

5 February 2019  
L 190205 CoU A3 D2 Covering Letter



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**SUBMITTED VIA THE PLANNING PORTAL - PP-07542645**

Dear Sir or Madam

**SECTION 62 OF TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
APPLICATION FOR THE CHANGE OF USE FROM CLASS A3 TO A FLEXIBLE CLASS A3 AND / OR D2  
USE  
UNIT 8D, THE O2 CENTRE, FINCHLEY ROAD, NW3 6LU  
THE RESTAURANT GROUP PLC**

**Introduction**

We write on behalf of our client, The Restaurant Group Plc, to apply for planning permission for the change of use of the above unit, in order to provide for a flexible Use Class A3 and / or D2 use.

The description of development is as follows:

*Change of use of from Use Class A3 to a flexible Class A3 and / or D2 use.*

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), we confirm the following documents comprise the application:

- This covering letter;
- The completed application form and certificates;
- The completed CIL form; and
- Drawing Refs:
  - Site Location Plan: AL(04)0700 - P01; and
  - Existing and Proposed Floorplan: 1160-02d.

The application has been submitted via the Planning Portal website (Ref: PP-07542645), with the planning application fee of £462.00 paid online via the Planning Portal.

**The Application Site**

The application site comprises Unit 8D which is located on the first floor of the O2 Centre on Finchley Road. The unit was previously occupied by Frankie & Benny's. The extent of the application site is illustrated on the Site Location Plan - Ref: AL(04)0700 - P01 and the Existing and Proposed Floorplan – Ref: 1160-02d. Unit 5 measures approximately 449 sq. m GIA.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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The O2 Centre comprises a range of shops, cafes / restaurants and leisure uses. It forms part of the defined Finchley Road / Swiss Cottage Town Centre.

The O2 Centre is located approximately 250m to the south of Finchley and Frognal railway station and 100m north of Finchley Road underground station, whilst there are bus stops immediately outside the centre on Finchley Road. The site is therefore located in an area with excellent public transport accessibility, with a PTAL rating of 6a / 6b.

Surrounding uses are primarily commercial in nature, reflecting its town centre location.

### **The Proposed Development**

The application seeks planning permission for the change of use of Unit 8D from Class A3 to a flexible Classes A3 and / or D2 use.

The proposed development would meet the requirement to accommodate a prospective new tenant and facilitate the reoccupation of the unit, which is currently vacant. The unit will operate within the current opening hours of the O2 Centre.

Given the commercial nature of the O2 Centre and its surroundings, there are no noise sensitive receptors and therefore this is not considered to be contentious in this respect.

This application does not propose an increase in floorspace and no alterations to the external appearance of the unit are proposed. Any new signage will be subject to a separate application for Advertisement Consent.

### **Assessment of the Proposed Development**

Below we undertake a review of the local and national planning policies relevant to the consideration of the proposed development. As the site is already in Class A3 use, we have focussed this assessment on the proposed Class D2 (leisure) use.

The development plan for the site comprises the London Plan; Camden Local Plan (adopted July 2017) and the Fortune Green and West Hampstead Neighbourhood Plan (adopted 2015). These, along with the relevant policies contained within the National Planning Policy Framework (NPPF), form the basis for our assessment.

The site is not identified in the Council's Site Allocations Plan (adopted 2013) and therefore this document is not relevant to the proposed development.

### **The Development Plan**

The Proposals Map identifies the site within Finchley Road / Swiss Cottage Town Centre. The application site does not fall within the secondary frontage, which only relates to the ground floor part of the O2 Centre Policy fronting Finchley Road.

The Neighbourhood Plan does not allocate the site or contain policies for the Town Centre or the O2 Centre, albeit there are policies relating to the development of adjacent sites.

Local Plan Policy TC1 (Quantity and Location of Retail Development) does not set out a detailed policy for the Town Centre, but identifies 'additional provision' in 'other centres'.

Local Plan Policy TC2 (Camden's Centre and Other Shopping Areas) seeks to promote successful and vibrant centres. This includes providing for a range of shops, services, food, drink, entertainment and other suitable uses to provide variety, vibrancy and choice (criterion b), and focussing town centre uses within the centres (criterion c).

