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Planning and Design

Planning Statement

96c South Hill Park, London, NW3 2SN

on behalf of
Mr L Small

10/11/15
Job Ref: 3005

Practice Information

Contact:

Metropolis
4 Underwood Row
London
N1 7LQ

T: 020 7324 2662
F: 020 7324 2663
www.metropolispd.com

Directors
Greg Cooper
Paul O'Neill

Associates
David Symonds
Ian Conneely

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Site Location Plan

1.0 Introduction

- 1.1 On behalf of our Client, Mr Lincoln Small, Metropolis Planning and Design have prepared this retrospective application pursuant to the following development at 96C South Hill Park, London, NW3 2SN,

“Change of use of existing lower ground floor flat from C3 (residential) to D1 (Physiotherapy Studio) (retrospective application) for a temporary period of two years.”

- 1.2 This application follows enquiries made by the Council’s Appeal and Enforcement department on the 15th September 2015. Further to correspondence received, Metropolis has reviewed the use of the premises and the adopted Development Management Policies of LB Camden and submitted this retrospective application, in accordance with those policies, for temporary use of the premises by 'Suzanne Ferreira Physiotherapy' for a period of two years so that the property will revert to self-contained residential use upon cessation of occupation by the current occupier or a period of two years from the date of any planning permission which is granted.



96c South Hill Park

2.0 Site Context

- 2.1 96C South Hill Park forms the lower ground floor flat of the three storey (plus lower ground floor) property at 96 South Hill Park. The LGF flat is self-contained and has its own access from South Hill Park and an alternative access at the side of the property. The upper floors of the property are arranged as two self-contained flats.
- 2.2 The site is situated on the western side of South Hill Park Gardens with Hampstead Heath pond directly to the rear of the property which is designated Metropolitan Open Land.
- 2.3 The property lies within the South Hill Park Conservation Area and is identified as making a positive contribution to the character and appearance of the Conservation Area. There are no further policy designations for the property and no part of the property is statutorily Listed.
- 2.4 The application site is poorly accessible via public transport with a PTAL score of 1b however is in close proximity to Hampstead Heath Station which provides direct access to Richmond, Stratford and Willesden Junction via the North London Line.
- 2.5 South Hill Park lies within the Council's Controlled Parking Zone for Hampstead: South Hill Park which operates between 9am and 6pm with on street parking to the front of the property.
- 2.6 The lower ground floor is laid out as a one bedroom flat with bedroom to the front, separate kitchen and living room to the rear.
- 2.7 In its current use, the bedroom is used as a treatment room, a reception space has been included to the front of the kitchen and the living room is used as studio space.

3.0 Planning History

- 3.1 The site has a fairly comprehensive planning history mainly relating to the property as a whole opposed to solely flat C. There have been a number of applications for works relating to trees under Tree Preservation Orders which are not considered relevant to this application.
- 3.2 In early 2012 permission was granted for the installation of two rooflights to the front elevation and one rooflight to the side elevation to the residential flat (ref: 2011/5346/P) which have been implemented and exist at the site.
- 3.3 Permission has also been obtained in 2011 (ref: 2011/1753/P and 2011/1279/P) by the applicant for the alterations and enlargement of the lower ground floor flat. Permission was also granted in 2008 (2008/2955/P) for alterations and extensions to the lower ground floor flat.
- 3.4 Again in 2008 permission was granted for a single storey side extension, rear conservatory and excavation of front garden cellar to provide a basement level second bedroom with associated works (2008/0302/P). This application followed a refusal in 2007 (2007/4814/P) for a similar development.
- 3.5 The physiotherapy use commenced on an ancillary basis, with limited treatments offered on an occasional basis within the flat, in 2010. The number of clients grew slowly based on 'word of mouth' referrals in the local area to the point where it has recently become a 6 day a week operation that now employs 8 staff. The whole flat is now essentially used for this purpose; however, as the upper floor flats are also owned by my Client, the kitchen and garden space are still used on occasion by for purposes commensurate with residential use.
- 3.6 The practice has now grown to the point where new, larger, commercial premises are sought.

