

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	31/10/2011
		N/A / attached		Consultation Expiry Date:	31/10/11
Officer			Application Number(s)		
Connie Petrou			2011/4040/P		
Application Address			Drawing Numbers		
Berkley Lodge Berkley Grove London NW1 8XY			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
The change of use from offices (Class B1a) to consulting rooms for psychoanalysis and hypnotherapy (Class D1) or offices (Class B1a).					
Recommendation(s):		Grant			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	43	No. of responses	02	No. of objections	01
			No. Electronic	00		
Summary of consultation responses:	<p>Press notice advertised 06/10/11 Site notice displayed 28/09/11</p> <p>Owner/occupier 3 Berkley Grove</p> <p>I am objecting to this on the basis that it takes it from class B1 to D1. The current applicant wishes to use as a consulting room open until late evening and on a Saturday. This will increase noise, footfall and traffic in our street. This building is positioned right in the middle of housing and it is not appropriate to allow anything that increases the nuisance factor and footfall at night when noise limitation and security is paramount to our safety and comfort.</p> <p>Also by allowing the change to D1 could open the possibility for future tenants using the building for the other purposes within that category which again could increase noise, footfall and traffic in our street.</p> <p>Officer response: see paragraphs 2.6, 3.1-3.2 and 4.1 – 4.3</p> <p>Owner/occupier 7 Berkley Grove</p> <p>No objection to the proposed change of use per se, but would like the Council to bear in mind that Berkley Grove is primarily residential (there are 4 residential properties fronting onto it, as well as the back of several properties in Berkley Road). One of the main attractions of Berkley Grove is that it is a very quiet, narrow private road and we are concerned that the proposed new use would significantly increase pedestrian traffic in the road, especially (given the proposed permitted hours) at evenings and weekends. As acknowledged in the application, the property has no parking amenities in Berkley Grove and we are also concerned that clients of the consulting rooms will attempt to park in Berkley Grove, taking private spaces from those with legitimate right to park there and/or causing obstruction. We would ask that any permission for change of use be on the express condition that occupants of, and visitors to, the property have no right to park in Berkley Grove.</p> <p>Additionally, as the property's windows look directly into the side windows of our own property, there will be an inevitable impact on our privacy and possibly security. The only other currently occupied non-residential properties in Berkley Grove are offices in a self-contained courtyard setting which do not overlook any of the residential properties. In the interests of maintaining privacy and security, we would request that the permitted opening hours be limited to 8.30 am to 7.00 pm (Monday to Friday only) and 10.00 am to 2.00 pm (Saturday).</p> <p>Officer response: see paragraphs 3.1-3.2 and 4.1 – 4.3</p>					
CAAC/Local groups* comments: *Please Specify	No comments received					

Site Description

The site is occupied by a two storey property fronting Berkley Grove. The property forms part of a complex of buildings in various commercial uses accessed via Berkley Grove

The site forms part of the Primrose Hill Conservation Area. The property is not a listed building.

Relevant History

None

Relevant policies

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development; CS8 Promoting a successful and inclusive Camden economy; CS10 Supporting community facilities and services; CS11 Promoting sustainable and efficient travel

DP13 Employment sites and premises; DP15 Community and leisure uses; DP16 The transport implications of development; DP17 Walking, cycling and public transport; DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011

Primrose Hill Conservation Area Statement

Assessment

1 Proposal

1.1 The proposal is for the change of use of the building to dual use Class D1/Class B1a. The applicant proposes to use the property as consulting rooms for psychoanalysis and hypnotherapy. However, the dual use permission would allow the property to be occupied by a B1a use within 10 years of the date of any permission granted. After 10 years the lawful use would revert to whichever of the uses is taking place at the time. According to the applicants agent the property has been vacant since December 1994.

1.2 The proposed facility would be open for between 08:30-21:30 Monday-Friday and 08:30-1900 on Saturday and not open on Sundays or Bank Holidays. The plans indicate 2 consulting rooms. The majority of sessions will be held on a 1:1 basis, generally 1 per hour and will be by appointment only. Potentially once or twice a week sessions with a maximum of 3-4 people will take place. This is equivalent to an estimated 26 – 30 people per day and 3 members of staff. No external alterations are proposed. The main issues are:

- land use
- amenity
- transport

2 Land use

2.1 Policy CS8 indicates projected demand for the provision of office floor space can be met in Central London, and alongside DP13 recognises there is potential for a change of use of older office premises that are not suitable for any other business use where housing or community uses are proposed.

