

Planning & Design Statement

**Proposed variation of condition 6 imposed
upon permission reference 2018/2041**

Site at

**Lower Ground Floor, 81 Haverstock Hill,
Belsize Park, London
NW3 4SL**



January 2020

1.0 Introduction

- 1.1 This Planning & Design Statement supports an application for the variation of condition 6 imposed upon permission reference 2018/2041 relating to the:

“Change of use of basement from Class A1 (retail) to Class D2 (yoga studio)”

- 1.2 The condition stated:

“Notwithstanding the provisions of Class D2 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 basement and ground floors shall only be used for a Yoga Studio, and for no other purpose within Class D2.”

- 1.3 The condition was imposed to:

“...ensure that the future occupation of the building does not reduce its employment generating potential or 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, E1, E2, C2, C3 and T1 of the London Borough of Camden Local Plan 2017.”

- 1.4 It is proposed to vary this condition to:

Notwithstanding the provisions of Class D2 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 basement and ground floors shall only be used for a Yoga Studio and/or a Gymnastics studio for children up to 10 year olds, and for no other purpose within Class D2.

- 1.5 On this basis and in addition to the already permitted Yoga Studio use it is proposed to also utilise this floorspace as a Gymnastics studio for children up to 10 year olds, a use which falls also with Class D2 of the UCO.

- 1.6 It is likely that such an additional use for the site would conduct gymnastics for 2-10 year olds during the day (small classes of a maximum of 15 children) with the approved yoga uses occurring predominantly in the evening.

2.0 Site Location, Context

- 2.1 The application site lies is located at 81 Haverstock Hill, Belsize Park, on the corner of Steele's Road and Haverstock hill close to the nearby underground stations of Belsize Park and Chalk Farm.

- 2.2 It is a sustainable location with a PTAL rating of 4.

- 2.3 The site is formed by a three storey building with basement which is not listed but lies within the Eton Conservation Area.

- 2.4 The ground and lower ground floors are in commercial use with a shopfront and the upper two floors are residential.

- 2.5 The site is at the end of a short terrace of similar mixed use buildings along Haverstock Hill and opposite to the site are a mix of uses including a public house and dwellings.

2.6 Along Steele's Road the context is more residential when compared to the mixed use.

2.7 The general location of the site is shown in Figure 1 below.



Figure 1 - Site Location

3.0 Planning History

3.1 Prior to the most recent permission on site the Council's online planning history records confirms the following planning history and in terms of the lower ground floor the last permission granted was for a Class A3 use as set out below.

Application Number	Site Address	Development Description	Status	Date Registered	Decision
2008/0882/A	81 Haverstock Hill London NW3 4SL	Relocation of existing projecting sign and the installation of awning to northern elevation.	FINAL DECISION	27-02-2008	Granted
2006/3749/P	The Legal Cafe 81 Haverstock Hill London NW3 4SL	Use as cafe (class A1).	WITHDRAWN	18-08-2006	Withdrawn Decision
9200503	81 Haverstock Hill NW3	Change of use including works of conversion of the ground and basement floors from retail shop to restaurant as shown on drawing numbers 9012/05 06.	FINAL DECISION	28-05-1992	Refuse Full or Outline Permission
9100056	77 79 81 Haverstock Hill NW3	Change of use of the ground floor and the basement from retail (A1) to restaurant use (A3) as shown on drawing nos. 9012/03 and 04. Appeal received against the Council's failure to issue their decision within the appropriate period.	APPEAL DECIDED	15-01-1991	Refuse (subject to Appeal decision)
9100055	77 79 81 Haverstock Hill NW3	Change of use of the ground floor and the basement from retail (A1) to restaurant use (A3) as shown on	FINAL DECISION	15-01-1991	Refuse Full or Outline Permission

		drawing nos. 9012/03 and 04.			
22981	81 Haverstock Hill, NW3	Erection of rear extension at second floor level to provide staff wash room ancillary to ground floor shop.	FINAL DECISION	02-07-1976	Refusal
22068	81, Haverstock Hill, N.W.3	The erection of a 2 storey rear extension to house a staircase and kitchen ancillary to the ground floor shop.	FINAL DECISION	14-01-1976	Conditiona
17145	81, Haverstock Hill, NW3.	Construction of a garage in the ground floor of the building at the rear of 81, Haverstock Hill, NW3.	FINAL DECISION	14-08-1973	Refusal
9902	No. 181 Haverstock Hill, N.W.3.	The installation of a new shop-front to No. 181 Haverstock Hill, N.W.3.	FINAL DECISION	26-10-1970	Permission

4.0 Planning Policy (Key Extracts only)

- 4.1 For the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004, the Development Plan is made up of the National Planning Policy Framework 2019, the London Plan and the Camden Local Plan 2017.

