



PLANNING, DESIGN, ACCESS & HERITAGE STATEMENT

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*16 England's Lane,
Belsize Park,
London, NW3 4TG*

1.0 Introduction

1.1 This Planning, Design, Access & Heritage Statement has been prepared by Drawing and Planning on behalf of the Curvus Ltd, in support of a Full Planning application at 16 England's Lane, Belsize Park, London, NW3 4TG.

1.2 The proposal would see the: "Change of use of basement & ground floor levels of no.16 England's Lane from a Health & Wellbeing / Therapy Clinic (Class E) to a mixed-use wine bar and retail unit selling wines and wine related products (Sui Generis)".

1.3 The purpose of this statement is to clearly set out and consider all the relevant planning considerations for the proposed development. The statement will set out the national and local planning policies which are relevant to the application and provide an assessment of how the proposed development accords with those policy requirements.

1.4 This statement should be read in conjunction with the following accompanying documents:

- Completed application form;
- Site location plan;
- Architect's drawings;

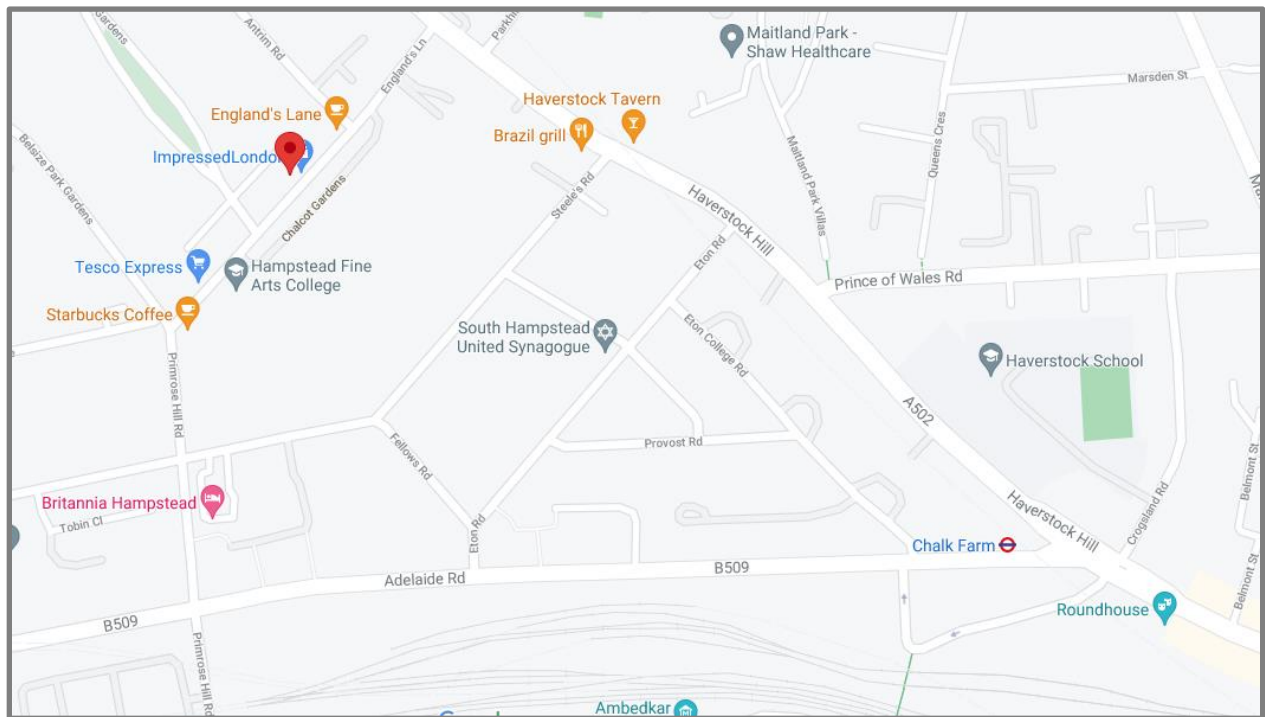


Fig 1: Site Location Map

2.0 The Proposed Development

Site Context and Location

- 2.1 The application site at 16 England's Lane, is a four-storey plus basement mid-terrace building on the north-eastern side of England's Lane, which backs onto Elizabeth Mews. The proposal relates to the basement & ground floor levels only, which are in use as a Health & Wellbeing Therapy Clinic (Class E) known as 'On The Lane'. The upper floors at first, second and third floor levels, provide three residential flats (Class C3).
- 2.2 The ground floor and basement premises along this terrace form part of a shopping parade, which is designated as a neighbourhood shopping centre. The site is also within the Belsize Park Conservation Area. The Belsize Park Conservation Area appraisal and management strategy identifies the building as making a positive contribution to the character and appearance of the conservation area.

Relevant Planning History

- 2.3 The applications registered on the Council's online planning records, are listed as follows:

No. 16 England's Lane

- 9200326 - Change of Use of ground and basement floor from retail (Class A1) to and Estate Agency (Class A2). Granted planning permission on 03/09/1992.
- PW9702782 - Renewal of planning permission granted on appeal on 18th January 1993 (Ref. PL9200765) for the formation of additional floorspace to the rear at ground floor level for retail purposes was granted on 13/11/1997.
- 2005/0459/P - Application for Certificate of Lawfulness for an existing use of the basement and ground floors as a complementary therapy clinic within Class D1 in the Town and Country Planning (Use Classes) Order 1987 was refused on 22/03/2005.
