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**PLANNING STATEMENT**  
**CHANGE OF USE FROM USE CLASS A2 TO**  
**USE CLASS D1**

**AT**

**LOWER GROUND FLOOR AND GROUND**  
**FLOORS**

**194-196 FINCHLEY ROAD, SWISS**  
**COTTAGE NW3 6BX**

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## 1.0 INTRODUCTION

- 1.1 This Planning Statement (“**Statement**”) accompanies an application for planning permission at lower ground and ground floors, 194-196 Finchley Road, Swiss Cottage, NW3 6BX (the “**Unit**”) for:

*“Change of use to part of the lower ground and ground floors from Use Class A2 (Estate Agent) to Use Class D1 (Health Service)”.*

- 1.2 It should be noted that the proposed change of use only applies to specific areas of the lower ground and ground floors and that the current use of the remaining rooms remain unchanged.
- 1.3 The application is submitted to the London Borough of Camden (“**Council**”) on behalf of Body+Salt under the Town and Country Planning Act 1990.
- 1.4 This Statement explains how the proposed development for change of use from Use Class A2 to Use Class D1 Use complies with the relevant national planning policy, the development plan and other material considerations.
- 1.5 This Statement should be read in conjunction with the following documents submitted:
- Application Form;
  - CIL Form;
  - Site Location Plan (Ref. DWD.13063.001);
  - Existing Plan (Ref. 2937-01A); and
  - Proposed Plan (Ref. 2937-02A).
- 1.6 The following sections of this Statement consider the site and its context in Section 2 and explain the Proposed Development in Section 3. The planning history of the Unit is detailed at Section 4, the relevant national planning policies, the development plan and other material considerations are set out in Section 5, before providing a detailed planning assessment of the Proposed Development in Section 6. The overall conclusions are contained in Section 7.

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## 2.0 SITE AND SURROUNDINGS

- 2.1 The Unit is located within Finchley Road/Swiss Cottage Town Centre and is situated within a designated retail frontage.
- 2.2 The Unit measures approximately 138 sq.m.
- 2.3 The Unit forms part of a row of 4-storey, red brick terraced properties that have shop fronts on the ground floor and residential dwellings above. The shop fronts currently adjoining the Unit include Des Res Estate Agents (Use Class A2) and Grand Residential Letting (Use Class A2).
- 2.4 The Unit is located within Flood Zone 1 with reference to the Environmental Agency Flood Risk Map.
- 2.5 Finchley Road and Frognal Overground Station is located 50 m west and West Hampstead Tube Station is located 950 m south west. There is also a bus stop located immediately in front of the Unit and is served by buses heading direct to Oxford Circus and Victoria. The Unit has a public accessibility level of 6a (on a scale of 1 to 6, where 1 is poor and 6b is excellent).

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### 3.0 THE PROPOSED DEVELOPMENT

- 3.1 The Proposed Development is for the change of use to part of the lower ground and ground floors from Use Class A2 (Estate Agent) to Use Class D1 (Health Service).
- 3.2 The Unit will be occupied by Body+Salt who provide Salt Therapy treatments to treat skin and respiratory conditions such as asthma and sinusitis.
- 3.3 The proposed change of use will ensure that the Finchley Road/Swiss Cottage Town Centre benefits from a wide variety of services and land uses contributing to its vitality and viability. The Proposed Development is in accordance with the Council's adopted development plan policies as demonstrated in this Statement.
- 3.4 No changes are proposed to the front elevation under this application.

## 4.0 PLANNING HISTORY

- 4.1 An online search of the Planning History of the Unit has yielded the following results for the building, however they are no considered directly relevant to the Proposed Development:

Ref	Description	Status
2004/1054/P	Change of use of the entire building from Business (Class B1) to Professional and Financial Service (Class A2) at ground floor level and to residential use (Class C3) on 1st, 2nd and 3rd floors, to provide 6 x self-contained 1-bedroom flats and 2 x studio flats plus provision for cycle storage facilities on the ground floor.	Approved 13 July 2004
9300589	Alteration to front elevation at ground floor level. as shown on drawing numbers LDA 93/112	Approved 25 June 1993
F6/7/F/11660	The use of 194/196 Finchley Road N.W.3. as for Offices	Approved 1 November 1971
F6/7/F/3254	Erection of extension at the rear of the first floor at Nos. 194-196 Finchley Road, Hempstead, for use as office.	Approved 9 June 1959

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## 5.0 THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

5.1 Under Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the development plan for any area within Greater London comprises the Spatial Development Strategy and the development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

5.2 The statutory development plan for the application site comprises the following:

- The London Plan 2017
- Local Plan 2017

5.3 Material Considerations include:

- National Planning Policy Framework 2012
- Camden Planning Guidance

### **The London Plan 2016**

5.4 Below is the list of relevant policies from the London Plan policies for the assessment of the proposed development:

- Policy 3.17 – Health and Social Care Facilities

### **Local Plan 2017**

5.5 The Local Plan policies which are relevant to the Proposed Development include the following:

- TC2 – Camden’s Centres and Other Shopping Areas
- TC4 – Town Centres
- C1 – Health and Wellbeing
- C2 – Community Facilities

### **Other Material Considerations**

#### National Planning Policy Framework 2012

5.6 On 27 March 2012, the Government published the National Planning Policy Framework (“NPPF”). The framework sets out the Government’s planning policies for England and how these are expected to be applied.

