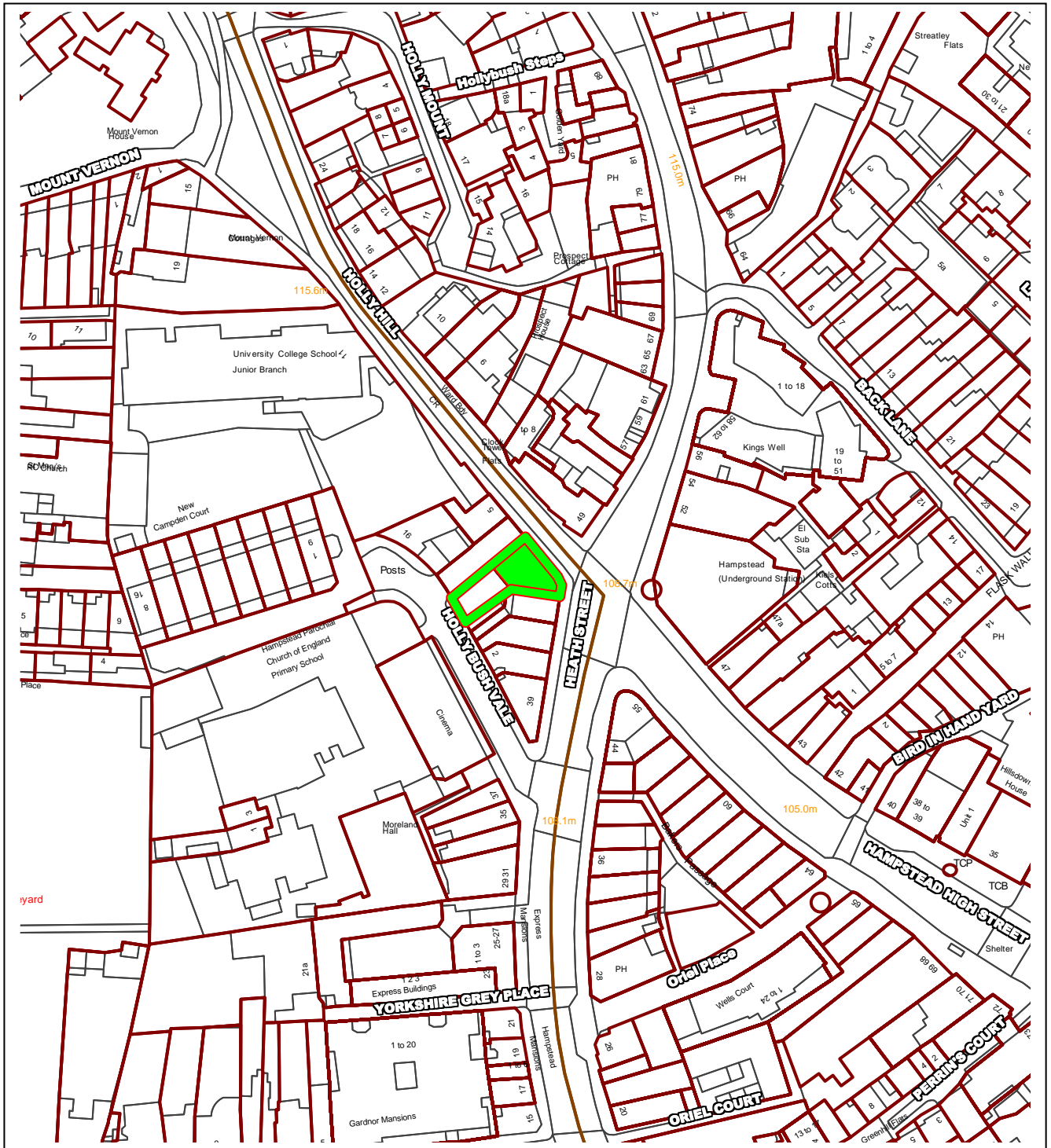


# 47 Heath Street (2022-2354-P) Site Plan



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47 Heath Street (Foxton's Building) – Heath Street/Holly Hill elevation



Holly Bush Vale elevation (47 Heath Street = white painted building)

