposed floor plan

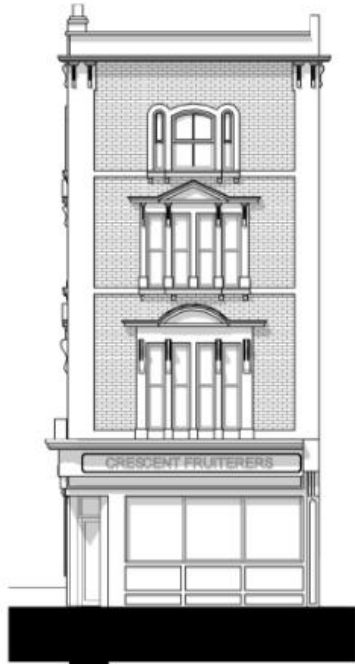


BASEMENT FLOOR



GROUND FLOOR

5. Elevations (unchanged)



FRONT ELEVATION



LEFT SIDE ELEVATION

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	03/10/2024
		N/A / attached	<b>Consultation Expiry Date:</b>	08/09/2024
<b>Officer</b>			<b>Application Number(s)</b>	
Blythe Smith			2024/2918/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Basement 62 Belsize Lane Camden NW3 5AR			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 Basement (Use Class E) to facilitate the educational use of the site (Use Class F1a).				
<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>02</b>	No. of objections	<b>02</b>
<b>Summary of consultation responses:</b>	<p>Press Notice: published 15/08/2024, expired 08/09/2024  Site Notice: displayed 14/08/2024, expired 07/09/2024</p> <p>Two (2) objections were received from a neighbouring occupier. Concerns arising from the objection is summarised below:</p> <ul style="list-style-type: none"> <li>• Enclosed space with no natural light or opening windows is an unsuitable educational space</li> <li>• Lack of outside space</li> <li>• No secondary entrance</li> <li>• Noise pollution and disturbance for neighbours</li> <li>• Concern of the security of students</li> </ul> <p><b>Officers Response:</b></p> <ul style="list-style-type: none"> <li>• <i>The applicant has clarified that the space is to be used for short periods throughout the day, the lack of natural lighting/openable windows and outdoor space would not warrant a reason for refusal given this would not be residential use.</i></li> <li>• <i>A secondary entrance is not required</i></li> <li>• <i>Impact to neighbours is assessed in section 4.</i></li> </ul>			
<b>Belsize CAAC:</b>	<p>An objection was received by the Belsize Society. Concerns arising from the objection is summarised below:</p> <ul style="list-style-type: none"> <li>• Unsuitable space due to lack of natural lighting/ fresh air/ small spaces and difficult entrance, especially for children with additional needs.</li> <li>• Increase in traffic during drop off and collection times.</li> </ul> <p><b>Officers Response:</b></p> <ul style="list-style-type: none"> <li>• <i>The applicant has clarified that the space is meant to be used for short periods throughout the day, the lack of natural lighting/openable windows and outdoor space would not warrant a reason for refusal.</i></li> <li>• <i>Impact to transport assessed in section 5.</i></li> </ul>			

### Site Description

The existing property is a four storey (plus basement) terraced property located on the western side of Belsize 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 basement of the premises only, with a GIA of 65sqm. The basement was mostly recently in use for commercial storage.

The site is in the Belsize Park Neighbourhood Centre and contains a variety of commercial units.

Closest to the site this includes, but is not limited to grocers, convenience stores, veterinarians, estate agents, restaurants, and a dry cleaning and laundry premises. The remaining area surrounding the neighbourhood centre is predominantly residential in character.

## **Relevant History**

No relevant planning history.

## **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

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).

1.2. The proposed use (educational centre use (class F1-a)), which will be a specialist education establishment "Limespring", which will facilitate a maximum of three (3) pupils and eight (8) staff on site at any one time and seeks to operate between the hours of 07:30-18:30 Mon-Fri and 8:30-13:00 Saturday, pupils attending are expected to attend for short periods throughout the day.

### **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 (grocer). 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 8 full time employees as part of the proposed operation of the Limespring establishment. Therefore, the loss of the retail is only

governed by the town centre policies.

- 2.2. 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 existing use is as a grocer at ground and basement level. 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 the proposals do not impact the ground floor retail use of the unit, meaning the percentage of ground floor premises in retail use would not be altered. 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 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 unit would be as an educational centre (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. There are no external changes proposed to the property and therefore the proposal is considered to be acceptable to the character or appearance of the host building and the Belsize Conservation Area, in accordance with the requirements of policy D1 and D2 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 07:30-18:30 Mon-Fri and 8:30-13:00 Saturday or comings and goings with a maximum of three (3) pupils and eight (8) 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 three (3) pupils and eight (8) staff on site at any one time. The proposed educational centre use (class F1a) will operate between the hours of 07:30-18:30 Mon-Fri and 08:30-13:00 Saturday.
- 5.2. Camden's Transport team have assessed the proposals and it is considered that the proposed use is unlikely to generate a significant amount of traffic to the extent that we would recommend transport impact as a grounds for refusal.
- 5.3. 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 adjacent to the property on Belsize Terrace within the Neighbourhood Centre. This is considered sufficient short stay provision to cater for cyclists.
- 5.4. 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.

## **6. Biodiversity Net Gain**

- 6.1. It is important to note that this development is not subject to Biodiversity Net Gain (BNG) requirements as the application is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat). An informative advising this has been added to the decision notice.

## **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 4th November 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: 2024/2918/P  
Contact: Blythe Smith  
Tel: 020 7974 3892  
Email: [Blythe.Smith@camden.gov.uk](mailto:Blythe.Smith@camden.gov.uk)  
Date: 29 October 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:

**Basement**  
**62 Belsize Lane**  
**Camden**  
**NW3 5AR**

# DECISION

Proposal: Change of use of Basement (Use Class E) to facilitate the educational use of the site (Use Class F1a).

Drawing Nos: Design and Access/Planning Statement dated July 2024; 4D-495 E00; 4D-495 E01; 4D-495 P01; 4D-495 E02; 4D-495 P02; 4D-495 E03; 4D-495 P03

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 and Access/Planning Statement dated July 2024; 4D-495 E00; 4D-495 E01; 4D-495 P01; 4D-495 E02; 4D-495 P02; 4D-495 E03; 4D-495 P03

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

- 3 The use hereby permitted shall only be accessible for a maximum 3 students between the following times:  
07:30-18:30 Mon-Fri and 08:30-13:00 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.

- 4 Biodiversity Net Gain (BNG) Informative (1/2):

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
  - It is not “major development” and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
  - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
  - The application is a Householder Application.
  - It is for development of a “Biodiversity Gain Site”.
  - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
  - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

## 5 Biodiversity Net Gain (BNG) Informative (2/2):

+ Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) of the Town and Country Planning Act 1990

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission (“the earlier BGP”), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

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. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer