

PLANNING STATEMENT

1 Belsize Crescent, London NW3 5QY

Change of use of basement, ground and mezzanine levels from office (Class B1) to physiotherapy clinic (Class D1)



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1. Site and Surroundings

- 1.1 The application relates to the basement, ground and mezzanine level of a mid-terrace property on the south-western side of Belsize Crescent, close to the junction with Belsize Lane. Although not listed, the buildings are identified as making a positive contribution to the Belsize Conservation Area (Sub-Area 2: Belsize Village).
- 1.2 The surrounding area is characterised by a mix of residential and commercial uses, with Belsize Lane Local Centre just 100m away, combining shops and restaurants with residential flats on upper floors. Although not part of the local centre, the application site is one of a number of ground floor commercial/ non-residential uses along this part of Belsize Lane.
- 1.3 The mezzanine, ground and basement level of the property have a lawful office (Class B1a) use of approximately 150.5 sqm GIA. However, the unit has been vacant since July 2016.

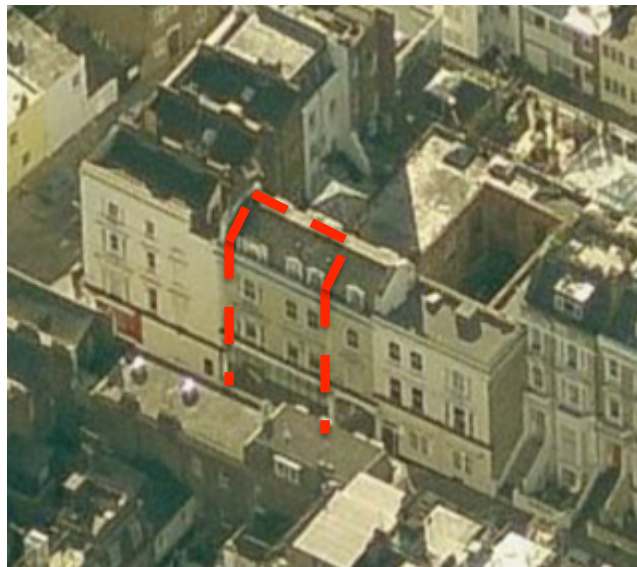


Fig. 1 'Birds-eye' view of site and surrounding context

2. Relevant Planning History

- 2.1 A search of Council records reveals the following planning history on the site:

PW9802802R1: Use of basement, ground and first floor from retail (Class A1) to dental practice (Class D1). Application Granted 25.01.1999

3. Proposal

- 3.1 The application proposes the change of use of the basement, ground and mezzanine levels from office (Class B1) to a physiotherapy clinic (Class D1).
- 3.2 The proposed use would incorporate five consulting rooms at basement and ground floor, a main reception area at ground floor and an exercise/ rehabilitation space on the mezzanine level. Separate storage for medical waste would be provided at ground floor level.

3.3 The clinic would employ for five full-time staff, as well as a part-time massage therapist. The proposed opening hours would be 0800-2000 Monday to Friday, and 0800-1800 on Saturdays.

4. Planning Policy

4.1 National Planning Policy Framework

4.1.1 The National Planning Policy Framework (NPPF) was adopted in April 2012 with the overarching aim of encouraging sustainable development. The document identifies three key dimensions to sustainable development: economic, social and environmental, and the planning system can play a key role in supporting all three. With regard to its social role, the NPPF states that the planning system should:

‘support 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 accessible local services that reflect the community’s needs and support its health, social and cultural well-being.’ (para.7).

4.2 London Plan (MALP 2016)

4.2.1 The London Plan provides the overarching regional policy framework; of particular relevance to this application is Policy 3.17 (Health and Social Care Facilities). Part B of this policy states:

‘Development proposals which provide high quality health and social care facilities will be supported in areas of identified need, particularly in places easily accessible by public transport, cycling and walking.’

