

Mr Alex Costa 20 Heath Street change of use application Appendices

A Site Plan

20, Heath Street, London, Camden, NW3 6TE





Report

GVA
10 Stratton Street
London
W1J 8JR

Camden Retail and Town Centre Study

London Borough of Camden

November 2013



- 5.37 Over the plan period, it is important for the centre to increase its comparison goods representation to build on the strength of the comparison and service offer. The environmental quality of Finchley Road/Swiss Cottage is poor, with low quality shopfronts appearing dilapidated. Investment in the public realm and shopfronts would raise the quality of the environment and overall attraction of Swiss Cottage.

Hampstead

- 5.38 Hampstead is the most northern town centre in the borough and is also the second smallest town centre after West Hampstead. Hampstead provides a high quality retail and leisure offer, reflecting the affluence of the local catchment area. The history of the town, its attractive 'village' environment, conservation area designation and proximity to Hampstead Heath also draw a significant number of tourists to visit Hampstead.
- 5.39 Hampstead town centre boundary extends from Heath Street (south of Hampstead Square to Pemin's Walk), along Hampstead High Street eastwards to Rosslyn Hill (including part of Downshire Hill). Core frontages are defined along Hampstead High Street, Pemin's Court, Flask Walk and part of Heath Street. Secondary frontages extend along the remaining frontages within the town centre boundary.

Previous Performance in 2004 and 2008 Retail Studies

- 5.40 The 2004 study identified that the centre was well-established as a destination for high quality fashion with a number of upmarket fashion boutiques. Hampstead was identified to have a poor convenience goods offer and no main food shopping destination within the town. Retailer demand within the centre was high, and vacancy rates low (at just 3% of all units). The in-centre survey identified that a third of visitors to the centre travelled by car, and as such lack of sufficient car parking was cited as a problem in the town.
- 5.41 A high level of retailer requirements in Hampstead was identified again in 2008, and the study considered that the lack of vacant units, and the inability of units to cater to larger floorplate requirements, would mean that some multiple retailers would be unable to find suitable units in the centre. The high demand for units in Hampstead has resulted in high rental values.
- 5.42 The 2004 and 2008 studies found that Hampstead is constrained by its surrounding residential buildings, conservation area and statutorily listed buildings and therefore no

potential opportunity sites for expansion were identified. However if sites could be provided the report considered that there would undoubtedly be demand from fashion operators and foodstores.

Performance of Hampstead in 2013

- 5.43 Findings from the 2013 health checks indicate that overall, Hampstead is performing very strongly against a number of key indicators. The centre is the most attractive of all Camden's town centres, boasting a mix of traditional architecture, a village like atmosphere and shops catered towards upmarket clientele. There is a good mix of multiple and independent retailer which brings vibrancy and vitality to the centre.
- 5.44 Hampstead benefits from a particularly strong high end comparison goods offer. The 2013 in-centre survey results demonstrate that Hampstead is renowned for its boutique and niche shops; with comparison goods shopping for both high end multiple and independent retailers both key draws to the centre.
- 5.45 However the convenience goods offer of the town is more limited, with only one small supermarket serving the centre. The qualitative results from the in-centre survey identify that Tesco Express Heath Street performs more of a top up shopping role, with main food shopping predominantly being undertaken outside Hampstead town centre.
- 5.46 Analysis of the in-centre survey results identified that 48% of respondents lived outside the study area, of which 3% reside overseas. As a significant tourist destination there is a strong café and restaurant offer in the town. A high proportion of in-centre survey respondents were visiting Hampstead to meet friends and socialise, reflecting the importance of Hampstead's leisure offer.
- 5.47 The attractiveness of the centre is the most frequently cited positives about Hampstead, with respondents to the surveys also liking the close proximity to home, and the good range of both multiple and independent retailers. Respondents to the household and in-centre surveys highlight that car parking and traffic are the main issues in Hampstead, reflecting the high proportion of visitors who usually travel to Hampstead by car. Addressing car parking provision or reducing the number of journeys made by car will be a key issue to address in Hampstead over the plan period.

- 5.48 Hampstead has a low vacancy rate, which demonstrates the strength of retail demand in the centre, but this also highlights the lack of available space to extend the provision of retail floorspace. There is a very strong demand particularly in the comparison and restaurant sectors for new floorspace, with 26 retailer requirements identified in the centre.
- 5.49 It will be crucial over the plan period to ensure that Hampstead continues to perform strongly within the Borough, serving both the needs of local residents and visitors. It will become increasingly important to maintain the centre's 'village' atmosphere and strength of the mix of multiple and independent retailers as key attractions to the town, whilst also addressing the deficiencies in convenience and eating/drinking provision.

C. Extract from Camden Authority Monitoring Report 2017/18

London Borough of Camden

Regeneration and Planning Authority Monitoring Report 2017/18



Image: King's Cross Central development March 2018.

Planning Policy Team
LB Camden, 2019



Town Centres and retail

- 18.4. Camden's centres remain a strong focus for activity and community life and provide character and identity to local areas and the borough as a whole. They are places of employment, shopping, leisure, and services. Camden's centres also have strengths in terms of their location, accessibility by public transport, walking and cycling, character and offer (including many independent and specialist shops).
- 18.5. Traditional high streets are facing many challenges due to changing circumstances and shopping habits. Vacancy and occupation levels and the proportion of uses within centres usually provide an indication of their vitality and viability.
- 18.6. Some of the factors influencing town centres and retailing are:
- economic conditions,
 - increasing online sales,
 - increasing consumer mobility and changing shopping preferences: consumers seeking locations with greater choice and which provide a shopping 'experience', leading to fewer, longer trips to reach larger centres³, and
 - increasing market share of large retailers and a decline of share for the small independent retail sector⁴.
- 18.7. Camden monitors three indicators related to its town centres and retailing:
- the proportion of retail uses, and food, drink and entertainment uses in protected frontages in the borough,
 - the proportion of vacant premises on protected frontages in the borough, and
 - the change in the amount of floor space through development for all A use class uses (retail, professional services, cafes and restaurants, drinking establishments and hot food takeaways) across the borough.

