

## Planning Statement

112 Heath Street, Hampstead, NW3 1DR

Date: May 2015

## **Planning Statement**

112 Heath Street, Hampstead, NW3 1DR

Report Date: May 2015

---

### **Prepared for:**

**MiHomecare Ltd.**

### **Prepared by:**

Sarah Isherwood

DDI: 0118 909 7411

M: 07754 005585

E: [sisherwood@vailwilliams.com](mailto:sisherwood@vailwilliams.com)

**Contents**

---

1.0	Introduction .....	2
2.0	Site Description .....	3
3.0	Planning History .....	4
4.0	The Proposal .....	5
5.0	Planning Policy .....	6
6.0	Planning Considerations .....	12
7.0	Conclusion .....	15

## 1.0 Introduction

---

- 1.1 This planning statement has been prepared by Vail Williams on behalf of MiHomecare Ltd. for the change of use of 112 Heath Street, Hampstead from a shop (A1) to an office (B1). This application purely seeks to establish the change of use of the unit, no external alterations are proposed for the unit.
- 1.2 The proposal seeks a change of use to allow MiHomecare Ltd. to use the unit for office (B1) purposes. If MiHomecare Ltd. were to vacate the unit, it would revert back to a retail (A1) use.
- 1.3 This proposal could have, in principle, been undertaken under Part 4 Class D of the General Permitted Development Order. However, as the applicant may occupy the unit for a longer period than 2 years, a full application for submitted for a change of use to allow MiHomecare Ltd. to occupy the unit for the duration of their tenancy. Once MiHomecare Ltd. vacates the unit, it will revert back to a retail (A1) use.
- 1.4 The site is located within the London Borough of Camden and within a mile of Hampstead main High Street.
- 1.5 This planning statement will review the previous planning history for the site along with national and local planning policy to ensure that the proposal adheres to this policy. These policy documents will include the National Planning Policy Framework, The London Plan, The London Borough of Camden Core Strategy, The London Borough of Camden Development Policies and the Hampstead Conservation Area Statement.
- 1.6 The remainder of this document is arranged under the following headings:
- 2.0 Site Description
  - 3.0 Planning History
  - 4.0 The Proposal
  - 5.0 Planning Policy
  - 6.0 Consideration of Issues
  - 7.0 Conclusion

## 2.0 Site Description

---

- 2.1 The site is located within the administrative boundary of the London Borough of Camden and is also within the Hampstead Conservation Area. The site is located less than half a mile from Hampstead tube station and less than one mile from Hampstead High Street. Surrounding the site is a range of uses including residential (C3), restaurants (A3), dentist (D1) and office (B1). The upper floors of 112 Heath Street is used for residential (C3) purposes.
- 2.2 The site itself consists of a basement and a ground floor unit which has been occupied by MiHomecare Ltd. since 24<sup>th</sup> June 2014. The ground floor fronts Heath Street and has a glass frontage. The site totals 41.17sqm in size.

### 3.0 Planning History

3.1 There have been a number planning applications which have been submitted in relation to the site at 112 Heath Street dated between 1985 and 2004. These applications have been listed below.

Ref No	Description	Decision Date	Decision
2003/3239/L	Installation of new shopfront.	07-01-2004	Granted
2003/3237/P	Installation of new shopfront.	07-01-2004	Granted
PWX0302035	Change of use of front retail unit on basement and ground floors from Class A1 to A2 use.	14-03-2003	Granted
PW9702586	The change of use, including works of conversion, from a retail art gallery (Class A1) to residential maisonette (Class C3) at basement and ground floor levels, as shown on unnumbered drawing dated August 1997.	29-08-1997	Refused
LW9702683	The change of use, including works of conversion, from a retail art gallery (Class A1) to a residential maisonette (Class C3) at basement and ground floor levels, as shown on unnumbered drawing dated August 1997.	29-08-1997	Refused
8601490	Change of use of basement and ground floors from retail shop to Solicitor/Estate Agents as shown on drawing no. AD/01.	11-08-1986	Refused
8501198	Installation of a new shopfront as shown on 8467/A/03A and revised 11th September 1985.	10-09-1985	Granted
8570213	Installation of a new shop front as shown on drawings No.8467/A/03A revised on 11th September 1985.	29-07-1985	Granted
8570044	Internal alterations and the erection of a single- storey conservatory at the rear as shown on drawing No.8467/A/02C revised on 29th March and 8th May 1985.	13-05-1985	Granted
8500238	Erection of a single-storey conservatory at the rear for use in association with the shop/showroom as shown on drawing No.8467/A/02C revised on 29th March and 8th May 1985.	13-05-1985	Granted

3.2 The planning history identifies that the council accepted the use of this site as A2 (financial and professional services) by granting consent in 2003. It appears that this application was not implemented and the site continued to be used for retail purposes. However the application indicates that the council has previously accepted an alternative use to retail on the site.