- 2008/0140/P - Use of basement and ground floor as a complementary therapy clinic (Class D1) was granted on 02/04/2008

No. 14 England's Lane

- 35197 Installation of new shopfront was granted 21/02/1983
- 2007/4845/P Change of use of existing basement (part) from Class A1 retail (ancillary storage to ground floor level retail unit) to complementary therapy/clinic/counselling unit (Class D1) was granted 12/12/2007
- 2008/0503/P Installation of replacement shopfront was granted 22/04/2008
- 2011/2255/P Change of use of part of ground floor retail unit (Class A1) to offices (Class B1) granted 20/06/2011

3.0 The Proposed Development

3.1 This application, seeks Planning Permission for the change of use of the basement and ground floor levels of No. 16 England's Lane from a Health & Wellbeing / Therapy Clinic (Class E) to a mixed-use wine bar and retail unit selling wines and wine related products (Sui Generis). There are no external alterations proposed. The proposed development involves the following:

- The ground floor would provide a retail offering to the front of the unit. The retail goods comprising wine and related paraphernalia would be visible through the shopfront window to encourage visits from members of the public;
- There would be no requirement for an extract ventilation system or any mechanical plant equipment;
- There would be no primary cooking on site, with only food snacks provided within the wine bar, such as cheese platters and olives etc.
- There are no external alterations proposed. Signage will be proposed under a separate planning / advertisement consent application.

3.2 Whilst not requiring planning permission per se, it is important to note that the existing Health Clinic which uses the basement and ground floor of no. 16 would relocate to the vacant basement level at the adjoining no. 14 England's Lane.

3.3 The ground floor of no.14 is in active use as a retail tile shop known as 'Terrazzotiles' (Class E) and this existing occupier/unit would not change. The basement level is currently vacant, but has been in use as an ancillary storage space for the retail unit at ground floor, and prior to this, as a personal training gym. The ground and basement level of no. 14 have therefore been subdivided and currently form two independent commercial units. No external alterations are proposed as the basement unit is accessed independently from street level.

3.4 The Health Clinic would therefore relocate to a neighbouring vacant basement level at no. 14 without the loss of this active commercial use at no. 16. The parade would therefore have a net additional commercial unit to support the viability and vitality of the neighbourhood centre.

4.0 Planning Policy Context

- 4.1 A summary of the relevant legislation and policy relevant to the consideration of the application is provided in this section.