19. Vacancy in shopping streets

OBJECTIVE	Minimise the number of vacant premises.
RELATED POLICIES	TC1 Quantity and location of retail development TC2 Camden's centres and other shopping areas

- 19.1. The proportion of shops vacant on shopping streets is an important indicator of the health of that centre. Camden's centres have relatively low levels of vacancy, being between 5% and 6.2% vacant over the last six years. The average vacancy rate for England in 2017 was 11.2%⁵.

³ CBRE, UK Shoppers Spend More But Take Less Trips, Press Release, 24 October 2011

⁴ Page 24-25 House of Commons, All-Party Parliamentary Small Shops Group, High Street Britain: 2015

⁵ <http://blog.localdatacompany.com/infographic-retail-leisure-trends-in-h1-2017-turning-point>

Table 21. Vacancy rate, all designated shopping frontages, 2013-2018

Year	Occupied	Being refurbished or redeveloped	Vacant
2013	91.9%	1.9%	6.2%
2014	91.7%	2.2%	6.1%
2015	91.1%	3.9%	5.0%
2016	90.6%	4.2%	5.2%
2017	89.8%	4.2%	6.0%
2018	89.6%	4.5%	6.1%

Source: LB Camden Annual Retail Frontages Survey

19.2. Table 22 below shows the vacancy rate for each centre in the borough.

Table 22. Vacancy rates for the individual centres 2018

Centre	Occupied	Being refurbished or redeveloped	Vacant
Town Centres			
Camden Town	89%	7%	4%
Finchley Road	91%	4%	5%
Hampstead	93%	3%	5%
Kentish Town	85%	4%	10%
Kilburn	92%	4%	4%
West Hampstead	90%	2%	7%
Specialist Shopping Areas			
Fitzrovia	92%	2%	6%
Hatton Garden	93%	3%	4%
Museum Street	97%	0%	3%
Seven Dials	87%	5%	9%
Central London Frontages			
Kings Cross	85%	8%	7%
New Oxford Street	88%	5%	7%
Tottenham Court Road	92%	6%	3%
Neighbourhood Centres			
Albany Street	95%	0%	5%
Belsize Park - Haverstock Hill	91%	4%	4%
Belsize Village	93%	7%	0%
Brocknock Road York Way	90%	3%	8%
Brunswick Centre	90%	2%	7%
Chalcot Road	88%	4%	8%
Chalk Farm	83%	0%	17%
Chilton Street	86%	4%	11%

Chester Road	93%	7%	0%
Cleveland Street	89%	0%	11%
Cricklewood Broadway	98%	0%	2%
Crowndale Road	93%	0%	7%
Drummond Street	95%	5%	0%
Englands Lane	94%	3%	3%
Eversholt Street North	85%	4%	11%
Eversholt Street South	87%	3%	10%
Fairfax Road	97%	0%	3%
Finchley Road-West End Lane	83%	0%	17%
Fortess Road	96%	2%	2%
Fortis Green Road	88%	3%	9%
Goodge Street	98%	2%	0%
Highgate High Street	94%	3%	3%
Highgate Road	77%	0%	23%
Lamb's Conduit Street	94%	0%	6%
Leather Lane	93%	1%	6%
Lisimore Circus	33%	0%	67%
Mansfield Road	82%	0%	18%
Marchmont St. - Leigh Street	95%	3%	2%
Mill Lane	84%	4%	12%
Murray Street	92%	0%	8%
Queens Crescent	86%	2%	12%
Regent's Park Road	91%	3%	6%
Royal College St. -Camden Rd	91%	3%	5%
South End Green	94%	0%	6%
Store Street	100%	0%	0%
Swain's Lane	68%	32%	0%
York Rise Chetwynd Road	84%	0%	16%

Source: LB Camden Annual Retail Frontages Survey

20. Retail and food, drink and entertainment uses in shopping streets

OBJECTIVE	Protecting and improving Camden's shopping streets. Proportion of retail, food, drink and entertainment uses in shopping streets
RELATED POLICIES	TC2 Camden's centres and other shopping areas TC3 Shops outside of centres

- 20.1. The proportion of shops (A1), to food, drink, and entertainment (A3, A4, A5), to other uses has fallen from 45% in 2014 to 39% in 2017 but has increased to 41% in 2018. This change has happened despite Camden's planning policies which aim to retain minimum proportions of shop units, and maximum proportions of food, drink, and entertainment uses in its centres.

D. Extract from National Planning Policy Framework 2019

7. Ensuring the vitality of town centres

85. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters

E . Extracts from London Plan 2017

POLICY 4.8 SUPPORTING A SUCCESSFUL AND DIVERSE RETAIL SECTOR AND RELATED FACILITIES AND SERVICES

Strategic

- A The Mayor will, and boroughs and other stakeholders should, support a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need and the broader objectives of the spatial structure of this Plan, especially town centres (Policy 2.15).

