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|--|----------------------------|---|-------------------------------------|----------------------------------|----|------------|--|
| <b>Delegated Report</b>  |                            | <b>Analysis sheet</b>   |                                     | <b>Expiry Date:</b>              |    | 30/09/2019 |  |
|  |                            | N/A   |                                     | <b>Consultation Expiry Date:</b> |    | 12/10/2019 |  |
| <b>Officer</b>   |                            |   |                                     | <b>Application Number(s)</b>     |    |            |  |
| Nathaniel Young  |                            |   |                                     | 2019/3983/P                      |    |            |  |
| <b>Application Address</b>   |                            |   |                                     | <b>Drawing Numbers</b>           |    |            |  |
| 225A Brecknock Road<br>London<br>N19 5AA   |                            |   |                                     | See decision notice              |    |            |  |
| <b>PO 3/4</b>  | <b>Area Team Signature</b> | <b>C&amp;UD</b>   | <b>Authorised Officer Signature</b> |                                  |    |            |  |
|  |                            |   |                                     |                                  |    |            |  |
| <b>Proposal(s)</b>   |                            |   |                                     |                                  |    |            |  |
| Change of use from a mixed use office and retail space (Class A1 and B1) to a yoga studio (Class D2) |                            |   |                                     |                                  |    |            |  |
| <b>Recommendation(s):</b>  |                            | Refuse planning permission  |                                     |                                  |    |            |  |
| <b>Application Type:</b>   |                            | Full Planning Permission  |                                     |                                  |    |            |  |
| <b>Conditions or Reasons for Refusal:</b>  |                            | See Decision Notice   |                                     |                                  |    |            |  |
| <b>Informatives:</b>   |                            |   |                                     |                                  |    |            |  |
| <b>Consultations</b>   |                            |   |                                     |                                  |    |            |  |
| <b>Adjoining Occupiers:</b>  |                            | No. of responses  | 01                                  | No. of objections                | 00 |            |  |
| <b>Summary of consultation responses:</b>  |                            | <p>Site notice: displayed from 18/09/2019</p> <p>One support comment was received from the prospective occupier of the proposed Class D2 Yoga Studio. The commenter states that their current Yoga Studio at No. 129 Fortress Road is within the same neighbourhood centre and was granted planning permission for a change of use from Class A1 to Class D2 under application reference 2014/2830/P on the 11<sup>th</sup> July 2014.</p> <p><u>Officer response</u></p> <p><i>The change of use from granted under application reference 2014/2830/P at No. 129 Fortress Road is not considered to set a precedent or justify the proposed change of use at the subject site. Each application and site is assessed on its own merits. The subject application involves a loss of Class B1 employment space, while the previous change of use did not. New employment space policies are to be considered in the assessment of the subject application which weren't in the previous. See section 2.0 of this</i></p> |                                     |                                  |    |            |  |

report for further detail.

## Site Description

The application site comprises a 3-storey building with Class B1 office space at 1<sup>st</sup> and 2<sup>nd</sup> floor levels and a mixed A1 and B1 use at ground floor level. The building is set back from Brecknock Road with a small forecourt and access via a covered vehicle access between nos. 223 and 225. There is an external metal staircase to the first floor and profile metal sheeting over the forecourt extending from the front elevation of the building up to the adjoining buildings for the purposes of demarking ownership. The site is located in the Brecknock Road/York Way neighbourhood centre. The site is not within a conservation area.

## Relevant History

### Site

2006/2769/P: "Change of use and works of conversion of three-storey office building (Class B1) to residential use (Class C3) to create two studio flats and two 1-bed residential units and associated external alterations." **Refused 11.08.2006.** Reasons for refusal:

- The proposed development would result in the unacceptable loss of a business use on a site where there is a potential for that use to continue, As such the proposal would have a detrimental impact on the Borough's ability to continue to provide employment floorspace, contrary to the requirements of policy E2 (Retention of business uses) of the London Borough of Camden Replacement Unitary Development Plan 2006.*
- The proposed development, by virtue of unacceptable unit sizes, would fail to provide an acceptable standard of amenity for residents, contrary to the requirements of policies SD6 (Amenity) and H1 (New housing) of the London Borough of Camden Replacement Unitary Development Plan 2006 and the standards contained within Section 2.3 (Internal Arrangements) of the London Borough of Camden Supplementary Planning Guidance 2002.*
- The proposed development, by virtue of the unacceptable width of the ramps and entrance doors and lack of information to justify compliance with 'Lifetime homes' standards, would fail to provide adequate access into the building and as such would fail to meet the needs of those with mobility difficulties and other disabilities. The proposal is therefore contrary to policy H7 (Lifetime homes and wheelchair housing) of the London Borough of Camden Unitary Development Plan 2006.*
- The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to the requirement of policies T8 (Car free housing and car capped housing) and T9 (Impact of parking) of the London Borough of Camden Replacement Unitary Development Plan 2006.*