#### **4.0 The Proposal**

---

- 4.1 This application seeks to change the use from retail unit (A1) to office (B1) for use by MiHomecare Ltd. only. It is not proposed to make any alterations to the exterior of the building, nor will the existing footprint of the building be altered and will remain as 41.17sqm. For these reasons, external elevation plans have not been submitted with this application.
- 4.2 The application seeks a change of use to allow the unit to be used for an office (B1) purpose by MiHomecare Ltd. only. When MiHomecare Ltd. vacates the unit, it will revert back to a retail (A1) use.
- 4.3 The unit has been occupied by MiHomecare Ltd. since 24<sup>th</sup> June 2014. Prior to their occupation the unit had been vacant and therefore the applicant sought an alternative use of the site. If the change of use is permitted, it would improve the quality of the environment and aesthetics along Heath Street.
- 4.4 Given that the upper floors are used for residential purposes, the proposed use needs to be complementary to the existing properties surrounding the site. The proposed office (B1) use will be operational standard weekday office hours and therefore will not have any additional impact on neighbouring residential units.

## 5.0 Planning Policy

---

### NATIONAL POLICY GUIDANCE

#### ***National Planning Policy Framework***

- 5.1 The National Planning Policy Framework ('NPPF') adopted in March 2012, replaced previous national planning guidance, such as Planning Policy Statements (PPS) and Planning Policy Guidance (PPG). The NPPF focuses on achieving sustainable development, with paragraph 14 stating:

*'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'*

- 5.2 Paragraph 17 sets out the twelve core planning principles which underpin all plan-making and decision-taking within the planning system. There are two key principles which relate to this application which are:

- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities; (3<sup>rd</sup> planning principle)*
- *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; (8<sup>th</sup> planning principle)*



- 5.3 In addition Paragraph 22 of the NPPF explains that:

*‘Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities’*

- 5.4 Section 1 relates specifically to ‘building a strong and competitive economy. Paragraph 19 explains that planning should encourage sustainable economic growth and not impede growth. Paragraph 19 emphasises that, *‘significant weight should be placed on the need to support economic growth through the planning system.’*

- 5.5 Section 2 relates to ‘ensuring the vitality of town centres.’ Paragraph 23 explains that planning policy should promote competitive town centres, and local authorities should:

*‘Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial office, tourism, cultural, community and residential development needed in town centres.’*

- 5.6 Although the building is not listed, the site is within a Conservation Area and therefore section 12 relating to conserving and enhancing the historic environment has been considered. Paragraph 132 explains that:

*‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.’*

#### **REGIONAL POLICY GUIDANCE:**

##### ***The London Plan***

- 5.7 Section 4 relates to London’s economy, with Policy 4.1 stating the Mayor will:

*‘a promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for larger employers and small and medium sized enterprises, including the voluntary and community sectors.’*