Planning decisions and LDF preparation

- B LDFs should take a proactive approach to planning for retailing and related facilities and services and:
- a bring forward capacity for additional comparison goods retailing particularly in International, Metropolitan and Major centres
 - b support convenience retail particularly in District, Neighbourhood and more local centres, to secure a sustainable pattern of provision and strong, lifetime neighbourhoods (see Policy 7.1)
 - c provide a policy framework for maintaining, managing and enhancing local and neighbourhood shopping and facilities which provide local goods and services, and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses, justified by robust evidence
 - d identify areas under-served in local convenience shopping and services provision and support additional facilities at an appropriate scale in locations accessible by walking, cycling and public transport to serve existing or new residential communities

- e support the range of London's markets, including street, farmers' and, where relevant, strategic markets, complementing other measures to improve their management, enhance their offer and contribute to the vitality of town centres
- f support the development of e-tailing and more efficient delivery systems
- g manage clusters of uses having regard to their positive and negative impacts on the objectives, policies and priorities of the London Plan including a centre's:
 - i. broader vitality and viability (Policy 2.15Ca)
 - ii. broader competitiveness, quality or diversity of offer (Policy 2.15Cc)
 - iii. sense of place or local identity (Policy 2.15Ac)
 - iv. community safety or security (Policy 2.15Cf)
 - v. success and diversity of its broader retail sector (Policy 4.8A)
 - vi. potential for applying a strategic approach to transport and land use planning by increasing the scope for "linked trips" (Policy 6.1)
 - vii. role in promoting health and well-being (Policy 3.2D)
 - viii. potential to realise the economic benefits of London's diversity (paragraph 3.3).

POLICY 4.7 RETAIL AND TOWN CENTRE DEVELOPMENT

Strategic

- A The Mayor supports a strong, partnership approach to assessing need and bringing forward capacity for retail, commercial, culture and leisure development in town centres (see Policy 2.15).

Planning decisions

- B In taking planning decisions on proposed retail and town centre development, the following principles should be applied:
- a the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment
 - b retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport
 - c proposals for new, or extensions to existing, edge or out of centre development will be subject to an assessment of impact.

LDF preparation

- C In preparing LDFs, boroughs should:
- a identify future levels of retail and other commercial floorspace need (or where appropriate consolidation of surplus floorspace – see Policy 2.15) in light of integrated strategic and local assessments
 - b undertake regular town centre health checks to inform strategic and local policy and implementation
 - c take a proactive partnership approach to identify capacity and bring forward development within or, where appropriate, on the edge of town centres
 - d firmly resist inappropriate out of centre development
 - e manage existing out of centre retail and leisure development in line with the sequential approach, seeking to reduce car dependency,

145 Department for Culture, Media and Sport. Revised Guidance Issued under section 182 of the Licensing Act 2003. DCMS, 2007 (paragraph 13.31)

improve public transport, cycling and walking access and promote more sustainable forms of development.

Camden Local Plan

2017

Policy TC2 Camden's centres and other shopping areas

The Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors.

We will:

- a. seek to protect and enhance the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located;
- b. provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice;
- c. make sure that food, drink, entertainment and other town centre uses do not have a harmful impact on residents and the local area and focusing such uses in King's Cross and Euston Growth areas, Central London Frontages, and Town Centres (Refer to Policy TC4 Town centre uses);
- d. support and protect Camden's Neighbourhood Centres, markets and areas of specialist shopping, local shops; and
- e. pursue the individual planning objectives for each centre, as set out in supplementary planning document Camden Planning Guidance on town centres and retail, and through the delivery of environmental, design, transport and public safety measures.

The Council has designated primary and secondary frontages in its centres, which are shown on the Local Plan Policies Map. We will:

- f. protect the primary frontages as locations with a high proportion of shops (A1) in order to maintain the retail function of the centre; and
- g. 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.

The Council's expectations for the mix and balance of uses within frontages for each designated centre are set out in Appendix 4.

Policy TC4 Town centre uses

The Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.

We will consider:

- a. the effect of development on shopping provision and the character of the centre in which it is located;
- b. the cumulative impact of food, drink and entertainment uses, taking into account the number and distribution of existing uses and non-implemented planning permissions and any record of harm caused by such uses;
- c. the Council's expectations for the mix and balance of uses within frontages for each centre are set out in Appendix 4;
- d. the individual planning objectives for each centre, as set out in the supplementary planning document Camden Planning Guidance on town centres and retail;
- e. impacts on small and independent shops and impacts on markets;
- f. the health impacts of development;
- g. the impact of the development on nearby residential uses and amenity and any prejudice to future residential development;
- h. parking, stopping and servicing and the effect of the development on ease of movement on the footpath;
- i. noise and vibration generated either inside or outside of the site;
- j. fumes likely to be generated and the potential for effective and unobtrusive ventilation; and
- k. the potential for crime and antisocial behaviour, including littering.

To manage potential harm to amenity or the local area, we will, in appropriate cases, use planning conditions and obligations to address the following issues:

- l. hours of operation;
- m. noise/vibration, fumes and the siting of plant and machinery;
- n. the storage and disposal of refuse and customer litter;
- o. tables and chairs outside of premises;
- p. community safety;
- q. the expansion of the customer area into ancillary areas such as basements;
- r. the ability to change the use of premises from one food and drink use or one entertainment use to another (within Use Classes A3, A4, A5 and D2); and

Camden Planning Guidance

Town Centres and Retail

March 2018



Hampstead

This is one of Camden's smallest centres, but draws many people from outside of the borough, attracted by the high quality environment and up-market shops, cafés and bars. The whole centre is within a Conservation Area and has many listed buildings, contributing to the special character of the area.

The Council will focus on protecting Hampstead's current special character, attractiveness and success as a centre, enabling the centre to continue its role as a retail and leisure destination serving a wide catchment area, as well as the needs of the local population.

Retail uses

- 4.66 In order to protect the retail function of the centre, we have designated primary and secondary frontages. The Council will generally resist proposals that would result in:
- less than 75% of the premises in primary frontages being in retail use; or
 - less than 50% of the premises in secondary frontages being in retail use.
- 4.67 This guidance will be applied having regard to the existing character of the centre and the individual frontages.

