

The Planning Department
London Borough of Camden
2nd Floor
Town Hall
Judd Street
LONDON
WC1H 9JE

Our ref: 16.09.01/LBC/NS

Your Ref:

6 May 2021

Dear Madam/Sir,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
4-6 NORTHWAYS PARADE, LONDON NW3 5EN

We are pleased to submit, on behalf of M & O Aesthetics, the accompanying planning application which seeks planning permission for the change of use of the above [ground floor] premises from its lawful (Class A3) restaurant use to use as a non-surgical aesthetic clinic and salon (sui generis).

In addition to this supporting letter, the application submission also includes Drwg. No. E101 which provides details of the layout of the proposed clinic/salon. The required fee for the planning application is to be made separately as an online payment.



The Application Site

The application site lies in the western part of the London Borough of Camden, and it forms part of 'Northways Parade', a part five/part six storey group of buildings that front onto the east side of Finchley Road (the A41), a short distance north of the junction with College Crescent. The buildings comprise residential flats on the upper floors and a ground floor parade of premises that are used for a variety of retail and other town centre uses. Nos. 4- 6 Northways Parade is a vacant ground floor commercial unit, of approximately 147m², that was previously used for (Class A3) restaurant purposes.

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The application site lies towards the southern end of the Finchley Road/Swiss Cottage District Town Centre, the third largest town centre in the Borough (after Camden Town and Kilburn High Road). The centre extends along both sides of Finchley Road, from Swiss Cottage Underground Station (in the south) to Finchley Road and Frognall 'Overground' Stations (to the north). Northways Parade lies within part of the designated 'primary' shopping frontage for the centre.

The Finchley Road/Swiss Cottage Centre accommodates a varied and wide range of retail and other commercial and town shopping uses, including a large number of small independent businesses, and several multiple retailers such as 'Barclays Bank', 'Tesco Express', 'WH Smiths', 'Boots' and 'Waitrose'. The centre also includes several health/beauty establishments (e.g. beauty and health salons/saunas), however the beauty salon business at No. 12b Northways Parade is the only health/beauty business that exists along Northways Parade. The 'O2 Centre' lies approximately 600m north of the application site, and it accommodates an additional range of shopping, food and drink, leisure and entertainment uses (e.g. 'Sainsbury's', 'Habitat', 'Virgin Active' and a 'Vue Cinema' complex).

In addition to the nearby underground stations, the shopping centre is also served by several bus routes (e.g. Nos. 13, 31, 46, 113, 187, N28, N31 and N113), enabling it to serve a catchment that extends to parts of Hampstead, Kilburn and St John's Wood – the 'Public Transport Accessibility Level' (PTAL) rating for the locality is '6b', the highest. Finchley Road (the A41) forms part of the 'Red Route' Network, and the site lies outside the Mayor of London's Congestion Charging Zone.

It is clear, taking into account the diverse mix of retail and other town centre uses found within the shopping centre, and the locality's excellent public transport connectivity, that the application site lies in a sustainable mixed-use locality, one ideally suited to accommodate the proposed use.

Planning Policy Context

... National Planning Policy Framework ...

The National Planning Policy Framework (NPPF) confirms, in paragraph 80, that "*planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt*", and additionally, that "*significant weight should be placed on the need to support economic growth*". Paragraph 85 of the Framework makes clear (i) that planning policies and decisions should adopt a positive approach to support the growth, management and adaptation of local town centres, and (ii) that planning policies should promote the long-term vitality and viability of town centres by, inter alia, allowing them to grow and diversify, to ensure a mix of uses to reflect their distinctive characters.

... The Local Planning Policy Context ...

The London Plan (2021) and the Camden Local Plan (2017) comprise the statutory development plan for the application site, and the following policies are considered to be of most relevance to the submitted application:-

- **London Plan Policy SD6** - seeks to promote and enhance the vitality and viability of London's town centres by, inter alia, (i) encouraging a diverse range of [main] town centre uses, and (ii) supporting the adaption and diversification of town centres.
- **Local Plan Policy TC2** - seeks to promote successful and vibrant centres throughout Camden.
- **Local Plan Policy TC4** - seeks to ensure that town centre uses do not cause harm to the character, function, vitality and viability of the town centres, the local area and the amenity of local residents and occupiers.

Further to the requirements set out in Local Plan Policies TC2 and TC4, Appendix 4 of the Local Plan confirms the Council's overall objective and expectations for the mix and balance of uses with each of the Borough's designated centres.

The '*Camden Planning Guidance: Town Centres and Retail*' (January 2021) is also of relevance as it provides additional guidance to supplement Policies TC2 and TC4, and it also provides detailed information on each of the Borough's designated centres, including identifying the primary and secondary frontages within each centre. In summary, the guidance seeks to protect the retail function of Camden's town centres by ensuring there is a high proportion of (Class A1) retail uses/premises.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning decisions must be taken in accordance with the statutory development plan, unless material considerations indicate otherwise. The representations below demonstrate that the application proposal does not generate any planning policy obstacles, given that the proposed use would beneficially complement the existing varied mix of retail and other commercial uses within the Finchley Road/Swiss Cottage Centre, without reducing its retail content. Moreover, the proposed use would not result in any significant or adverse impacts on the amenities of adjoining residents/occupiers or the area generally.

The Supporting Case

... the proposed use ...

The submitted application seeks planning permission for the change the use of the application premises from the previous (Class A3) restaurant use to a non-surgical aesthetic clinic and salon, providing high end aesthetic medical treatments and services (e.g. lymphatic post-surgery massage, aesthetic treatments, laser hair removal etc) and a hair salon. In addition, the clinic will also offer academy training courses in advanced aesthetic therapies. Client visits to the clinic/salon will operate on a 'by appointment only' basis, operating between the hours of 8.00am to 9.00pm Mondays to Sundays. The facility will employ six members of staff/consultants. The layout of the proposed facility is shown on Drwg No. E101.

