

Delegated Report		Analysis sheet		Expiry Date:		19/01/2015	
		N/A / attached		Consultation Expiry Date:		17/12/2015	
Officer				Application Number(s)			
Carlos Martin				2014/6737/P			
Application Address				Drawing Numbers			
105 Euston Street London NW1 2EW				Refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use of premises at 2 nd floor level from office (Class B1) to osteopathic clinic (Class D1).							
Recommendation(s):		Refuse					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	48	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		Site notice displayed from 26/11/2014 to 17/12/2015 No response.					
CAAC/Local groups* comments: *Please Specify		None; not in CA.					

Site Description

The application site relates to a 3-storey (plus basement and attic) mid-terrace office building located on the south side of Euston Street, within the Central London Area. The site is not listed and does not form part of any conservation area.

The application relates to a section of the second floor known as Suite 113.

Relevant History

None.

Relevant policies

National Planning Policy Framework 2012

The London Plan 2011

LDF Core Strategy and Development Policies 2010

Camden Core Strategy

CS5 Managing the impact of growth and development

CS8 Promoting a successful and inclusive Camden economy

CS11 Promoting sustainable and efficient travel

CS19 Delivering and monitoring the Core Strategy

Camden Development Policies

DP13 Employment premises and sites

DP15 Community and leisure uses

DP16 The transport implications of development

DP17 Walking, cycling and public transport

DP18 Parking standards and limiting the availability of car parking

DP19 Managing the Impact of Parking

DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance

CPG5 (Town centres, retail and employment) 2011, chapter 7 (Employment sites and business Premises)

Assessment

Proposal

This application seeks permission to change the use of the premises from office (Class B1) to osteopathic clinic (Class D1).

There are no external alterations proposed. Therefore, the main planning consideration is the principle of the change of use.

Principle of the change of use

Loss of existing office accommodation

Camden Core Strategy Policy CS8 sets out the overall strategy for Camden's economy and states that the Council will support Camden's industries by safeguarding existing employment sites and premises in the borough that meet the needs of modern industry and other employers.

Policy DP13 supports the delivery of the Core Strategy by ensuring that sufficient sites are retained to enable a variety of commercial and industrial businesses to find sites. This policy states that the Council will retain land and buildings that are suitable for continued business use and resist a change to non-business use unless:

- it can be demonstrated that the site is no longer suitable for such use; *and*
- there is evidence that the possibility of retaining, reusing or redeveloping the site for similar or alternative business use has been explored over an appropriate period of time.

The office covers an area of 37.1sqm of the second floor. 105 -111 Euston Street has been occupied for over 25 years by Philip Pank Partnership, which have progressively modernised and extended the building. According to the owner, over the last five years the nature of their business has changed and need less space in London. To keep them as tenants, the landlords agreed to take back this small office space on the second floor which they know as Suite 113.

It is also necessary, as part of Policy DP13, to look at the possibility of retaining or re-using the site for similar or alternative business use and para 13.5 of the policy states that the applicant must demonstrate to the Councils satisfaction that there is no realistic prospect of demand to use the site for an employment use. It is also stated that the marketing evidence must be thorough and be sustained over a period of 2 years.

The applicant has failed to provide a marketing exercise to justify the proposal against LDF Policy DP13. Instead, the applicant has submitted an email statement from the owners briefly explaining that James Lewis and company were appointed at the beginning of September 2014 to find a tenant for the space in question to rent and did not produce even one viewing. Therefore with respect to the first test of Policy DP13, it has not been demonstrated that the site is no longer suitable for office use. The Council requires evidence of a thorough marketing exercise. As a minimum, they should include the following:

- Use of a reputable local or national agent with a track record of letting industrial space in the borough.
- A visible letting board on the property (constant throughout the marketing period).
- Marketing material published on the internet, including popular online property databases.
- Continuous over at least 18 months from when the letting board is erected and the property is advertised online (i.e. not simply from when agents were appointed).
- Advertised rents should be reasonable, reflecting market conditions and the condition of the property.
- Lease terms should be attractive to the market:
 - at least three years, with longer terms, up to five years or longer, if the occupier needs to undertake some works.
 - and/or short term flexible leases for smaller units which are appropriate for SMEs (small and medium enterprises).
- A commentary on the interest shown in the premises, including any details of why the interest was not pursued.

