

## Planning, Heritage, Design and Access Statement

1st Floor, The Coach House, 39 College Crescent  
London, NW3 5LB



*On behalf of Dr Mark Silvert*

February 2019

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## **CONTENTS**

<b>1.0 INTRODUCTION</b>	<b>5</b>
<b>2.0 SITE AND SURROUNDING CONTEXT</b>	<b>6</b>
<b>3.0 SITE HISTORY</b>	<b>6</b>
<b>4.0 PROPOSED USE DETAILS</b>	<b>7</b>
4.1 Blue Tree Clinic	7
<b>5.0 PLANNING POLICY</b>	<b>8</b>
5.1 National Planning Policy Framework	8
5.2 Development Plan Policies	8
<b>6.0 PLANNING ASSESSMENT</b>	<b>9</b>
6.1 Proposed D1 "Therapy Clinic" Use	9
6.2 Loss of B1 Office Floorspace	11
6.3 Continued Protection of Use	13
6.4 Other Matters	14
Neighbouring Amenity	14
Highways and Transport	14
Waste and Recycling	14
6.5 Planning Balance	15
<b>7.0 CONCLUSION</b>	<b>17</b>



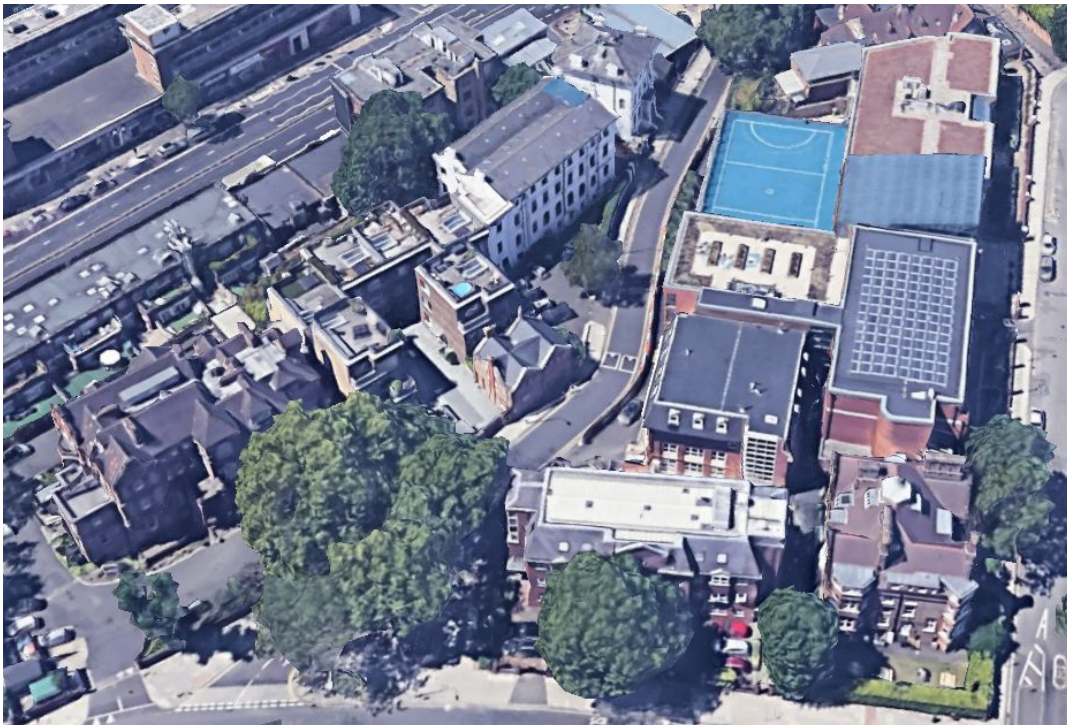
## 1.0 INTRODUCTION

On behalf of our client, Dr M Silvert, we hereby submit a full planning application in relation to a change of use of the first floor at The Coach House, 39 College Crescent NW3 5LB.

The proposed development description is: ***"change of use of first floor from office (class B1a) to therapy clinic (class D1)"***

Planning Sense Ltd have been appointed to prepare this supporting statement and submit a planning application on their client's behalf, which comprises the following elements:

- Planning application forms and ownership certificates;
- CIL forms;
- Planning application fee (£462.00);
- Site location plan;
- Existing & proposed floorplans;
- This Planning, Heritage, Design & Access Statement, prepared by Planning Sense Ltd;
- Market Analysis Report, prepared by Dutch & Dutch Estate Agents.