... land use planning policy considerations ...

Local Plan Policy TC2 ultimately seeks to maintain the retail function of a centre by protecting designated primary frontages as locations with a high proportion of shops (A1), and additionally the policy seeks:-

- to protect and enhance the role and unique character of each of the Borough's shopping centres;
- to ensure that new development is of an appropriate scale and character for the centre in which it is located.
- to provide and maintain a range of [independent] shops and services, and other suitable uses, to provide variety, vibrancy and choice.

These planning policy objectives are duplicated within the '*Camden Planning Guidance: Town Centres and Retail*' (January 2021), which sets out, on pages 58 to 60 (paragraphs 4.41 to 4.48), the guidance specific to the Finchley Road/Swiss Cottage Centre, namely to (i) resist proposals that would result in the proportion of retail ground floor premises falling below 75% in a primary frontage (50% in a secondary frontage), and (ii) prevent food, drink and entertainment uses from exceeding 20% of the premises within the primary frontage (paragraph 4.42 to 4.45). Paragraph 4.47 further confirms that the guidance also supports the provision of a range of other suitable uses within the centre.

It is hoped that Officers will agree that in this instance, further to the abovementioned planning policy objectives, that the application proposal would not compromise the Council's key policy objective of protecting the primary retail function and role of the Finchley Road/Swiss Cottage Centre, taking into account the following key material considerations:-

- the proposal would not change or reduce the (Class A1) retail content in the Centre.
- the proposed change of use would not negatively alter the existing mix and balance of [non-retail] uses within the primary frontage.
- Appendix 4 of the Local Plan and the '*Camden Planning Guidance: Town Centres and Retail*' does not impose a [maximum] restriction on the number/proportion of non-retail or non-food and drink uses that can exist within the primary frontage.
- the proposal would bring back into beneficial use a previously vacant property, and given that it also proposes public access use, it would therefore also enhance the vitality, vibrancy and viability of the shopping centre.
- the loss of the previous restaurant use does not contravene any specific policies of the development plan, and in any case, there are many other restaurant/food and drink uses within the primary frontage and elsewhere with the centre.

In summary then, and for the considerations mentioned above, it is clear that the proposal would not have any detrimental impact on the character, function, vitality and viability of the Finchley Road/Swiss Cottage Centre. The proposal therefore complies with Local Plan Policy TC2 and the relevant guidance set out in the '*Camden Planning Guidance: Town Centres and Retail*'.

Amenity Impacts

The proposed use will generate additional pedestrian activity, but not to a level or extent that would result in any adverse impacts on the amenities of adjoining or surrounding occupiers, taking into account the following considerations:-

- the proposed clinic/salon would not generate any material or harmful impacts on local parking or traffic conditions, bearing in mind (i) that clients will use public transport to visit the facility, given the very close proximity of local underground and bus services, (ii) the very limited on-street parking opportunities within the immediate area, particularly considering the 'red route' location of the premises, and (iii) that the servicing of the unit will take place from the existing service area to the rear of the premises (see photographs below).
- internal refuse storage facilities will be provided within the premises, and there are sufficient existing refuse storage facilities within the rear servicing area (see photographs below).
- the successful co-existence of other similar health/beauty businesses provide supporting evidence that the proposed clinic/salon would not result in any negative or harmful impacts on the amenities of surrounding occupiers.



Rear Servicing Area



Existing refuse storage facilities in servicing area

Local Plan Policy TC4 seeks to ensure that town centre uses do not cause harm to the character and function of the town centres, the local area and the amenity of local residents and occupiers. It is clear, from the considerations set out above, that the proposed facility would not generate any unacceptable noise or amenity impacts on adjoining residents/occupiers, in compliance with Local Plan Policy TC4.

Concluding Comments

The Planning and Compulsory Purchase Act 2004 requires that all planning decisions must be taken in accordance with the statutory development plan, unless material considerations indicate otherwise. The National Planning Policy Framework further makes clear that local planning authorities should approve development proposals that accord with the development plan “*without delay*”, unless there are significant adverse impacts.

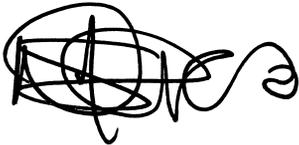
The planning application seeks planning permission to use the application premises as a to a non-surgical aesthetic clinic and salon. The representations set out above demonstrate that the proposed use would not result in any significant adverse amenity impacts, and moreover, no significant planning policy obstacles would be generated by the proposed facility, bearing in mind the following key considerations:-

- the proposal would not reduce the (Class A1) retail content of the Finchley Road/Swiss Cottage Town Centre.
- the proposed change of use would not have any harmful impact on the existing mix and balance of non-retail uses within the primary frontage.
- the proposal would bring back into beneficial use a previously vacant property, and it would therefore enhance the vitality, vibrancy, and viability of the centre.
- no harm would result from the loss of the previous restaurant use, as the loss does not contravene any specific development plan policy.

It is hoped, taking into account the considerations and the case presented above, that Officers will agree that the application proposal can be supported with a recommendation for approval, on the basis that the proposed change of use would not contravene Local Plan Policies TC2 and TC4 or London Plan Policy SD6.

I trust that the application submission is in order, but please do not hesitate to contact me if you require any additional information (Tel: 07944 382852). I look forward to receiving your confirmation that the application is valid, and thereafter to discussing the application submission with the designated case officer.

Regards



NOEL SERRANO BA (Hons) MRTPI
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