None of the above has been provided. The submitted statement is very brief and does not give any details of the prices it was marketed at, nor have any details emerged on a marketing strategy targeted at SME's at any

stage in the marketing process. SME's do not necessarily require new office accommodation and small sites such as this often appeal to smaller companies starting out – particularly sites which are located within London's CAZ.

With this in mind, I refer to a recent appeal decision relating to 61-65 Charlotte St (APP/X5120/A/13/2198656), where the Inspectorate agreed with the Council that it had not been satisfactorily demonstrated that the floorspace was no longer suitable for continued office use. In this case, the space was old, inflexible office accommodation above shop units, considerably less flexible than is the case with this site. Hence it is difficult to understand why the applicant states that this site, would not be suitable for continued office and as such further justification is required.

The applicant argues that policy *"DP 13 was not designed to address, and should not be applied strictly to cases like mine, where the proposed use is for a business which will preserve employment space and increase employment. It should be regarded as consistent with DP13 as it is a type of business use, even though it falls within class D1 rather than classes B1, B2 or B8. There is therefore, no requirement to provide marketing evidence to justify the change of use"*. And goes on to claim that *"the proposed use of the premises for which the change of use has been requested is for a business which will employ several people. This means that the employment floorspace in the premises will be maintained and the level of employment in the premises increased. This would seem to be in line with the council's obligations under the policy framework to protect existing employment floorspace and premises. The only issue is that because my business is in the health care sector, it requires use class category D1 rather than B1, B2 or B8, despite being a business which provides employment"*. The council does not agree with this view. DP13 is clear about providing marketing evidence to justify moving from B1, B2 & B8. While an Osteopath clinic may be an acceptable alternative use, it is a Class D1 community use. Indeed, D1 can provide employment but it is not the type of employment the borough is really looking for. The premises are right at the heart of the proposed Euston 'Knowledge Quarter' and this space would suit a small tech start-up – which is more the type of business the borough is looking for.

In terms of Policy DP13, the applicant has failed to demonstrate that the premises is not suitable for its existing business use nor has it been demonstrated with marketing evidence that retaining the premises for a similar business use has been explored over an appropriate period of time. The submitted email statements are limited and there is no evidence to suggest that the site was marketed towards SME's who often prefer smaller spaces. The applicants were advised during the course of the application that the submitted evidence was insufficient but no further information has been received to back up the case. Furthermore, the submitted statements suggest that the site was not marketed over a period of 2 years which clearly contravenes Policy DP13.

The site is located within the CAZ, has been occupied in the recent past and could be likely to attract further interest following an intensive marketing campaign. The office accommodation should therefore be safeguarded as set out in the Core Strategy CS8 and Policy DP13.

Introduction of community use

Had the change of use been fully justified in terms of Policy DP13, Policy DP15 would then come in to consideration. This Policy supports the introduction of new community and leisure facilities located close to the people who use them. Locating these facilities where they are easily reached by a choice of means of transport, particularly walking, cycling and public transport enable as many people as possible to have access to them. Central London and Camden's town centres are appropriate locations for community and leisure uses. Therefore, in essence, the application site is a suitable location for the proposed use.

Amenity issues

The proposed development would retain the existing floor levels and window opening and as such would have no impact on neighbouring properties in terms of overlooking or loss of outlook. There are no alterations or extensions proposed and hence the levels of daylight and sunlight to the property would remain the same. The introduction of a community use along this street is unlikely to cause concern to neighbouring properties in terms of noise and disturbance given the central location of the site and the fact that it is not exactly a quiet residential area.

Transport issues

The proposed development is not considered to result in any transport issues given the central location of the site and its proximity to bus and tube routes.

Conclusion

The proposed development does not comply with Policy DP13 as it does not appear that any marketing was undertaken for the property nor has it been demonstrated that the site is not suitable for continued business use.

Recommendation: Refuse planning permission.