National Planning Policy Framework

- 4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how they are expected to be applied. Section 38 (6) requires that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
- 4.3 Paragraph 91 advises that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling

Development Plan

- 4.4 The Local Plan was adopted by Council on 3 July 2017 and has replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the borough.
- 4.5 In terms of cultural and leisure facilities the Local Plan at **Policy C3** states:

The Council will seek to protect cultural and leisure facilities and manage the impact of adjoining uses where this is likely to impact their continued operation. Where there is a proposal involving the loss of a cultural or leisure facility, it must be demonstrated to the Council's satisfaction there is no longer a demand. When assessing such planning applications, we will take the following into account

- a. whether the premises are able to support alternative cultural and leisure uses which would make a positive contribution to the range of cultural and leisure facilities in the borough;*
- b. the size, layout and design of the existing facility;*
- c. proposals for re-provision elsewhere;*
- d. the impact of the proposal on the range of cultural and leisure facilities; and e. the mix of uses in the area.*

Exceptionally it may be practicable for a cultural or leisure facility to be re-provided on-site through redevelopment, or elsewhere in the Borough. The Council will take the following into account when determining the suitability of proposals:

- i. the impacts of the re-provision on the existing occupier and users of the facility;*
- ii. changes in the mix of uses arising from the loss of the existing cultural/leisure facility;*
- iii. the loss of cultural heritage; and*
- iv. the affordability of the new facility.*

If a replacement facility is provided, it should be at the same or better standard than the facility which is lost and accessible to its existing users.

4.6 Turning to new cultural and leisure facilities the policy states:

The Council will seek opportunities for new cultural and leisure facilities in major, mixed use developments and support the temporary use of vacant buildings for cultural and leisure activities. We will seek shared-use or extended access for the community in appropriate developments through developer agreements.

We will expect the siting of new facilities, including the expansion of existing provision, to take into account its associated impacts. Large-scale facilities should be located where as many people as possible can enjoy their benefits and make use of public transport to get there. Central London and town centres will, therefore, be the most appropriate locations.

Smaller facilities may, however, be appropriate anywhere in the Borough providing they do not have an adverse impact on the surrounding area or the local community.

4.7 In term of economic development **Policy E1** states:

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:

- a. support businesses of all sizes, in particular start-ups, small and medium-sized enterprises;*
- b. maintain a stock of premises that are suitable for a variety of business activities, for firms of differing sizes, and available on a range of terms and conditions for firms with differing resources;*
- c. support local enterprise development, employment and training schemes for Camden residents;*

- d. encourage the concentrations of professional and technical services, creative and cultural businesses and science growth sectors in the borough;
- e. support the development of Camden's health and education sectors and promote the development of the Knowledge Quarter around Euston and King's Cross while ensuring that any new facilities meet the other strategic objectives of this Local Plan;
- f. direct new office development to the growth areas, Central London, and the town centres in order to meet the forecast demand of 695,000sqm of office floorspace between 2014 and 2031;
- g. support Camden's industries by:
 - i. safeguarding existing employment sites and premises in the borough that meet the needs of industry and other employers;
 - ii. supporting proposals for the intensification of employment sites and premises where these provide additional employment and other benefits in line with Policy E2 Employment premises and sites;
 - iii. safeguarding the Kentish Town Industry Area;
 - iv. promoting and protecting the jewellery industry in Hatton Garden;
- h. expect the provision of high speed digital infrastructure in all employment developments; and
- i. recognise the importance of other employment generating uses, including retail, education, health, markets, leisure and tourism.

4.8 In assessing the impact of development **Policy A1** advises:

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. We will:

- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;
- b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;
- c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and
- d. require mitigation measures where necessary.

The factors we will consider include:

- e. visual privacy, outlook;
- f. sunlight, daylight and overshadowing;
- g. artificial lighting levels;
- h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;
- i. impacts of the construction phase, including the use of Construction Management Plans;
- j. noise and vibration levels;
- k. odour, fumes and dust;
- l. microclimate;
- m. contaminated land; and
- n. impact upon water and wastewater infrastructure.

4.9 Finally in terms of transportation matters the Council promotes sustainable transport options with **Policy T1** advising:

The Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.