*Aerial View of site (from the east)*

## **2.0 SITE AND SURROUNDING CONTEXT**

- 2.1 The application site comprises a three storey (basement, ground and first floors) stone and brick building located on the southern side of College Crescent, Swiss Cottage. Whilst currently vacant, the building's lawful use is for B1(a) Office.
- 2.2 The surrounding area is mixed use in character, with residential properties immediately to the south east and beyond to the east in Belsize Park, and a variety of commercial uses to the north and west along Finchley Road. The Tavistock Centre health facility, on the corner of Fitzjohn's Avenue and Belsize Lane, also lies a short distance from the site.
- 2.3 The site has two access points, one directly from College Crescent, the other via a side gate which in turn leads to residential properties at No 39. The site lies in a highly accessible location, in close proximity to Swiss Cottage Underground Station (Jubilee Line) and numerous bus routes along Finchley Road serving Central and North London.
- 2.3 The property is not listed, but lies within the Fitzjohns Netherhall Conservation Area, designated June 1985).

## **3.0 SITE HISTORY**

- 3.1 The current building was converted into office accommodation as part of a wider redevelopment scheme of the property and the adjacent site for mixed use, granted at appeal in 2009 (original planning ref: 2008/5896/P). The scheme proposed the erection of a three storey building comprising 6x dwellings, plus basement, following the partial demolition of No.39 College Crescent (work shop, Class B1) and western wing of No.40 College Crescent (known as Palmers Lodge). The development was completed in 2017.
- 3.2 Since conversion the offices have been occupied by the same user (Lilly's Kitchen) however the property has recently been vacated due to the leaseholder amalgamating their operations to another office in Hampstead.



## 4.0 PROPOSED USE DETAILS

### 4.1 Blue Tree Clinic

4.1.1 The team at The Blue Tree Clinic are not just private psychologists and nutritionists. They have extensive experience and knowledge and continue to work both in the NHS and privately.



4.1.2 The Applicant, Dr Mark Silvert, is Medical Director of The Blue Tree Clinic, a psychology clinic currently based at Wimpole Street, Marylebone, London. The practice is an holistic clinic offering psychologists, nutritionist and CBT therapists to help treat a wide range of conditions:

- *Child Educational Assessments*
- *Less stress better nutrition*
- *Nutrition Consultations*
- *Solution-Focused Therapy*
- *Psychoanalytic Therapy*
- *Acceptance and Commitment Therapy*
- *Schema Therapy*
- *Dynamic Interpersonal Therapy*
- *Person Centred Therapy*
- *Integrative Therapy*
- *Dialectical Behaviour Therapy*
- *Existential Therapy*
- *Hypnotherapy*
- *Relationship Counselling*
- *Family Therapy*
- *Psychotherapy*
- *Counselling*

4.1.3 The Blue Tree Clinic comprises a team of psychologists and nutritionists with extensive experience and knowledge that with clients both in the NHS and privately, and offers reduced fees (and often free consultation) for NHS staff, students and local residents and families on low income.

4.1.4 The practice is currently looking to relocate to the South Hampstead area but has been unsuccessful in finding suitable D1 premises. During the course of their property search the application site - owned by the applicant themselves - became vacant and an opportunity presented itself to explore the potential for a change of use of part of the building for the clinic. The location in close proximity to the expansive Tavistock Centre complex (an NHS mental health facility) also provides an opportunity for improved close-working with the NHS and other practitioners.

## **5.0 PLANNING POLICY**

5.0.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. As such, in preparing the scheme, consideration has been given to both the National Planning Policy Framework and the London Borough of Camden's adopted Development Plan Policies.

### **5.1 National Planning Policy Framework**

5.1.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies for England and replaced much of the Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs).

5.2.1 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14). It states, at paragraph 17, that planning should proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.

5.2.3 As part of delivering sustainable development, Paragraph 22, encourages council's to promote planning policies which *"avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."*

### **5.2 Development Plan Policies**

5.2.1 The relevant development plan documents include the London Plan and the Camden Local Plan (2017) plus supplementary guidance. Ensuing Section 6 of this report provides an assessment of the scheme against the relevant policies of the Plan and supplementary guidance accordingly.

