



35-37 Fairfax Road, NW6 4EW

Change of Use of Ground and Lower Ground Floors– A1 (retail) to D1 (Community Use) with ancillary retail sales.

Planning Statement (incorporating a Community Use Plan)

September 2019

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1.0 Introduction

1.1 On behalf of our client, Chabad Lubavitch of West Hampstead, this Planning Statement has been prepared in support of a planning application for:

Change of use of the ground and lower ground floors from Retail (Use Class A1) to Community Use (Use Class D1), with ancillary retail sales on the ground floor.

1.2 This statement should be read in conjunction with the following drawings and reports:

- Architectural Plans:
 - Existing Floor Plans
 - Proposed Floor Plans
- Transport Assessment, prepared by Caneparo Associates Ltd.

2.0 Background and Planning History

2.1 The Chabad of West Hampstead was established in 2010.

2.2 A Chabad House is a Jewish community centre that hosts educational and outreach activities of Chabad-Lubavitch, which serves the needs of the entire Jewish community.

2.3 The existing centre, located at 47 Fairfax Road, a few door down from the application site, has a ground floor retail function and café bar, with meeting rooms on the lower ground level. It provides 150sqm of floorspace. Its lawful use is retail (A1).

2.4 Classes and study groups use the centre seven days a week, with opening hours of 9am to 6pm. On Wednesdays the centre opens later, usually to about 10pm.

2.5 The unit has no recent relevant planning history.

3.0 Pre-Application Engagement

3.1 A formal pre-app was submitted in February 2019 (under reference 2019/0943/PRE) seeking advice a proposal for:

Change of use of the ground and lower ground floors from Retail (Use Class A1) to Community Use (Use Class D1)

3.2 A site visit/meeting was held on 18th March 2019. Written advice was received on 6th June, which in general was in support of the proposals and in summary stated the following:

- 1) The change of use from A1 to S1 would likely be supported by the Council.
- 2) The proposal would not have a harmful impact on the vitality and viability of shopping parade.
- 3) Some concerns identified relating to the increase in physical size of the proposed unit and consequential impact on the amenity of neighbouring occupiers (flats above).
- 4) Further information also required on how movements to and from the unit would be controlled.
- 5) Conditions likely to be imposed to restrict audible music, hours of operation and to control other uses within D1 other than a community centre.

4.0 Site Description and Planning Designations

- 4.1 The application site is a double-fronted retail unit (Use Class A1), located within a vibrant shopping frontage, within the Fairfax Road 'Neighbourhood Centre'. The unit is currently vacant.
- 4.2 The other retail units on the parade offer food and household goods retail, restaurants, cafes, delicatessen and offices. Only one unit at the southern end is currently vacant (formerly a grocers).
- 4.3 The site is outside of any conservation area and is not within the curtilage of any listed buildings.
- 4.4 The Site is located approximately 250m north of South Hampstead Railway Station, circa 360m west of Swiss Cottage Underground Station and circa 460m south of Finchley Road Station.
- 4.5 The Unit benefits from excellent public transport accessibility with a level of 6a rating (on a scale of 1 to 6, where 1 is poor and 6b is excellent).

5.0 Proposed Development

- 5.1 Full planning permission is sought for a change of use of the ground floor and lower ground floor from Use Class A1 (retail) to Use Class D1 (Community Use), with ancillary retail sales on the ground floor.
- 5.2 The proposed change of use would facilitate additional community use space for their educational and outreach requirements, as well as expanding their ancillary retail offering.
- 5.3 The unit will be used for the following activities:
 - Religious and Educational teaching (e.g. Torah Studies, Hebrew reading courses, wedding guidance, Bar/Bat Mitzvah preparation and study, lectures, Shabbat dinners and Children's clubs;
 - Retail (ground floor Judaica Shop, with a window display) with a small café area.
- 5.4 Weekday teachings are held each morning and afternoon, with 10-15 participants per teaching and each taking 1-2 hours. Additional meetings are held on Wednesday evening, finishing at 10pm. The total number of weekday visitors will range from 30-40, with 60-70 on Wednesdays resulting from the longer hours.
- 5.5 The peak visitor period to the Site is on Weekends, where teachings / meetings accommodate 60-70 visitors between 10am – 1pm, however trips are dispersed across this time, with a peak of arrivals at midday.
- 5.6 The centre operated with a small staff of typically 2-3 full time staff, with 2-3 part time staff.
- 5.7 The proposed Site provides 151 sqm at ground floor level, which will accommodate the retail space, café area and meeting/reading rooms, with the lower ground floor providing 179 sqm which will accommodate the community space for religious and educational teachings. The larger unit would provide enhanced and more comfortable accommodation, more suitable to the activities and operations of the community.
- 5.8 The existing Chabad Lubavitch at 47 Fairfax Road currently occupies 150sqm floorspace, which is 180sqm smaller than the proposed unit. However, use of the new unit at 35-37 Fairfax Road is not expected to result in an uplift of attendees, given the specialist community use of occupier. 35-37 Fairfax Road provides better quality and more spacious accommodation, but it is not proposed to intensify attending numbers, with additional space allowing for higher quality religious and education space and improved ancillary facilities.

