

London Borough of Camden 2nd Floor, 5 Pancras Square
c/o Town Hall, Judd Street
London
WC1H 9JE

10 November 2020

Our Ref: 20/5713

RE: An Application for Full Planning Permission Shopfront Alterations at 1 South End Road, Hampstead, London, NW3 2PT.

This application is submitted on behalf of our client, Gail's Ltd, and seeks planning permission for the installation of a double door and bench to the shopfront at the above address.

This letter provides a site description and brief overview of the planning history, outlines the proposals, and assesses the proposals against the relevant national and local planning policies and other material considerations.

Site Description

The site is located on the corner of South End Road and Pond Street and is adjacent to South End Green. The site comprises a terrace 4 storey building with commercial use on the ground floor and residential above. The application is related to the ground floor unit. The building is not listed but is located within the Hampstead Conservation Area.

Planning History

The application site is currently vacant, having been previously occupied by Le Pain Quotidien for approximately 12 years. Previous planning applications largely include table and chair renewal applications. Other relevant shopfront and advertisement applications can be found below:

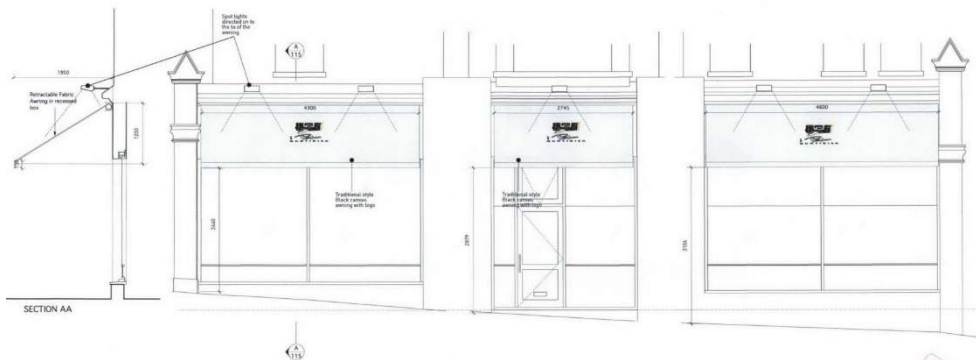
Ref: 2008/3705/A - Display of three externally illuminated awnings signs to the shopfront (Class A3). Granted 03/11/2008.

The officer considered the proposed awnings are of an appropriate scale, design and material and would enhance the appearance of the shopfront and the building. The officer also highlighted that other examples of similar and more traditional awnings could be found within the street.

The proposal did not harm the setting of the conservation area, especially given that the Hampstead Conservation Area Statement specifies external illuminated is a more appropriate form of illumination. The proposed spotlights were also seen to be unobtrusive and carefully sized and site and would not disturb residents or impact on public safety.

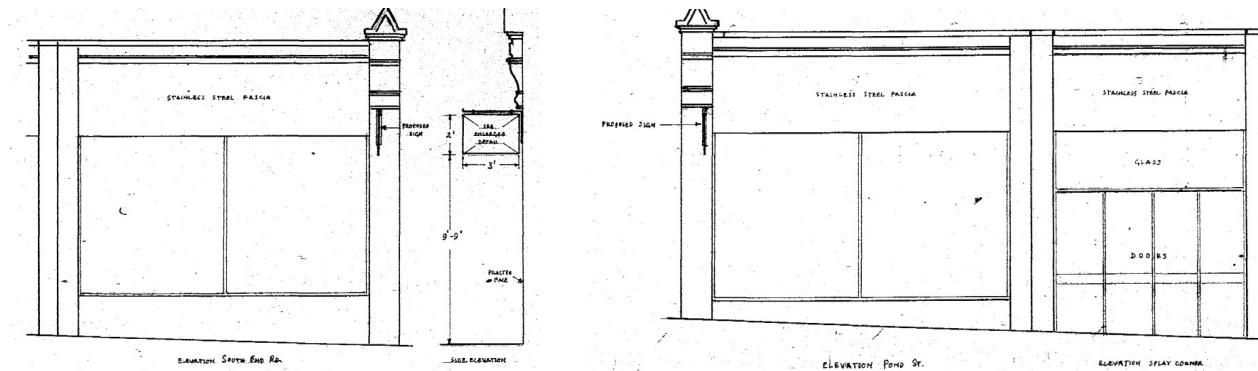
Directors
Helen Cuthbert | Stuart Slatter | Claire Temple | Alastair Close
Dan Templeton
Associate Directors
Katie Turvey | Heather Vickers | Alan Williams