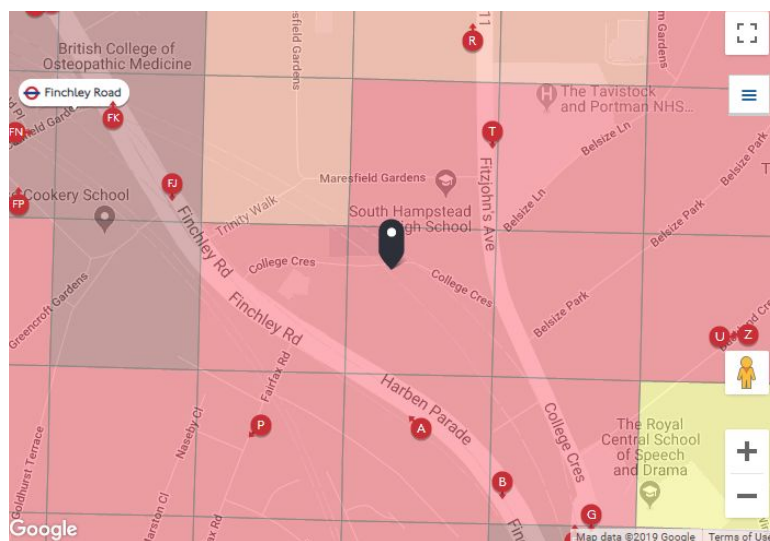


## **6.0 PLANNING ASSESSMENT**

### **6.1 Proposed D1 “Private Therapy” Use**

- 6.1.1 Recent years have seen a significant increase in awareness of mental health issues, resulting in considerable research and investment into improving and addressing this aspect of healthcare nationally. At government level, a wide number of studies have been undertaken into identifying ways in which mental health is protected and improved, including the publication of the “Children and Young People’s Green Paper, and initial review of the Mental Health Act (1983). The NHS “Long Term Plan” (January 2019) proposes investment of £2.3bn per year towards mental health service provision - more than double the previously proposed figure in 2016.
- 6.1.3 At a local level, the Camden “Joint Health and Wellbeing Strategy” (2016) sets out the Council’s key objectives for addressing mental health issues in the Borough up to 2021, which includes promoting early access to help for people with mental health problems, improving referral times to consultants, and seeks to *“develop new solutions with partners to reduce inequalities and improve the physical and mental health and wellbeing of local residents”*.
- 6.1.4 Planning policies play a vital role with regards to health. The National Planning Policy Framework seeks to ensure that all planning policies and decisions *“enable and support healthy lifestyles, especially where this would address identified local health and well-being needs”*.
- 6.1.5 Camden Local Plan Strategic Objective 11 seeks to *“improve health and wellbeing of Camden’s population and reduce health inequalities through good spatial planning, supporting healthier lifestyles and environmental improvements, as well as ensuring appropriate access to health facilities.”*
- 6.1.6 Policy C1 of the Local Plan states that the Council will support the provision of new or improved health facilities. Paragraph 4.17 notes that *“as the population grows and ages, there will be a requirement for different models of health and social care provided closer to home, which will need to be recognised in the development and alteration of health care premises.”*

- 6.1.7 Local Plan policy C2 states that such facilities will be encouraged where they are accessible by foot or by sustainable modes of transport.
- 6.1.8 Local Plan Policy E1 states that the council will:
- “support businesses of all sizes, in particular start-ups, small and medium-sized enterprises”*
  - “support the development of Camden’s health and education sectors”*
  - “recognise the importance of other employment generating uses, including retail, education, health, markets, leisure and tourism”*
- 6.1.9 Taking all of the above points into account, it is clear that the proposed use of the first floor as a therapy clinic would comply with the objectives of both national and local policies relating to health. The location of the use accords with policy C3 in terms of accessibility, being in a high PTAL (public transport accessibility level) area of **6a** (see extract below). Furthermore, the proximity to existing mental health facilities presents an opportunity for collaboration/cross working with other consultants and reduces travel distances for referrals. The provision of reduced rates for NHS staff, students and local residents and families on low income (and free consultation in some circumstances) represents a significant benefit to the local area in terms of healthcare provision.



PTAL Location - Highly accessible rating (6a)

- 6.1.10 We therefore conclude that the proposed use will have a beneficial impact in terms of health care provision in line with strategic objectives, and therefore the principle of D1 “therapy clinic” should be encouraged.

