

Delegated Report		Analysis sheet		Expiry Date:		07/11/2012	
		N/A / attached		Consultation Expiry Date:		01/11/2012	
Officer				Application Number(s)			
Angela Ryan				2012/4824/P			
Application Address				Drawing Numbers			
35a Pond Street London NW3 2PN				Refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Renewal of planning permission 2009/3699/P granted on 23/09/2009 for the continued use of basement as (Class D1) acupuncture health clinic and use of ground and first floors as (Class B1) office/studio accommodation.							
Recommendation(s):		Grant Temporary and Personal Planning Permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	8	No. of responses	0	No. of objections	0
				No. electronic	0		
Summary of consultation responses:		A site notice was displayed between 03/10/12 and 24/10/12, and a notice published in the local press on 11/10/12 expiring on 11/11/12. No comments/objections were received as a result of the consultation process.					
CAAC/Local groups* comments: *Please Specify		<u>Hampstead CAAC</u> : Raised no objections to the proposal.					

Site Description

The application site is located on the northern side of Pond Street and comprises a two storey plus basement building at no. 35A Pond Street that adjoins a three storey plus basement building at No.35 Pond Street. The subject site was originally designed and used as a studio for the Graphic Designer F.H.K. Henrion.

The site is located within the Hampstead Conservation Area and forms part of a Grade II listed terrace. It also lies within the South End Archaeological Priority Area. The property is also subject to an Article 4 Direction and is immediately adjacent to the South End Green neighbourhood centre.

This part of the site is currently being used as an independent acupuncture clinic at basement level and independent studio/ office accommodation at ground and first floor levels.

Relevant History

In 1981- Temporary and personal planning permission (Ref: 31581) was **granted** to Mr. F.H.K. Henrion to use the basement, one room on the ground floor and the first floor as independent office use for a five year period. This permission was renewed for a further five year period in 1983 (Ref: 36794), in 1985 (Ref: 8501707), in 1991 (Ref: 9005582) when it became personal to Marion Wesel Henrion, wife of Mr Henrion, in 1994 (Ref: 9401503), in 1999 (Ref: PW9902854) and then again in 2000 (Ref: PWX0002207). The last permission was not personal any more.

In 1990 - A planning application to make the above change of use permanent was **refused** on grounds of loss of residential floor space. (Ref: 8905655)

In 2001- Planning permission and listed building consent was **granted** for the change of use of No 35 and 35A to form a 4 bedroom house, a 1 bedroom flat in the rear garden pavilion and a 4 bedroom maisonette in the side addition including other alterations. (Refs: PX0103216 & Ref: LW0103281)

In 2004- Temporary and personal planning permission was **granted** to use the basement, one room on the ground floor and the whole of the first floor as independent office accommodation for a further five year period. (Ref: 2004/4811/P)

In 2005 temporary and personal planning permission was **granted** for retention of use of basement only as a class D1 acupuncture practice clinic.(Ref: 2005/0215/P)

The temporary and personal planning permissions for the 2004 and 2005 Permissions both to expired on the 31st of December 2009.

In 2009- A temporary permission was **granted** for continued use of basement as Class D1 acupuncture health clinic and of ground and first floors as Class B1 office/studio accommodation (Ref: 2009/3699/P). This permission expired on 1st October 2012.

Relevant policies

LDF Core Strategy and Development Policies

Core strategy

- CS1** (Distribution and growth)
- CS5** (Managing the impact of growth and development)
- CS6** (Providing quality homes)
- CS10** (Supporting community facilities and services)

Development policies

- DP2** (Making full use of Camden's capacity for housing)
- DP13** (Employment sites and premises)
- DP15** (Community and leisure uses)
- DP26** (Managing the impact of development on occupiers and neighbours)
- DP28** (Noise and vibration)

Assessment

Proposal

The proposal is for the renewal planning permission dated 23/09/09 (Ref: 2009/3699/P) for continued use of basement as Class D1 acupuncture health clinic and ground and first floors as Class B1 office/studio accommodation, which was also previously granted under two separate planning applications (Ref. 2004/4811/P and Ref: 2005/0215/P). The previous lawful use of the site is for residential use (Class C3).

It would appear that, with the exception of the basement of no 35A, which was originally used as accommodation for the au pair of the family who lived at No 35 Pond Street, the rest of this building (related to this application) has been used as an artist's studio since 1946. Indeed part of the upper floors was designed as a studio extension for FHK Henrion, a well known graphic designer who bought Nos. 35 and 35a in 1946 and used them as his home and work place till his death in 1991. After his death the studio and offices were leased to various firms by Mr Henrion's wife who primarily lives on the income generated from the rent paid on these. The use of the floor space as studio/offices has really been in existence from 1946 when Mr Henrion bought the property.

Land Use

Previous permissions for temporary use of part of the ground floor and the first floor as independent studio/ office accommodation and the basement as an acupuncture clinic (application numbers 2004/4811/P and 2005/0215/P) were granted taking into account the special circumstances of the applicant, Mrs Henrion. The 2009 permission was subsequently granted given that it was ascertained that the special circumstances still remained for the same applicant. To date the situation as described above has not altered.

Policy DP2 states that the Council will resist the net loss of residential floor space. The commentary contained in the policy stipulates that any loss of residential floorspace that could potentially house an individual or household would worsen the shortfall of housing from 2010/11 to 2024/25 in regards to the projected growth in the number of households up to 2026. As the permission is for a temporary period and personal to the applicant it is considered that in the long term the proposal would not result in the loss of housing given that the site would revert back to housing if the applicant ceases to occupy the property or until the planning application expiration date whichever is the sooner as stipulated by condition 1 attached to the previous decisions.

Impact on the historic interest of the listed building and the character and appearance of the conservation area:

No external or internal alterations are proposed to the building. In view of the above it is not considered that the proposal would have any detrimental affect upon the historic interest of the listed building or the character and appearance of the conservation area.

Amenity

The use of the basement as an acupuncture clinic is low key and is not considered to have a detrimental impact on the amenity currently enjoyed by the occupier or nearby neighbours. In addition the continued use of part of the ground floor and first floor as studio/offices is also unlikely to have an adverse affect on the amenity of nearby residential properties in terms of loss of privacy, noise and vibration.

Conclusion

Given the special circumstances of the case, and the temporary nature of the proposal, it is considered that the proposal is acceptable in principle, subject to the use of the same planning conditions that were imposed on the previous three permissions relating to application numbers 2004/4811/P; 2005/0215/P and 2009/3699/P). These conditions will ensure that the loss of residential accommodation remains temporary, reflecting the need of the applicant in question, and enabling the property to be returned to residential or ancillary studio office use at the end of the three year period, or if the circumstances of the applicant change.

Recommendation: Grant Temporary and Personal Planning Permission

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