



Planning Design and Access Statement

Change of use from a language tuition centre (Use Class D1) to a cake shop (Use Class A1)
at 87 Agincourt Road, London, NW3 2NT

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The statement is structured as follows:

- 1.0 Introduction
- 2.0 Site description
- 3.0 Proposed Development
- 4.0 Relevant Planning History
- 5.0 Planning Policy
- 6.0 Analysis
- 7.0 Conclusion

1.0 INTRODUCTION

- 1.1 This statement is a combined Planning, Design and Access Statement that has been prepared to support an application for full planning permission for the change of use of a language tuition centre (Use Class D1) to a cake shop (Use Class A1) at the site known as 87 Agincourt Road, London, NW3 2NT.

- 1.2 The statement explains the design thinking behind the application for planning permission. It includes a written description of the proposal, its setting, considers the planning history and planning policy, and provides a justification for the proposal. The Design and Access Statement has been produced in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2.0 BACKGROUND AND SITE DESCRIPTION

- 2.1 The application site is in the Belsize Park area on Agincourt Road, which serves as a main arterial road linking the Hampstead and Hampstead Heath areas with the Chalk Farm/Camden and Kentish Town areas.
- 2.2 The site is situated on the east side of the highway at the junction with Fleet Road, Mansfield Road and Southampton Road, and contains a single-storey building. The building forms part of a pair of single-storey commercial units. The application building is currently vacant. Its last use was as a language tuition centre. The adjacent unit at No. 85 is currently in use as a hairdressers/salon.
- 2.3 The majority of the buildings in the immediate area consist mostly of residential uses in the form of dwelling-houses and flats. There are a handful of small ground floor commercial units in the immediate area which consist of the adjacent hairdressers/salon, an estate agent, a bistro diner and a dog grooming centre. It is of note that this collection of retail/shop/commercial premises, including the application site, do not form part of a local neighbourhood centre designation.
- 2.4 The application site is situated within the Mansfield Conservation Area designation, however, the application building itself is not listed.

3.0 PROPOSED DEVELOPMENT

- 3.1 The proposal is for the change of use of a language tuition centre (Use Class D1) to a cake shop (Use Class A1).
- 3.2 All products would be baked on-site and then sold on-site.
- 3.3 For the avoidance of doubt, only minor internal alterations to facilitate the change of use are required and no external changes or alterations are proposed as part of this application.

4.0 PLANNING HISTORY

- 4.1 2018/2073/P – Change of use of shop (Use Class A1) to a language tuition centre (Use Class D1). Permission was granted in August 2018.

- 4.2 9100820 – Change of use from business use (Use Class B1) to a doctors' surgery (Use Class D1). Permission was granted in July 1991.

5.0 PLANNING POLICY

National Planning Policy Framework

- 5.1 This document replaces previous Government Planning Policy Statements, and Guidance. It is a material consideration that should be given significant weight.
- 5.2 Paragraph 8 identifies the three overarching objectives in achieving sustainable development: economic, social and environmental
- 5.3 Paragraph 10 confirms that at the heart of the Framework is a presumption in favour of sustainable development.
- 5.4 Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.
- 5.5 Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.
- 5.6 Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 5.7 Paragraphs 124 to 132 address the requirement for designing high-quality buildings and places. Paragraph 130 reiterates previous Government Policy that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. However, local planning authorities should not refuse planning permission for buildings or infrastructure which promotes high levels of sustainability because of concerns about incompatibility with an existing townscape.

The Development Plan

- 5.8 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the London Borough of Camden consists of the Camden Local Plan (adopted in 2017).

Camden Local Plan (2017)

Policy E1 – Economic Development

- 5.9 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:

- Support businesses of all sizes, in particular start-ups, small and medium-sized enterprises;
- Maintain a stock of premises that are suitable for a variety of business activities;
- Support local enterprise development, employment and training scheme for Camden residents.

5.10 Policy A1 – Managing the Impact of Development

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.

Policy D1 - Design

- 5.11 The Council will seek to secure high-quality design in development. The Council will require that development:

- Respects local context and character; and
- Preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage

Policy D2 – Heritage

- 5.12 The Council will preserve and where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Policy D3 – Shopfronts

- 5.13 The Council will expect a high standard of design in new and altered shopfronts, canopies, blinds, security measures and other features.

Policy TC1 – Quality and Location of Retail Development

- 5.14 The Council will focus new shopping and related uses in Camden’s designated growth areas and existing centres, having regard to the level of capacity available in these locations.

The Council will promote the following distribution of retail and other town centre uses across the Borough:

Neighbourhood centres, specialist shopping areas & small shops outside of centres –

- Appropriate provision in Neighbourhood Centres;
- Appropriate provision in Camden’s Specialist Shopping Areas; and
- Limited provision of small shops outside centres to meet local needs.