## **6.2 Loss of B1 Office Floorspace**

6.2.1 Policy E1 of the Local Plan states that the Council will support Camden's industries by *"safeguarding existing employment sites and premises in the borough that meet the needs of industry and other employers"*. It also notes that the Council will *"recognise the importance of other employment generating uses, including retail, education, health, markets, leisure and tourism."*

6.2.2 Policy E2 goes on to explain that the Council will *"resist development of business premises and sites for non-business use unless it is demonstrated to the Council's satisfaction:*

*a). the site or building is no longer suitable for its existing business use;*

*and*

*b). that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time."*

6.2.3 Whilst there is an acknowledgement of health uses and their associated employment generation in policy E1, the "business use" as referred to in policy relate to those in the "B" use class. In this respect, the assessment criteria for change of use away from the "B" use class are somewhat shortsighted insofar as they do not take into account the potential employment created by a replacement use such as those cited within policy E1.

6.2.4 In the case of the application scheme, the proposed therapy clinic is likely to generate a similar level of employment at the site in comparison to the previous occupier. The overriding objective of ensuring employment provision is therefore met - and no economic harm is caused by the change of use in employment terms.

6.2.5 Likewise, the characteristics of the use are similar to that of a B1 office. It is not unusual for small D1 uses such as this (and for example physiotherapists, chiropractors) to occupy B1 units without planning permission. Regardless of whether or not such an approach is lawful, this is fairly commonplace in older converted buildings in London. Such practices often go unnoticed due to the use being office-like in nature.

6.2.6 The applicant's desire to relocate their business to the application property is driven by three factors:

- Lack of availability of suitable D1 premises in the locality;
- Building already in their ownership, but presently vacant, hence an opportunity existed for the re-occupation of the building at a time when they have been unable to identify any other suitable premises locally.
- Site Location - excellent public transport and proximity to the Tavistock Centre, enabling improved close-working with the NHS Trust.

6.2.7 Given the opportunity that has arisen to relocate to their own property, the applicant has not yet undertaken any marketing of the building in accordance with policy E2 and the associated Supplementary Guidance. In lieu of this however the applicant has instructed established local agents Dutch & Dutch to carry out an assessment of the local commercial market, both in terms of B1 and D1 premises, and to comment on the scheme in terms of its potential impact on the local area. Their Market Analysis report is submitted with this application.

6.2.8 The report concludes that a large number of B1 office buildings of a similar size and standard currently available within 1 mile of the site. It is noted that demand for office space has declined since mid 2018 and as a result there is a growing oversupply of office space in NW3, NW6 and parts of NW1. Conversely, no D1 spaces are available in the local area, despite significant demand.

6.2.9 Taking into account the local market context in terms of the current availability of D1 space, the applicant's approach to converting the first floor of their vacant building is a logical one. As identified in the Dutch & Dutch report, there are a number of other similarly sized premises available in the area which will serve local demand. The resulting small loss of B1 floorspace should therefore not have a significant impact on local B1 office supply, and the level of employment at the site will be similar to that of an office use.

6.2.10 For these reasons it is concluded that the proposal would not conflict with the overriding strategic employment objectives of the Local Plan and that the loss of B1(a) floorspace in this case should be supported in light of the replacement use proposed.

### **6.3 Continued Protection of Use**

- 6.3.1 Notwithstanding the above conclusions, there are also a number of ways whereby the Council is able to control the future use of the premises if considered necessary.
- 6.3.2 As already noted the application submission derives from the need of the applicant to relocate their business to a building which they already own. The end user (The Blue Tree Clinic) is specific, as is the use (therapy clinic practice).
- 6.3.3 First and foremost, if considered necessary by the Council, it is possible for a condition to be placed on a permission limiting the D1 use specifically to “therapy clinic”, in order to avoid any future changes to another D1 use which may have more of an adverse impact on the use of the building and living conditions of surrounding occupiers. The applicant is happy to accept such a limitation.
- 6.3.5 Furthermore, should the Council consider the long term protection of the first floor floorspace essential in policy terms, the applicant is willing to accept a personal condition, requiring the reversion of the first floor to B1(a) office upon vacating the premises.
- 6.3.6 Lastly, there is an opportunity for the Council to apply a temporary use condition to the permission, requiring reversion to B1 after a certain period of time (or a further application for continued use). This allows the Council to monitor the use if concerns exist over its potential impact on the area and living conditions of surrounding occupiers.
- 6.3.7 Given the limited scale and nature of the proposed use at first floor, in this case such an approach is not considered necessary. Nevertheless the applicant is willing to consider a temporary permission subject to discussions with officers over the time period.

## **6.4 Other Matters**

### *Neighbouring Amenity*

- 6.4.1 As already noted, the characteristics of the proposed use are very similar to that of an office occupier, both in terms of the level of employment and also the number of daily movements / visitors to the site. It is not considered that the proposal will have any impact upon neighbouring occupiers in this regard.
- 6.4.2 No changes are proposed to the exterior of the building that would affect the appearance of the building or visual amenity of adjoining residents.