2006/5880/P: "Conversion of three storey existing office building into four live/work units and alterations including two bays to the front elevation." **Refused 27.04.2007.** Reasons for refusal:

- The proposed development would result in the loss of a business use on a site where there is a potential for that use to continue, As such the proposal unacceptable loss of a business use would have a detrimental impact on the Borough's ability to continue to provide employment floorspace, contrary to the requirements of policy E2 (Retention of business uses) of the London Borough of Camden Replacement Unitary Development Plan 2006.*
- The proposed development, in the absence of a legal agreement for car-free housing, would be*

*likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to the requirement of policies T8 (Car free housing and car capped housing) and T9 (Impact of parking) of the London Borough of Camden Replacement Unitary Development Plan 2006.*

2013/4391/P: "Change of use of first and second floors from office (Class B1) to a maisonette (Class C3)." **Prior Approval Granted 18.09.2013.** Assessed against GPDO (2015).

2013/4605/P: "Change of use of ground floor from office (Class B1) to mixed use showroom (Class B1) and retail (Class A1)." **Approved 23.09.2013.**

## **Relevant policies**

### **National Planning Policy Framework 2019**

### **The London Plan March 2016**

### **Draft New London Plan showing Minor Suggested Changes (13 August 2018)**

### **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

### **Kentish Town Neighbourhood Plan 2016**

SW1 Supporting small business

### **Camden Planning Guidance (CPG)**

CPG Amenity (2018)  
CPG Employment sites and business premises (2019)

## **Assessment**

## **Proposal**

Planning permission is sought for the change of use of No. 225A Brecknock from mixed A1/B1 use to D2 use to form a yoga and pilates studio. The units would employ approximately 4 staff (2 full time and 2 part time). The centre would operate 07:00-21:45 Monday to Friday, and 07:00-20:00 on Saturdays, and 07:00-21:00 on Sundays. Access to the unit would remain unchanged. No external alterations are proposed, with the exception of the installation of new cycle racks in the forecourt.

## **Assessment**

The material considerations for this application are as follows:

- Design
- Land use
- Amenity Impact
- Transport

### **1.0 Design**

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

### **2.0 Land Use**

2.1 The subject building provides 238sqm of office and retail space over 3 floors. The first and second floors of the building are Class B1 office space (approx. 177 sqm). The ground floor is a mix of Class A1 retail and Class B1 office space (approx. 61 sqm). There is no internal access between the ground floor and the first floor. The first and second floors are accessed by an external metal staircase on the front of the building while the ground floor has its own separate access.

2.2 Two previous applications for the conversion of the site to a wholly residential use were refused in 2006 and 2007 when the building was occupied. The first application (ref: 2006/2769/P) was refused on the grounds of loss of employment floorspace, because it was considered that the site would be suitable for an alternative business use and the applicant had not submitted any justification for the loss of the employment floorspace. Three further reasons related to the size of the proposed units, non-compliance with Lifetime Homes standards, and the absence of a legal agreement for car-free housing.

2.3 The second unsuccessful application (ref: 2006/5880/P) was refused primarily because of the loss of employment floorspace, the applicant had addressed the previous reasons for refusal relating to unit sizes and lifetime Homes. The applicant had indicated the existing tenants were proposing to vacate the premises and that the proposed units would be live/work units, but this was not considered sufficient to justify the loss of employment floorspace.

2.4 In 2013 a prior approval application (ref: 2013/4391/P) for the change of use of the first and second floors of the building from Class B1 office to Class C3 residential was approved. This application was assessed against the General Permitted Development Order and not against the Council's adopted policies and as such is not considered to set a precedent as an acceptable form of development.

2.5 In 2013 another application (ref: 2013/4605/P) was also submitted for the change of use of the ground floor of the building from Class B1 to a mix of Class A1 and B1. This was granted permission and involved a partial loss of employment space. However, it was emphasised by the case officer that this loss of employment space would only be partial (32sqm B1 loss), and would retain some B1 office space. This was also accompanied by up to date marketing evidence which sufficiently demonstrated that, at the time, there was a lack of interest in the ground floor as an office space or similar use which justified its loss. It should also be noted that this assessment was made prior to the adoption of the

Kentish town Neighbourhood Plan (2016) which puts greater emphasis on the retention of employment space suitable for small businesses (see section 2.8).