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		25/07/2022			
		N/A		<b>Consultation Expiry Date:</b>		10/08/2022			
<b>Officer</b>				<b>Application Number(s)</b>					
Adam Greenhalgh				2022/2354/P					
<b>Application Address</b>				<b>Drawing Numbers</b>					
47 Heath Street London NW3 6UA				Please refer to draft decision notice					
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>			
<b>Proposal(s)</b>									
Conversion of part ground and first, second and third floor from ancillary offices and self-contained flat to provide 1 no. 3 bedroom flat, 4 no. studio flats and 1 no. two bedroom house.									
<b>Recommendation(s):</b>		Grant Conditional Planning Permission subject to S106 Legal Agreement							
<b>Application Type:</b>		Full Planning Application							
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice							
<b>Informatives:</b>									
<b>Consultations</b>									
<b>Adjoining Occupiers:</b>		No. of responses		04		No. of objections		04	
<b>Summary of consultation responses:</b>		<p>Site notice: 13/07/2022 – 06/08/2022 Press notice: 14/07/2022 – 07/08/2022</p> <p>Two letters of objection received (both unaddressed). Objections raised relate to :</p> <ul style="list-style-type: none"> <li>• Increased potential for waste/rubbish to be left out on the streets</li> <li>• Over-spill/increased parking on surrounding streets</li> <li>• Increased fire risk</li> <li>• Surrounding streets unsuitable for construction traffic/skips and impact on safety/amenity from construction vehicles/operations</li> </ul>							

	<p><i>Officer response:</i></p> <p><u><i>Increased potential for waste/rubbish to be left out on the streets</i></u></p> <p><i>A new 1.5m x 3m bin store is proposed immediately alongside the ground floor entrance to the proposed 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor dwellings. It would comfortably accommodate two medium sized containers which would have capacity for storing the waste/recycling of the dwellings until collection days.</i></p> <p><i>The proposed two bedroom house also has space on the ground floor (under the stairs/in the kitchen/in a store at the rear) to store its weekly waste/recyclables such that there should be no undue dumping or fly-tipping on the highway.</i></p> <p><u><i>Over-spill/increased parking on surrounding streets</i></u></p> <p><i>In accordance with the Council's (and national) policies on sustainable transport new residential developments of general housing are subject to legal agreements to prevent future occupiers from obtaining parking permits to park on surrounding streets. As such, the proposal would be unlikely to result in significantly increased car use or parking demands in the area (see 'Transport &amp; Highways' below)</i></p> <p><u><i>Increased fire risk</i></u></p> <p><i>Building Regulations approval would be needed for the proposed works. The buildings works would be required to comply with fire safety requirements under the Building Regulations</i></p> <p><u><i>Surrounding streets unsuitable for construction traffic/skips and impact on safety/amenity from construction vehicles/operations</i></u></p> <p><i>Construction vehicles would be able to load and unload within the loading bays on Holly Hill and on the double yellow lines adjacent to the site on Holly Bush Vale. Given the limited nature of the proposed works, a Construction Management Plan (CMP) and bond would not be necessary.</i></p>
<p><b>Hampstead Neighbourhood Forum</b></p>	<p>The Hampstead Neighbourhood Forum has questioned whether the flats would be let or sold at market rates, the sizes of the dwellings and the waste/recycling store provision, mentioning that the area suffers from fly-tipping and questioning whether the bin store area provision is sufficient.</p> <p><u><i>Officer response:</i></u></p> <p><i>The flats would be on the open market. See 'Provision of new housing including affordable housing at 2.2.4 – 2.2.8 ' below regarding the size of the units and requirements for affordable housing. An affordable housing contribution would be required and this would be secured as part of a S.106 agreement in accordance with policy H4. The Council cannot use planning controls to control whether open market units are rented or sold. However, the affordable housing contribution would be secured in accordance with the Council's affordable housing size and tenure needs.</i></p> <p><i>In terms of the dwelling sizes, see 'Mix and quality of proposed residential</i></p>

accommodation' at 2.4.1 below.

*A new 2.25m x 3m bin store is proposed immediately alongside the ground floor entrance to the proposed 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor dwellings. It would accommodate five wheelie bins which would have capacity for storing the waste/recycling of the proposed flats until collection days.*

*The proposed two bedroom house also has space on the ground floor (under the stairs/in the kitchen/in a store at the rear) to store its weekly waste/recyclables such that there should be no undue dumping or fly-tipping on the highway.*

## Site Description

47 Heath Street comprises a four-storey building with basement. Part of the ground floor is currently occupied by Foxtons Estate Agents. It is positioned on a prominent corner location (Heath Street & Holly Hill) opposite Hampstead Underground station and within the Hampstead Conservation Area. The building is not statutorily or locally listed although it is within the setting of no. 49 Heath Street a Grade II Listed Building. It is a 'positive contributor' in the Hampstead Conservation Area Appraisal and Management Strategy.



