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Town Planning - Planning Law

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29 January 2020

Dear Sir

20 Heath Street NW3 6 TE. Proposed change of use A1 to A1-A3

This letter forms part of an application for change of use of 20 Heath Street from A1 use to A1/A3 use. The property is currently in use as an art gallery, and the current owner wishes to use it as a restaurant and art gallery.

The proposal has been the subject of a pre-application consultation which is referred to in detail in the planning statement. This consultation advised that planning permission would not be granted on policy grounds based on a reading of the Camden Town Centres CPG Planning Guidance. This regards restaurants as unsupportive breaks in retail frontages.

The pre-application consultation was in error as it did not acknowledge the Hampstead Neighbourhood Plan which is referred to in para 4.70.

The Hampstead Neighbourhood Plan takes a contrasting view of restaurants in Hampstead. They are seen as part of Hampstead's retail offer and complementary to a vibrant retail offer, rather than damaging to retail as suggested by the pre-application consultation. In certain circumstances the Hampstead Neighbourhood Plan is supportive of properly located and incorporated new restaurant uses in Hampstead.

In this case the Hampstead Neighbourhood Plan is supportive of the proposal for reasons explained in the Planning Statement. Moreover the proposal has been carefully consulted upon and is supported by the Hampstead Neighbourhood Forum and the Hampstead BID Organisation as well as Camden Council in its role as the freeholder of the property.

This proposal is not quite within the definitions of permitted development pursuant to the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 3 Class C(a), because of the proposed mixed A1/A3 use. Accordingly use of the prior notification procedure is inappropriate.

The application is simply for change of use, but the potential externalities listed in the General Permitted Development Order 2015 Schedule 2 Part 3 Class C2 (1) paragraphs (a)-(f) have been considered, and where relevant can be dealt with quite satisfactorily by conditions, suggested wording for which is included. Paragraph (j) has not been considered because the Hampstead neighbourhood Plan provides the correct approach.

It is therefore requested that planning permission be granted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Trehearne', with a stylized, cursive script.

Ian Trehearne