

<b>LDC Report</b>		06/11/2012
<b>Officer</b>		<b>Application Number</b>
Rachel Miller		2012/3978/P
<b>Application Address</b>		<b>Drawing Numbers</b>
6 Heath Street London NW3 6TE		Refer to Draft Decision Notice
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>Authorised Officer Signature</b>
<b>Proposal</b>		
Use of basement and ground floors as retail (Class A1).		
<b>Recommendation: Refer to Draft Decision Notice</b>		
<b>Assessment</b>		
<p><b>Site Description</b> The site contains a ground floor and basement shop unit in A1 use currently used for selling toys and electric bicycles. There are residential units above. The site is located in the Hampstead Conservation Area. The retail unit has a floor area of approximately 44sqm.</p> <p><b>Relevant History</b> There is no planning history for this unit.</p> <p><b>Proposal</b> The Applicant seeks a certificate of lawfulness for use of the unit as a coffee shop/ café/ takeaway shop (A1 use). There would be no kitchen and hot food would be heated via a microwave or toaster therefore no extraction flue is necessary. On the ground floor there would be a large servery for serving food and 8 stools for customers to sit on whilst eating and drinking at the café. In the basement there would be a sink and clearaway space as well as 8 tables with approximately 16 chairs and a sofa.</p> <p><b>Assessment</b> It is considered that the proposed use would not materially change the Use Class of the unit. Whilst there is no planning history for this property to establish the existing lawful use, the Council records show that it has been in retail use (Class A1) since at least 2007.</p> <p>The use would remain as a retail use under Class A1. The retail sales would be the primary purpose of the unit with takeaway of hot food as an ancillary element. There would be no primary cooking on the premises. The use would not have any significant impact on the appearance of the premises or amenity of the surrounding area. While the seated 'waiting area' near the main window would arguably alter the retail appearance of the premises when viewed from the street, this would be similar to the examples of Starbucks' and 'Prêt à Manger' which</p>		

are generally considered to be in A1 use and often incorporate significantly greater A3 and A5 elements than that proposed in this instance.

It is considered that there would be no change of use proposed and planning permission is not required.

**Recommendation**

Grant Certificate of Lawfulness

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