6.0 Relevant Planning Policies

6.0.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the relevant Development Plan, unless material planning considerations indicate otherwise. The Development Plan for LB Camden comprises the following documents:

National Planning Policy Framework (2019)

London Plan (2016)

LB Camden Local Plan (2017)

- C2 Community facilities
- A1 Managing the impact of development
- A4 Noise and vibration
- D1 Design
- TC2 Camden's centres and other shopping areas
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development
- T4 Sustainable movement of goods and materials

Supplementary Guidance

- CPG Amenity (March 2018)
- CPG Community uses, leisure facilities and pubs (2018)
- CPG Town centres (March 2018)
- CPG Design (March 2019)

7.0 Planning Considerations

7.0.1 The main issues to be considered as part of this proposal are:

- Loss of the Retail Unit
- Creation of a Community Use Facility
- Amenity
- Transport

7.1 Principle of Development – Land Use

7.1.1 London Plan policy 3.1 - Ensuring Equal Life Chances for all, states that:

The Mayor is committed to ensuring equal life chances for all Londoners. Meeting the needs and expanding opportunities for all Londoners – and where appropriate, addressing the barriers to meeting the needs of particular groups and communities – is key to tackling the huge issue of inequality across London.

[and that] Development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities.

7.1.2 The Camden Local Plan (Adopted Version) 2017 Policy C2 ‘Community Facilities’ promotes the development of community facilities and in explanatory paragraph 4.21 states that these facilities “form a vital part of town centres and neighbourhoods and addresses the local community’s needs”.

7.1.3 The Local Plan designates the Fairfax Road shopping parade as a ‘Neighbourhood Centre’ as identified on the Proposals Map.

7.1.4 The significance of the unit being included within a Neighbourhood Centre is that in accordance with LP Policy TC2 which states that “the Council will promote successful and vibrant centres throughout the borough”.

7.1.5 Paragraph 9.23 further explains that the Council will seek to “ensure that any development in them (Neighbourhood Centre’s) does not harm the function, character or success of that centre.”

7.1.6 The Council state that they “will resist schemes that would result in less than half of ground floor premises in a neighbourhood centre from being in retail use or in more than three consecutive premises being in non-retail use”.

7.1.7 The strategic objectives of LP Policy TC2 are expanded upon in LP Policy TC4 and states that “the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses do not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours”.

7.1.8 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, vitality and viability of a centre or local area. 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”.

7.1.9 Appendix 4 of the LP and CPG5 paragraph 3.60 state that, as a guide, the Council will resist schemes within Neighbourhood Centres that result in:

- Less than 50% of ground floor premises being in retail use; or
- More than 3 consecutive premises being in non-retail use.