Primary Legislation

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when making any determination under the Planning Acts, that determination should be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority, in exercising their planning functions within conservation areas, pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework 2019 (NPPF)

- 4.4 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is an important material consideration in decision making.
- 4.5 Section 16 (Conserving and enhancing the historic environment) sets out how heritage assets should be conserved in a manner appropriate to their significance.
- 4.6 Section 9 (Ensuring the vitality of town centres) states that planning policies and decisions should support town centres, "by taking a positive approach to their growth, management and adaptation." Planning policies should:

"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;

define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;

where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre"

5.0 The Statutory Development Plan

5.1 The Statutory Development Plan for the site comprises the following Development Plan Documents:

- London Plan (2021);
- Camden Local Plan (2017);

5.2 The Development Plan documents and policies relevant to the application are as follows:

Camden Local Plan (2017)

- Policy A1 - Managing the Impact of Development
- Policy A4 - Noise and Vibration
- Policy D1 - Design
- Policy D2 - Heritage
- Policy TC2 - Camden's centres and other shopping areas
- Policy TC4 - Town centre uses
- Policy TC5 - Small and independent shops
- Policy TC6 - Markets

Supplementary Guidance - Camden Planning Guidance (CPG) adopted January 2021

- CPG - Amenity
- CPG - Design
- CPG - Transport
- CPG - Town centres and retail

Belsize Park Conservation Area appraisal and management strategy PDF (2003)

6.0 Local Planning Policy Context

Land use

6.1 Policy TC2 (Camden's centres and other shopping areas) states that "the Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors." The council will:

"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;

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;

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 Town Centres; support and protect Camden's Neighbourhood Centres, markets and areas of specialist shopping, local shops; and

pursue the individual planning objectives for each centre, as set out in the CPG on town centres and retail, and through the delivery of environmental, design, transport and public safety measures”

6.2 The policy states that the council will:

“Protect secondary frontages as locations for retail 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.”

6.3 The policy states that Council will seek to:

“Retain convenience shopping for local residents in Camden’s Neighbourhood Centres and will ensure that development in them does not harm the function, character or success of that centre.”

6.4 Policy TC4 (Town centre uses) states that:

“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.”

6.5 The council will consider:

“The effect of development on shopping provision and the character of the centre in which it is located;

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;

the Council’s expectations for the mix and balance of uses within frontages for each centre are set out in Appendix 4;

the individual planning objectives for each centre, as set out in the supplementary planning document Camden Planning Guidance on town centres and retail; impacts on small and independent shops and impacts on markets; the health impacts of development;

the impact of the development on nearby residential uses and amenity and any prejudice to future residential development;

parking, stopping and servicing and the effect of the development on ease of movement on the footpath;

noise and vibration generated either inside or outside of the site; fumes likely to be generated and the potential for effective and unobtrusive ventilation; and the potential for crime and antisocial behaviour, including littering.”

- 6.6 To manage potential harm to amenity or the local area, the council will, in appropriate cases, use planning conditions and obligations to address the following issues:
- hours of operation;
 - noise/vibration, fumes and the siting of plant and machinery;
 - the storage and disposal of refuse and customer litter;
 - tables and chairs outside of premises;
 - community safety;
 - the expansion of the customer area into ancillary areas such as basements;
 - the ability to change the use of premises from one food and drink use or one entertainment use to another
 - the use of local management agreements to ensure that the vicinity of premises, are managed responsibly to minimise impact on the surrounding area

Residential amenity

- 6.7 Policy A1 (Managing the impact of development) sets out that the Council will seek to ensure that the amenity of communities, occupiers and neighbours are protected. The factors to be considered include:

“Visual privacy, outlook; sunlight, daylight and overshadowing; artificial lighting levels; and impacts of the construction phase.”

- 6.8 Policy A4 (Noise and vibration) seeks to ensure that noise and vibration is controlled and managed.