Consultant
Lorna Byrne
Associates
Sally Arnold | Rob Scadding | Penny Moss | Sam Deegan | Paul Galgey
Niall Hanrahan | Phil Marsden | Charlotte Perry | Charlotte Hunter



Ref: 35743 - Granted for the retention of a new shopfront with alterations to the fascia – Granted 21/04/1983

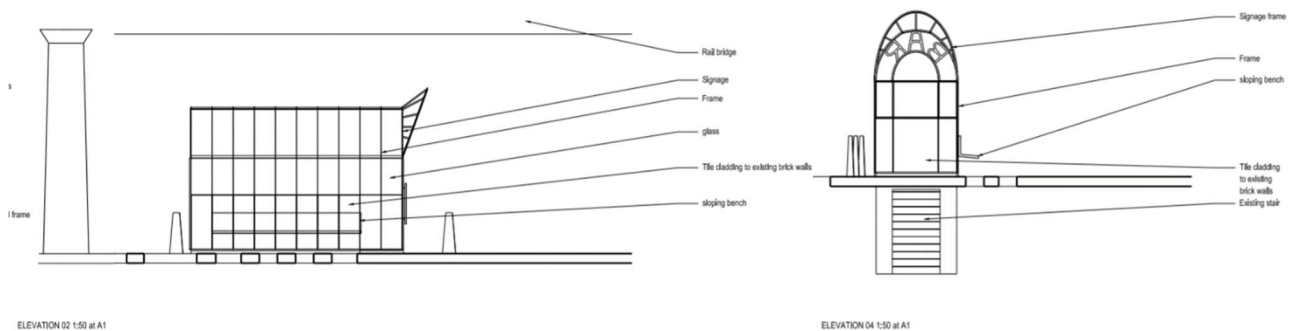
There is no officers report for this historic application, however the plans below show a stainless-steel fascia.



Planning Precedents

Ref: 2018/1162/P - Erection of glass canopy above existing entrance to vacant public underground lavatories, including tiling of existing brick walls – Granted 20/06/2018 at Former WC at Junction With Camden Road and Royal College Street London NW1 9NL

The proposed external works included the installation of a bench seat to the entrance of the underground premises, located within the Camden Broadway Conservation Area.



Proposals

- New timber slatted fold down window bench in front of windows
- Install new painted double door and frame with brass ironmongery to be installed in place of existing

Justification

Within the Hampstead Conservation Area statement PDF (2001) the shopfront at 1 South End Road is listed as a feature which detracts from the character of the area and would benefit from enhancement. Since the audit, there has been little improvement to the quality and appearance of the shopfront. This proposal seeks to better the shopfront, enhancing the conservation area whilst preserving its character and interest.

Replacement Doors

With regards to the door alterations, the new double doors will replace the existing off-centre single door. The new doors are proposed to be in a brass ironmongery; a material which the Hampstead Conservation Area statement PDF (2001) recognises as a traditional material within the conservation area. The use of this material is therefore appropriate to the context and the new centralised double door will re-provide balance to the entrance and improve the relationship between the shopfront and the upper floors. The proposed double door will also benefit customers who are less able or those with prams. The doors will be painted and primed to a high standard.

Given the improvements to the appearance of the shopfront and accessibility, it is considered that the proposals are compliant with Camden Planning Guidance on Design (2019) and Policy D1 (Design) and D2 (Heritage) of the Local Plan (2017).

