



Planning Design and Access Statement

Change of use from shop (Use Class A1) to a language tuition centre (Use Class D1)
at 87 Agincourt Road, London, NW3 2NT

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The statement is structured as follows:

- 1.0 Introduction
- 2.0 Site description
- 3.0 Proposed Development
- 4.0 Relevant Planning History
- 5.0 Planning Policy
- 6.0 Analysis
- 7.0 Conclusion

1.0 INTRODUCTION

- 1.1 This statement is a combined Planning, Design and Access Statement that has been prepared to support an application for full planning permission for the change of use of a shop (Use Class A1) to a language tuition centre (Use Class D1) at the site known as 87 Agincourt Road, London, NW3 2NT.

- 1.2 The statement explains the design thinking behind the application for planning permission. It includes a written description of the proposal, its setting, considers the planning history and planning policy, and provides a justification for the proposal. The Design and Access Statement has been produced in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2.0 BACKGROUND AND SITE DESCRIPTION

- 2.1 The application site is in the Belsize Park area on Agincourt Road, which serves as a main arterial road linking the Hampstead and Hampstead Heath areas with the Chalk Farm/Camden and Kentish Town areas.
- 2.2 The site is situated on the east side of the highway at the junction with Fleet Road, Mansfield Road and Southampton Road, and contains a single-storey building. The building forms part of a pair of single-storey commercial units. The application building is currently in use as a convenience shop and the adjacent unit at No. 85 is currently in use as a hairdressers/salon.
- 2.3 The majority of the buildings in the immediate area consist mostly of residential uses in the form of dwelling-houses and flats. There are a handful of small ground floor commercial units in the immediate area which consist of the adjacent hairdressers/salon, an estate agent, a bistro diner and a dog grooming centre. It is of note that this collection of commercial premises, including the application site, do not form part of a local neighbourhood centre designation.
- 2.4 The application site is situated within the Mansfield Conservation Area designation, however, the application building itself is not listed.

3.0 PROPOSED DEVELOPMENT

- 3.1 The proposal is for the change of use of a shop (Use Class A1) to a language tuition centre (Use Class D1).
- 3.2 The language tuition centre would specialise in the running of language courses on a one-to-one basis only. The applicant currently owns and runs a language centre around a mile from the application site on Brecknock Road called ME Languages where language courses are undertaken in classes for up to six students at a time. The one-to-one tuition proposed at the application site would supplement the existing language centre at Brecknock Road.
- 3.3 For the avoidance of doubt, only minor internal alterations to facilitate the change of use are required and no external changes or alterations are proposed as part of this application.

4.0 RELEVANT PLANNING HISTORY

- 4.1 9100820 – Change of use from business use (Use Class B1) to a doctors’ surgery (Use Class D1). Permission was granted in July 1991.

5.0 PLANNING POLICY

National Planning Policy Framework

5.1 This document replaces previous Government Planning Policy Statements, and Guidance. It is a material consideration that should be given significant weight.

5.2 Paragraph 7 identifies three dimensions to sustainable development. These are: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

5.3 Paragraph 9 states “pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

- Making it easier for jobs to be created in cities, towns and villages;
- Moving from a net loss of biodiversity to achieving net gains for nature;
- Replacing poor design with better design;
- Improving the conditions in which people live, work, travel and take leisure; and

- Widening the choice of high quality homes.
- 5.4 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development with Paragraph 197 stating that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
- 5.5 Paragraph 17 sets out core planning principles, these include achieving a good standard of amenity for existing and future occupants of land and buildings, promoting the vitality of main urban areas, encouraging effective use of land by reusing land that has been previously developed, managing patterns of growth by making the fullest possible use of public transport, walking and cycling. A definition of previously developed land is set out in Annex 2 as *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land... This excludes: ...land in built up areas such as private residential gardens, parks, recreation grounds and allotments.”*
- 5.6 Paragraphs 56 to 68 address the requirement for good design. Paragraph 64 reiterates previous Government Policy that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. However, Paragraph 65 indicates that local planning authorities should not refuse planning permission for buildings or infrastructure which promotes high levels of sustainability because of concerns about incompatibility with an existing townscape.
- 5.7 Paragraph 196 confirms that the planning system is plan led and that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. One such material consideration is the NPPF.

