

Application ref: 2018/2153/P  
Contact: Ben Farrant  
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Date: 18 July 2018

**Development Management**  
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Hybrid Planning & Development  
Hybrid Planning & Development  
PO Box 61294  
53 Moorefield Road  
London  
N17 1EN

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**Lower Ground and Ground Floor**  
**68 Heath Street**  
**London**  
**NW3 1DN**

Proposal: Change of use from Estate Agent (use Class A2) to Skincare Clinic (use Class D1)  
Drawing Nos: Location Plan (unnumbered), 100, 101, 200 & 201

The Council has considered your application and decided to grant permission subject to the following conditions:

Conditions and Reasons:

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (unnumbered), 100, 101, 200 & 201.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The use hereby permitted shall not be carried out outside the following times: 10:00 to 20:00 Mondays to Saturdays and 10:00 to 18:00 on Sundays and Bank Holidays and no sound emanating from the use shall be audible within any adjoining premises outside of those hours.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, A4, TC2, and TC4 of the London Borough of Camden Local Plan 2017.

- 4 Notwithstanding the provisions of Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the premises to which this application relates shall only be used for a skincare clinic, and for no other purpose within Class D1.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises or immediate area by reason of noise, traffic congestion and excessive on-street parking pressure, in accordance with policies G1, A1, A4 and T1 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Reasons for granting permission

The subject site is located within the Hampstead Town Centre and is within a secondary shopping frontage. The site is within the Hampstead Conservation Area, and is a Grade II Listed Building.

The application seeks a change of use from Class A2 (Estate Agent) to Class D1 (Skincare Clinic). Para.4.66 of the Town Centres CPG (2018) states that the Council will generally resist proposals which would result in less than 50% of the premises in secondary frontages in Hampstead Town Centre being in retail use. The Council will also generally resist more than 3 consecutive premises within a secondary frontage being in non-retail use (para. 4.68).

The Hampstead Neighbourhood Plan provides further guidance under Policy EC1, which seeks to provide office and retail at first floor, resist A1 to A2 change of use, preserve small retail premises and to resist the change of use from commercial to residential. Policies TC2 and TC4 provide further guidance on town centres and

appropriate uses.

The application site was most recently operating at an estate agents (use class A2), which is a town centre use but did not contribute a retail unit to the secondary shopping frontage. As such the change of use to D1 would not result in the loss of a retail unit.

This site also represents one of four consecutive non-retail uses, contrary to guidance contained within the Town Centres CPG (2018) which resists 3 or more consecutive non-retail uses. However, given the most recent operation of the site under use class A2, it would have previously represented a run of four consecutive non-retail uses; the proposal made here would not alter this arrangement. On balance therefore, the requirements of Policy TC4 (c & d) of Camden's Local Plan (2017) have been met. Given the above assessment, the scheme is considered to be acceptable in land use terms.

The proposed D1 use (skincare clinic) is considered to be acceptable within this Town Centre in accordance with policy TC4 of the Local Plan and would accordingly not result in undue harm to neighbouring amenity (subject to the attached conditions). Conditions have been attached to restrict the opening hours, noise emanating from the use, and to prevent the use from moving within the use class D1. All are deemed necessary to protect residential amenities.

As no external alterations which require planning consent are proposed to the unit, there are no design considerations in the determination of this scheme.

No comments were received following public consultation on the scheme. The site's planning history was taken into account in coming to this decision.

As such, the proposed development is in general accordance with policies TC2, TC4, A1 and A4 of the Local Plan (2017), CPG Town Centres and Retail (2018), Hampstead Neighbourhood Plan (2018), The London Plan 2016, and NPPF 2012.

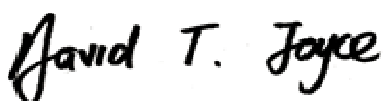
- 4 The applicant is reminded that Listed Building Consent is required for the alterations to the internal walls of the building as shown on the plans.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



David Joyce  
Director of Regeneration and Planning