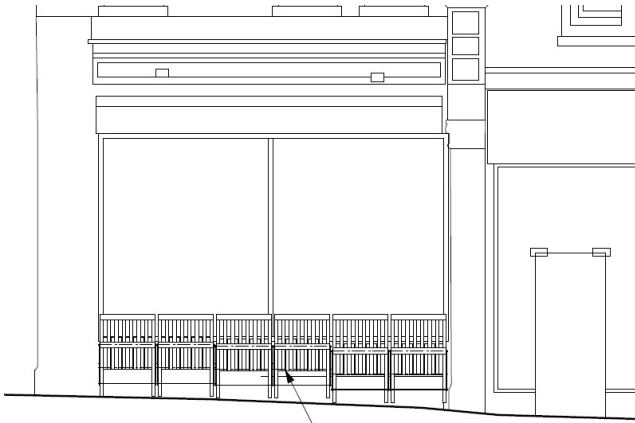


Fixed Timber Bench

The shopfront improvements include the provision of a new timber slatted fold down window bench along the front elevation. The proposal is of a high-quality design and finish, providing fixed, secure seating to a long standing bakery / café. Fixed seating will also reduce the appearance of street clutter and provide a tidy front elevation along South End Road. When members of the public are not seated, the seating is designed to fold up to minimise impact over the public highway. The proposed use of timber is supported within the Hampstead Conservation Area statement PDF (2001). It is also pertinent to

note that a sloping seat was approved outside the former WC at the junction of Camden Road and Royal College Street, which is also within a conservation area.

It is therefore considered that the addition would add visual interest to the otherwise plain shopfront and preserve and enhance the appearance of the conservation area, in line with local design policies and Section 72 of the Planning Act (1990).



In summary, the existing shopfront has been identified as a negative contributor within the conservation area and therefore the proposals seek to significantly improve the shopfront. The double door will reinstate a balanced appearance to the entrance and relate better to the upper floors. Additionally, the seating will add visual interest to the street scene, whilst utilising traditional materials. The proposals are compliant with local and national policy and will allow for an enhancement to the conservation area, in line with section 72 of the 1990 planning act, which forms the foundations of all conservation area policies. Therefore, full planning permission should be granted without hesitation.

Payment has been made to the planning portal. As part of this application, we enclose:

- Completed Application Form;
- Certificate B;
- Site Location ref: OS100;
- Existing Plan ref: LGA-275-02; and
- Proposed Plan ref: A107.

Should you require anything further, please contact Leah Abbey in our London office.

Yours sincerely,

Leah Abbey

Assistant Planner

Planning Potential

London

Enc.

Appendix 1: Planning Policy

Heritage Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the primary legislation and foundation on which further policy, and guidance relating to the conservation of the historic environment is built. Section 72 of the Act relates to the ‘general duty as respects conservation areas in exercise of planning functions’, with Section 72 (1) of the Act stating that in exercising planning functions, “special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area”.

NPPF: Heritage (2019)

The National Planning Policy Framework, with which all Local Development Plans must comply, constitutes the national level of planning policy and is a material consideration in planning decisions. The NPPF was originally introduced in March 2012 and was subsequently updated and published on 24 July 2018. The 2018 update broadly retains the wording of the 2012 Chapter on Conserving and Enhancing the Historic Environment (Chapter 16). The NPPF was updated again in February 2019 in order to provide definitions for housing need. No paragraph numbers changed as a result of this update.

The NPPF represents a continuation of the philosophy contained within Planning Policy Statement 5 (PPS5), introduced in 2010 and one of a number of planning policy documents replaced by the NPPF in 2012.

The NPPF uses slightly different terminology to the Act and emphasises that authorities should take account of “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”.

‘Conservation’ is defined within the NPPF as “the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance”.

No definition of ‘preservation’ (or any variant) is contained within the document. However, Historic England advise that both ‘conservation’ and ‘preservation’ are concerned with the management of change which seeks to sustain the special interest or significance of heritage assets. ‘Conservation’ has the addition of taking opportunities to enhance significance where it is possible and considered to be appropriate. This is discussed in Historic England’s 2018 publication *Decisions: Legal Requirements for Listed Building and Other Consents*.

