

1st February 2017

London Borough of Camden
Planning Services
5 Pancras Square
London
N1C 4AG

Dear Sirs,

PLANNING STATEMENT COVER LETTER

Use of no.168 West End lane as mixed Retail Bakery / Coffee Shop (Class A1 / Class A3)

On behalf of our Client, Lolas Cupcakes Limited, SF Planning Ltd have been instructed to prepare this planning application to the London Borough of Camden in relation to the use of no. 168 West End Lane in West Hampstead, which is currently vacant, as a mixed retail bakery / coffee shop use (Class A1 / Class A3 use).

Please find enclosed the following application documentation submitted electronically via the planning portal;

- Site Plan;
- Existing Floor Plans;
- Proposed Floor Plans;
- CIL Forms;
- Planning Statement (this letter);
- Application Fee – to follow.

This Statement considers the application site, its context and goes on to analyse relevant local and national level planning policy, which generally supports enhancing the vitality and viability of town centre locations such as West Hampstead.

The Statement then goes on to fully justify the proposal in planning terms and highlights the key benefits of the application which will bring back into use this currently vacant unit to enhance this part of the primary shopping area in West Hampstead.

The Site

The application site comprises of the basement and ground floor of no.168 West End Lane in West Hampstead. The unit is located on the east side of the street and was formally occupied by a printing shop but is now vacant.

In terms of planning designations, the property is located within a Core Shopping Frontage within the West Hampstead Town Centre and West End Green Conservation Area.



Photograph of existing vacant unit at no.168 West End Lane (central) and adjoining units

The Proposals

The proposals are for the use of the basement and ground floor of the property as a mixed use comprising of a retail bakery and coffee shop (Class A1 / Class A3), operated by Lolás Cupcakes.

The retail element of the unit remains the predominant use, with significant areas of retail display and a large retail counter at the front of the unit and some seating for customers to the rear, as indicated on the accompanying floor plans. The proposed opening hours for the unit are 6.30am to 9pm Monday to Friday and 7am to 9pm Saturdays and Sundays.

Separate applications have been submitted for the proposed replacement shopfront and external seating.

Relevant Planning Policy

- *National Planning Policy Framework*

At a national level, paragraph 19 of the Framework sets out the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Paragraph 19 makes it clear planning should operate to encourage and not act as an impediment to sustainable growth and significant weight

should be placed on the need to support economic growth through the planning system.

Paragraph 23 of the Framework considers the vitality of town centres and recognises town centres as the heart of their communities. It states Local Authorities should pursue policies to support their viability and vitality.

Local Authorities are required by paragraph 23 to define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations.

In addition, Local Authorities are required by the Framework to promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.

It is clear the Framework requires Local Authorities to promote a diverse retail offer. This is further emphasised by Class C, Schedule 2, Part 3 of the General Permitted Development Order (GPDO) 2015 (superseding the GPDO 1995), which establishes changes of use from A1 retail to an A3 use would normally be permitted development not requiring planning permission (subject to a prior approval process).

It is acknowledged the above Permitted Development Right is not applicable in this case as a mixed A1 / A3 use is proposed. However, it does show the Government's "direction of travel" in freeing up the planning system to allow a mix of town centre uses within primary shopping areas to promote the vitality and viability of centres.

- *The Development Plan*

In terms of relevant local planning policy, both Camden's Core Strategy and Development Policy Documents were adopted in 2010, in the pre NPPF era and therefore the weight attributed to relevant policies depends on the consistency with the Framework.

Core Strategy policy CS7 is relevant to a degree which seeks to promote Camden's centres and shops. This sets out the Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors through a number of measures.

The proposals would bring back into use this currently vacant unit and with a predominantly retail led use, with active frontage and retail display to enhance the role of the unit within this part of West Hampstead town centre.

Whilst the proposals include a predominantly retail use, paragraphs 7.19 of the Core Strategy makes it clear food, drink and entertainment uses, such as restaurants, pubs and bars, music venues, cafés and hot food take-aways, are most appropriately located in commercial areas such as this, to minimise their impact on the amenity of local residents.

