

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		27/08/2014	
		N/A / attached		<b>Consultation Expiry Date:</b>		23/07/2014	
<b>Officer</b>				<b>Application Number(s)</b>			
Hugh Miller				2014/3929/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
285 - 287 Gray's Inn Road London WC1X 8QF				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>							
Change of use from office (Class B1) to dual use as retail (Class A1) and or (Class D1) (Non - Residential Institution) at basement and ground floor levels.							
<b>Recommendation(s):</b>		<b>Grant Planning Permission</b>					
<b>Application Type:</b>		<b>Full Planning Permission</b>					
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>17</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
				No. Electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		Advertised 10/07/2014, expires 31/07/2014 Site notice displayed 04/07/2014, expires 25/07/2014.  At time of writing no response were received.					
<b>CAAC/Local groups* comments:</b> *Please Specify		<b>Kings Cross CAAC:</b> At time of writing no response were received.					

## Site Description

A basement, 3-storey terraced building located on the south side of Gray's Inn Road, east of the junction with St. Chad's Street and west of Argyle Street. The host building is located within the Kings Cross growth area; and on the periphery of the Kings Cross Central Frontages. The upper floors of the building are used as a dental practice with separate access. At the rear (south) lies a vacant depot building. The building is located within the Kings Cross Conservation Area; the building is not listed.

## Relevant History

July 1986 - PP Refused - Change of use of 1st and 2nd floor of 287 Gray's Inn Road from residential to office. Change of use of third floors of 285 & 287 Gray's Inn Road to form a residential unit. (Not including separate access from the street) 2. Installation of a new shopfront; ref. 8600721

April 2014 - PP Granted - Change of use from office (Class B1) to dual use as retail/office (Class A1/B1) uses at basement and ground floor levels; ref. 2013/7835/P.

## Relevant policies

### LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres and shops)

CS8 (Promoting a successful and inclusive Camden economy)

CS9 (Achieving a successful Central London)

CS10 (Supporting community facilities and services)

CS11 (Promoting sustainable and efficient travel)

CS14 (Promoting high quality places and conserving our heritage)

CS16 (Improving Camden's health and well-being)

CS18 (Dealing with our waste and encouraging recycling)

CS19 (Delivering and monitoring the Core Strategy)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP13 (Employment premises and sites)

DP15 (Community and leisure uses)

DP16 (Transport implications of development)

DP17 (Walking, cycling and public transport)

DP18 (Parking standards and the availability of car parking)

DP19 (Managing the impact of parking)

DP24 (Securing high quality design)

DP26 (Managing the impact of development on occupiers and neighbours)

### King Cross/St Pancras Conservation Area Statement (2003)

#### CPG: 2011/2013

CPG6 - Amenity

CPG5 – Town Centres, Retail and Employment

#### London Plan 2011

#### NPPF 2012

## Assessment

### **Situation**

In April 2014, the Council accepted the principle of the loss of business floor space and granted planning permission for the change of use from office (Class B1) to dual use as retail (Class A1) and or office (Class B1) uses at basement and ground floor levels. **NB.** The planning permission involved no external alterations

The current proposal is similar to the extant approved scheme but in this instance it is D1 Use (Class) is been sought.

Prior to the current submission, the agent indicated that the D1 use would be medical and health related for '*Rehabilitation Services as a private physiotherapy practice offering treatment for a wide spectrum of muscular and joint problems, musculoskeletal conditions, neurological disorders for adults and children...*'

### **Proposal**

- Change of use from office (Class B1) to dual use as retail (Class A1) and or (Class D1) (Non - Residential Institution) at basement and ground floor levels.

The main issues for consideration are:

- The loss of the existing business floorspace use;
- The provision of retail and or community use; and
- The impact that the proposal may have upon the amenity of the occupiers of the neighbouring properties;

The interior of the property is currently in a state of disrepair; and would require refurbishment for either use. It is considered that through planning history, the property has been in business use (Class B1a).

### **Principle of Dual use for office (Class B1a) or retail (Class A1) or non-residential institution purposes**

Policy CS7 encourage the distribution of retail across the borough; and in particularly promotes successful and vibrant centres to serve the needs of residents, workers and visitors. CS7 also encourage; **f)** providing for, and maintaining, arrange of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice; and **g)** protecting and promoting small and independent shops, and resisting the loss of shops where this would cause harm to the character and function of a centre.

Policy DP10 encourages the provision of small premises suitable for independent businesses.

The proposed dual-use consisting of either office or retail use (Classes B1a and A1) would be in compliance with policies CS7 and DP10 by providing suitable accommodation within the Growth Area of Kings Cross. The flexible nature of the proposal would also assist in preserving the mixed use character of this part of Gray's Inn Road.

Core Strategy policy CS8 indicates that the Council will be promoting the provision of office floor space to meet the predicted demand at King's Cross and Euston plus other Growth Areas and Central London. Supporting para 8.8 indicates that the Council can meet projected demand and therefore there is potential for change of use of older office premises to provide housing and community uses.