Walking

In order to promote walking in the borough and improve the pedestrian environment, we will seek to ensure that developments:

- a. improve the pedestrian environment by supporting high quality public realm improvement works;*
- b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;*
- c. are easy and safe to walk through ('permeable');*
- d. are adequately lit;*
- e. provide high quality footpaths and pavements that are wide enough for the number of people expected to use them. Features should also be included to assist vulnerable road users where appropriate; and f. contribute towards bridges and water crossings where appropriate.*

Cycling

In order to promote cycling in the borough and ensure a safe and accessible environment for cyclists, the Council will seek to ensure that development:

- g. provides for and makes contributions towards connected, high quality, convenient and safe cycle routes, in line or exceeding London Cycle Design Standards, including the implementation of the Central London Grid, Quietways Network, Cycle Super Highways and;*
- h. provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan (Table 6.3) and design requirements outlined within our supplementary planning document Camden Planning Guidance on transport. Higher levels of provision may also be required in areas well served by cycle route infrastructure, taking into account the size and location of the development;*
- i. makes provision for high quality facilities that promote cycle usage including changing rooms, showers, dryers and lockers;*
- j. is easy and safe to cycle through ('permeable'); and*
- k. contribute towards bridges and water crossings suitable for cycle use where appropriate.*

- 4.10 **Policy T2** deals with parking and car-free development advising that the Council will limit the availability of parking and require all new developments in the borough to be car-free. We will:

- a. not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits;*
- b. limit on-site parking to:*
 - i. spaces designated for disabled people where necessary, and/or*
 - ii. essential operational or servicing needs;*
- c. support the redevelopment of existing car parks for alternative uses;*
- and*
- d. resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking."*

5.0 Material Considerations

Land Use

- 5.1 This application in addition to the already permitted Yoga Studio use seeks to “add” the use of the floorspace as a Gymnastics studio for children up to 10 year olds.
- 5.2 This is a land use which falls also with Class D2 of the UCO and therefore in principle the land use proposed is entirely acceptable given the extant Class D2 permission on site.
- 5.3 It is likely that such an additional use for the site would conduct gymnastics for 2-10 year olds during the day (small classes of a maximum of 15 children) with the approved yoga uses occurring predominantly in the evening.
- 5.4 On this basis it is submitted that the “additional” land use proposed is entirely appropriate to the site and is supported by national and local policy.**

Impacts

- 5.5 There are no changes proposed to the building and as such there would be no loss of daylight/sunlight or overbearing appearance to any surrounding property.
- 5.6 The closest residential properties are located on the upper floors of the building and the extant ground floor commercial use (currently vacant Class A3) would sit between the application site and these properties.
- 5.7 Potential noise and disturbance is always an important consideration and this could occur from the proposed use of this site.
- 5.8 There would be no audible noise outside of the building and of course ambient background noise here is relatively high in any event due to traffic noise on the Haverstock Hill itself.
- 5.9 The proposed gymnastic classes for small children together with the already approved Yoga Studio use are by their very nature low level noise generating uses and in terms of opening hours - the typical opening hours would be:
- Weekdays: 7am to 9:30pm
 - Weekends: 9am to 9pm
- 5.10 Within these overall hours of operation the gymnastic classes and yoga studio would be open for about 7-8 hours per day as the classes are not “back to back”.
- 5.11 On the basis of the above it is highly unlikely that the proposal would cause any nuisance or disturbance to the amenities of the adjoining commercial properties or residential properties further afield.
- 5.12 Overall, the potential noise disturbance created by the proposed additional use would not result in an unacceptable impact upon the amenities of neighbouring properties or other occupiers as a result of noise disturbance.**

Transport & Access

- 5.13 There are no car parking spaces within the demise of the lower ground floor of this site and the extant Class D2 use was approved on site without any transportation objection in this regard.

- 5.14 The application site is well served by local buses and two underground stations and staff and users of the facility will be encouraged to use public transport or walk or cycle to the site.
- 5.15 Deliveries to the proposed use will be facilitated via the entrance door and the service road outside of the site.
- 5.16 For these reasons, the proposed development would not cause any harm to the surrounding highway network.**
- 5.17 All existing conditions on the host planning permission would of course need to be adhered to if this variation of planning condition is approved in any event.
- 6.0 Conclusion**
- 6.1 The variation of condition sought, as set out in this application, would effectively slightly widen the permitted Class D2 use within this floorspace to provide small gymnastic classes for young children which would tend to operate within the daytime.
- 6.2 The already consented yoga classes would generally be operated in the evening within the existing hours of operation conditions.
- 6.3 Given the small scale and nature of the additional land use proposed and the time that such an additional use would occur it is submitted that the proposal to vary this condition would not result in harm to *“the adjoining premises or immediate area by reason of noise, traffic congestion and excessive on-street parking pressure.”*
- 6.4 In the absence of any adverse harm arising, the development proposal should be granted planning permission in accordance with the NPPF which states that *“proposed development that accords with an up-to-date Local Plan should be approved”*.