7.0 Assessment of Development Proposals

Change of Use (Principle of development)

- 7.1 The principle of a mixed-use wine bar and retail unit selling wines and wine related products (Sui Generis) is considered acceptable in principle subject to not causing harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.
- 7.2 In terms of vitality and viability, the Local Plan policies which seek to retain a certain proportion of retail and restaurant uses within a parade are now out of date. The amendment to the Use Class Order on the 1st of September 2020 introduced a wide-ranging commercial, business and service use (Class E). The previous Use Classes A1/2/3 & B1 are now treated as Class E with freedom to move within these activities without planning permission. Non-residential institutions, D1 is now split out and replaced by the new Classes E(e-f) and F1. Assembly and leisure D2 - is split out and replaced by the new Classes E(d) and F2(c-d) as well as several newly defined ‘Sui Generis’ uses.
- 7.3 However, whilst not requiring planning permission per se, it is important to note that the existing Health Clinic at basement and ground floor of no. 16 would relocate to the vacant basement level at the adjoining no. 14 England’s Lane. The Health Clinic would have been

a D1 Use Class but is now within Class E. Policy TC2 would not seek to retain this use on the ground floor frontage but it would be retained on the frontage following development.

- 7.4 In terms of impact to the local area or the amenity of neighbours, Policy TC4 states that the council will “assess the cumulative impact of food, drink and entertainment uses, taking into account the number and distribution of existing uses.” The premises could change to a restaurant without planning permission and the wine bar is only an element of the total use. However, a survey of this stretch of England’s Lane, shows that there are no restaurants or drinking establishments within the subject parade.
- 7.5 The council will in appropriate cases, use planning conditions and or obligations to prevent potential harm to residential amenity. The retail and bar activities will take place on the ground floor. The retail provision would be 60% of the ground floor and the bar 40%. There would be no live music at the site with only gentle background music played on the premises. No extract ventilation systems are required or proposed in this instance. There would be no cooked food served on the premises, with only cheeses, cured meats, breads, olives etc. available as part of the wine bar menu.
- 7.6 The operating hours would be the following:
- Sunday and Monday to Thursday: 10am-10pm (Bar 5pm-10pm)
 - Friday: 10am-11pm (Bar 5pm-11pm)
 - Saturday 10am-11pm (Bar 5pm-11pm)
- 7.7 In terms of servicing requirements, the existing transit sized bay will suffice for the proposed wine bar use. The site can be serviced on-street within the existing pay and display bays.
- 7.8 The operating hours, lack of primary cooking and significant retail element of the use mean that planning condition or obligations are not necessary to make the development acceptable in planning terms.

8.0 Residential Amenity Considerations

- 8.1 Policy A1 of the Camden Local Plan 2017 (Managing the impact of development) sets out that the Council will seek to ensure that the amenity of communities, occupiers and neighbours is protected. The factors to be considered include (inter alia): visual privacy, outlook; sunlight, daylight and overshadowing; artificial lighting levels; and impacts of the construction phase. The Camden Planning Guidance on Amenity provides more detailed guidance on how the Council will consider amenity impacts.
- 8.2 There are no external alterations proposed and as discussed in the land use section above, there would be no harmful impacts to neighbouring amenity.

9.0 Conclusion

- 9.1 The NPPF states the Councils should allow Town Centres “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.” The NPPF sets out a presumption in favour of sustainable development. Paragraph 11 states that proposals which accord with the development plan should be approved without delay and that where plans are absent, out of date, silent or indeterminate, applications should be approved unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits.
- 9.2 We consider that the proposed alterations are acceptable for the reasons set out below:
- i. The proposed use would be an appropriate for the neighbourhood centre as it would enhance its vitality and viability;
 - ii. The existing Health Clinic would move to the vacant basement level of no. 14 England’s Lane;
 - iii. The proposal provides a strong retail offering with the bar element not forming a primary use;
 - iv. The operating hours (11pm latest closing time), lack of primary cooking and significant retail element of the use, mean that the proposal would not cause nuisance or disruption to the residential flats at upper floors of the building.
- 9.3 We consider that the proposed use is appropriate for the site, wider parade and neighbourhood centre and we seek the support of the Local Planning Authority for this planning application.
- 9.4 For the above reasons, when taken as a whole, the proposal is considered to represent sustainable development as defined within the NPPF and should be granted planning permission.