4.3 Camden Core Strategy Policies

4.3.1 Camden’s Core Strategy was adopted in November 2010. The most relevant policies contained within the Core Strategy are considered to be the following:

CS5: Managing the impact of growth and development
CS8: Promoting a successful and inclusive Camden economy
CS10: Supporting community facilities and services
CS16: Improving Camden’s health and well-being
CS18: Dealing with our waste and encouraging recycling

4.3.2 These policies will be referred to in more detail within the main assessment of the application, where appropriate.

4.4 Camden Development Policies

4.4.1 In addition to the overarching development aims identified within the Core Strategy, Camden’s Development Plan Policies give a greater level of detail as to what is required with development proposals. The following policies have been identified as being of relevance to this application:

Policy DP13 - Employment sites and premises

“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.*

Policy DP15 - Community and leisure uses

"New community and leisure uses must be:

- g) close or accessible to the community they serve;*
- h) accessible by a range of transport modes, in particular walking, cycling and public transport;*
- i) located in the Central London Area or in the Town Centres of Camden Town, Swiss Cottage/Finchley Road, Kilburn, West Hampstead or Kentish Town if they are expected to attract larger numbers of visitors."*

Policy DP16 - The transport implications of development

"The Council will seek to ensure that development is properly integrated with the transport network and is supported by adequate walking, cycling and public transport links. We will resist development that fails to assess and address any need for:

- a) movements to, from and within the site, including links to existing transport networks. We will expect proposals to make appropriate connections to highways and street spaces, in accordance with Camden's road hierarchy, and to public transport networks;*
- b) additional transport capacity off-site (such as improved infrastructure and services) where existing or committed capacity cannot meet the additional need generated by the development. Where appropriate, the Council will expect proposals to provide information to indicate the likely impacts of the development and the steps that will be taken to mitigate those impacts, for example using transport assessments and travel plans;*
- c) safe pick-up, drop-off and waiting areas for taxis, private cars and coaches, where this activity is likely to be associated with the development."*

Policy DP18 - Parking standards and limiting the availability of car parking

"The Council will seek to ensure that developments provide the minimum necessary car parking provision. The Council will expect development to be car free in the Central London Area, the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other areas within Controlled Parking Zones that are easily accessible by public transport.

Development should comply with the Council's parking standards, as set out in Appendix 2 to this document. Where the Council accepts the need for car parking provision, development should not exceed the maximum standard for the area in which it is located (excluding spaces designated for disabled people). Developments in areas of on-street parking stress should be 'car capped'.

For car free and car capped developments, the Council will:

a) limit on-site car parking to:

- spaces designated for disabled people,*
- any operational or servicing needs, and*
- spaces designated for the occupiers of development specified as car capped;*

b) not issue on-street parking permits; and

c) use a legal agreement to ensure that future occupants are aware they are not entitled to on-street parking permits.

Developments will also be expected to meet the Council's minimum standards for cycle parking set out in Appendix 2.

The Council will:

d) strongly encourage contributions to car clubs and pool car schemes in place of private parking in new developments across the borough; and

e) seek the provision of electric charging points as part of any car parking provision."

Policy DP19 - Managing the impact of parking

"The Council will seek to ensure that the creation of additional car parking spaces will not have negative impacts on parking, highways or the environment, and will encourage the removal of surplus car parking spaces. We will resist development that would:

a) harm highway safety or hinder pedestrian movement;

b) provide inadequate sightlines for vehicles leaving the site;

c) add to on-street parking demand where on-street parking spaces cannot meet existing demand, or otherwise harm existing on-street parking conditions;

d) require detrimental amendment to existing or proposed Controlled Parking Zones;

e) create a shortfall of parking provision in terms of the Council's Parking Standards for bicycles, people with disabilities, service vehicles, coaches and taxis;

f) create a shortfall of public car parking, operational business parking or residents' parking;

g) create, or add to, an area of car parking that has a harmful visual impact.