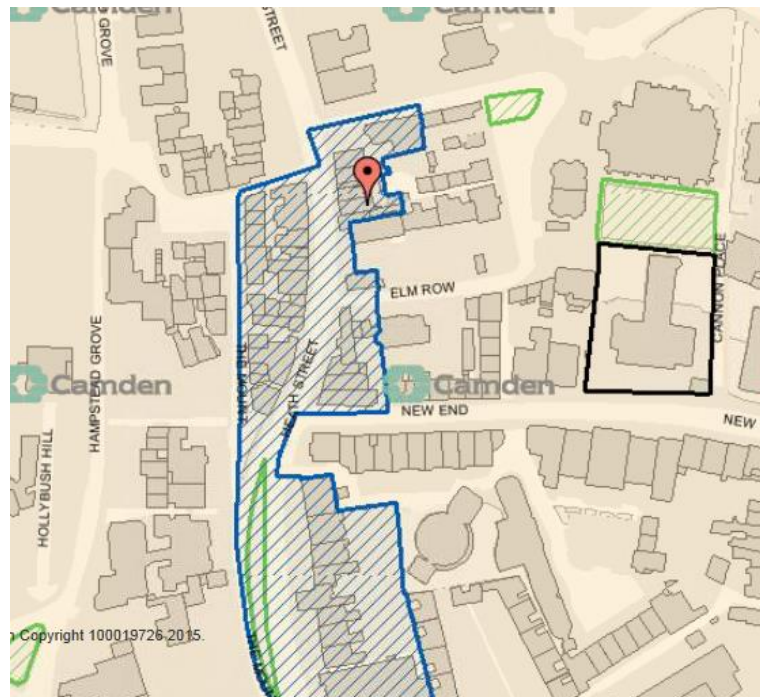
- 5.8 Section 7 relates to London's Living Places and Spaces including the conservation of heritage assets and section 7.31 states that:

*'Crucial to the preservation of this character is the careful protection and adaptive re-use of heritage buildings and their settings. Heritage assets such as conservation areas make a significant contribution to local character and should be protected from inappropriate development that is not sympathetic in terms of scale, materials, details and form. Development that affects the setting of listed buildings or conservation areas should be of the highest quality of architecture and design, and respond positively to local context and character outlined in the policies above. When considering reuse or refurbishment of heritage assets, opportunities should be explored to identify potential modifications to reduce carbon emissions and secure sustainable development.'*

#### **LOCAL POLICY GUIDANCE**

##### **London Borough of Camden Core Strategy (2010)**

- 5.9 Camden's Core Strategy document was adopted in 2010 and sets out the council's overall vision for the borough and how it will be implemented through the use of this planning policy.
- 5.10 Policy CS7 relates to 'Promoting Camden's Centres and Shops' and identifies Hampstead as a 'town centre.' Hampstead 'town centre' runs from Hampstead Square to the north down Perrins Walk in the south along Heath Street and across the to east along Hampstead High Street. The site is located towards the northern edge of the town centre. The site has also been identified as within the Hampstead Conservation Area.
- 5.11 The policy explains that the Council will protect retail uses which enhance the character of the area and allow residents to have a variety of choice in services and facilities provided within that centre.



5.12 Policy CS8 relates to ‘Promoting a Successful and Inclusive Camden Economy’ which explains that the Council will seek to encourage a range of employment opportunities through a mix of employment facilities and types including the provision of facilities suitable for small and medium sized enterprises.

5.13 Policy CS14 refers to the conservation of Camden’s heritage assets and explains that proposals should preserve and enhance Camden’s diverse heritage assets by requiring a high standard of design that reflects local character.

#### **London Borough of Camden Development Policies (2010)**

5.14 Camden’s Development Policies sits alongside the Core Strategy and set out detailed criteria the council will use for determining planning applications.

5.15 Policy DP10 relates to protecting shops and retails uses and explains that permission would not be granted for the loss of retail floorspace unless there is an alternative provision within 5-10 minutes walking distance, there is clear evidence that the current use is not viable and the development positively contributes to the local character.

5.16 Policy DP12 explains that the council will ensure that the development of a range of town centre uses will not have a detrimental effect on amenity for neighbours. The council will

therefore take into account factors such as hours of operation; noise levels and the impact on community safety which any proposed use would have on the surrounding area.

- 5.17 Policy DP13 relates to employment uses which explains where premises remain suitable for future business use; the Council may look to protect the employment use provided that it is within a sustainable location or a mixed-use development.
- 5.18 Policy DP25 promotes the protection and enhancement of Camden's heritage assets and states that with regard to listed buildings, the Council will only grant consent for proposals which do not harm the special interest of the building. In addition, the policy also refers to conservation areas and that the council will only approve applications which preserve and enhance the character of the Hampstead conservation area.