4.0 Proposed Scheme

- 4.1 The proposed scheme comprises the temporary change of use of the lower ground floor self-contained flat from C3 residential use to a D1 physiotherapy studio. No external changes are proposed as part of the change of use which will also maintain the separate secure entrance for patient and staff access.
- 4.2 The studio will be open Monday to Friday from 8am – 8pm and on Saturdays from 9am – 1pm. The studio provides a range of physiotherapy group classes including massage, yoga and acupuncture in addition to private consultation services arranged on an hourly basis.
- 4.3 The physiotherapy studio currently employs 8 full time staff of which 4 members of staff are physiotherapists and 4 are operational staff who will be at the site during operational hours.
- 4.4 The studio informs all visitors of routes to the studio via public transport and that pay and display parking operates between 9 am – 6pm. Parking permits are available to visitors who have mobility issues and are unable to walk far.
- 4.5 In accordance with the Council's policy requirements, it is proposed that this change of use will be for a temporary period of two years and could also be made personal to 'Suzanne Ferreira Physiotherapy' so that the use can cease either after two years or when the studio has relocated to more appropriate premises. Whichever is the sooner. At the point the D1 use ceases, the property shall revert to C3 residential use.

5.0 Planning Policy Framework

5.1 In accordance with S.38 of the Planning and Compulsory Purchase Act 2004, this application should be determined in accordance with the relevant Development Plan policies unless material considerations indicate otherwise. For the purposes of this determination, the Development Plan comprises:

- The London Plan 2015
- Camden's Core Strategy 2010
- Camden's Development Policies 2010

5.2 In addition, relevant material considerations are set out in the National Planning Policy Framework (2012) and the National Planning Practice Guidance (NPPG). The scheme has been developed in accordance with this policy guidance in terms of land use constraints, design standards, amenity and sustainability obligations.

5.3 The Council have a number of adopted Supplementary Planning Documents (SPD) which are considered to be relevant to this application; these include:

- South Hill Park Estate Conservation Area Appraisal 2001

The National Planning Policy Framework

5.4 The National Planning Policy Framework (NPPF) was published in March 2012 as a summary of national planning policy that was previously contained in PPGs and Government guidance documents.

5.5 It marks 'sustainable development' and a presumption in favour of such developments as the 'golden thread' which now runs through the planning system. Sustainable development is defined within the following parameters.

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with

5.0 Planning Policy Framework

accessible local services that reflect the community's needs and support its health, social and cultural well – being; and

- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The National Planning Practice Guidance

5.6 The Government adopted the National Planning Practice Guidance (NPPG) on the 27 March 2014, which has updated and collated all planning practice guidance online and is read alongside the NPPF.

5.7 The guidance provides advice on how the Government's policies are expected to be applied and will be relevant to this application.

Regional Planning Policy

5.8 The London Plan supports the provision of additional residential accommodation in a range of types across London in accordance with the relevant policies.

Local Planning Policy

5.9 At a local level the Development Plan consists of Camden's Core Strategy 2010 and the Council's Development Policies 2010. This section of the statement will demonstrate how the scheme meets all the relevant adopted policies.

6.0 Scheme Assessment

Loss of Single Residential Unit

- 6.1 Camden's Development Management policy DP2 (Making full use of Camden's Capacity for Housing) seeks to protect existing residential floorspace. The policy sets out the general exception for this requirement as follows,

"...as an exception to the general protection of residential floorspace, where no alternative site is available, the Council will favourably consider development that necessitates a limited loss of residential floorspace in order to provide small-scale healthcare practices meeting local needs"

- 6.2 This is supported in paragraph 2.27 of the Development Management Policies which defines small-scale practices as including physiotherapy clinics which may be appropriately provided in residential areas to ensure that they are accessible by the local community. The paragraph also sets out that the Council may support the loss of residential floorspace where the following tests are met:

- The loss will not exceed one dwelling;

- 6.3 The change of use relates solely to no. 96c which is one residential dwelling.

- No alternative non-residential premises are available nearby;

- 6.4 The applicant has investigated other premises all with very different character, which could have been suitable for the business. These premises included locations in North London (Kentish Town, St. John's Wood and Hampstead High Street) however were found to be inappropriate for various reasons including the following:

- Too noisy and polluted location;
- Size;
- Facilities;
- Not enough visibility.

- 6.5 As such, the property at 96c was found to be the most appropriate site to operate the studio and provide patients with the treatments required.

- 6.6 Discussions are however ongoing in respect of acquiring new premises in

6.0 Scheme Assessment

Hampstead. These discussions are ongoing.