2.6 The subject application would involve the change of use of the entire building into a single Class D2 yoga studio. Currently the first and second floors remain in Class B1 use, as the prior approval consent (ref: 2013/4391/P) was never implemented and no subsequent change of use application has been submitted. The ground floor is considered to be in mixed Class A1 and B1 use as it appeared from the site visit that permission ref: 2013/4605/P had been implemented. Therefore the proposal would involve the loss of Class B1 office space at first and second floor levels and the loss of a mixed Class A1 and B1 retail and office space at ground floor level.

2.7 Policy E2 seeks to protect and retain employment space within the borough. It 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.

2.8 This is further reinforced by Kentish Town Neighbourhood Plan Policy SW1 which puts a firm emphasis on the protection of employment space suitable for small start-up businesses. It states that the Kentish Town Neighbourhood Forum will not support further loss of B1 uses (offices, research and development) and seeks to support, retain and increase small business and office floorspace. For the purpose of the Kentish Town Neighbourhood Plan, small businesses are defined as employing fewer than 50 people. The commercial and chartered surveyor department of a reputable estate agency in Kentish Town has confirmed that there is an unmet need for employment premises within the Kentish Town Neighbourhood Plan Area. Camden Employment Land Review 2014 (URS / LB Camden) draws a number of key conclusions, including: "Kentish Town is emerging as a hub providing work-space for start-up, micro and small business and there is evidence that former industrial buildings have recently been converted to accommodate these types of occupiers. The main points of note from the socio-economic analysis are that LB Camden will be experiencing a high degree of population growth to 2031; having a ready stock of suitable premises available will be critical in nurturing the growth of small, dynamic businesses; and the shortage of affordable and readily useable works space is hindering the growth of small and medium sized enterprises.

2.9 No alternative employment space has been proposed and no up to date marketing evidence has been submitted to suggest the building is not suitable as an employment space. Officers note that during the assessment process, when evidence was requested, the agent submitted the marketing evidence used from the 2013 application (ref: 2013/4605/P), however, this is not considered to meet policy requirements as it approximately 7 years out of date, prior to the adoption of the Kentish Town Neighbourhood Plan, and no longer applicable to current circumstances.

2.10 As such, it is considered that insufficient evidence has been submitted to demonstrate that the building is no longer suitable for continued business use. The proposed loss of employment space is unacceptable in principle and contrary to Policies E1 and E2 of the Camden Local Plan (2017) and Policy SW1 of the Kentish Town Neighbourhood Plan (2016).

2.11 In terms of the loss of Class A1 retail space at ground floor level, the proposal is not considered to be contrary to the Council's town centre policies. The subject building is set back behind Brecknock Road and does not form part of the shopping frontage in a traditional sense. It is noted that while it forms part of the Brecknock Road/York Way neighbourhood centre, the building is not considered part of the shopping frontage and historically has not been in retail use. Currently part of the ground floor acts as an ancillary showroom to the Class A1 furniture shop at No. 225 which does form part of the shopping frontage. The main shop at No. 225 to which the ground floor of the subject building is ancillary to, would remain unchanged and would continue to function as a Class A1 retail shop. The retail shop at No. 225 would continue to be viable and does not rely on the additional space provided by the ground floor of the subject building in order to properly function as a retail space.

### **3.0 Residential Amenity**

3.1 Local Plan Policies A1 and A4 seek to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by only granting permission for development that would not harm the amenity of neighbouring residents. This includes factors such as light, outlook, privacy, noise and disturbance.

3.2 The council's environmental health team have assessed the submitted information and consider there to be minimal environmental effects, no objections are raised and no conditions are recommended. No external alterations are proposed, no loud music or noise generating extract/plant equipment would be involved and the building does not share any party walls with any residential dwellings. Prospective customers would attend booked classes at specific times making it unlikely that large groups of people would congregate outside the premises. As such the proposal is not considered to harm the amenity of adjoining occupiers and would comply with policies A1 and A4 of the Local Plan (2017).

### **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

4.2 Seven new cycle spaces are proposed in the existing forecourt of the property which would meet and exceed the minimum requirements.

4.3 No new or additional car 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 recommended 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.

### **5.0 Recommendation**

5.1 Refuse permission