The NPPF also helps to define other key terms within heritage policy. These are provided within the table below.

Term	Definition
Heritage Assets	“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).” (p.67)
Designated Heritage Assets	“A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.” (p.66)

Significance	"The value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting." (p.71)
Setting of a Heritage Asset	"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." (p.71)

Chapter 16 specifically relates to conserving and enhancing the historic environment (paras. 184-202).

Paragraph 189 stipulates that within applications, applicants are required to describe the significance of the heritage assets affected and the contribution made by their setting. Local authorities should also identify and assess the significance of the heritage assets affected by a proposal. This should be taken into account when assessing the impact of a proposals on a heritage asset (Paragraph 190). Paragraph 192 of the NPPF goes on to state that when determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness. (p.55)

Paragraphs 193-202 of the document discuss how potential impacts to heritage assets should be considered with paragraph 193 stipulating a requirement for great weight to be given to an asset's conservation when considering the impact of a proposed development on its significance. The weight given should reflect the importance of the asset (p.55).

NPPF: Degrees of Harm

Where harm to the significance of a designated heritage asset is identified, the NPPF requires clear and convincing justification of the proposals. The document categorises levels of harm as: total loss; substantial harm; and less than substantial harm.

Paragraph 195 states that where a development would lead to substantial harm to (or total loss of) the significance of a designated asset, local planning authorities should refuse consent, unless it can be demonstrated that such harm is necessary to achieve substantial public benefits that outweigh that harm, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

Paragraph 196 states that where a proposed development will lead to less than substantial harm to the significance of a designated asset, this should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In the case of impact on non-designated heritage assets, Paragraph 197 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

NPPF: Planning Policy (Design)

Paragraph 124 (Achieving Well-designed Places) acknowledges that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

London Plan (2016)

The London Plan also contains relevant policies for the city-wide context within which individual boroughs must set their local planning policies.

Policy 7.4 – Local Character – states that buildings, streets and open spaces should provide a high-quality design response that:

- Has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass;
- Contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area;
- Is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings;
- Allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area;
- Is informed by the surrounding historic environment;

Policy 7.8 – Heritage Assets and Archaeology – states to safeguard heritage assets. Development is encouraged to:

- Identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.
- Where it would affect heritage assets and their settings, conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Camden Local Plan

Policy A1 – Managing the Impact of Development

The Council will seek to protect the quality of life of occupiers and neighbours. We will grant planning 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
- a. require mitigation measures where necessary.
- b. The factors we will consider include:
 - c. visual privacy, outlook;
 - d. j. noise and vibration levels

The Council will also consider visual privacy, outlook, sunlight, daylight and overshadowing.

Policy A4 – Noise and Vibration

The Council will seek to ensure that noise and vibration is controlled and managed. Development should have regard to Camden's Noise and Vibration Thresholds. We will not grant planning permission for:

- a. development likely to generate unacceptable noise and vibration impacts; or
- b. development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided and will not harm the continued operation of existing uses.

Policy D2 – Heritage

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.

Designated heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

d. the harm or loss is outweighed by the benefit of bringing the site back into use.

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Camden Planning Guidance on Design (2019)

Paragraph 2 – Design Excellence

Camden is committed to excellence in design and schemes should consider:

The context of a development and its surrounding area;

The design of the building itself;

The use and function of buildings;

Using good quality sustainable materials;

Creating well connected public spaces and good quality public realm;

Opportunities for promoting health and well-being;

Opportunities for improving the character and quality of an area.

High quality design makes a significant contribution to the success of a development, of a place and the community in which it is located.

Paragraph 3 – Heritage

Camden has a rich architectural heritage and we have a responsibility to preserve, and where possible, enhance these areas and buildings;

The Council will only permit development within conservation areas that preserves and where possible enhances the character and appearance of the area;

Our conservation area statements, appraisals and management plans contain further information and guidance on all the conservation areas;