7.1.10 The Proposed Development has been assessed against the criteria set out in LP Appendix 4 and CPG5. To meet This a survey was undertaken of the existing uses at these units and assessed these against the Council’s online planning application database. The findings were as follows:

No.	Address	Use Class	Authorised use
1	35-37	A1 (retail – interiors shop) Posners (now vacant)	A1
2	39	A1 (retail – interiors shop) Fairfax flooring	A1
3	41	A1 (retail – beauty shop) SKN	A1
4	43	A1 (retail – interiors shop) Belsize bathrooms	A1
5	45	A1 (retail – hair and beauty) Nico hair and beauty	A1
6	47	D1 (community) Chabad Lubavitch West Hampstead	A1
7	51	A3 (deli) Delicatessen	A3
8	53	A3 (restaurant) Currently vacant	A1/A3 mixed use (deli/café)
9	55	A1 (retail – electronics) AT&C	A1
10	57	B1 (office) DCT8	A2
11	61	A1 (retail – interiors shop) Camerich Furniture	A1
12	63-65	A3 (restaurant) Peters Pizzeria	A3
13	69	A2 (Financial services) Regal London	A2
14	71-73	A1 (Flooring) Think Rugs Think Wood	A1
15	75-77	A3 (restaurant) Atariya Sushi Bar	A3
16	79-81	D1 (Personal training and injury rehab) Performance RX	D1
17	83-85	A3 (Restaurant) Singapore Garden	A3
18	87	Sui generis (Bookmakers) Betfred	Sui generis
19	91	A1 (retail) The Bathroom Design Studio	A1
20	93	A1 (retail) Fairfax supermarket (vacant)	A1
21	95	A1 (retail) Off-licence Save More Food and Wine	A1
22	95a	A3 (restaurant) Zara Cafe	A3

7.1.11 There are 22 individual units on Fairfax Road.

7.1.12 The percentage of units in the Neighbourhood Centre within Use Class A1 is 12, which is in excess of 54% and this figure will remain unchanged following the proposed change of use of 35-37 Fairfax Road to D1 use and the consequential retention of A1 use at No.47.

7.1.13 No.35-37 forms part of an existing row of 6 units (being the end unit), which includes the current location for Chabad House [No.47] (also a retail unit). On the vacation of community facility from no. 47, the unit would revert back to its authorised use as a retail unit (A1 use). The parade would therefore retain a policy compliant number of retail uses following the proposed change of use.

7.1.14 As such there would be five A1 Retail units adjacent to No.37 within this section of the parade and therefore the proposed change of use would not result in more than 3 consecutive premises in non-retail use.

7.1.15 The Proposed Development is therefore in accordance with London Plan Policy 3.18, LP Policy TC2, TC4 and C2 and Camden's Planning Guidance CPG5.

7.2 Creation of the Community Use (D1) Facility

- 7.2.1 The proposed ground floor uses of 35-37 will retain many of the features that an A1 retail unit would have, namely by selling religious merchandise including books and a café which would provide a service to the local Jewish community. The proposal also includes a window display to preserve an active street frontage. The seating area is informal and will be used in conjunction with the café area. Offices and a more formal meeting room will be retained at the rear of the unit.
- 7.2.2 On the lower ground floor, the use the main use of the floorspace will be meeting areas, defined for formal and informal seating, with an activities area (table tennis). The existing kitchenette will be retained, for use by the community centre. No cooking will be undertaken, with the kitchenette used for and storage of food and the preparation of foodstuff cooked off-site and brought to the centre by visitor. This low-impact use precludes any upgrade of the kitchen's extraction and ventilation plant, as it simple will not be used day to day.
- 7.2. The Proposed Development is therefore in accordance with London Plan Policy 3.18, Camden LP Policy C2, and A1; and Camden's Planning Guidance - Community uses, leisure facilities and pubs.