### *Highways and Transport*

- 6.4.3 The site lies in a highly accessible location with a public transport accessibility level of "6a". Policy C3 of the Local Plan encourages the provision of health facilities in highly accessible areas. The trips associated with the use will be similar to those generated by the existing office use. It is therefore considered that the proposal will have no effect upon highways and transport.

### *Waste and Recycling*

- 6.4.4 In comparison to an office use the clinic does not generate a significant level of waste and recycling. The current arrangements for waste collection at the site will be unaffected by the proposals.



## **6.5 Planning Balance**

- 6.5.1 It is clear that the proposed change of use results in a slight conflict between the policies above, insofar as there is a strong strategic desire to improve health (with specific reference to mental health) and support new health facilities in accessible areas, whilst there is also an objective to protect existing office space.
- 6.5.2 Whilst the Local Plan provides relatively clear policies in relation to the support for community/health premises, and resistance to the loss of employment premises, no specific guidance is provided in relation to proposals which involve both. It is therefore necessary to consider the relative importance of the two aspects of policy and weighting of the benefits / harm to each.
- 6.5.3 Taking into account the wider policies of the Local Plan, it is noted that existing housing floorspace benefits from a greater degree of protection than office floorspace. Policy H3 “Protecting existing homes” clause (a) states at that the Council will resist “development that would involve a net loss of residential floorspace”. The single exception to this approach relates to proposals for health premises to meet local needs.
- 6.5.4 Therefore, whilst the plan is silent on the issue of weighting given to employment and health uses, the above policy approach and the strategic objectives of the Local Plan and the Council in relation to mental health provide a strong indication that health uses, in particular those associated with mental health, should carry significant weight in balancing these issues. In particular, the provision of care in this instance , with reduced fees (and often free consultation) for NHS staff, students and local residents and families on low income, represents a significant benefit to the local area in light of these policy objectives.
- 6.5.5 As already noted, the limited amount of floorspace lost as a result of the proposal is unlikely to have a significant impact upon local supply, given the current availability of similarly sized accommodation in the area. The replacement use will in fact result in a comparatively similar level of employment generation to that of the office use. This accords with the spirit of the Council’s employment policy, i.e. to preserve employment and access to jobs for residents.

- 6.5.6 The characteristics of the use are broadly similar to an office use and it is not considered that the proposal will result in any effect upon surrounding occupiers.
- 6.5.7 Although not considered necessary by the applicant, planning mechanisms exist that enable the Council to limit any potential impact of the proposed change to D1 "therapy clinic". The use of conditions (either personal to the occupier, restricted use or temporary use) would ensure the future reversion to office use once the proposed user has vacated the premises.
- 6.5.8 Taking all of the above into account, it is considered that the benefits of the proposed change of use, in terms of mental health care provision, employment generation, outweigh the conflict with policy E2.

## 7.0 CONCLUSION

- 7.1 This planning submission seeks permission for the ***“change of use of first floor from office (class B1a) to therapy clinic (class D1)”*** at first floor, The Coach House, 39 College Crescent.
- 7.2 The property is already owned by the applicant, who is looking to relocate their existing therapy clinic practice “The Blue Tree Clinic” to the area. Due to a lack of suitable D1 premises being available in the current market, and the location benefits of the site in terms of accessibility and proximity to other similar health facilities, the applicant wishes to convert the first floor of their building for their own use.
- 7.3 Whilst the proposal results in a loss of 80sqm B1 office (contrary to policy E2 of the Local Plan) it is considered that the wide availability of other similarly sized office spaces locally, the employment generated by the use, and a strong policy support for health uses (specifically mental health) outweigh this relatively small reduction in floorspace in this instance. The provision of reduced fees (and often free consultation) for NHS staff, students and local residents and families on low income forms a key part of the Clinic’s mission statement and will be a significant benefit to the area in terms of healthcare.
- 7.4 Notwithstanding the above, should the Council consider it essential to preserve the long-term office use of the first floor, given the owner-occupier arrangement, the applicant is willing to accept a personal permission for the use, and/or a temporary permission if deemed necessary.
- 7.5 For the all the reasons outlined in this report, we consider that the application proposals pass the Section 38 Test of the Planning and Compulsory Purchase act 2004 and respectfully request that planning permission is granted accordingly.