The Development Plan

- 5.8 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. The

development plan for the London Borough of Camden consists of the Camden Local Plan (adopted in 2017).

Camden Local Plan (2017)

Policy E1 – Economic Development

5.9 The Council will secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses. We will:

- Support businesses of all sizes, in particular start-ups, small and medium-sized enterprises;
- Maintain a stock of premises that are suitable for a variety of business activities;
- Support local enterprise development, employment and training scheme for Camden residents.

5.10 Policy A1 – Managing the Impact of Development

The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity.

Policy D1 - Design

5.11 The Council will seek to secure high-quality design in development. The Council will require that development:

- Respects local context and character; and
- Preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage

Policy D2 – Heritage

5.12 The Council will preserve and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Policy D3 – Shopfronts

- 5.13 The Council will expect a high standard of design in new and altered shopfronts, canopies, blinds, security measures and other features.

Policy TC3 – Shops Outside of Centres

- 5.14 The Council will seek to protect shops outside centres. The Council will only grant planning permission for loss of a shop outside designated centres provided:
- Alternative provision is available within 5-10 minutes' walking distance;
 - There is clear evidence that the current use is not viable; and
 - Within the Central London Area, the development positively contributes to local character, function, viability and amenity.

6.0 ANALYSIS

6.1 From an assessment of the site and a review of planning policies, there are three main issues raised by this proposal:

- The principle of the proposed development;
- Whether the character and appearance of the conservation area or wider area would be harmed;
- Impact upon the living conditions of neighbours; and
- Impact upon highway safety.

Principle of the proposed development

6.2 The site is designated as previously developed land and as such, the presumption is in favour of the development. The application is for the use of the application building as a language tuition centre. Non-residential use has been established at the site and the use would contribute towards maintaining the vitality of this part of Agincourt Road.

6.3 The language centre would specialise in running private language tuition courses on a one-to-one basis. As already previously mentioned in Section 3.0 of this Statement, the courses offered at the application premises would supplement an existing nearby language centre that the applicant currently owns and runs called ME Languages. Given that the existing language centre is currently set-up to provide languages classes for groups of students in a 'classroom style' environment, the applicant wants to be able to provide private one-to-one tuition at suitable premises and the application premises are ideal given its small size and location. For clarity, only one-to-one private tuition is proposed, and no classes are proposed. As already mentioned, these are currently offered at the sister site on Brecknock Road. In any event, it would not be possible to run classes from these premises given the size constraints.

6.4 The tuition would be offered to adults only (ages 18 and above) and each student must enrol on a course before they are able to participate. The subjects taught

would include English, Portuguese, Spanish and Italian. The courses would run between the hours of 8:30am and 5:30pm Monday to Friday. On Saturdays, it is proposed to run courses between the hours of 8:30am and 1:30pm, however it is worth highlighting that this would only occur occasionally on a Saturday. No tuition would take place at evenings or on Sundays or Bank Holidays. The existing language centre on Brecknock Road currently employs two people on a full-time basis. One of the staff members is a class teacher and the other is an office manager/administrator. External freelance teachers are brought in as and when required depending upon the subject and demand. The introduction of the tuition centre on Agincourt Road would require an additional person to be employed and would also provide greater job security for the two existing staff members.