Non-retail uses

- 4.68 In accordance with Local Plan Policy TC2 the Council will seek to prevent concentrations of uses that would harm a centre's attractiveness to shoppers or its residential amenity. The Council will therefore generally resist proposals that would result in:
- more than 2 consecutive premises within the primary frontages being in non-retail use, and
 - more than 3 consecutive premises with the secondary frontages being in non-retail use.

Summary of controls

Frontage type	A1 shops	A3 A4 A5 food, drink, and entertainment uses	A3 A4 A5 food, drink, and entertainment uses and other non retail uses
Displayed on the Policies Map	Minimum proportion of A1 shops in each individual frontage	Maximum proportion of A3, A4, and A5 uses combined in each individual frontage	Other restrictions
Primary	Min 75%	-	No more than 2 consecutive non retail uses
Secondary	Min 50%	-	No more than 3 consecutive non retail uses

- 4.69 The Council will also take into account the number and mix of uses in adjacent and opposite premises in assessing applications.

Hampstead Neighbourhood Plan

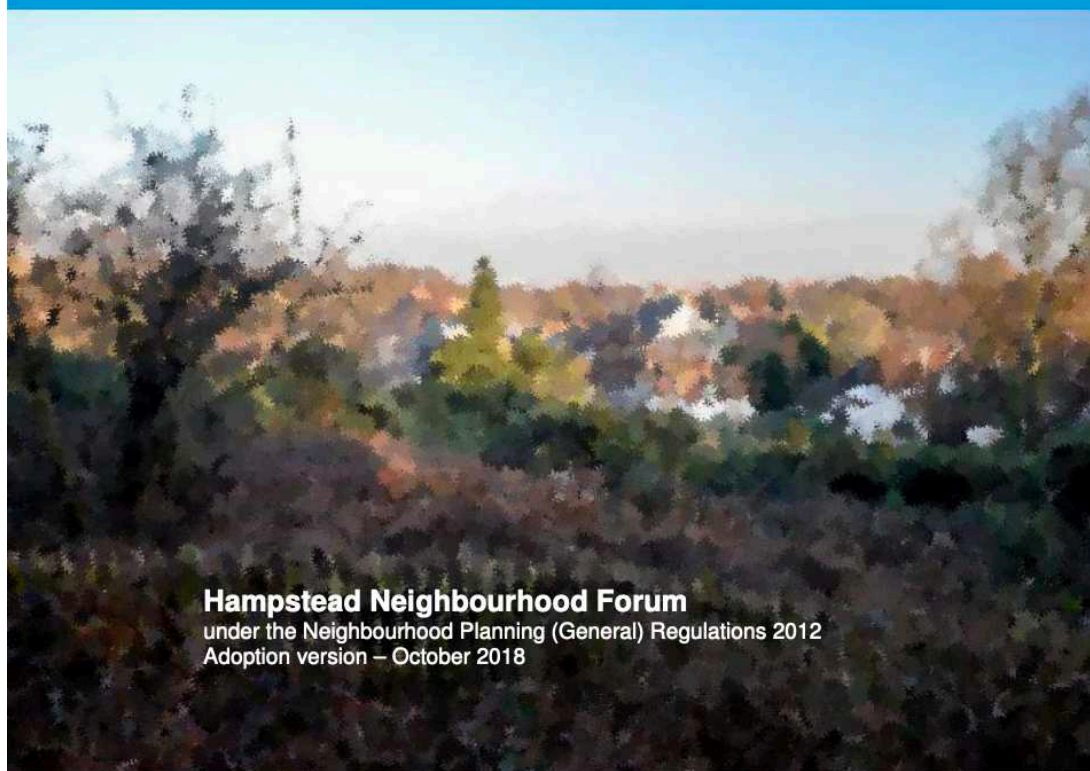
- 4.70 This guidance should be read in conjunction with the Hampstead Neighbourhood Plan, which contains a locally specific approach to the level of uses within frontages in Hampstead. Where these differ from the figures in the Local Plan, the Council will apply the figures in the Neighbourhood Plan. The plan can be downloaded from the Council [webpage](http://www.camden.gov.uk/neighbourhoodplanning/) - www.camden.gov.uk/neighbourhoodplanning/



HAMPSTEAD
NEIGHBOURHOOD FORUM

HAMPSTEAD NEIGHBOURHOOD PLAN

2018-2033



Hampstead Neighbourhood Forum
under the Neighbourhood Planning (General) Regulations 2012
Adoption version – October 2018

Policy EC1: Healthy retail mix

The Plan supports development that enhances the vitality and viability of Hampstead Town Centre and the South End Green Neighbourhood Centre by:

1. Providing office and retail units at first floor level.
2. Resisting the change of use from A1 (retail) to A2 (estate agents, banks, building societies) that would result in less than 75% of premises in core frontages being in retail use or less than 50% of premises in secondary frontages being in retail use.
3. Preserving small shop and retail premises that enhance the character and vibrancy of the area.
4. Where permission is required, the change of use of space in Class A or B1a uses at first floor or higher above shops to residential occupation will not be supported unless it can be shown that there is a long history of vacancy.

I. Pre-Application Submission

20 Heath Street

20 Heath Street,
London,
NW3 6TE

April 2018
Project: E18-003

Pre-application submission outlining proposals
for change of use to ground floor and basement
at 20 Heath Street



Osel architecture

20 Heath Street

Pre Application

OVERVIEW

This pre-planning submission document has been prepared for discussion with the Local Authority, prior to developing proposals for a full planning submission to 20 Heath Street.

The premises has a gross internal area of less than 150sq.m and was an A2 use class (estate agents) until recently when it changed to A1 use in November 2017 under The Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposals detailed within this document seek planning pre-application feedback for a change of use to A3 with external alterations along Oriel Court prior to the submission of a Prior Approval application.