- The proposal will meet needs in a local catchment

- 6.7 The studio has become increasingly recognised within the local community and continues to build and support a local need providing tailored treatments and therapies. A map (attached at Appendix 1) demonstrates the immediate catchment range of the studio and clearly shows that the studio is serving a local need in accordance with Development Management policy DP2.
- 6.8 The studio currently has over 130 patients within 750m of the site. Further, 67 patients live on South Hill Park and 15 on neighbouring streets, Parliament Hill, Tanza Road and Nassington Road demonstrating a clear local catchment.
- 6.9 Para 2.27 of the Council's Development Policies also supports the reversion of small healthcare practices to their former residential use if there is no longer a need for such use. The D1 use will return to residential following cessation of the physiotherapy studio or after a period of two years, whichever is the sooner.

Provision of D1 Use

- 6.10 The provision of D1 uses are supported throughout the Development Plan. Camden's Core Strategy Policy CS10 (Supporting Community Facilities and Services) seeks to ensure that facilities are provided for Camden's Communities.
- 6.11 Camden's Development Policy DP15 (Community and Leisure Uses) states that, "new community facilities must be provided in buildings which are flexible..." supporting para 15.2 defines 'Community Facility' as including healthcare facilities and, "...all other use in Use Class D1 that provide a service to the local community".
- 6.12 As demonstrated above, the physiotherapy studio has a large client base many of whom are living within the local area. The studio provides a certain health care facility which is required locally particularly those who have acute injuries and are unable to travel further for their treatment making the need for this type of service fundamental within the area.

6.0 Scheme Assessment

6.13 This is supported by paragraph 15.11 of the Council's Development Policies which states that, *"it is important that Camden's community and leisure facilities are located close to the people who use them"* and part A of Core Strategy CS5 (Managing the Impact of Growth and Development) which seeks the uses that meet the needs of the population.

6.14 The provision of the physiotherapy studio at the property is considered to be a suitable use for the site and consistent with the relevant policies within the Development Plan.

Design

6.15 Core Strategy policy CS14 (Promoting high quality places and conserving our heritage) and Development Policy DP25 (Conserving Camden's Heritage) looks to preserve and enhance Conservation Areas through seeking the highest standards of development. No alterations or additions to the existing unit are required ensuring that the property maintains its appearance within the South Hill Park Conservation Area consistent with the provisions of policies CS14 and DP25.

Amenity

6.16 Para 15.12 of the Council's Development Policies states that new community uses should not harm residential amenity. The studio has given due consideration to the existing residential units at lower levels.

6.17 The top floor unit benefits from a separate access from ground floor level ensure that residential amenity is maintained at all times.

6.18 The sessions offered at the studio are aimed at relaxation and recovery and therefore noise levels are kept to a minimum. The studio offers individual treatments where a maximum of 3 patients are treated per hour and group sessions where up to 10 patients are involved in classes twice per day. The group classes operate during the day to limit the movements to and from the site.

Parking and Servicing

6.19 The site lies within the Council's Hampstead: South Hill Park Controlled Parking Zone which operates between 9am – 6pm which means staff are unable to apply for a parking permit.

6.0 Scheme Assessment

- 6.20 The studio lies within a poor public transport accessibility area with a PTAL score of 1b however the applicant is committed to promoting sustainable travel options for both staff and visitors in accordance with Core Strategy policy CS11 (Promoting sustainable and efficient travel) and details of which are given to new and existing clients.
- 6.21 Currently, a third of patients walk to the studio, a third use public transport and the remaining third drive. Out of those who drive 2/5 live locally and use their own residents permit, 2/5 use nearby Hampstead Heath car park and the remaining 1/5 use a parking permit issued from the studio which is for exceptional cases where visitors have acute injuries or mobility difficulties. The travel patterns of visitors represents a practical and sustainable options for the site and it is not expected that this will change.
- 6.22 All servicing will remain as existing from South Hill Park in accordance with policy CS18 (Dealing with our Waste and Encouraging Recycling) of the Council's Core Strategy.

7.0 Planning Obligations and CIL

- 7.1 The application seeks for the change of use of the existing residential unit No. 96c South Hill Park to a D1 Physiotherapy studio, as such there is no increase in floorspace proposed which would attract a s106 payment.
- 7.2 A completed CIL form has been submitted as part of this application however the property has been in use for a minimum period of six months within the period of three years in accordance with the amendment to part 5 (regulation 40) of the CIL regulations (2014) and therefore it is not considered that this application will generate a CIL liability.