- 6.5 The application building does not fall within a Local or Neighbourhood Centre designation, however Policy TC3 is relevant to this submission.
- 6.6 Policy TC3 seeks to protect shops outside designated centres unless certain criteria can be demonstrated. The policy states that there should be alternative provision with 5-10 minutes' walk of the site and this is the case; there is a Nisa Local store 100m from the site on the corner of Fleet Road and Parkhill Road; there are a number of convenience shops 200m away in the Mansfield Road local centre designation; and there is a large M&S Simply Food store 500m away adjacent to the Royal Free Hospital. In this connection, it is argued that there is plenty of alternative convenience-type shops within a short distance of the site.
- 6.7 Given the nature and scale of the proposed development, the applicant contends that the proposal use would not result in any material harm to the conservation area or the wider area. It is argued that the proposed tuition centre would in fact introduce a use that would contribute towards the mix of different non-residential uses within the local area. It is clear that the proposal would positively contribute to the local character, function, viability and amenity of central London in accordance with Policy TC3.
- 6.8 The proposed use would retain the existing retail-style shop frontage and the existing window display area would be used to advertise the courses and services offered at these premises and at the nearby language centre on Brecknock Road.

6.9 From a long-term point of view, it is argued that the existing A1 use is not viable. Currently, the premises are used as a shop providing convenience goods, however the small size of the premises (there is only 17m² of floorspace) means that there are severe restrictions in terms of the amount of stock that can be kept on-site and the choice of products available for customers. The applicant contends that the tuition centre would provide a more stable long-term use of the building, whilst adding to the diversity of different services available in the local area. In any event, it is argued that the planning merits of the proposal and the benefits offered by the introduction of the language tuition centre would far outweigh the need to justify the viability of the existing use. Moreover, it has already been demonstrated in paragraph 6.6 that there is ample alternative provision in terms of shops selling convenience goods in close proximity to the site.

Effect upon the character and appearance of the conservation area and wider area

6.10 It is argued that there would be no material difference between the proposed D1 use compared to the previous A1 use. If anything, the proposed D1 would be less harmful as there would be fewer comings and goings associated with the D1 use. It is noteworthy that the provisions of the General Permitted Development Order allow for a change of use from A1 to other Class A uses without requiring planning permission. Indeed, an A3 use as a café or restaurant could technically be implemented by the applicant immediately. Clearly, such a use would have a more harmful impact upon the character and appearance of the area as a result of increased comings and goings to and from the site, and increased levels of noise and odour would be generated.

6.11 It is noteworthy that the existing retail-style shop frontage at the premises would be retained, therefore the existing character and appearance of the premises would not be altered and the impact upon the street scene, the conservation area and the wider area would be materially no different.

6.12 The use of the premises as a language tuition centre would contribute towards diversifying the overall mix of ground floor retail/shop/commercial uses that are

present in this part of Agincourt Road and Fleet Road by providing a worthwhile service for the benefit of residents, especially those that have recently moved to the area and those that have recently moved to the UK.

Effect upon neighbouring properties

- 6.13 As previously mentioned in paragraph 6.4, the one-to-one tuition would only take place between the hours of 8:30am and 5:30pm Monday to Friday and on the occasional Saturday morning. Office hours are also restricted to these hours. By virtue of this, the impact of the use upon neighbouring properties in the immediate area, particularly in relation to residential uses would be minimal. Indeed, it is argued that there would be fewer comings and goings associated with the proposed D1 use when compared with a Class A1 use. Given that the use is educational learning; noise omissions are minimal. Also, as the proposal relates to the use of the premises, there is no operational development proposed. As a result, there would be no material harm to any neighbouring sites in the immediate area.

Impact upon highway safety

- 6.14 The site is located in an area with PTAL of 5 (Very Good). There is a bus stop 40m away from the application site, Gospel Oak overground station is 600m away and Belsize Park underground station is 800m away. Levels of activity are similar to those associated with the existing use.

7.0 CONCLUSION

- 7.1 The proposal would be sustainable development on previously developed land. The D1 use as a language tuition centre would be appropriate in the context of the site and would contribute towards the overall mix of retail/shop/commercial uses in this part of Agincourt Road and Fleet Road. As a result, the proposed use would be acceptable in principle, and the character and appearance of the conservation area and neighbouring sites would not be materially harmed.
- 7.2 The proposal would also comply with the relevant development plan policies, and the relevant paragraphs of the National Planning Policy Framework.