

# PLANNING CONSIDERATIONS STATEMENT

1 Fitzroy Square London W1T 5HE

Use of basement as medical consulting  
rooms



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## **1.0 Preamble**

- 1.1 This statement accompanies a planning application for the change of use of the basement of Adam House, 1 Fitzroy Square W1 from office (Use Class B1) to medical consulting rooms (Use Class D1).
- 1.2 The Town and Country Planning (Development Management (Procedure) (England) Order 2015 sets out the circumstances in which a statutory design and access statement is required. Statements are not required for a change of use.

## **2.0 Location**

- 2.1 The property is at the south west corner of Fitzroy Square. The building is of basement, ground, 1<sup>st</sup> and 2<sup>nd</sup> floors and links to a building on Grafton Way. The accommodation continues into the Grafton Way building. There is a rear service entrance onto Grafton Mews.
- 2.2 The property is listed Grade 1 along with the adjoining 2 – 8 Fitzroy Square.
- 2.3 The List Description notes that 1 & 1A were rebuilt in the 1950's following bomb damage during the 1939-45 period.
- 2.4 It is understood that the whole interior of the building was part of the post-war reconstruction and that nothing of the original survives.
- 2.5 The proposals do not affect the character of the building as a building of historic interest.
- 2.6 The Square has a mix of B1 and institutional uses.
- 2.7 No4 Fitzroy Square is occupied by the British Dermatological Society.
- 2.8 No 6 is occupied by the Georgian Group, a national charity for the preservation of Georgian buildings but who also advise the premises as being a 'venue' for hire for events, including for wedding receptions and conferences.

- 2.9 No 14 Fitzroy Square is used in part as a dental practice and in part as a cosmetic surgeons'.
- 2.10 No 31 Fitzroy Square is occupied by the Fitzrovia Medical Centre.
- 2.11 The Square is also host to the High Commission of Mozambique at No 21 and the Embassy of Liberia at No 23.
- 2.12 The Camden 'policies map' (interactive version) gives the relevant designations as being in a conservation area, within the designated Central London and within the Fitzrovia Action Area.
- 2.13 The site is also within a strategic viewing corridor which is not relevant to this application.

### **3.0 Current Use**

- 3.1 The building is multi-occupied and the last use of the basement was as office. The tenants were in the process of moving out when visited in July.
- 3.2 The entrance to the building is from Fitzroy Square and is shared.
- 3.3 Access to the basement is then via internal stair or lift.
- 3.4 There is a rear service entrance shared by the tenants.
- 3.5 The basement office accommodation is poor by contemporary standards. The ceilings are relatively low – precluding the use of false ceilings or raised floors for electrical ducting – and the window heads are also low.
- 3.6 Although useable the accommodation is not of high quality. It would possibly find an occupier but the loss would not significantly impact on the supply of office accommodation.
- 3.7 The premises are not suited to non-office B1 activities.

#### **4.0 Proposed use.**

- 4.1 The proposed use is as medical consulting rooms specialising in cosmetic procedures.
- 4.2 The procedures will be day procedures with no facilities for overnight stays.
- 4.3 The propose occupiers have premises elsewhere in central London which will continue.
- 4.4 The proposed use will employ a total of between 15 and 20 persons although some of the employment will be part time.
- 4.5 The full time staff will include 4 surgeons or consultants, 4 nurses as well as administrative, reception and other support staff.

#### **5.0 Planning policy**

- 5.1 The Development Plan comprises the London Plan, which is primarily strategic guidance, and the Camden Core Strategy, the Development Policies Document and the Fitzrovia Action Area Plan.
- 5.2 As noted in a preceding section, the Camden local plan policies map (interactive version) designates the site part of 'central London'.
- 5.3 Core Strategy policy CS9 addresses 'Central London'. It notes that the southern part of Camden plays an important part in providing the vibrancy, diversity and identity that makes the borough such a popular place to visit and live in. It continues that this part of the Borough, designated 'Central London' contains a significant proportion of the borough's office floorspace and is home to many other uses, including legal, health and professional services.
- 5.4 Policy CS9 states that the Council will support and promote the Central London area of Camden as a successful and vibrant part of the capital to live in, work in and visit. It continues that the Council will recognise its unique role and character and challenges and will support Central London as a focus for Camden's future growth

in homes, offices and other uses. It further states that the Council will support the concentration of medical, educational, cultural and research institutions within central London. The accompanying text states at para 9.4 that the Council will seek to promote a successful Central London area while achieving a balance between the interests of its residents and the area's economic, social and cultural use and roles.