2.2 Policy DP13 requires that where a change of use to a non-business use is proposed, the applicant must submit evidence of a thorough marketing exercise sustained over at least two years. Messrs Gilmartin Ley, the commercial agents, have been marketing the property since the end of 2010 but state that they have received no enquiries from office occupiers either on a short term licence or lease basis. A copy of the particulars is included with the application. They also state that before they were formally instructed the landlord was trying to let the property himself for a number of months. No evidence to support this has been submitted. A 'To Let' board was erected outside the property and the property is listed on agents personal web site and all of the property related web sites to which they subscribe, including Estates Gazette Property Link, PIP Property, ComProperty, EACH.com and Focus Property. They claim to have completed numerous mailings from their database of existing registered applicants informing them of the availability of the property but the general feedback has been extremely poor.

2.3 Policy DP13 also states that where it can be demonstrated that a site is not suitable for any business use other than B1a (offices), the council may allow a change of use to community uses. The premises do not meet the criteria set out in paragraph 13.3 of the Development Plan Document which would make it suitable for alternative business uses. The existing site is not located in a Industry Area nor in the Hatton Garden Area, the area is not considered to be a location suitable for a mix of uses including light industry and local distribution warehousing, it is not possible to be serviced by means other than a car, it does not have particularly good servicing access and it is not close to other noise generating uses.

2.4 On the basis of the above it is considered that a loss of office floorspace in this location is acceptable.

2.5 New D1 floorspace - D1 facilities in general are considered under DP15 which requires proposals to be located close to the community they serve; be accessible by a range of transport modes, in particular walking and cycling; and to be located in the Central London Area or designated Town Centres if they are expected to attract large numbers of visitors. The application site satisfies the first two requirements and although not located in within the Central London Area or a designated Town

Centre the size of the property with a floorspace of approximately 60m² and with only 2 consulting rooms, one on each floor, is unlikely to attract large numbers of people (see paragraph 1.2) and therefore, is considered to satisfy the requirements of policy DP15.

2.6 In order to protect the amenity of neighbouring occupiers in the future a condition will be attached stating that the permission is restricted to consulting rooms.

2.7 As such the proposal is not considered to be contrary to policies CS8, CS10, DP13 and DP15 of the LDF.

Amenity

3.1 Concerns have been raised from neighbouring property no. 7 Berkley Road with regard to overlooking and privacy to the side windows of their property. Although the windows of the application property are at a slight angle to the windows of no. 7, a condition is proposed to be added to the permission stating that the windows are to be obscure glazed. This is considered an appropriate measure in protecting the amenity of property no. 7 Berkley Road.

3.2 The immediate area is characterised by a mixture of business and residential uses. The property forms part of a complex of properties in mainly commercial use. Concerns have been raised by neighbouring properties with regard to noise, security and increased pedestrian footfall and have requested that the opening hours be restricted from those which have been proposed by the applicant. Given the low numbers expected in any one day (see paragraph 2.1) the new use is not considered to generate excessive noise or disturbance to neighbouring residential properties. The proposed hours are therefore considered acceptable. The opening hours will be controlled by a condition. As such the proposal is not considered to harm the amenity of adjoining occupiers and would comply with policies CS5 and DP26 of the LDF and Camden Planning Guidance.

4 Transport

4.1 The area has not been identified as an area of high parking stress. The site is fairly well served by bus routes and is in close proximity to Chalk Farm Underground Station. In addition the area operates a Controlled Parking Zone between Monday and Friday from 08:30 – 18:30. This is considered an acceptable level of restriction to protect the amenity of residents.

4.2 Camden's Parking Standards require the provision of cycle storage for D1 uses with a floorspace in excess of 500sqm, so there is no requirement to provide cycle storage.

4.3 As such the proposal is not considered to harm local traffic conditions and would comply with policies CS11, DP16 and DP17 of the LDF.

5 Conclusion

In summary, it is considered that, by reason of the in-flexible employment space and that B1a is the only employment use suitable to the building the proposal for D1 use is considered acceptable. An informative would be attached to any permission granted allowing dual use between D1 and B1a. However whichever use occupies the building in 10 years time that will become the lawful use of the building.

5 Recommendation: Grant Planning Permission

DISCLAIMER

Decision route to be decided by nominated members on Monday 31st October 2011.

For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>