#### **Camden Planning Guidance (Emerging Policy)**

- 5.19 The Camden Planning Guidance will support the Core Strategy and Development Policies and will give guidance on how the Council apply their planning policy. Policy CPG5 relates to this application.
- 5.20 The policy relates to Town Centres, Retail and Employment uses and identifies Hampstead as one of Camden's smallest centres, however it has a high quality environment being within a conservation area with a number of listed buildings along the High Street. 112 Heath Street is located within a secondary retail frontage area. The document explains that within a secondary frontage area three consecutive non-retail uses should be avoided.
- 5.21 The document also explains that the council will avoid concentrations of uses which would harm the character of the area, the attractiveness for shoppers or residential amenity.

#### **Hampstead Conservation Area Statement 2001**

- 5.22 The Conservation Area has been published to provide clear guidance on the Council's strategy to preserving the historic character of Hampstead. The statement outlines the key features and issues within the area.
- 5.23 The Council will also give consideration for the continued mixed use character of Heath Street/High Street and the close proximity of wholly residential areas.

## **The Town and Country Planning (General Permitted Development) (England) Order 2015**

5.24 Under Part 4, Class D of the GDPO allows for:

*D. Development consisting of a change of use of a building and any land within its curtilage—*

*(a) from—*

*(i) a use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways), Class B1 (business), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) of the Schedule to the Use Classes Order, or*

*(ii) a use as a betting office or pay day loan shop,*

*(b) to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of that Schedule, for a single continuous period of up to 2 years beginning on the date the building and any land within its curtilage begins to be used for the flexible use or on the date given in the notice under paragraph D.2(a), whichever is the earlier.*

5.25 This proposal could have, in principle, been undertaken under this class of the Permitted Development Order. However, the applicant may occupy the unit for a longer period than 2 years, therefore a full application for submitted for a change of use to allow MiHomecare Ltd. to occupy the unit for the duration of their tenancy. Once MiHomecare Ltd. vacate the unit, it will revert back to a retail (A1) use.

## **6.0 Planning Considerations**

---

6.1 Following the planning policy review, this section will look at the main planning considerations to ensure that the proposal adheres to these policies. The following elements have been considered:

- Principle of Development
- Loss of Retail Floorspace
- Impact on Amenity
- Impact on Conservation Area

### **Principle of Development**

6.2 The application seeks to establish the principle of a change of use on the site from retail (A1) to office (B1). Prior to occupation, the unit had been vacant and was therefore beginning to detract from the quality of the surrounding environment. The NPPF encourages the re-use of previously developed land in addition to encouraging local planning authorities to consider alternative uses for sites where there is no demand for an existing use. The proposed use adheres to this policy as it has brought back into use a vacant unit through a change of use.

6.3 The proposed use is in appropriate and complementary to surrounding uses. Local policies CS8 and DP12, along with paragraph 23 of the NPPF all encourage providing a range of town centre uses to give consumers choice and help in creating a vibrant town centre with a 18-hour economy. The proposal adheres to these policies, providing an employment use in a sustainable location and will also add to the range of services and facilities already provided along Heath Street.

### **Loss of Retail Floorspace**

6.4 The site is located on the edge of Hampstead's town centre and therefore the council will seek to retain retail floorspace within this area which adds to the character of the area according to Policy CS7. Although the proposal will lead to a small loss in retail floorspace (41.17sqm in total) as this proposal only seeks a change of use whilst MiHomecare Ltd. occupy the unit, there will not be a permanent loss of retail floorspace.

- 6.5 The site is located on the edge of the town centre, approximately 0.5 miles from the main retail centre of Hampstead town centre which is located along Hampstead High Street. The site is in a far more mixed-use area, with limited retail units. The area surrounding the site contains restaurants, hairdressers, a dentist and residential dwellings, with a far lower concentration of retail units. For these reasons, it would appear that a change of use to an alternative town centre use would be an appropriate use for the site. The proposal therefore adheres to Policy CS8 of the Core Strategy.
- 6.6 Although the site is located on the edge of the town centre, it is within the secondary retail frontage area as identified within Camden's Planning Guidance. This guidance sets out that the council will seek to avoid three consecutive non-retail uses along the frontage. As the neighbouring units are a barbers shop (A1) (114 Heath Street) and a residential unit (C3), changing the use of 112 Heath Street to office (B1) would still allow the unit to adhere to this policy.
- 6.7 Finally, although the site will lead to a small loss in retail floorspace within the town centre, this detrimental impact will be outweighed by the benefit the change of use will produce by improving the character of the area.