Development Policy DP12 is relevant and seeks to support strong centres and managing the impact of food, drink, entertainment and other town centre uses.

Also relevant is Camden Planning Guidance 5 (CPG5) (Town Centres, Retail and Employment adopted September 2013). Paragraph 3.24 of the document notes West

Hampstead contains a variety of uses and that shopping uses account for almost half of the ground floor uses in the centre, while a significant number of premises are occupied by food and drink uses.

Paragraph 3.25 goes on to state retail uses are important for ensuring West Hampstead retains a viable shopping function to meet the needs of the local area and therefore the Council have designated Core and Secondary shopping frontages. Within Core Frontages, the policy states permission for development of food, drink and entertainment uses may be granted to a maximum of 25% of total premises in each individual frontage.

The area also has an adopted Neighbourhood Plan (NP), known as the Fortune Green & West Hampstead NP, adopted in March 2015. In terms of relevant policy the West Hampstead Town Centre Policy 13 requires development to preserve or enhance the village character of the Town Centre as a mixed retail area with a diverse range of shops and businesses.

Justification

No.168 West End Lane falls within its own parade, which is designated as a "Core Frontage" on the east side of the street. The parade contains a total of 7no. units including the application site, the remainder of which are retail and other town centre (non-food and drink) uses.

In terms of the proposed use, Lolos Cupcakes primarily serve hot and cold drinks and cold food for takeaway and consumption off the premises and therefore the predominant use is retail (Class A1).

The unit will have large display areas of food for sale and substantial counter areas for serving cold food take away as set out on the accompanying floor plans. A small element of food is warmed on the premises (prepared off site and delivered fresh every day) in addition to the fresh baking of products on the premises using convection ovens that are self-vented and therefore do not require an extract system. No cooking over a naked flame takes place on the premises and therefore there is not a requirement for a kitchen extract system.

Relevant menus for the proposed operation have been provided within Attachment 1 and demonstrate the majority of produce is cold food for takeaway and consumption off the premises.

As demonstrated on the submitted floor plans, the premises would retain a large element of retail sales and display units providing an active frontage and visual interest from the street. There would be some seating for customers on the premises but on-site consumption would form a smaller percentage of sales, particularly in this High Street location.

The Framework requires Local Authorities to promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. This would clearly be achieved as part of these proposals.

The proposal doesn't result in the "loss" of a retail frontage and the proposals would bring back into use a currently vacant unit. The scheme is therefore compliant with the NPPF and policies CS7, DP12, CPG5 and Policy 13 of the NP.

Notwithstanding the fact the proposals will retain a predominantly A1 use and active frontage with retail display, the proposals will also ensure there is not an overconcentration of food and drink uses in this specific parade. Even if the unit was considered to be a food and drink use, the proposals would comply with the criteria set out in CPG5, with over 75% of the remaining units retaining a retail and other town centre (non-food and drink) use.

This further demonstrates the proposals should be considered entirely acceptable. The proposed retail bakery / coffee shop in this location would complement the surrounding retail offer, maintaining an active ground floor use with associated footfall and meeting the needs of shoppers.

Conclusions

Current Government policy within the National Planning Policy Framework (NPPF – 2012) seeks to provide a more flexible approach to retail units, in the interests of sustainable economic development and to ensure everything is in place to keep vacancy levels low.

The proposed use in this location would complement the surrounding retail offer, maintaining an active ground floor use with associated footfall and meeting the needs of shoppers.

The permanent re-use of the unit will create new employment, will help to support sustainable economic development and deliver a viable business to the area with associated increased footfall, all to the benefit other retail uses within the vicinity of the site and West Hampstead as a whole.

Its use for the purpose proposed (mixed A1 / A3) is wholly consistent with core planning principles set out at paragraph 17 of the NPPF and would help build a strong, competitive economy and the case for granting planning permission is compelling.

We look forward to confirmation of receipt of this application and the appointed case officer shortly.

Please do get in touch with any queries you may have.

Yours sincerely

Paul Jenkins MRTPI

ATTACHEMENT 1 – LOLAS CUPCAKE TYPICAL MENUS