The Council will require off-street parking to:

h) preserve a building's setting and the character of the surrounding area;

i) preserve any means of enclosure, trees or other features of a forecourt or garden that make a significant contribution to the visual appearance of the area; and

j) provide adequate soft landscaping, permeable surfaces, boundary treatment and other

treatments to offset adverse visual impacts and increases in surface run-off.

The Council will only permit public off-street parking where it is supported by a transport assessment and is shown to meet a need that cannot be met by public transport. The Council will expect new public off-street parking to be subject to a legal agreement to control the layout of the parking spaces, the nature of the users and the pricing structure.

We will also seek a legal agreement to secure removal of parking spaces in response to any improvement to public transport capacity in the area.

Where parking is created or reallocated, Camden will encourage the allocation of spaces for low emission vehicles, car clubs, pool cars, cycle hire and parking, and electric vehicle charging equipment.”

Policy DP26 - Managing the impact of development on occupiers and neighbours

“The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include:

- a) visual privacy and overlooking;*
- b) overshadowing and outlook;*
- c) sunlight, daylight and artificial light levels;*
- d) noise and vibration levels;*
- e) odour, fumes and dust;*
- f) microclimate;*
- g) the inclusion of appropriate attenuation measures.*

We will also require developments to provide:

- h) an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;*
- i) facilities for the storage, recycling and disposal of waste;*
- j) facilities for bicycle storage; and*
- k) outdoor space for private or communal amenity space, wherever practical.”*

4.5 Supplementary Planning Documents (SPD)

- 4.5.1 Reference has also been made to the following Camden Supplementary Planning Documents in preparation of the application, which have been updated over the past two years:

CPG5: Town centres, retail and employment

- 4.5.2 Of particular relevance to this application is Chapter 7: ‘Employment sites and business premises’, and this will be considered in more detail within the main analysis of the proposals below.

CPG6: Amenity

- 4.5.3 Of particular relevance to this application is Chapter 4: ‘Noise and vibration’, and this will be considered in more detail within the main analysis of the proposals below.

4.6 The statement will now go on to assess the proposed change of use against the issues raised by the policies above, setting out the reasons why it would comply with the aims and objectives of the national and local planning policy.

5. Analysis and Key Considerations

5.1 Loss of office space

5.1.1 The key issue in this case is the proposed loss of B1 office space at basement, ground and mezzanine level. The proposals need to be assessed against Policy DP13 of LB Camden's Development Policies, which seeks to protect business floorspace in the Borough unless it can be clearly demonstrated that circumstances exist to justify its loss.

5.1.2 Paragraph 13.3 sets out the criteria that the Council will focus on when considering whether the loss of a business use is acceptable:

- 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).

5.1.3 When assessing the application site against these criteria, it is clear that the majority of these are not relevant to the site. Although located adjacent to Belsize Lane, a local shopping centre, the site is not located in or adjacent to any Industrial Area or other large-scale general industry or warehousing. It is also not located on or near the TLRN, or easily accessible by rail or water.

5.1.4 The premises does not benefit from any on-site space for servicing, and represents a single premises which cannot support a range of unit sizes. The quality of the floorspace for continued, modern office use is also questionable – the mezzanine level has an awkward layout which cannot easily be sub-divided, while the rooms at basement level are relatively small and disconnected from the rest of the premises. Potential lessees have also raised these issues during the marketing exercise, and this is expanded upon within the marketing information available at Appendix A.

5.1.5 The supporting text included under Policy DP13 goes on to state that in order to demonstrate to the Council that there is no realistic prospect of demand to use the site for an employment use, a thorough marketing exercise must be carried out (para. 13.5).

5.1.6 On this basis, a comprehensive marketing report has been submitted with the application (Appendix A). The current unit has been vacant for over nine months (since July 2016), the site being first marketed at this time. The information attached clearly demonstrates that the premises have been actively and continuously marketed since this point for office use, without success to date.