*Existing Holly Hill/Heath Street Elevation(s)*

In addition to the 4 storey building onto Holly Hill/Heath Street, the site includes a linked two storey building on Holly Bush Vale (see below).



*Rear elevation of site showing linked two storey building on Holly Bush Vale (white)*

The ground floor of the Holly Bush Vale two storey building partly runs through to the Holly Hill elevation, where it currently has a dummy shop front and there is a lightwell between part of the two storey building on Holly Bush Vale and the four storey building on Holly Hill.

The two storey building on Holly Bush Vale and the upper floors of the four storey building are accessed separately from Foxtons.

The 1<sup>st</sup> and 3<sup>rd</sup> floors of the four storey building are currently in office use.

The 2<sup>nd</sup> floor is a two bedroom flat.

The two storey building on Holly Bush Vale has an office use.

The site is located in Hampstead Town Centre. The Holly Hill/Heath Street frontage is a primary shopping frontage and the Holly Bush Vale frontage is within a secondary shopping frontage.

### **Relevant History**

No relevant planning history

### **Relevant policies**

**National Planning Policy Framework 2021**

**The London Plan 2021**

**Camden Local Plan 2017**

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage  
Policy E2 Employment premises and sites  
Policy H1 Maximising housing supply  
Policy H4 Maximising the supply of affordable housing  
Policy H6 Housing choice and mix  
Policy H7 Large and small homes  
Policy TC2 Camden's centres and other shopping areas  
Policy CC1 Climate change mitigation  
Policy CC3 Water and flooding  
Policy CC5 Waste  
Policy T1 Prioritising walking, cycling and public transport  
Policy T2 Parking and car-free development  
Policy T3 Transport Infrastructure

**Hampstead Neighbourhood Plan 2018**

Policy DH1 Design  
Policy DH2 Conservation Areas and Listed Buildings  
Policy HC1 Housing Mix Dwellings

**Camden Planning Guidance (CPG)**

CPG Design (January 2021)  
CPG Amenity (January 2021)  
CPG Home Improvements (2021)

**Hampstead Conservation Area Statement (2001)**

## Assessment

### 1. PROPOSAL

- 1.1 The proposal is for alterations at ground floor level, including the formation of a residential entrance on Heath Street and the provision of a ground floor bin store and bicycle store, the conversion/change of use of the first, second and third floors of the main building to 1 x 3 bed flat and 4 x 1 bed studios and the change of use of the rear two storey building to 1 x 2 bed house.
- 1.2 No significant external alterations would be undertaken. The ground floor window next to 1 – 3 Holly Hill would be slightly enlarged for the ground floor residential lobby. The elevations of the two storey building onto Holly Bush Vale would not change.

#### REVISIONS DURING THE COURSE OF THE APPLICATION:

- 1.3 During the course of the application, the proposal was changed from the provision of 6 x 1 bed studios and 1 x 2 bed house to 1 x 3 bed flat, 4 x 1 bed studios and 1 x 2 bed house. This was a result of concerns raised in relation to the 'dwelling sizes priorities' within policy H7. The Dwelling Size Priorities table in policy H7 indicates a high need for 3 bedroom flats and a lower need for 1 bedroom flats.
- 1.4 During the course of the application the proposed bin store on the ground floor was also increased in size. This was in response to concerns raised by the Neighbourhood Forum in relation to fly-tipping and rubbish on the streets in the area. The proposed bin store now measures 2.25m x 3m and it is shown as containing 5 wheelie bins.

### 2. ASSESSMENT

- 2.1 The material considerations for this application are as follows:

- Change of use from commercial to residential; loss of commercial & provision of housing
- Design and Conservation
- Mix and quality of residential accommodation
- Amenity of neighbouring residential occupiers
- Highways/Transport

#### 2.2 Change of use from commercial to residential

##### Loss of commercial use:

2.2.1 Policy E2 aims to protect employment sites and seeks to resist changes to non-business uses. Proposals that involve the loss of business use are required to provide evidence demonstrating the building is no longer suitable for its existing business use and that retaining, reusing or redeveloping the site has been fully explored over an appropriate period of time. The Council will consider the site's location, condition, unit size, and nearby land uses, and may agree the change of use acceptable.