5.7 Paragraph 17 of the NPPF sets out the core land-use planning principles which should underpin decision-taking and refers to health and states that local councils should “*take account of and*



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*support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”.*

Camden Planning Guidance

- 5.8 Camden has published a number of Camden Planning Guidance documents that provide advice and information on how Camden’s planning policies are applied. The Camden Planning Guidance which is relevant to the Proposed Development is CPG 5 ‘Town Centres, Retail and Employment’ “**CPG 5**”.

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## 6.0 PLANNING ASSESSMENT

### Change of Use from A2 to D1 Use Class

- 6.1 This application is for the change of use to part of the lower ground and ground floors of 194-196 Finchley Road from A2 to D1 Use.
- 6.2 London Plan 2017 (“**London Plan**”) Policy 3.17 states that *“development proposals which provide high quality health and social care facilities will be supported in areas of identified need, particularly in places easily accessible by public transport, cycling and walking”*.
- 6.3 Explanatory paragraph 3.93 acknowledges the importance of health care services and states that *“London’s health service is vital to maintaining and improving Londoners’ quality of life”*.
- 6.4 Local Plan 2017 (“**Local Plan**”) Policy C1 ‘Health and Wellbeing’ reflects London Plan Policy 3.17 and asserts that the Council will promote strong, vibrant and healthy communities through ensuring a high quality environment with local services to support health, social and cultural wellbeing are provided.
- 6.5 Explanatory paragraph 4.14 confirms that health centres are a vital part of the infrastructure supporting Camden’s quality of life and states that the Council *“will seek to ensure that community facilities and services are developed and modernised in a way that is sustainable and retained for the benefit of communities in Camden”*.
- 6.6 Local Plan Policy C2 ‘Community Facilities’ promotes the development of community facilities including healthcare and in explanatory 4.21 states that these facilities *“form a vital part of town centres and neighbourhoods and addresses the local community’s needs”*.
- 6.7 The Unit is located within the Finchley Road/Swiss Cottage Town Centre and is the third largest town centre in the London Borough of Camden and is classified as a district centre in the London Plan. The Unit is also designated within a secondary retail frontage.
- 6.8 Local Plan Policy TC2 ‘Camden’s centres and other shopping areas’ states that *“the Council will promote successful and vibrant centres throughout the Borough”*. The Policy discusses designated secondary frontages and states that the Council *“will protect the secondary frontages as locations for shops (A1) together with a broader range of other town centre uses to create centres with a range of shops, services, and food, drink and entertainment uses which support the viability and vitality of the centre”*.
- 6.9 The strategic objectives of Local Plan Policy TC2 are expanded upon in Local Plan Policy TC4 ‘Town Centre Uses’ and states that *“the Council will ensure that the development of shopping, services,*

*food, drink and entertainment and other town centre uses do not cause harm to the character, function, vitality and viability of a centre, the local centre or the amenity of neighbours”.*

- 6.10 Explanatory paragraph 9.36 states that *“the Council will not grant planning permission for development that it considers would cause harm to the character, amenity, function and vitality and viability of a centre or local centre. We consider that harm is caused when an impact is at an unacceptable level, in terms of trade/turnover, vitality and viability; the character, quality and attractiveness of a centre; levels of vacancy; crime and antisocial behaviour; the range of services provided; and a centre’s character and role in the social and economic life of the local community”.*
- 6.11 Appendix 4 of the Local Plan and CPG 5 set out expectations for the balance of uses within secondary frontages in Finchley Road/Swiss Cottage Town Centre. Paragraph 4.42 in CPG 5 states that *“the Council seeks to protect retail function and character of Finchley Road/Swiss Cottage. The Council will not grant planning permission for development which results in the proportion of ground floor premises falling below 50% in a secondary frontage”.*
- 6.12 The Proposed Development does not propose the loss of an A1 retail use and the current proportion of retail function in ground floor premises within the secondary frontage will be maintained. There is no policy protecting A2 uses and given that the premises either side of our Unit are both Use Class A2 (Estate Agents), the change of use of the Unit to Use Class D1 will diversify the range of services in the vicinity and will contribute to the viability and vitality of the town centre, as well as support the health and well-being of those that live and work in the area. It is therefore considered that the Proposed Development is in accordance with London Plan Policy 3.17, Local Plan Policy C1, C2, TC2 and TC4 and Camden’s Planning Guidance.

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## 7.0 CONCLUSION

- 7.1 This Statement demonstrates that the proposed change of use of the Unit from Use Class A2 (Estate Agent) to Use Class D1 (Health Service) accords with the adopted development plan policies and all other material considerations.
- 7.2 The Unit is located within Finchley Road/Swiss Cottage Town Centre and is situated within a designated secondary retail frontage where the Local Plan requires that a proposed change of use does not result in less than half of ground floor premises in the secondary retail frontage from being in retail use. The Proposed Development complies with this requirement as no loss of A1 retail use is proposed; indeed the Proposed Development proposed the change of use of part of the ground floor and part of the lower ground floor.
- 7.3 This Statement demonstrates that Body+Salt will provide a service that benefits the local community and will support the viability and vitality of the town centre in accordance with the adopted development plan policies.