

**DISCLAIMER**

Decision route to be decided by nominated members on Monday 29<sup>th</sup> March 2010. For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	09/04/2010
		N/A / attached	<b>Consultation Expiry Date:</b>	24/03/2010
<b>Officer</b>			<b>Application Number(s)</b>	
Sharon O Connell			2010/0121/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
5 Holly Hill London NW3 6QN			See 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 the ground and basement floors from A2 (Estate agent) to D1 (Beauty treatments).				
<b>Recommendation(s):</b>		Grant Planning Permission		
<b>Application Type:</b>		Full Planning Permission		

<b>Conditions or Reasons for Refusal:</b>	Refer to Draft Decision Notice					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>12</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
			No. Electronic	<b>01</b>		
<b>Summary of consultation responses:</b>	<p>Site notice erected expired 240/03/2010. The applicant originally applied for a change of use from A2 to a mixed A1/D1 use. This was consulted on. However, due to the nature of the use, officer's considered the proposal to fall within the D1 use class. As a result the application was re-consulted with the amended description of development.</p> <p>Objection received from 4 Holly Hill</p> <p>"The applicant has not discussed his plans with neighbours of this property very widely, as I live opposite. My comments relate to the extensive opening hours late into the night, which may cause noise disturbance as Holly Hill is predominantly a residential street, the lack of parking which will may result in anti social parking either in my driveway or blocking my driveway and finally where the ventilation of toxic odours such as nail polish will be taken out of the property? The property neighbours a junior school. I understand that Camden placed a notice on the lamp post outside of this property but that the notice quickly was taken down. This is unacceptable and Camden should write to all residents of Holly Hill, The Clock Tower in Heath Street and UCS Junior Branch School to ensure that everyone understands what is being proposed. For the lay person change of use from A2 to A1/D1 is meaningless."</p> <p><b>Response:</b> See officers report.</p>					
<b>CAAC/Local groups comments:</b>	Hampstead CAAC consulted.					
<b>Site Description</b>						
The property is a 4 storey end of terrace property which has a lawful use of A2 at basement and ground floor level with a residential flat on the upper floors. The property is not listed but is located within the Hampstead Conservation Area. The property forms part of the Hampstead Town Centre.						
<b>Relevant History</b>						
31019 Change of use of ground floor from retail to estate agents offices. Granted 31/10/1980						

## Relevant policies

### Camden Replacement Unitary Development Plan 2006.

SD1 Quality of life  
SD6 Amenity for occupiers and neighbours  
SD10 Hazards  
T3 Pedestrians and cycling  
T9 Impact of parking  
T12 Works affecting highways  
R7 Protection of shopping frontages, town centres and kings cross  
C1B Health care facilities

### Camden Planning Guidance

## Assessment

### Proposal:

The applicant originally applied for a change of use from A2 to a mixed A1/D1 use. This was consulted on. However, due to the nature of the use officers considered the proposed use of the basement and ground floor to fall within the D1 use class. As a result the application was re-consulted with the amended description of development. No external alterations are proposed as part of the application.

### Assessment:

The material planning consideration for this application area:

- Land use: Acceptability of change of use from A2 (Estate Agents) to D1 (Beauty treatments);
- Neighbour Amenity;
- Transport;
- Access;
- Refuse/Recycling storage; and
- Community safety.

### Land use:

The existing use on site is an A2 (Estate Agents), which was granted planning permission in 1980. Policy R7A states that the Council will resist the net loss of shopping floorspace (Class A1) and will only grant planning permission for development that it considers will not cause harm to the character, function, vitality and viability of the centre. As the existing use of the basement and ground floor is as Class A2 (Estate agents), the consideration for this application in terms of this policy is whether the proposed use will cause harm to the character, function, vitality and viability of the centre. The proposed use includes a reception area at ground floor which will also include the sale of products associated with the use. The property will be open to the public. This will ensure that an active frontage at the property will be maintained. It is therefore considered that the proposed use will not cause harm to the character, function, vitality and viability of the centre and therefore is in compliance with Policy R7A.

Due to the range of uses which can operate within D1 including schools and places of worship, which may have an adverse impact on the highway or neighbour amenity. It is therefore recommended that a condition be attached to the decision notice stating the use of the building shall be restricted to D1 (Beauty treatments).

### Neighbour Amenity:

The proposal does not include any external alterations and therefore does not raise any issues in terms of impact on daylight, sunlight or outlook of surrounding residential properties. The proposal includes 4 treatment rooms, therefore enabling a maximum of 4 clients can be seen at one time. There is a small waiting area located in the front area of the ground floor. Due to the limited number of people who can attend the site at one time and the nature of the proposed use, it is considered that the it would not result in a detrimental impact on neighbouring residential properties in terms of noise and disturbance. The applicants have stated that the proposed hours of use are: 8am to 10pm Monday to Saturday and 9am to 7pm on Sunday. The planning permission for the existing A2 use on site does not restrict the opening hours, as it is considered that the proposed use would not result in a greater level of noise disturbance than an A2 use, a condition restricting the hours of opening could not be justified.

#### **Transport:**

The site is within close proximity to Hampstead tube station and a number of bus routes and therefore has excellent access to public transport. As with the existing A2 use on site any customers who drive to the site would have to use on street pay and display meters and would not be eligible to park in residents parking bays within the restricted hours. The CPZ hours for these streets are 9:00am to 8:00pm Monday to Saturday. It is therefore considered that the proposed use would not have a detrimental impact on the parking within the surrounding streets.

The applicants have not included cycle parking spaces within the proposed drawings. However the service yard to the rear of the property is capable of providing cycle parking for a number of bicycles. It is therefore considered that the requirements of Policy T3 have been met.

#### **Access:**

The proposed application does not include any external alterations to the property, and therefore the access to the site is the same as the existing commercial use. There is a slight step to the front entrance to the property. It is therefore recommended that an informative is added to the decision notice advising the applicants of their requirement to comply with Part M of the building regulations and that any application to alter the shopfront should make provision for disabled access.

#### **Refuse/Recycling storage:**

The applicant has confirmed that that refuse and recycling will be stored within a number of places both internally and externally within the site. Internal storage areas are proposed at both ground and basement level. In addition the unit would have direct access to the yard to the rear of the site for refuse and recycling storage. In addition, as a commercial use, the occupiers will be able to pay for any additional collections required. Any clinical waste that may be produced such as sharps, needles and disposable gloves etc will be contracted to be dealt with by a licensed waste management company. All of the relevant treatment rooms will be provided with sharps bins. It is therefore considered that the proposal has made adequate provision for the storage and disposal of waste and recycling.

#### **Community safety:**

It is considered that the proposed use will not raise any issues in terms of community safety.

**Recommendation:** Grant planning permission