

Delegated Report		Analysis sheet		Expiry Date:		25/01/2019			
		N/A		Consultation Expiry Date:		16/02/2019			
Officer				Application Number(s)					
Ben Farrant				2018/5909/P					
Application Address				Drawing Numbers					
Units 69, 70, 71, Troutbeck Albany Street London NW1 4EJ				See draft decision notice					
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature						
Proposal(s)									
Change of use from office (Class B1) to office and rehabilitation/physiotherapy studio (dual B1/D1 use).									
Recommendation(s):		Refused							
Application Type:		Full Planning Application							
Conditions or Reasons for Refusal:		Refuse Permission							
Informatives:									
Consultations									
Adjoining Occupiers:		No. of responses		00		No. of objections		03	
Summary of consultation responses:		<p>A site notice was displayed between 11/01/2019 and 04/02/2019, with a re-consultation (following a clarification of the proposal and an amendment to the development description) between 23/01/2019 and 16/02/2019.</p> <p>Responses were received from owners/occupiers of flats 2, 8 & 9 Troutbeck, summarised below:</p> <ul style="list-style-type: none"> • Increase in noise • Increase in visitors and subsequent amenity issues (particularly outside of office hours) • Parking availability • The site is unsuitable for a gym – ceilings are too low and too close to surrounding residents • Vibration from weights being dropped 							

Site Description

The application site comprises three separate commercial units in the lower ground level of Troutbeck, which is a five storey residential building with B1 business use at lower ground floor. Each unit has a gross internal area (GIA) of 36sqm and in use as officer/workspace accommodation until 27/10/18.

The site is not located in a conservation area and there are no nearby listed buildings which would be impacted as a result of the proposed development. The site has a PTAL rating of 6a (excellent).

Relevant History

Units 69-70 (application site)

P9603077 – Continued use as a kick boxing gym with class D2 – **Refused 10/10/1996** – reasons for refusal:

- 1. The use has resulted in the loss of business floorspace contrary to policy EM25 in the Borough Plan and policies EC5 and EC11 in the draft Unitary Development Plan to protect such floorspace suitable, in particular, for small firms.*
- 2. The use constitutes an unacceptable intensification of recreational use in a residential area to the detriment of residential amenity and parking conditions.*
- 3. The use is detrimental to the amenity of residents living within the building by reason of excessive noise and disturbance associated with the use.*

Relevant policies

National Planning Policy Framework 2019

The London Plan March 2016

The Camden Local Plan 2017

A1 - Managing the impact of development

A4 - Noise and vibration

C1 - Health and wellbeing

C2 - Community facilities

D1 - Design

E1 - Economic development

E2 - Employment premises and sites

T1 - Prioritising walking, cycling and public transport

T2 - Parking and car free development

Camden Planning Guidance

CPG6 Amenity (2018)

CPG Employment sites and business premises (2018)

Assessment

Proposal

Permission is sought for the change of use of units 69, 70 and 71 Troutbeck from B1 use to mixed B1/D1 use to form an injury rehabilitation, physiotherapy and strength and conditioning studio. The units would employ approximately 10/11 staff (comprising 9 physiotherapists/coaches and 1/2 clerical worker(s)). The centre would operate 09:00-18:30 Monday to Friday, and 09:30-16:30 on Saturdays, and at no time on Sundays/bank holidays. Access to the units would remain un-changed, however the internal layouts of the units would be altered. It is proposed to form a B1/D1 flexible use within these units, so that if the D1 use is unsuccessful, the use can revert back to B1. No external alterations are proposed.

Assessment

The assessment comprises the following elements:

- Design
- Land use principle
- Impact on neighbours
- Transport

1.0 Design

1.1 As no external alterations are proposed, there are no design considerations in the determination of this application.

2.0 Land use principle

2.1 Policy E2 of the Camden Local Plan states that the Council will: *“resist development of business premises and sites for non-business use unless it is demonstrated to the Council’s satisfaction that: 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.”*

2.2 The existing units are Council owned, and records from the Council’s Valuer show that the last tenant for units 69 & 70 was ‘BTU Maintenance’ using the site for offices and a workshop for building maintenance. They occupied the units between 02/10/1998 and 27/10/2018. Units 69 and 70 have been vacant since 28/10/2018 and have not been marketed in this time. It is considered that the site is suitable for its existing business use; its change of use is therefore contrary to policy E2 (a) of the Camden Local Plan.