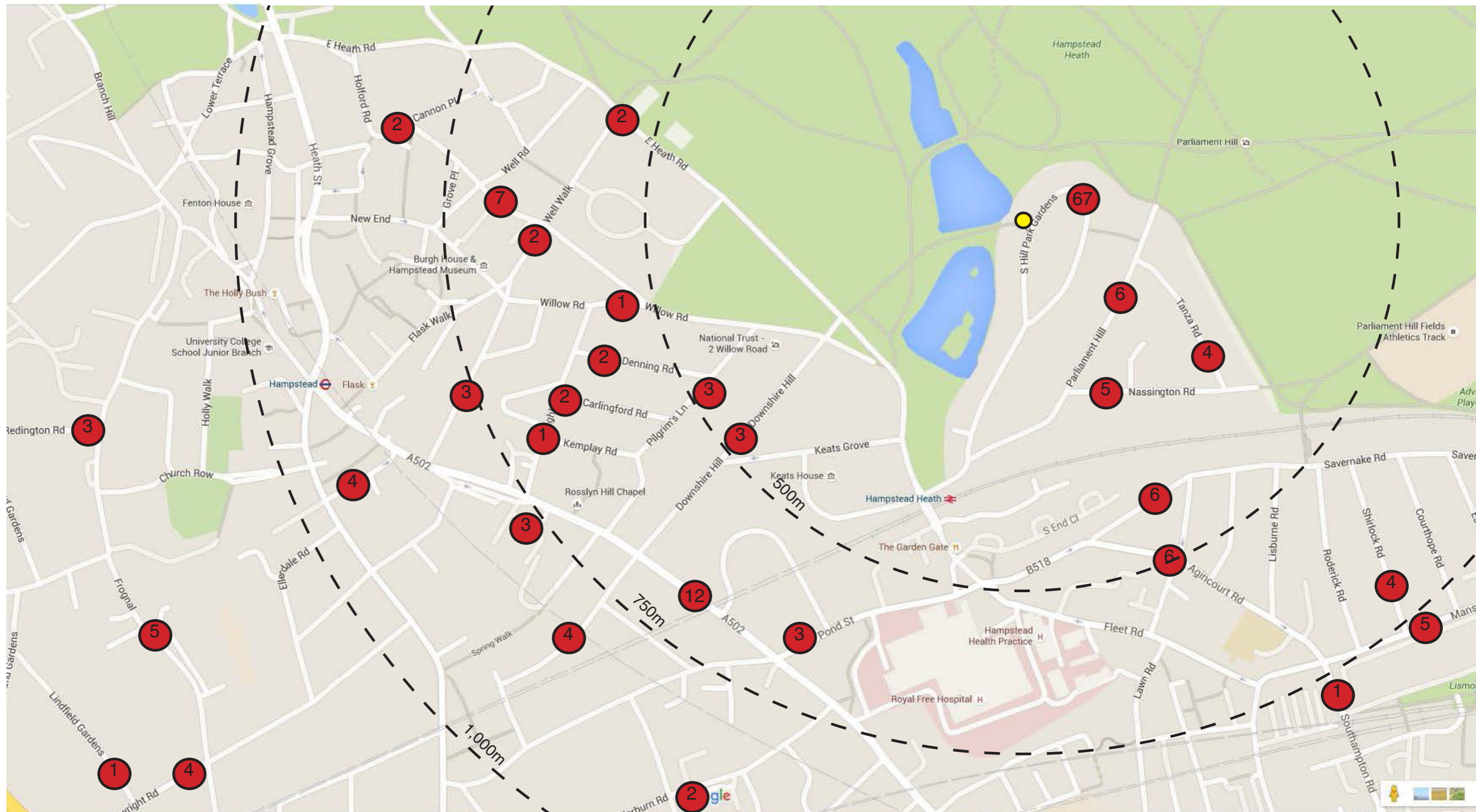
8.0 Conclusion



- 8.1 The Planning application seeks the change of use of the existing residential unit at 96c South Hill Park to a physiotherapy studio (D1 use class) for a temporary period of 2 years.
- 8.2 The studio provides a range of physiotherapy services to meet a local community need. The studio benefits from a separate entrance to protect residential amenity levels at lower floors.
- 8.3 The proposed scheme fully complies with the relevant policies within the Development Plan and should be supported, and the use of the property will revert to residential use when the Physiotherapy use ceases.

Appendix 1

Map of Local Client Base

Appendix 1 - Map of Studo's Local Client Base



-  Application Site
-  Client Location - Number per Street