Local Plan Policy TC4 (Town Centre Uses) sets out the Council will ensure that the development of town centre uses does not harm the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.

Policy TC4 is supported by the Town Centres and Retail SPG (March 2018), which sets out that the Council will seek a range of suitable uses within the Town Centre as a whole.

As a Town Centre location, the proposed Class D2 use is acceptable in principle against the terms of Local Plan. It would entirely accord with the 'town centre first approach' for such uses. The proposed development would support the overall vitality and viability of the Town Centre through the re-occupation of a vacant unit for a 'main town centre use'. It will encourage new visitors and result in linked trips being undertaken with other facilities in the O2 Centre and wider Town Centre. Notwithstanding the flexibility sought by this application, there are no policies protecting the existing A3 use of the site. The proposed development is therefore fully in accordance with the Development Plan.

### **National Planning Policy Framework**

The new National Planning Policy Framework ('NPPF') was published in July 2018. This replaced the 2012 NPPF and is a material consideration in the determination of planning applications.

The new NPPF maintains the presumption in favour of sustainable development. It sets out that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It requires significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The NPPF (Annex 2), identifies leisure uses as a 'main town centre use', which should be directed to town centres in the first instance, in order to support their vitality and viability.

In line with the Local Plan, the principle of the proposed development fully accords with the NPPF 'town centre first' approach.

### **Transport and Accessibility**

The site is within a highly accessible location by public transport, with a PTAL 6a / 6b rating. As there will be no increase in floorspace, it is not considered that there will be any unacceptable impact on the local highway network. In particular:

- The unit forms part of an established commercial location within the Town Centre. It benefits from parking provision for the centre and is accessible by a range of transport modes. There are cycle parking facilities available immediately adjacent to the O2 Centre.
- Any additional trips arising from the proposed Class D2 use, over and above those generated by the permitted Class A3 use of the unit, will be minimal in the context of the existing uses at the wider site and the Town Centre.
- Any new trip generation arising from the Class D2 use of the unit will predominantly take place outside the AM and PM peak flows on the local highway network.
- The scheme will also be able to benefit from linked trips with existing uses at the site and from 'pass by' trips already on the local road network.
- It will utilise existing parking spaces at the wider site, which is sufficient to accommodate the proposed development (noting that there is no proposed increase in floorspace).

Arising from the above, it is not considered that proposed development would result in an unacceptable impact on highway safety or result in severe impacts on the road network. The proposed development is therefore entirely acceptable in transport and accessibility terms.

### **Other Material Considerations**

The proposal will have a positive effect on local employment and local wage generation, through the re-occupation of a unit that would otherwise remain vacant and which ensures its ongoing active economic use.

It is estimated that the proposed development will result in the creation of circa 25-30 new jobs. These jobs can be expected to be primarily taken by local residents. This job creation will increase local wages / spending and in turn support existing local businesses.

Due to the location of the unit within the O2 Centre, the proposed development will not result in any impacts on neighbour amenity.

### **Summary and Conclusion**

The application seeks planning permission for the change of use of Unit 8D from Use Class A3 to a flexible Class A3 and / or D2 use.

It has been demonstrated that the proposed development entirely accords with the town centre first approach and is therefore acceptable in principle. Notwithstanding that flexibility is sought for Use Classes A3 and D2, there is no policy protection against the loss of the A3 use.

It has been demonstrated that the site is highly accessible by a choice of transport modes and, as an existing unit within the Town Centre, would have minimal, if any, impact on the local highway network.

The proposed development will ensure the active economic use of the unit, and have a number of economic benefits impacts which include the creation of a range of new jobs and associated expenditure available to support local businesses.

Critically, the proposal accords with the overarching objective of the NPPF to deliver sustainable economic development and is in accordance with the Development Plan. There are no material considerations which outweigh the presumption in favour of development and accordingly we request that the application is approved and planning permission granted pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004.

We trust that the details included within this submission provide you with sufficient information to register and consider this application. We will endeavour to contact you within the next few days to establish your timetable for decision making.

In the meantime, should you require any clarification or additional information, please do not hesitate to contact Tim Price or Alistair Ingram at these offices.

Yours faithfully

A handwritten signature in black ink, appearing to read "Savills", written in a cursive style.

**Savills (UK) Limited**  
Commercial Planning

Enc.