5.1.7 In assessing the justification for a change of use from B1, close consideration has been paid to the marketing criteria set out in paragraph 7.18 of CPG5 – a summary of how the proposals meet these criteria is set out below:

- *Use of a reputable local or national agent with a track record of letting employment space in the borough;*

The letting agent involved in marketing the premises has been Lonic, based in Central London but with past record of letting commercial space within Camden. Lonic have written to over 150 local occupiers on several occasions during the marketing period to date, as well as being sent to all West End and City based estate agents, and local agents (see Appendix A).

- *A visible letting board on the property (constant throughout the marketing period);*

A letting board has been visible outside the property since 27th July 2016.

- *Marketing material should be published on the internet, including popular online property databases such as Focus;*

The marketing material has been published on both Costar, a leading online property database, as well as Rightmove (www.rightmove.co.uk) - see Appendix A.

- *Continuous over at least 2 years from when the letting board is erected and the property is advertised online (i.e. not simply from when agents were appointed). We will consider shorter marketing periods for B1(a) office premises;*

The premises have been listed for approximately 9 months to date; we would consider a shorter period to be justified as it is B1(a) office space.

- *Advertised rents should be reasonable, reflecting market rents in the local area and the condition of the property;*

The premises have been rent at £37 per sq ft, which is considered reasonable given the condition of the property and is considered to reflect market rents in the local area. A comparison of rental values for similar premises in the area is included at Appendix A.

- *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 premises which are appropriate for SMEs;*

Although not marketed specifically on a long-lease basis, the client would be happy to consider a lease term of three years or more if interest received. However, no interest has been actively pursued.

- *A commentary on the interest shown in the building, including any details of why the interest was not pursued;*

A table detailing all enquiries/ potential interest in the premises is included at Appendix A, including a brief commentary on why interest was not pursued.

- *Where there is an existing employment use then we will require evidence that the tenant intends to move out.*

N/A: premises have been vacant since July 2016.

- 5.1.8 As outlined above and in Appendix A, it is considered that while the premises does benefit from good quality lighting and outlook, there are weaknesses in terms of its location and the practicalities of the space which mean it is not attractive to potential businesses or small enterprises looking for modern, high-spec office accommodation.
- 5.1.9 The site has clearly been marketed at a reasonable rent, in line with rental values elsewhere in the area. There have been enquiries made, but Appendix A provides full details of these queries and why they have not been taken further. On this basis, it is considered that sufficient justification has been presented to justify the loss of business use, and the proposal therefore accords with Policy DP13, as well as the supplementary guidance provided in CPG5.
- 5.2 *Principle of replacement D1 use*
- 5.2.1 The supporting text to Policy DP15 explains (para. 15.2) that community facilities ‘*include childcare facilities, all educational and training facilities, healthcare facilities, policing facilities, youth facilities, libraries, community halls, meeting spaces, places of worship, public conveniences and other use in Use Class D1 that provide a service to the local community.*’ On this basis, the proposed physiotherapy use should be assessed against this policy.
- 5.2.2 It is considered that the proposed use would meet the relevant tests of this policy. One of the main drivers behind the proposal is the desire of the applicant, Physio Ed, to re-locate from their current premises in Harley Street to be closer to their main client base, around Belsize Park and Swiss Cottage. A search of the local area confirms there are very few other physios serving the area, and therefore the proposed facility would provide an important service for the local community.
- 5.2.3 The site has a PTAL rating of 4, which means it has good access to public transport routes, with both Finchley Road and Belsize Park LUL stations within 10-15 minutes walk, and bus routes to Central London accessible from Fitzjohns Avenue and Finchley Road. No off-street parking is proposed, but as outlined above, the majority of clients are expected to live or work within walking distance of the site.
- 5.2.4 Finally, although the site is not located within Central London or a District Town Centre, it is just outside the Belsize Lane Local Shopping Centre. The modest size and scale of the premises means that there are unlikely to be more than 10 people (staff and clients) present at any one time, and would not attract large numbers of visitors.