7.3 Residential Amenity

- 7.3.1 Policy A1 of the Camden Local Plan seeks to ensure that the amenity of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy.
- 7.3.2 The proposal is a pure change of use, with no physical alteration or extension to the unit. Hence there will not be any adverse impact on amenity in terms of loss of daylight, sunlight or sense of enclosure.
- 7.3.3 In respect of the proposed new use, efforts have been undertaken to ensure that it should not cause any undue disturbance from general day to day activities that could cause harm to the amenity of nearby residential occupiers – those being the residents of flats on the upper floors of the building.
- 7.3.4 The activities that are to be undertaken from the unit would not be likely to cause any amenity impact in terms of noise or disturbance. The typical day-to-day activities include:
- Religious and Educational teaching (e.g. Torah Studies, Hebrew reading courses, wedding guidance, Bar/Bat Mitzvah preparation and study, lectures, Shabbat dinners and Children's clubs;
 - Classes and study groups
 - Retail (ground floor Judaica Shop, with a window display) with a small café area.
- 7.3.5 The day to day activities have been modelling (for the purposes of the Transport Statement) which indicate a low intensity of use. Monday to Friday the total number of visitors would be in the range of 30-40, with more visitors (60-70) attending on Wednesday, by reason of the longer evening meetings. Weekends would be in the range of 60-70 visitors per day, but with shorter opening hours (10:00-13:00).
- 7.3.6 A key driver of the move from No 47 to 35-37 is the larger floorpace and ability to spread activity across the unit – particularly to the lower ground floor level, where the impact on amenity is clearly reduced.
- 7.3.7 An important element of the proposals is that the notwithstanding the larger accommodation available, overall number of people using the centre is not expected to increase substantially above that current levels. The new unit will offer improved and varied facilities with more spacious accommodation.
- 7.3.8 The day to day use is not expected to feature audible music (evening events), so a condition setting a noise limit would not be unreasonable.
- 7.3.9 As stated above, the existing kitchen facilities will be used for the preparation/serving of pre-prepared food, storage and refrigeration. No hot food cooking (or catering) is proposed for day to day operations of single events. Correspondingly, the existing plant, extract and ventilation is sufficient for the operations proposed.

7.3.4 The Proposed Development is therefore in accordance with London Plan Policy 3.18, Camden LP Policy C2, A1, A4; and Camden’s Planning Guidance – Amenity.

7.4 Transport

7.4.1 A detailed Transport Assessment and Travel Plan has been prepared by Caneparo Associates and is submitted with the application.

7.4.2 The Site is located within an excellent accessible London location. As such a high proportion of trips associated with the proposals can be expected to be made by sustainable modes of travel.

7.4.3 The proposed change of use will not provide car parking on-site, with Site users expected to make use of on-street parking opportunities on Fairfax Road. Visitors to the Site are expected to primarily be from the local community and make their way to the Site through sustainable and active modes of travel.

7.4.4 All servicing activity including deliveries and refuse collections will be undertaken on-street as per the previous situation, and the situation for the neighbouring properties.

7.4.5 The impact of the change of use has been considered in relation to the surrounding transport network and concludes that it is expected to result in no material impact on the local public transport or highway network, especially when considering that the future Occupant’s currently occupy 47 Fairfax Road, effectively moving operations to the Site.

7.4.6 In consideration the above, light of the above, we conclude that the proposed change of use will not result in a material impact in highways and transportation terms. Furthermore, in accordance with NPPF paragraph 109, the residual cumulative impacts of the development are not considered severe, and, as such, should not be prevented or refused on transport grounds.

7.4.1 The Proposed Development is therefore in accordance with London Plan Policy 3.18, Camden LP Policy C2, T1, T2 and T4; and Camden’s Planning Guidance – Transport

9.0 Conclusion

8.1 This application seeks full planning permission for a change of use from A1 to D1, with ancillary retail sales.

8.2 For the reasons set out above, it is considered that the site is suitable in principle for a community use facility.

8.3 The change of use would result in the retention of a policy compliant number of retail uses along the shopping parade of Fairfax Road. There would be no harm to the vitality and viability of the shopping parade.

8.4 The proposed use already functions from its existing premises at No.47 and enjoys an excellent relationship with the local community. The proposed relocation to a larger unit seeks to offer users and visitors of the centre enhanced facilities, which can better accommodate and manage visitors – particularly at peak times (Wednesday evening and weekends).

8.5 The Site is located within an excellent accessible London location. As such a high proportion of trips associated with the proposals can be expected to be made by sustainable modes of travel.

8.6 The proposed change of use will not provide car parking on-site, with users making use of on-street parking opportunities on Fairfax Road. Visitors to the Site are expected to primarily be from the local community and make their way to the Site through sustainable and active modes of travel. A very high proportion of users walk to the existing centre and this trend is expected to continue at the new premises.

8.7 For the reasons set out above, in the planning balance, it is considered that the proposal would result in the creation of an enhance community facility for Chabad Lubavitch of West Hampstead and its operation would be compatible and complementary to the retail and residential character of the local area.

8.8 Consequently, the proposal would represent sustainable development and as such should be approved in accordance with the NPPF.