Policy TC5 – Small and Independent Shops

- 5.15 The Council will promote the provision of small shop premises suitable for small and independent businesses. The Council will:
- Expect large retail developments to include a proportion of smaller units;
 - Attach conditions to planning permissions for retail developments to remove their ability to combine units into larger premises where appropriate; and
 - Encourage the occupation of shops by independent businesses and the provision of affordable premises.

6.0 ANALYSIS

6.1 From an assessment of the site and a review of planning policies, there are three main issues raised by this proposal:

- The principle of the proposed development;
- Whether the character and appearance of the conservation area or wider area would be harmed;
- Impact upon the living conditions of neighbours; and
- Impact upon highway safety.

Principle of the proposed development

6.2 The site is designated as previously developed land and as such, the presumption is in favour of the development. The application is for the use of the application building as a shop (Use Class A1). Non-residential use has been established at the site and the use would contribute towards maintaining the vitality of this part of Agincourt Road.

6.3 The shop would specialise in the sale of freshly baked cakes. For the avoidance of doubt, all goods would be baked on-site and then sold on-site. The proposal would retain the existing retail-style shop frontage. The proposed opening hours for the shop would be 8:00am to 6:00pm Mondays to Saturdays. The shop would not open on Sundays or Bank Holidays.

6.4 The application building does not fall within a Local or Neighbourhood Centre designation. However, the building does form part of a handful of small ground floor retail/shop/commercial units in the immediate area which consist of a hairdressers/salon, an estate agent, a bistro diner and a dog grooming centre.

6.5 Local Plan Policy TC5 encourages the provision of small shop premises for small and independent businesses. In addition, Local Plan Policy TC1 promotes the introduction of retail uses in the Borough which includes the provision of small shops outside centres to meet local needs. It is also noted that prior to the last use

of the premises as a language tuition centre, the premises were previously used as a shop (Use Class A1) selling groceries and convenience goods. This is confirmed in the previous application submission 2018/2073/P – refer to paragraph 4.1 for further details. This would suggest that a Class A1 use is acceptable in this location.

- 6.6 Notwithstanding the above, Schedule 2, Part 4, Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is a material consideration in the assessment of this application. Schedule 2, Part 4, Class D allows for a change of use from Use Class D1 to Use Class A1 for a temporary period of up to 2 years. It is argued that this provides an alternative method for the applicant to apply for a change of use of the premises, albeit on a temporary basis, and constitutes a genuine fall-back position.
- 6.7 Given the nature and small scale of the proposed development, the applicant contends that the proposed use would accord with these local plan policies TC1 and TC5 and would not result in any material harm to the conservation area or the wider area. The proposed use would therefore be acceptable in principle.

Effect upon the character and appearance of the conservation area and wider area

- 6.8 It is argued that there would be no material difference between the proposed A1 use and the previous D1 use. In this connection, it is anticipated that comings and goings associated with the A1 use would be at a similar level compared to the previous D1 use.
- 6.9 It is noteworthy that the existing retail-style shop frontage at the premises would be retained, therefore the existing character and appearance of the premises would not be altered and the impact upon the street scene, the conservation area and the wider area would be materially not different.
- 6.10 The use of the premises as a cake shop would contribute towards diversifying the overall mix of ground floor retail/shop/commercial uses that are present in this part of Agincourt Road and Fleet Road.

Effect upon neighbouring properties

- 6.11 As previously mentioned in paragraph 6.3, the proposed shop opening hours would be 8:00am to 6:00pm Mondays to Saturdays. The shop would not open on Sundays or Bank Holidays. By virtue of this, the impact of the use upon neighbouring properties in the immediate area, particularly in relation to residential uses would be minimal and comings and goings to the site would remain at a similar level. Also, as the proposal relates to the use of the premises, there is no operational development proposed. As a result, there would be no material harm to any neighbouring sites in the immediate area.

Impact upon highway safety

- 6.12 The site is located in an area with PTAL of 5 (Very Good). There is a bus stop 40m away from the application site, Gospel Oak overground station is 600m away and Belsize Park underground station is 800m away. Levels of activity are similar to those associated with the previous D1 use.

7.0 CONCLUSION

7.1 The proposal would be sustainable development on previously developed land. The A1 use as a shop would be appropriate in the context of the site and would contribute towards the overall mix of retail/shop/commercial uses in this part of Agincourt Road and Fleet Road. As a result, the proposed use would be acceptable in principle, and the character and appearance of the conservation area and neighbouring sites would not be materially harmed.

7.2 The proposal would also comply with the relevant development plan policies, and the relevant paragraphs of the National Planning Policy Framework.