- 5.2.5 It should also be noted that planning permission was granted for a dental surgery, an alternative D1 use, back in January 1999. While this permission has been exhausted, and it is acknowledged that local and national planning policies have changed since this date, it does suggest that the premises lends itself easily to this type of healthcare facility.
- 5.2.6 The client was initially attracted to the property because of its existing layout, with three consulting rooms already in place at basement level, while the mezzanine space is ideal for rehabilitation and exercise. The property could therefore be easily converted to a physio facility with minimal refurbishment required.
- 5.2.7 On this basis, it is also considered that the proposals would comply with the relevant requirements of Policy DP15.

5.3 Impact on neighbouring residential amenity

- 5.3.1 Policy DP26 focuses on the protection of neighbouring residential amenity from development proposals. In this particular case, no external alterations are proposed which would cause issues of daylight, sunlight, outlook, overshadowing or potential for overlooking to neighbouring properties.
- 5.3.2 With regard to additional noise and disturbance, it is not considered that the proposed use would result in significant issues to adjoining residents. The proposed hours of use are considered reasonable and within normal business hours, including no opening on Sundays or bank holidays.
- 5.3.3 The closest neighbouring residents are located to the rear in Burdett Mews, and above at second floor level. It is considered that the modest size of the property would limit the amount of noise generated, and therefore there would be no detrimental impacts to neighbouring amenity. However, the applicant is happy to accept a condition requiring details of soundproofing before any future use begins, to overcome any issues in this regard.
- 5.3.4 As outlined above, it is expected that the majority of clients would live or work within walking distance of the site, while there would only be around 4 or 5 clients present at any one time. Any impacts in terms of additional traffic and parking would therefore be minimal. The site is located within a CPZ, and all staff and clients will be made aware of local parking restrictions before using or visiting.

5.4 Refuse and Recycling

- 5.4.1 Policy DP26 expects all development proposals to provide adequate waste and recycling facilities. In connection with this, consideration has been given to the advice contained with CPG1 on refuse and recycling storage.
- 5.4.2 Dedicated storage space for waste, including separate storage for medical equipment and sharps, and recycling will be provided to the rear ground floor level. The applicant will ensure that this waste is collected on a regular and controlled basis, through a private company, with waste only left outside immediately before collection.

5.5 Other Issues

- 5.5.1 Reference has been made to Building Regulations 'Approved Document M: access to and use of buildings' in preparing the submission. Although the main entrance to the property is not currently step-free, a temporary ramp will be made available on site at all times to allow access to disabled visitors and clients. Internally, a ramp and stair-lift will be made available providing access to the basement level from the main reception area.
- 5.5.2 Although the mezzanine floor is only accessible via stairs, a disabled WC would be installed at basement level, and disabled and wheelchair users are able to access all five consulting rooms. Given the constraints of the site, it is considered that all reasonable steps would be taken to ensuring the premises meets Building Regulations requirements in terms of accessibility.
- 5.5.3 In submitting the application, reference has been made to the Council's validation checklist. It is considered that sufficient information has been submitted to ensure a full assessment of the proposed development can be made.

6. Conclusion

- 6.1 The statement outlines the main constraints and designations on the site, before setting out the key issues which the proposals raise.
- 6.2 The proposed loss of office space in this location is considered acceptable, given the property's constraints and the background of robust, detailed marketing information which has been provided demonstrating a lack of demand for continued B1 use in this location.
- 6.3 As an alternative, the proposed physio use would provide an important service to the local community, in an area that is highly sustainable and close to other local services and amenities.
- 6.4 The proposed opening hours, and the modest scale and size of the property, ensures that there would be no harm to the residential amenity of adjoining occupiers, both in terms of additional noise and disturbance, or additional parking.
- 6.5 On this basis, it is considered that the proposals would comply with relevant national, regional and local planning policies, and therefore planning permission should be granted subject to appropriate conditions. However, if there are any further queries or issues requiring clarification, please do not hesitate to contact the planning agent as required.