2.2.2 The existing plans indicate that the first and third floors are (or were) in commercial use and that the second floor is (or was) residential. But all three upper floors are accessed by a shared staircase. The applicant has indicated that the uses were non-compliant with the building regulations in terms of fire separation and this would be difficult and expensive to rectify. It is also noted that these floors have been vacant for over 10 years. Commercial floorspace which does not have its own separate access is less marketable. For this reason the upper parts of the building have fallen into a semi-derelict condition and the lack of self-contained office accommodation makes it a financially non-viable project.

2.2.3 It is concluded that the existing commercial floorspace in question is not suitable/viable for



separate use and that the proposal to change the space to 6 new self-contained dwellings does not conflict with the Council's policies for employment, housing supply or growth.

### **Provision of new housing including affordable housing provision**

2.2.4 New housing is a priority land use and the provision of new self-contained dwellings accords with Local Plan policies G1 (Delivery and location of growth) and H1 (Maximising housing supply). Paragraph 2.13 of the Local Plan states that 'The Council will encourage the provision of a mix of uses in suitable locations and expect development proposals of an appropriate size in town centres to contribute towards meeting Camden's pressing need for self-contained housing. Policy H1 also states that "where sites are underused or vacant, the Council will expect the maximum reasonable provision of housing that is compatible with any other uses needed on the site." The proposal is considered to be in line with this policy requirement.

2.2.5 Policy H4 of the Local Plan states that the Council 'will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more'.

2.2.6 A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% of for each home added to capacity

2.2.7 337 sq m of residential floorspace is proposed, equivalent to capacity for 3 new homes. The affordable housing target would therefore be 6%.

2.2.8 The payment-in-lieu is calculated by applying the affordable housing target to the total floorspace and applying a multiplier of £5,000 per sq m (as set out in the CPG Housing). So, for 337 sq m of residential floorspace, the Affordable Housing Target (6%) x 337 sq m x £5,000 = £101,100.

2.2.9 The affordable housing payment-in-lieu will need to be secured by way of a S.106 agreement.

### **2.3 Design and Conservation**

2.3.1 Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

2.3.2 No significant external alterations would be undertaken. An existing ground floor window next to 1 – 3 Holly Hill would be adapted to form the entrance to the upper floor flats and ground floor lobby, bin store and cycle store. This would be in keeping with the glazed frontage of the estate agents on the ground floor of the building and it would preserve the appearance of the ground floor façade, the building and the Conservation Area.

2.3.3 No other changes are proposed to the elevations of the building and the proposal would not harm the character of the Conservation Area.

2.3.4 Special regard has been attached to the desirability of preserving or enhancing the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

### **2.4 Mix and quality of residential accommodation**

2.4.1 The proposed mix of units (4 x 1 bed, 1 x 2 bed and 1 x 3 bed) is considered to provide a range of unit sizes which would contribute to the Council's housing size priorities. During the course of the

application, the proposal was changed from the provision of 6 x 1 bed studios and 1 x 2 bed house to 1 x 3 bed flat, 4 x 1 bed studios and 1 x 2 bed house. The Dwelling Size Priorities table in policy H7 indicates a high need for 3 bedroom flats and a lower need for 1 bedroom flats

2.4.2 Planning conditions cannot be used to control the tenure of open market housing. However, as explained at 2.2.4 – 2.2.8 above, the proposal would include a contribution to the provision of affordable housing and this could be used to provide affordable housing in accordance with the Council's size and tenure needs.

2.4.3 CPG Housing requires development to provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms.

2.4.4 The London Plan introduced new Nationally Described Space Standards in March 2015, setting out minimum gross internal floor areas (GIA) and accommodation standards for new/converted residential units. The proposed dwellings exceed the minimum size requirement in the nationally described space standards as follows:

<b>Dwelling Type</b>	<b>National Housing Standards GIA (sq m)</b>	<b>Proposed GIA (sq m)</b>
2 storey 2 bed 4 person house	79	98
Single storey 3 bed 4 person flat	74	82
Single storey 1 bed 1 person studio	37	38
Single storey 1 bed 1 person studio	37	40
Single storey 1 bed 1 person studio	37	38
Single storey 1 bed 1 person studio	37	41

2.4.5 The habitable rooms of all the dwellings would have windows and the bedrooms would all be of sufficient sizes and dimensions. The rear bedrooms of the three bedroom flat and the two storey house would be 4.75m apart across a lightwell. It is considered that these rear, secondary bedrooms would receive sufficient light from the lightwell and the layout of the rooms would provide sufficient private space. It is considered that it is for the developer/future occupiers to decide if the windows should have obscure glass in the interests of added privacy.