Osel architecture

P. 2

AREA CONTEXT

Heath Street is located within Sub Area One of the Hampstead Conservation Area and is defined in planning policy terms as a Town Centre, and within an Archaeological Priority Area.

Heath Street consists mainly of red brick, four-storey properties built in the 1880s, with a mix of uses to the ground floor.

Hampstead station is less than 5 mins walk from the site, and Hampstead High Street intersects Heath Street to the North, with Fitzjohn Avenue joining Heath Street to the south.



SITE CONTEXT

No. 20 Heath Street is not listed, nor does it adjoin a listed property.

The property is within the Hampstead Conservation Area and there is no Article 4 Direction on the property.

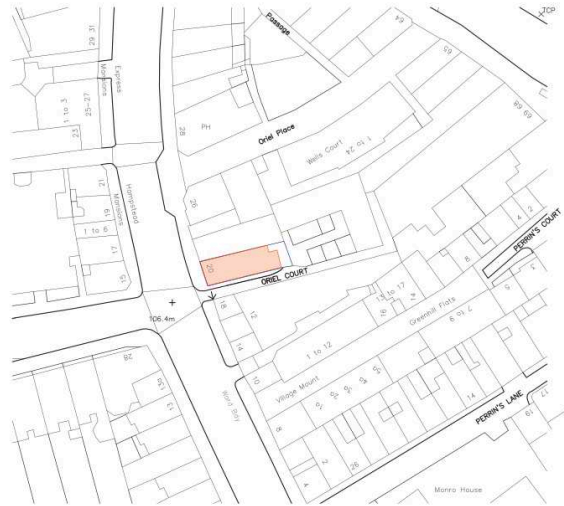
The property was in A2 use since consent was granted in 2003, and operated as an estate agents until Nov 2017. The premises is currently operating as an art gallery at ground floor (A1 use).

The building fronts the east side of Heath Street, and has a side access route, Oriol Court, which is a narrow roadway leading down to the rear of the premises, and to residential cottages.

Apartments exist over the A1 premises at 20 Heath Street and are accessed via Oriol Court.



SITE PLAN



STREETSCENE (east side)



Number:
Existing Use Class:
Proposed Use Class:

26	24	22	20	16-18	14	12	10	08	06	04
D1	C3	A1	A1	A2	A1	A1	A1	A1	A1	A1
			A3							



Number:
Existing Use Class:

42	40	38	36	34	32	30	28
A1	A1	A1	A1	A1	A1	A1	A4

PLANNING POLICY CONSIDERATIONS

The following policies and guidelines have been considered, to inform the design process and generate initial proposals:

National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

London Plan 2016

The London Plan provides a range of policies and guidance for use on a London wide basis.

Camden Local Plan

Policy TC4 Town centre uses

Camden Planning Guidance

CPG Town centres

Conservation Area Statement Hampstead

The Town and Country Planning (General Permitted Development) (England) Order 2015

Change of use from	to
A1 (shops)	A3 up to 150m2 and subject to Prior Approval
A2 (professional and financial services) when premises have a display window at ground level, but excluding betting offices or pay day loan shops	A3 up to 150m2 and subject to Prior Approval

PLANNING HISTORY

- **Planning Permission was granted in 2004** for;
'Retention of existing air conditioning unit and provision of additional air conditioning unit on the side of the flat roof of a ground floor rear extension and removal of existing air condition unit to the rear of the same roof. 2004/3451/P'
- **Planning Permission was granted in 2003** for;
'The change of use of the ground floor & basement from Class A1 (Retail) to Class A2 (Financial & Professional services.' PWX0302302'
- **Planning Permission was granted in 1972** for;
'The erection of a single-storey rear extension to existing shop and showrooms.' 15237
- **Planning Permission was granted in 1971** for;
'The retention for a further limited period of a roof over part of the rear yard at No. 20' 10697
- **Planning Permission was granted in 1967** for;
'The erection of a roof over part of the rear yard.' 4259

PLANNING POLICY CONSIDERATIONS

The following policies and guidelines have been considered, to inform the design process and generate initial proposals:

National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

London Plan 2016

The London Plan provides a range of policies and guidance for use on a London wide basis.

Camden Local Plan

Policy TC4 Town centre uses

Camden Planning Guidance

CPG Town centres

Conservation Area Statement Hampstead

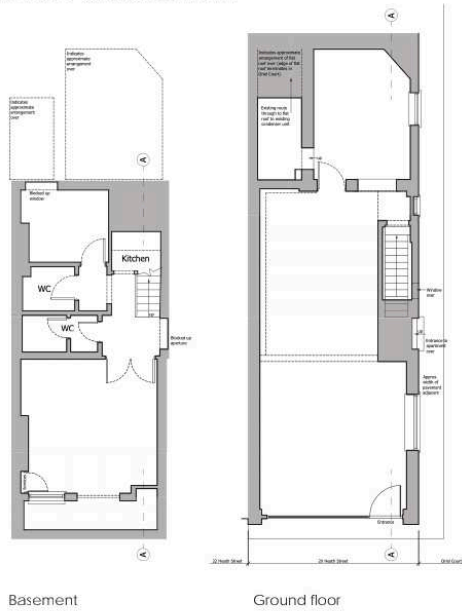
The Town and Country Planning (General Permitted Development) (England) Order 2015

Change of use from	to
A1 (shops)	A3 up to 150m2 and subject to Prior Approval
A2 (professional and financial services) when premises have a display window at ground level, but excluding betting offices or pay day loan shops	A3 up to 150m2 and subject to Prior Approval