#### **Impact on Amenity**

- 6.8 Policy DP12 of the Development Policies explains that the council seeks to ensure that the range of town centre uses will not have a detrimental impact on amenity for neighbours and the council will consider elements such as noise levels, hours of operation and impact on community safety. The proposal adheres to policy DP12 as the change of use to an office (B1) will not have a detrimental impact on the surrounding neighbours, particularly in relation to the residential dwellings on the first floor of 112 Heath Street and at 110 Heath Street.
- 6.9 The office will be operational during standard daytime working hours and not during evenings, Sundays or bank holidays and will therefore have lower operational hours than the previous retail use. Consequently the proposed office use may have a lower noise impact than the previous use of site. Given the type of use there will be no impact on community safety. It can be seen that the proposal adheres to policy DP12 and is a complementary use to neighbouring properties.

### **Impact on the Conservation Area**

- 6.10 As the site is located within the Hampstead conservation area, the potential impact the proposal will have on the quality of the environment must be taken into consideration in line with the Conservation Area Appraisal and policies CS14 of the Core Strategy and DP25 of the Development Policies.
- 6.11 The aforementioned planning policies seek to preserve and enhance the Conservation Area and will look for developments which look to do this. The proposal solely seeks to bring the unit back into use through a change of use to an office. As no alterations are being proposed to the exterior of the building, the proposal would seek to improve the existing environment through refurbishment of the unit improve its appearance aesthetically and bring the unit up to a quality which preserves and enhances the conservation area.
- 6.12 As the proposal solely seeks to change the use, the proposal is in accordance with national and local planning policy as it will sympathetically improve the quality of the conservation area.



## 7.0 Conclusion

---

- 7.1 This Planning Statement has been prepared by Vail Williams LLP on behalf of MiHomecare Ltd. for the change of use of 112 Heath Street, Hampstead from a shop (A1) to office (B1).
- 7.2 The application seeks a change of use to allow the unit to be used for an office (B1) by MiHomecare Ltd. only. If MiHomecare Ltd. were to vacate the unit, it would revert back to a retail (A1) use.
- 7.3 The site is located on the edge of Hampstead town centre and within the Hampstead Conservation Area. There are a range of uses in the surrounding area including residential (C3), hairdressers (A1) and restaurants (A3).
- 7.4 The site has been considered against the National Planning Policy Framework, the London Plan, the London Borough of Camden's Core Strategy, the London Borough of Camden's Development Policies and the Hampstead Conservation Area Appraisal. The proposal accords with the relevant policies within these documents and would provide a complementary use to the existing environment.
- 7.5 The change of use will provide a viable use in a town centre location, having a positive impact on the vitality and vibrancy of the area.

**Legal statement**

Vail Williams LLP, a Limited Liability Partnership, registered in England (number OC319702).

Registered office: 540 Thames Valley Park, Reading, Berkshire RG6 1RA.

Any reference to a Partner means a Member of Vail Williams LLP or an employee or consultant with equivalent standing and qualifications.

A full list of Members is open for inspection at the registered office.

**Regulated by RICS**



#### **Vail Williams LLP**

Birmingham  
Camberley  
Crawley  
Guildford  
Heathrow  
London  
Portsmouth  
Southampton  
Thames Valley

#### **Registered office**

Vail Williams LLP  
540 Thames Valley Park  
Reading Berkshire RG6 1RA  
T 0118 909 7400  
F 0118 909 7433

#### **Our services**

Occupier Services  
Tenant Services  
Landlord Services  
Landowner Services  
Developer Services  
Corporate Real Estate  
Property Acquisition & Disposal  
Property Asset Management  
Service Charge Consultancy  
Treasury Management  
Building Consultancy  
Dilapidations Disputes  
Investment & Funding  
Lease Advisory  
Planning Consultancy  
Development Consultancy  
Business Rates  
Property Valuation  
LPA Receivership

## **Making commercial sense of property**

Vail Williams LLP, a Limited Liability Partnership, registered in England (number OC319702). Registered office: 540 Thames Valley Park, Reading, Berkshire RG6 1RA.  
Any reference to a Partner means a Member of Vail Williams LLP or an employee or consultant with equivalent standing and qualifications.  
A full list of Members is open for inspection at the registered office.

**Regulated by RICS**