2.4.6 No private amenity space would be provided for any of the dwellings but the site is in the centre of Hampstead so occupiers would easily be able to travel to open spaces and Hampstead Heath would be within easy reach.

## **2.5 Amenity of neighbouring residential occupiers**

2.5.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG (Amenity) provides specific guidance with regards to privacy, overlooking and outlook.

2.5.2 No additions or extensions are proposed. As such, there would be no impacts on the light or outlook of any neighbouring properties. Also, no new windows, terraces or balconies would be created that would be any nearer to any neighbouring rooms or gardens. The use of the existing commercial spaces on the first and third floors of the main building and in the two storey building at the rear would not result in any undue overlooking of any neighbouring properties. The proposed use and layout would not result in any undue noise or disturbance for any neighbouring occupiers.

## **2.6 Highways/Transport**

2.6.1 The development would be required to provide 8 long-stay and 2 short-stay cycle parking spaces

in accordance with the London Plan 2021 cycle parking standards. Ground floor cycle storage accessed via the entrance hallway would be acceptable, however as shown, 2 short stay cycle parking spaces need to be provided and manoeuvring space for the long term spaces needs to be shown. Therefore, it is recommended that a condition is attached to secure the details of 8 long-stay and 2 short-stay cycle parking spaces prior to the commencement of the development, and that the approved details are provided and retained permanently thereafter.

2.6.2 The new residential units would need to be car-free in accordance with Policy T2, which includes limiting the availability of both off-street and on-street parking. This would be secured by a legal agreement if planning permission is granted, and would prevent future occupiers from obtaining on-street parking permits.

2.6.3 The Neighbourhood Forum, in their letter of objection, raise concerns over the potential for increased fly-tipping and deposit of rubbish in the streets. Following a request to the architect the proposed ground floor bin store was increased in size (to 2.25m x 3m) which would comfortably accommodate 5 wheelie bins. As such, the proposal would include sufficient facilities for the storage and collection of waste and recyclables and it would not result in any hazardous or undesirable fly-tipping or deposit of rubbish on surrounding streets.

2.6.4 The proposal includes limited construction due to the internal nature of the works. Construction vehicles would be able to load and unload within the loading bays on Holly Hill and on the double yellow lines adjacent to the site on Holly Bush Vale. Given the limited nature of the proposed works, a Construction Management Plan (CMP) and bond would not be necessary.

### **3.0 Recommendation:**

3.1 Grant conditional planning permission subject to a legal agreement to prevent future occupiers from obtaining car parking permits and secure a financial contribution of £101,100 towards the provision of affordable housing.

#### ***DISCLAIMER***

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 31 October 2022, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'***

Application ref: 2022/2354/P  
Contact:  
Tel: 020 7974  
Date: 26 October 2022

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

The Gillett Macleod Partnership  
1 High road  
Old Eastcote  
Old Eastcote  
Pinner  
HA5 2EW  
United Kingdom

Dear Sir/Madam

**DRAFT**  
**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

## **DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**47 Heath Street**  
**London**  
**Camden**  
**NW3 6UA**

Proposal:

Conversion of part ground and first, second and third floor from ancillary offices and self-contained flat to provide 1 no. 3 bedroom flat, 4 no. studio flats and 1 no. two bedroom house.

Drawing Nos: 22/3493: 01, 02, 03, 04, 05, 06, 07, 11A, 12A, 13A, 14, 15, Planning & Heritage Statement (Paddington Planning)

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings/document:

22/3493: 01, 02, 03, 04, 05, 06, 07, 11A, 12A, 13A, 14, 15, Planning & Heritage Statement (Paddington Planning)

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Before the development commences, details of secure and covered cycle storage area for 8 long-stay cycles and 2 short-stay cycle spaces shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

[https://www.gov.uk/appeal-planning-decision.](https://www.gov.uk/appeal-planning-decision)

Yours faithfully

Supporting Communities Directorate