2.3 It is further noted that no marketing evidence has been submitted to justify the loss of this business floorspace, indeed it has been confirmed by the Council’s Valuer that the space has not been marketed. It is noted that there are a number of similar units within Troutbeck which are successfully occupied, including the application site until recently. The applicant has failed to demonstrate that the space can no longer be retained for a business use, contrary to policy E2 (b) of the Camden Local Plan.

2.4 Policy E1 of the Camden Local Plan supports small businesses and start-ups as part of the Council’s strategy to support enterprise by providing a range of unit types and sizes. It is noted that the units at present each have a GIA of 36sqm, and would be suitable for such businesses. The resultant development would have a GIA of 107sq. m thereby removing the opportunity to support smaller business on this site. The amalgamation into this much larger unit is contrary to policy E1 of Camden’s Local Plan.

2.5 The agent argues that the proposal would retain an element of business use, as well as provide a community/health facility, and would allow the tenant to adapt their business in accordance with market forces. Whilst it is acknowledged that policies C1 and C2 of the Local Plan seek to encourage health and community facilities, business (B1) use remains the land use priority within the London Borough of Camden, particularly for smaller units (in accordance with the aforementioned policies), and the benefit of the formation of the proposed unit is considered not to outweigh the harm caused as a result of the loss of this small scale business floorspace.

2.6 Given the above, it is considered that the change of use of these three business units is contrary to policies E1 and E2 of the Camden Local Plan and is unacceptable in land use terms.

3.0 Impact on neighbours

3.1 Policy A1 of the Local Plan seeks to ensure that the amenity of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy.

3.2 As no external alterations are proposed, the development is considered to be acceptable in respect of daylight/sunlight, outlook and overlooking to neighbouring amenities.

3.3 Units 69, 70 and 71 Troutbeck are located directly below residential units which are from ground floor upwards within the Troutbeck block. The agent has supplemented the application with a Planning Statement, this outlines the details of the proposed use, and the type of rehabilitation being undertaken. The proposed use would centre around physical rehabilitation from injuries/disabilities, involving physiotherapists and coaches, working with a range of customers. Appendix A of the Planning Statement lists the equipment required for the use which includes (but is not limited to): a squat rack, dumb bells, an Olympic bar, and a deadlift bar. It is further noted that no Noise Impact Assessment or similar has been submitted with the application.

3.4 Appendix B of the Planning Statement describes 1 to 1 style pre-booked sessions, but also states that 'group sessions' will take place, though it does not suggest the number of these sessions/occupancy details etc.

3.5 It is further noted that the interconnected nature of these units (with removal of internal partitions), would result in a large (107sq. m) unit in a row of otherwise smaller units within close proximity of residential units. This would enable more patrons and generally function as a larger business within a row of units not capable of such a capacity. It is further noted that the rehabilitation centre (particularly of such a scale) would have a number of additional patrons than the existing business use by reason of its land use and overall scale.

3.6 The overall intensification of the site, coupled with the equipment required for the use would result in additional levels of noise and vibration above what could reasonably be expected within such close proximity of residential units. No supplementary evidence such as a Noise Impact Assessment has been submitted with the application, and no noise mitigation measures have been proposed. In the absence of such information, coupled with the use and overall intensification of the site, the proposal is considered to cause unacceptable harm to the amenity of neighbouring residents in terms of increased noise and vibration to nearby residential units, contrary to policies A1 and A4 of the Camden Local Plan.

4.0 Transport

4.1 Policy T1 of the Camden Local Plan and table 6.3 of the London Plan outline minimum requirements for cycle storage as 1 long stay cycle space, and 1 short stay space in this instance. However, it is acknowledged that the site is constrained, and these cannot be reasonably

provided on site; on this basis the lack of provision is considered to be acceptable on balance.

4.2 No new or additional parking would be created as a result of the proposal which is compliant with Policy T2 of Camden's Local Plan.

4.3 Given the scale of the proposed works a construction management plan would not be required in this instance had the application been recommend for approval.

4.4 The servicing of the unit would remain as existing and is unlikely to alter to a significant degree given the proposed use of the unit.

Recommendation

Refuse planning permission.