Development Policy DP13 seeks to protect existing business premises for business use, with a particular emphasis on light industry and storage/ distribution. The first 2 criteria indicate that a change of use will be resisted unless the premises are not suitable for the existing use and alternative

business uses have been explored over a suitable period. However, given the considerations set out in Core Strategy policy CS8 and supporting text, it is not considered that these should apply to older office premises. In addition, DP13 does allow a change of use to permanent community uses when it is demonstrated that a site is not suitable for any business use for B1 (a) offices.

Camden Planning Guidance (CPG5) adds clarification as to the circumstances where a change of use from offices would be acceptable. This states that a change of use may be allowed in the case of older office premises since it is expected that new office accommodation coming on stream during the plan period will meet projected demand. The guidance (para 6.4) goes on to list various criteria to be taken into account when assessing applications for a change of use from B1 to a non-business use. These include factors such as the age and condition of premises; whether there are existing tenants in the building; location and whether there is evidence of demand.

The business floorspace has been vacant for a few months and in support of the application a planning statement rather than a full marketing report has been submitted. The document referenced the relevant LDF policies to the proposal and suggested that the dual use would be more flexible and also advantageous from a marketing perspective. Whilst a full marketing campaign was not conducted, it is acknowledged as noted above that alternative business floorspace will be available elsewhere in the Kings Cross and Euston growth areas. Notwithstanding, the poor internal condition of the basement and ground floors, the potential for business use to continue with no loss of business floorspace remains a possibility; owing to the fact that the applicant does not rule out future business use. The applicant has submitted a copy of a draft heads of terms for the proposed medical D1 use of the vacant floors of the host building. The proposed D1 use as a Clinic providing '*physiotherapy*' service would utilise the building more than existing use in accordance with policy CS8. Therefore a flexible consent for either retail A1 and or non-residential institution D1 would provide more opportunities for swifter occupation of the vacant floors.

It is considered that this type of community use would bring both socio-economic and medical benefits to the area. It is considered an appropriate site for the relocated clinic with established neighbouring dental services, which would be in accordance with policy CS16. It is considered that these benefits would outweigh the loss of B1 floorspace.

A flexible permission could in theory result in the loss of business floorspace and also the associated loss of employment; however, owing to the relatively small floorspace (143.0sqm), it is not considered overly harmful, due to the fact that the business floorspace is currently vacant. There are two vacant units close to the host building. Therefore, the provision of retail and or health service employment as an alternative would be equally welcomed. In this regards, the dual use of the unit accords with the thrust of policies CS7 and DP10 by providing accommodation for a range of small private enterprises. This aspect of the proposals is also considered acceptable.

The application site is not within a designated retail frontage. Retail uses in the area are characterised by small outlets and independent and convenience stores also some offices. Within the parade are for example, cafés, employment agency, offices, dry cleaners plus dental practice. Therefore either use would comply with policy DP10. As such, the dual use would not impact detrimentally on the function, viability and vitality of the frontage and is considered satisfactory.

No external alterations are proposed; only a change of use has been applied for and is being considered.

### ***Transport***

The site is located within a highly accessible location and has a Public Transport Accessibility Level rating of 6b (excellent).

Policy DP15 states that the Council will grant planning permission for the development of new community uses provided that they are accessible by a range of transport modes and located in the Central London Area if they are expected to attract a large number of visitors. The appendix to Policy DP18 (Parking standards and limiting the availability of car parking) detail the threshold for providing

parking for people with disabilities, service vehicles, staff/operational parking. As this scheme involves a floor area of 143sqm it does not trigger the threshold for these therefore no parking is required for this change of use to D1. This site is South of the Euston Road and is considered a Central London location. There is no off-street parking provided for the building and it is considered that as this use has a high PTAL and the site is located in a highly accessible location close to Kings Cross/St Pancras tube stations as well as numerous bus routes therefore the proposed use is acceptable in transport use terms. In terms of servicing, the D1 use is unlikely to require more servicing than the existing offices.

The Applicant has not provided any details of cycle parking within the scheme. Policy DP18 and guidance within CPG7 includes the minimum cycle parking standards. The total floorspace of 143sqm is not large enough to trigger a requirement for cycle parking. As a result no transport related issues are raised.

### ***Amenity***

The host building is located in a mixed use parade, which consists of a variety of retail and non-retail uses. There are a few residential properties in the wider area; however these are not directly adjacent to the application site. The host buildings' upper floors are in use as dental practice. The proposed dual B1a, /A1 or D1 uses at ground and basement floor levels are not considered to give rise to any harmful intrusion of privacy; or to cause any noise or disturbance to the occupiers of the adjacent buildings. The proposal complies with policy DP26.

### **Refuse collection**

There are no details of refuse collection and the existing waste disposal submitted as part of this application. It is considered that the existing refuse collection service would continue and this is satisfactory.

### **CIL**

This proposal would not be liable for the Mayor of London's Community Infrastructure Levy (CIL) as it does not result in any additional floorspace.

***Recommendation:*** Grant planning permission.