PLANNING HISTORY

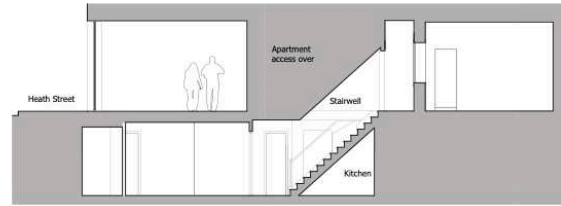
- **Planning Permission was granted in 2004** for;
'Retention of existing air conditioning unit and provision of additional air conditioning unit on the side of the flat roof of a ground floor rear extension and removal of existing air condition unit to the rear of the same roof. 2004/3451/P'
- **Planning Permission was granted in 2003** for;
'The change of use of the ground floor & basement from Class A1 (Retail) to Class A2 (Financial & Professional services.' PWX0302302'
- **Planning Permission was granted in 1972** for;
'The erection of a single-storey rear extension to existing shop and showrooms.' 15237
- **Planning Permission was granted in 1971** for;
'The retention for a further limited period of a roof over part of the rear yard at No. 20' 10697
- **Planning Permission was granted in 1967** for;
'The erection of a roof over part of the rear yard.' 4259

EXISTING ARRANGEMENT

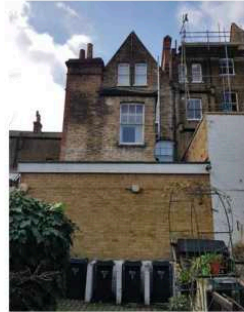


Basement

Ground floor



Long section



Rear elevation



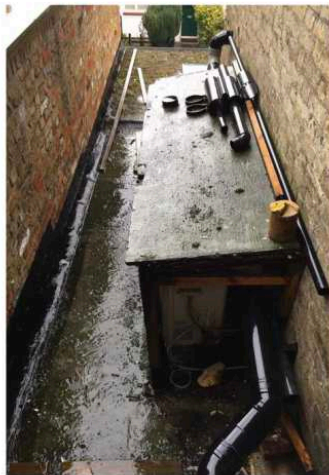
Street elevation

EXISTING ARRANGEMENT - REAR LIGHTWELL



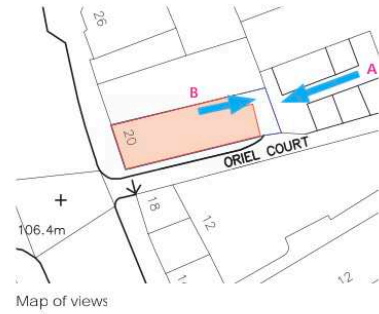
View A:

Rear view of edge of flat roof to lightwell



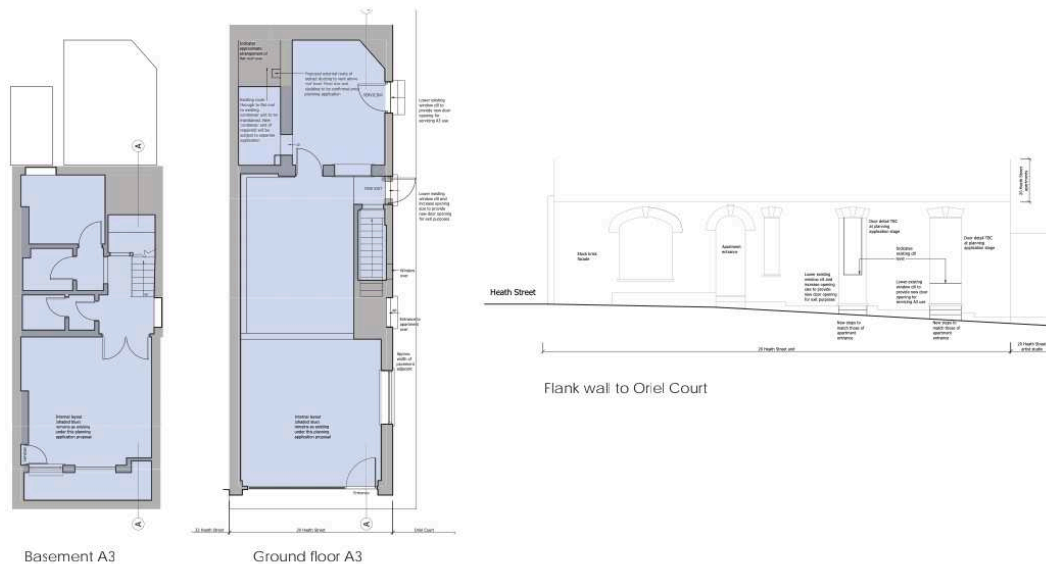
View B:

Rear view of flat roof to lightwell and existing condenser unit



Map of views

PROPOSED USE AND EXTERNAL ALTERATIONS



DETAILED CONSIDERATIONS

The proposal is for a change of use from A1 to A3 and has considered the following factors:

Servicing

Directly fronting Nos. 16-20 Heath Street are kerb markings indicating *No loading or unloading between 9am and 8pm Monday to Saturday.*

There are designated Loading Only bays Monday to Saturday between 9am and 8pm from 16 Heath Street to 10 Heath Street.

It is proposed to use the existing loading designations to service the proposed use at No.20 Heath Street.

Air conditioning units and extraction systems

Existing air conditioning units are located to the rear of the premises within a lightwell. This lightwell is not visible at ground level from Oriel Court.

Consent was granted 08-11-2004 (application ref. 2004/3451/P) for *'Retention of existing air conditioning unit and provision of additional air conditioning unit on the side of the flat roof of a ground floor rear extension and removal of existing air conditioning unit to the rear of the same roof.'*

It is proposed to use the current arrangement of Air Conditioning units for the change of use and should this requirement change, a separate application will be submitted for consideration.

The proposed kitchen extract unit will be directed out onto the flat roof in the lightwell and diverted up to roof level. The extract ducting will be clad in materials to be agreed to ensure that there is no visual impact to surrounding properties.