- 5.5 Core Strategy policy CS8 advises that the Council will secure a strong economy in Camden and seeks to ensure that no one is excluded from its success. The policy states at sub para (b) 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.
- 5.6 The policy further states at sub para (f) that the Borough recognise the importance of other employment generating uses, including retail, markets, leisure, education, tourism and health.
- 5.7 Development Policies document policy DP13 is reproduced in full at appendix A. It states that the Council will retain land and buildings that are suitable for continued business use unless it can be demonstrated that the premises are no longer suitable and there is evidence that the possibility of retaining the use has been fully explored.
- 5.8 The accompanying para 13.4 explains what building characteristics enable the future flexible use of business premises. These features include clear space with few supporting columns, adequate floor to ceiling heights, wide doors and good natural light.
- 5.9 Healthcare is included under the heading of community uses under policy DP15. The policy does not include any directly applicable advice.
- 5.10 The Fitzrovia Action Area Plan 'Principle 4' states that the Council will support small and medium enterprises (SMEs) by seeking to ensure that existing business premises suitable for SME use are retained and new business development designed to allow parts to be occupied SMEs.

- 5.11 The accompanying text explains that the Plan's objectives include promoting small and medium scale businesses (firms with fewer than 250 employees) which are a valued part of the character of Fitzrovia. It explains that 60% of those working in the area are employed by firms with fewer than 200 employees. For such businesses to establish themselves and flourish, the area needs to retain and add to the range of small and medium-sized premises. The Council will particularly seek to maintain a supply of premises that can provide lettings of less than 100 sq m.

## **6.0 Considerations**

- 6.1 The application premises were previously in office use.
- 6.2 It is accepted that the council's planning policies are intended to protect office use. However, we believe there are grounds for an exception in this case.
- 6.3 Health uses are recognised in the Core Strategy (and in the London Plan) as part of the appropriate mix of uses in Central London. The demand from residents, visitors and employees for various treatments, including cosmetic treatments. Needs to be met.
- 6.4 However such uses face an obvious problem in finding suitable accommodation in that planning policies, not only in Camden but in other boroughs as well, seeks to protect almost all other uses. The locational options for health uses, particularly smaller specialist clinics, are extremely limited almost to the point of exclusion.
- 6.5 In particular, the policy dictates that health uses cannot replace employment uses unless the premises have been marketed for an extended period. Few premises in central London will be in such poor condition than no occupier can be found during a period of extended marketing. As such non-office uses such as health uses are to a large degree excluded.
- 6.6 Nevertheless as noted above there is a need for such uses, which clearly support the working and resident population.
- 6.7 There is therefore a mismatch between the recognition that such uses are part of the character and function of central London and in the provision for those uses.

- 6.8 Health uses can therefore only ask to be treated, as in this case, as an exception.
- 6.9 There are other considerations in asking for an exception to be made.
- 6.10 First, the health use in itself generates employment ranging from skilled to unskilled clerical and support roles. The proposed use could support up to 15 – 20 posts, which is easily comparable to a B1 use.
- 6.11 Second, while still usable the office accommodation in the basement of the premises is not of the highest quality.
- 6.12 The text accompanying policy DP13 explains what building characteristics enable the future flexible use of business premises. These features include clear space with few supporting columns, adequate floor to ceiling heights, wide doors and good natural light.
- 6.13 None of these apply to these premises. The premises have limited natural light, low ceilings and cellular form.
- 6.14 While these features render the premises less suitable for office use they are of less importance to surgical and medical procedures which are conducted using artificial light.
- 6.15 Third, the location is suitable for such use. There are other similar medical uses in the Square and the local area.
- 6.16 Fourth the location is readily accessible by means other than the private car. The Public Transport Accessibility Level (PTAL) is 6B. Euston Station is within 900 metres and there are several tube stations including Warren Street (Victoria and Northern lines) Great Portland Street (Circle, Metropolitan, Hammersmith & City) and Regent's Park (Bakerloo) at least 14 bus services within the allowed distance for PTAL calculations. Tottenham Court Road tube station – and the future CrossRail station – are just beyond the reckonable distance.
- 6.17 This would make it possible for a medical use to serve a broad catchment.

6.18 Finally, the proposed use would not preclude the future business use of the premises. The building, as a listed building. Is likely to remain and could be reconverted back to business use at some point in the future.

6.19 If appropriate a condition could be imposed requiring reversion.

## **7.0 Conclusion**

7.1 It is recognised that the change of use of employment premises is generally resisted.

7.2 We are asking for an exception in this instance.

7.3 The proposed health use is recognised as an appropriate Central London use but there are few any opportunities to locate in other than business premises.

