

Delegated Report		Analysis sheet		Expiry Date:		23/10/2009	
		N/A / attached		Consultation Expiry Date:		25/09/2009	
Officer				Application Number(s)			
Anette de Klerk				2009/3363/P			
Application Address				Drawing Numbers			
95 Gray's Inn Road London WC1X 8TX				Refer to decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Retention of change of use from office use (Class B1) to adult education centre (Class D1).							
Recommendation(s):		Grant Planning Permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	4	No. of responses	0	No. of objections	0
				No. electronic	0		
Summary of consultation responses:		A site notice was displayed between 03/09/2009 – 24/09/2009. No responses were received.					
CAAC/Local groups comments:		N/A					

Site Description

The application relates to a four storey plus basement building located on the western side of Gray's Inn Road. The site is within the London Plan Central Activities Zone. The property is not listed nor is it located within a conservation area. Gray's Inn Road is characterised by a variety of commercial and residential uses.

Relevant History

No relevant history.

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

Camden Replacement UDP 2006

- SD6 – Amenity of occupiers and neighbours
- E2 – Retention of existing business uses
- C1c – New community uses
- T2 – Capacity for transport provision
- T9 – Impact on parking

Camden Planning Guidance 2006

London Plan Policies

- 3B.2 – Office demand and supply
- 5G.3 – Central Activities: Offices

Assessment

Proposal:

The proposal entails a retrospective application for the change of use from office use (Class B1) to educational use (Class D1) for use of the premises as an adult education centre. The internal layout and external appearance of the building will remain unaltered. The premises comprise of 1,500sq ft of floorspace and is occupied by the London College of Massage, an independent adult education establishment that specializes in massage training from beginner to therapist level. The average number of staff and students present at any one time would be 27. Their operating hours would be as follows:

Office:

Monday to Friday: 10am to 7pm

Saturday: 10am to 2pm

Training/Courses

Monday to Friday: 10am to 5.30pm

Monday to Thursday: 6.30 to 9.30pm

Saturday & Sunday: 10am to 4.30

Clinic

Monday to Friday: 11am to 8pm

Saturday: 11am to 6pm

Sunday: 11am to 6pm (Student clinic only)

Assessment:

The principle considerations relative to this case are considered to be the:

- Loss of B1 floorspace and replacement with D1 use
- Amenity and Transport

Loss of B1 floorspace and replacement with D1 use

Principle of the change of use:

The site is located within the London Plan Central Activities Zone and as such London Plan policies 3B2 and 5G.3 would be relevant to this application. London Plan Policy 3B.2 states that the Mayor will “*seek a significant increment to current stock through changes of use and development of vacant brownfield sites*” as well as promoting a variety of office premises to meet the needs of all sectors, including small and medium sized enterprises. It also states that Boroughs should promote the provision of additional office space in the Central Activities Zone.

London Plan Policy 5G.3 emphasises that London’s Central Activities Zone is “*the country’s most important strategic office location*” and that the Mayor and Boroughs should “*ensure adequate capacity to meet future demand with supporting policies to enhance it as a globally attractive business location*”.

This application appears to conflict with the spirit of these policies by proposing the loss of office space within the Central Activities Zone. The loss of office space is considered in more detail under UDP Policy E2 below.

Policy E2 of the UDP has a general presumption against the loss of employment floorspace where there is potential for that use to continue. The applicants have indicated that the premises had been vacant from the start of February 2008 until December 2008 when the premises were let to the London College of Massage. During this time the applicants have indicated that the premises have been marketed at reasonable levels without success. According to the applicants, this is due to the surplus of office accommodation in the area and the poor specification and layout of the office

premises. The majority of prospective tenants are looking for office premises with open plan space on one floor providing lift facilities and air conditioning. The application site comprises of 1,500sq ft spread over five floors creating a difficult and segregated layout with no lift facilities provided.

The issues highlighted by the applicants are, in principle, potential reasons to justify the loss of the existing office premises; further information has been provided by the agent (including which estate agents the adverts were placed, what the proposed rental levels were, and the period of marketing) which demonstrates ample evidence of unsuccessful attempts to market the property at very reasonable rents over the period of vacancy. In addition the applicants also submitted information regarding vacant office accommodation along Gray's Inn Road and the immediate surrounding area. The information contains a description of the office accommodation available and the length of time the properties have been marketed. The information submitted indicates that there is a low demand for office accommodation along Gray's In Road and the surrounding area.

Policy E2 states that, where the a site does not have the potential to continue its existing business use, preference will be given to maintaining the site within an alternative business use, with higher priority to retention of flexible space for B8 or B1 light industry. Due to the application site's poor layout and its floorspace spread over five floors without lift facilities etc. the applicants have demonstrated that the site may not be suitable for B1 light industrial or B2 use, when considered against the features listed in UDP paragraph 7.18.

Policy E2 states further that the Council will seek a change to permanent residential or community uses, as an exception to the general approach, when a site is not suitable for any business use except B1(a) offices. As such, this proposal is considered to be permissible under Policy E2, as it seeks a community use replacing office floorspace in an area where such accommodation is currently surplus to requirements.

New community uses

Policy C1c states that the Council will grant permission for the development of education uses, subject to accessibility and public transport considerations. The site is located in a central London location highly accessible to a number of modes of public transport. No concerns with regard to impact on transport are raised.

Amenity

Policy SD6 states that the Council will not grant planning permission for development that it considers causes harm to the amenity of occupiers and neighbours in terms of overlooking, loss of daylight/sunlight, noise, odour and fumes and light. Given that the premises are used as an education establishment and there are no external alterations proposed, the proposal would not result in an adverse impact for neighbouring properties in terms of overlooking, loss of sunlight or daylight and is unlikely to result in additional loss of amenity due to noise nuisance given the context of this road and the neighbouring uses. However it is recognised that Class D1 encompasses various uses which could include a place of worship, health facility, school or community hall which may have implications for traffic generation and/or residential amenity; hence it is recommended that a condition be imposed to restrict the use to specifically an adult education facility within Class D1 to enable the Council to retain control over any future change in usage.

In light of the above it is considered that the change of use from office use (B1) to educational use (D1) would be acceptable

Recommendation: Grant Planning Permission

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