Hours of operation/Amplified Music

The A3 unit is proposed to operate from 8am until 11.30pm each day and within the restrictions placed by London Borough of Camden for amplified music.

Tables and chairs

Should there be proposals for tables and chairs in the future, this will be subject to a separate application.

Refuse and litter

Refuse will be stored within the kitchen area and taken out of the building via the proposed side entrance onto Oriel Court. Waste will be located for collection as noted on London Borough of Camden's website. Litter relating to the premises will be monitored regularly and disposed of in the correct manner.

Off-site management and access

Customers who use the A3 unit will be monitored upon leaving and this will be managed so as to have minimal impact on the neighbouring premises.

Smoking areas

No smoking will be permitted on or around the premises no designated areas are proposed.

J Pre-Application Response

Greg Weinrich

From: Henry, Kate <Kate.Henry@camden.gov.uk>
Sent: 21 March 2019 13:28
To: Victoria Shipton
Subject: 2018/0942/PRE - 20 Heath Street

Dear Victoria,

Re: 2018/0942/PRE - 20 Heath Street, London, NW3 6TE - Change of use from retail (Class A1) to restaurant (Class A3) at ground and basement levels

Thank you for submitting the above pre-application request on 11/02/2019 (fee received 26/02/2019). Please see the comments below. If, after reading these comments, you would still like to arrange a face-to-face meeting, please let me know and this can be arranged.

Constraints

Hampstead Conservation Area (identified in the Conservation Area Statement as making a positive contribution to the character and appearance of the area)
Hampstead Neighbourhood Plan Area
Primary Frontage within Hampstead Town Centre
Article 4 direction preventing changes of use from retail (Class A1) to financial and professional services (Class A2)

History

2004/3451/P - Retention of existing air conditioning unit and provision of additional air conditioning unit on the side of the flat roof of a ground floor rear extension and removal of existing air conditioning unit to the rear of the same roof – **Granted 08/11/2004**.

PWX0302302 - The change of use of the ground floor & basement from Class A1 (Retail) to Class A2 (Financial & Professional services) – **Granted 13/06/2003**.

15237 - The erection of a single-storey rear extension to existing shop and showrooms – **Conditional permission 07/03/1973**.

10697 - The retention for a further limited period of a roof over part of the rear yard – **Limited permission 28/04/1971**.

4259 - The erection of a roof over part of the rear yard – **Conditional permission 24/11/1967**.

3367 - The installation of a new shop front – **Granted 23/10/1963**.

1313/1963 - Internally illuminated fascia sign – **Granted 23/10/1963**.

Policy

National Planning Policy Framework (2019)

London Plan (2016)

Camden Local Plan (2017)

G1 Delivery and location of growth
TC1 Quantity and location of retail development
TC2 Camden's centres and other shopping areas
TC4 Town centre uses
A1 Managing the impact of development
A4 Noise and vibration
D1 Design
D2 Heritage
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
T4 Sustainable movement of goods and materials

Hampstead Neighbourhood Plan (2018)

Camden Planning Guidance

CPG Amenity (2018)
CPG Town Centres (2018)

Hampstead Conservation Area Statement (2001)

Summary of proposal

Pre-application advice is sought regarding the possibility of changing the use of the premises from retail (Class A1) to a restaurant (Class A3), along with external alterations on the Oriel Court elevation. The pre-application document submitted notes that pre-application advice is sought prior to the submission of a prior approval application.

Assessment

Principle of development

The Local Plan notes that the Council will ensure that development in its centres is appropriate to the character and role of the centre in which it is located and does not cause harm to neighbours, the local area, or other centres. The application site is located within the Hampstead Town Centre, as defined by CPG: Town Centres and Retail (2018) (hereafter referred to as the CPG) and forms part of a designated Primary Frontage.

Policy TC2 of the Local Plan notes that the Council will: (a) seek to protect and enhance the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located; (b) provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice; (c) make sure that food, drink, entertainment and other town centre uses do not have a harmful impact on residents and the local area and focusing such uses in King's Cross and Euston

Growth areas, Central London Frontages, and Town Centres; and, (e) pursue the individual planning objectives for each centre, as set out in Camden Planning Guidance, and through the delivery of environmental, design, transport and public safety measures.

The policy goes on to note that the Council has designated primary and secondary frontages in its centres and will: (f) protect the primary frontages as locations with a high proportion of shops (Class A1) in order to maintain the retail function of the centre; and (g) protect the secondary frontages as locations for shops (Class 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.

In Appendix 4 of the Local Plan, it is noted that within the Primary Frontages in Hampstead Town Centre, the Council will aim for a minimum of 75% retail (Class A1) uses and there should be no more than 2 consecutive food, drink and entertainment or other non-retail uses in the frontage. Paragraph 4.66 of the CPG repeats this guidance.

Policy EC1 in the Hampstead Neighbourhood Plan supports development that enhances the vitality and viability of Hampstead Town Centre. The policy seeks to resist changes of use from retail (Class A1) to financial and professional services (Class A2); however, it makes no mention of restaurants (Class A3).

Paragraph 1.9 of the CPG notes that a frontage will start at a road junction and frontages may continue around corners, or across entrances to premises above or at the rear and may include isolated ground floor residential uses, but are always ended at roadways that interrupt the run of premises. In my opinion, the frontage of which the application site forms a part runs uninterrupted from No. 10 Heath Street to No. 26 Heath Street. This corresponds with the diagram in the CPG (see below).