7.4 Requiring evidence of failed marketing merely discriminates further.

7.5 The proposed use will in itself generate employment.

7.6 The proposal accords with the character and function of the area.



## DP13. Employment premises and sites

- 13.1 Having a range of sites and premises across the borough to suit the different needs of businesses for space, location and accessibility is vital to maintaining and developing Camden's economy. An increase in the number and diversity of employment opportunities is fundamental to improving the competitiveness of Camden and of London. The Council wants to encourage the development of a broad economic base in the borough to help meet the varied employment needs, skills and qualifications of Camden's workforce.
- 13.2 Camden Core Strategy Policy CS8 – *Promoting a successful and inclusive Camden economy* sets out our overall strategy for Camden's economy. It aims to make sure that the borough's economy will be stronger and more diverse while helping more residents to have the skills, education and training to take up local job opportunities and bridge Camden's skills gap. It identifies the locations for major office development, protects Camden's main Industry Area and industrial premises, as well as supporting business growth and employment initiatives and encouraging training schemes. Policy DP13 supports the delivery of the Core Strategy by ensuring that sufficient sites are retained to enable a variety of commercial and industrial business to find premises and continue to operate. It is therefore important to refer to Core Strategy policy CS8 alongside this policy.

### DP POLICY

#### DP13 – Employment premises and sites

The Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business unless:

- a) it can be demonstrated to the Council's satisfaction that a site or building is no longer suitable for its existing business use; and
- b) there is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time.

Where a change of use has been justified to the Council's satisfaction, we will seek to maintain some business use on site, with a higher priority for retaining flexible space that is suitable for a variety of business uses.

When it can be demonstrated that a site is not suitable for any business use other than B1(a) offices, the Council may allow a change to permanent residential uses or community uses, except in Hatton Garden where we will expect mixed use developments that include light industrial premises suitable for use as jewellery workshops.

Where premises or sites are suitable for continued business use, the Council will consider redevelopment proposals for mixed use schemes provided that:

- c) the level of employment floorspace is maintained or increased;
- d) they include other priority uses, such as housing and affordable housing;
- e) premises suitable for new, small or medium enterprises are provided;
- f) floorspace suitable for either light industrial, industry or warehousing uses is re-provided where the site has been used for these uses or for offices in premises that are suitable for other business uses;
- g) the proposed non-employment uses will not prejudice continued industrial use in the surrounding area.

The Council will support the provision of live/work premises provided they do not:

- h) result in the loss of any permanent residential units; or
- i) result in the loss of sites in business or employment use where there is potential for that use to continue.

- 13.3 When assessing proposals that involve the loss of a business use we will consider whether there is potential for that use to continue, taking into account whether the site:
- is located in or adjacent to the Industry Area, or other locations suitable for large scale general industry and warehousing;
  - is in a location suitable for a mix of uses including light industry and local distribution warehousing;
  - is easily accessible to the Transport for London Road Network and/or London Distributor Roads;
  - is, or will be, accessible by means other than the car and has the potential to be serviced by rail or water;
  - has adequate on-site vehicle space for servicing;
  - is well related to nearby land uses;
  - is in a reasonable condition to allow the use to continue;
  - is near to other industry and warehousing, noise/vibration generating uses, pollution and hazards;
  - provides a range of unit sizes, particularly those suitable for small businesses (under 100sqm).
- 13.4 Where it is proposed to redevelop employment land for another business use, including offices, the Council will seek to retain physical features that will enable the flexible use of the premises for a range of business purposes. This will help to maintain the range of employment premises available and is especially important given the limited supply of non-office premises. The typical design features that enable flexible use are:
- clear and flexible space with few supporting columns;
  - adequate floor to ceiling heights;
  - wide doors/corridors;
  - loading facilities;
  - large amounts of natural light;
  - availability of a range of units sizes; and
  - space for servicing by/parking of commercial vehicles.
- More information on the demand for different types and specification of business premises can be found in Camden Planning Guidance.
- 13.5 In addition to the considerations above, where a change of use to a non-business use is proposed, the applicant must demonstrate to the Council's satisfaction that there is no realistic prospect of demand to use the site for an employment use. The applicant must submit evidence of a thorough marketing exercise, sustained over at least two years. The property should be marketed at realistic prices, include a consideration of alternative business uses and layouts and marketing strategies, including management of the space by specialist third party providers. More information on our approach to changes of use involving employment sites and premises can be found in Camden Planning Guidance.
- 13.6 Where premises or sites are suitable for continued business use, the Council will consider redevelopment schemes which maintain the employment floorspace and provide other priority uses, such as housing. The re-provision of employment floorspace should be able to accommodate a range of business types and sizes (e.g. new businesses, small and medium sized enterprises<sup>1</sup> (SMEs) and creative businesses). Applicants must demonstrate to the Council's satisfaction that the commercial element is appropriate to meet the likely needs of the end user. The provision of inappropriate business space (e.g. inappropriate floor to ceiling height or poor access arrangements) will not be acceptable as this often fails to attract an occupier, which can lead to vacancy. Clear separation of the residential element and effective management of the business space will also be important. This is in line with the approach to flexible and affordable workspace that is taken in the Core Strategy policy CS8 – *Promoting a successful and inclusive Camden economy*. Further information on new workspace can be found in Camden Planning Guidance.

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## REFERENCES

<sup>1</sup> SMEs are business employing less than 50 people (small) and or less than 250 (medium) (ref: European Commission Recommendation 2003/361/EC: SME Definition)