At the time of my site visit (27/02/2019), the current uses in the frontage were as follows:

No.	Occupier	Use Class
10	Del Maestro jewellers	A1
12	Dawson's Auctioneers (recessed entrance thereto)	Sui Generis
14	Village Newsagents	A1
16-18	TK International Lettings	A2
20*	Aeon gallery	A1
22	Lords homeware shop	A1
24	Entrance to units on upper floors of building	n/a
26	Boots Opticians	D1

* Application site

The above table shows that, currently, of the 8 units in the frontage, 4 are in retail (Class A1) use, which represents **50%** of the frontage. This means that the frontage already fails to comply with the requirement for at least 75% of the units in the Primary Frontage to be in retail use. The proposal to change the use of No. 20 (the application site) from retail (Class A1) to a restaurant (Class A3) would further reduce this figure to **38%**.

On the basis of the above, it is considered that allowing the proposed change of use would cause harm to the character, function, vitality and viability of the shopping frontage. The proposal would result in even fewer of the premises in the Primary Frontage being in retail use which would further reduce the range of shopping services provided in this part of Hampstead Town Centre, which may deter shoppers from coming to this area for the purpose of shopping, which in turn may impact on the remaining shops in the frontage and their ability to attract shoppers and continue operating. For this reason, you are advised against submitting a formal application to change the use of the premises as it is unlikely to be supported by officers.

Impact on the character and appearance of the wider area

Policy D1 of the Local Plan seeks to secure high quality design in development and Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. The proposal involves changes to the Oriel Court elevation, namely the creation of 2x new doorways in the same location as existing window openings.

The proposal to drop the sills to provide doorways is considered to be acceptable, in principle, subject to the detailed design; however, the Council would be unlikely to support a proposal to widen the existing openings. I would be happy to visit the application site with a conservation officer to discuss this issue further, if required.

Impact on neighbouring land uses

Policy A1 seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy; outlook; sunlight, daylight and overshadowing; artificial lighting levels; transport impacts; impacts of the construction phase; noise and vibration levels; odour, fumes and dust. Policy A4 seeks to ensure that noise and vibration is controlled and managed; the Council will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity. The Council will also seek to minimise the impact on local amenity from deliveries and from the demolition and construction phases of development.

If the proposal was otherwise considered to be acceptable, it would be possible to use a planning condition to control the hours of operation and to limit external noise levels etc. However, in general, given that Heath Street is a busy London street, it is not considered that the proposed change of use would cause undue harm in terms of comings and goings to the premises, even if this continued into the evening. There are other uses in close proximity to the application site and in the local area which are also likely to attract evening trade.

Transport impacts

Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough; Policy T2 seeks to limit the availability of parking; and Policy T4 promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road.

The application site has a high PTAL rating (4) and is therefore relatively easily accessible by public transport (it is walking distance from Hampstead tube station). Furthermore, the application site is located within a designated Town Centre which already attracts visitors.

The scale of the proposal does not warrant the submission of a transport assessment and/or delivery and servicing management plan. Given the nature of the proposal and the application site, it is not considered that deliveries or servicing would cause undue harm to the amenities of nearby and neighbouring properties.

Overall, it is not considered that the proposed change of use from retail (Class A1) to a restaurant (Class A3) would cause any harmful transport impacts in the wider area and the proposal is considered to be acceptable in this respect.

Conclusion

In my opinion, the proposal to change the use of the premises from retail (Class A1) to a restaurant (Class A3) would not be supported if you were to submit either a planning application or prior approval application and for this reason you are advised against doing so. If you would like to further discuss the proposed external alterations to the building I would be happy to visit the application site with a conservation officer to do this.

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

You can apply for planning permission through the [Planning Portal](#) website.

Thank you for using Camden's pre-application advice service. If there is anything else I can help with, please do not hesitate to ask.

Kind regards

Kate Henry
Senior Planning Officer
Regeneration and Planning
London Borough of Camden
(Tue, Wed, Thu, Fri)

Telephone: 020 7974 3794

Please consider the environment before printing this email.

This e-mail may contain information which is confidential, legally privileged and/or copyright protected. This e-mail is intended for the addressee only. If you receive this in error, please contact the sender and delete the material from your computer. See our new Privacy Notice [here](#) which tells you how we store and process the data we hold about you and residents.

K. Class C Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

Class C – retail, betting office or pay day loan shop or casino to restaurant or cafe Permitted development

C. Development consisting of— (a)a change of use of a building from a use— (i)falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order, (ii).... and

(b)building or other operations for the provision of facilities for— (i)ventilation and extraction (including the provision of an external flue), and (ii)the storage of rubbish, reasonably necessary to use the building for a use falling within Class A3 (restaurants and cafes) of that Schedule. Development not permitted

C.1 Development is not permitted by Class C if— (a)the cumulative floor space of the existing building changing use under Class C exceeds 150 square metres;
(b)the development (together with any previous development under Class C) would result in more than 150 square metres of floor space in the building having changed use under Class C;
(c)the land or the site on which the building is located is or forms part of— (i)a site of special scientific interest; (ii)a safety hazard area; or (iii)a military explosives storage area;
(d)the site is, or contains, a scheduled monument; or (e)the land or building is a listed building or is within the curtilage of a listed building.

Conditions C.2—(1) Where the development proposed is development under Class C(a) together with development under Class C(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a)noise impacts of the development,

(b)odour impacts of the development,

(c)impacts of storage and handling of waste in relation to the development,

(d)impacts of the hours of opening of the development,

(e)transport and highways impacts of the development,

(f)whether it is undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order because of the impact of the change of use—

(i)on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

(ii)where the building is located in a key shopping area, on the sustainability of that shopping area, and (g)the siting, design or external appearance of the facilities to be provided under Class C(b), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2)Where the development proposed is development under Class C(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (f) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application. (3)Development under Class C is permitted subject to the condition that development under Class C(a), and under Class C(b), if any, must begin within a period of 3 years starting with the prior approval date