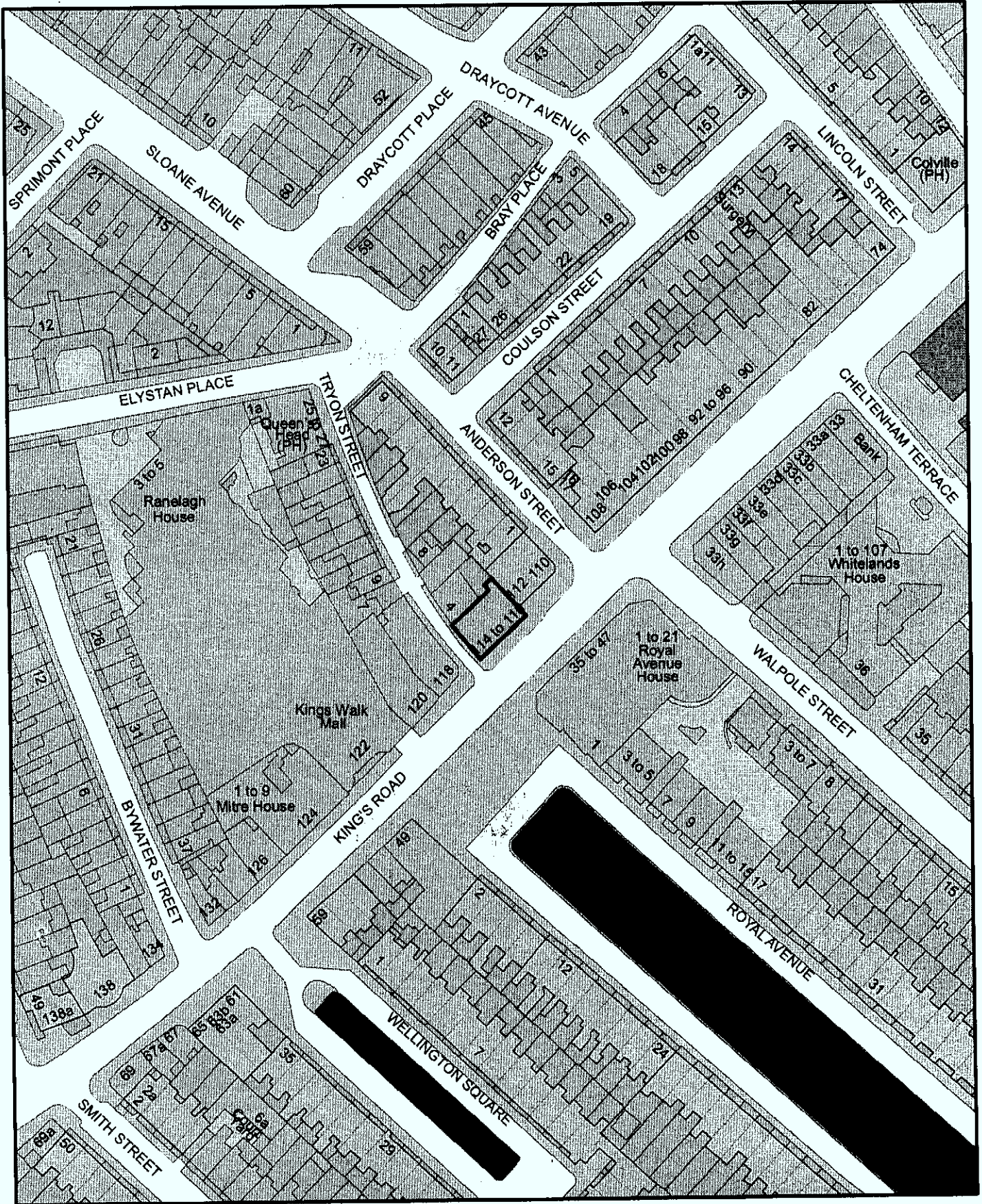


# 114 KING'S ROAD, SW3






1:1,250

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(100021668) (2009)



### Listed Buildings

-  Grade II
-  Grade II\*
-  Grade I

Property and Land Applications Team  
The Royal Borough of Kensington and Chelsea  
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**ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
REPORT BY EXECUTIVE DIRECTOR,  
PLANNING AND BOROUGH DEVELOPMENT**

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**APP NO. PP/11/00493/Q20  
PLANNING APPLICATIONS COMMITTEE 10/05/2011  
AGENDA ITEM NO. S45**

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**SITE ADDRESS**

**First To Third Floors  
114 King's Road  
LONDON  
SW3 4TX**

**APPLICATION      16/02/2011  
DATED**

**APPLICATION      18/02/2011  
COMPLETE**

**APPLICANT/AGENT ADDRESS**

**Mr C Jones  
Fine Line Design Associates  
107 Hampton Road  
HAMPTON HILL  
Middlesex  
TW12 1JQ**

**LISTED      No                      CONS.      Chelsea                      WARD      Hans Town  
BUILDING                                      AREA**

**CAPS              Yes                      ENGLISH      N/A                      ART '4'      No  
HERITAGE**

**CONSULTED    OBJECTIONS    SUPPORT                      PETITION                      COMMENTS  
22                      5                      0                                      0                                      0**

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**Applicant                      Six Physio**

**PROPOSAL:      Change of use from B1 (Office use) to dual B1(Office use) and D1 (physiotherapy clinic).**

**RBK&C Drawing No(s):PP/11/00493**

**Applicant's Drawing No(s): ordnance survey map, 61.01, 61.02, 61.03 and 61.04.**

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**RECOMMENDED DECISION:      Grant planning permission**

## **CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:**

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (C001)**  
*Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)*
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, ordnance survey map, 61.01, 61.02, 61.03 and 61.04. (C068)**  
*Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)*
3. **No music shall be played within the premises the subject of this permission so as to be audible outside the premises. (C048)**  
*Reason - To safeguard the amenity of neighbouring property. (R048)*
4. **The premises shall be used only as Class B1 offices or as a physiotherapy clinic, and for no other purpose including any other purpose within Class D1 of the Town and Country Planning (Use Classes) Order 1987, as amended. (C058)**  
*Reason - The Local Planning Authority considers that use for any other purpose would be detrimental to the amenity of the area and its residents. (R058)*
5. **The D1 use hereby permitted shall only be carried out between 08:00 hours and 20:00 hours, Mondays to Fridays, and shall not be carried out at any time on Saturdays and Sundays and public holidays. (C043)**  
*Reason - To safeguard the amenity of neighbouring property. (R043)*
6. **The exit to the staircase of 116 Kings Road shall not be used for any purpose except as a secondary means of escape.**  
*Reason - To protect the privacy and amenity of neighbouring properties. (R081)*

7. **Before the use hereby permitted commences, the premises shall be insulated so as to prevent the transmission of excessive airborne and impact noise from the premises in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority, and the insulation shall be installed only in accordance with the details so approved and shall be so maintained. (C054)**  
*Reason - To safeguard the amenity of neighbouring property. (R054)*

## **INFORMATIVES**

1. Any Advertisements to be erected at the premises may require consent under the Control of Advertisement Regulations 1992. You are advised to consult the Directorate of Planning Services. (I05)
2. Separate approval for the works hereby granted planning permission may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. The Director of Building Control, Town Hall, Hornton Street, W8 7NX should be consulted before works commence. (I21)
3. I68

## **1.0 SITE**

- 1.1 The application property is a four storey property located on the northern side of Kings Road.
- 1.2 The building (no. 114/116 Kings Road) is a retail and office building and comprises a Class A1 retail unit at ground floor (occupied by Reiss). This application relates to the main part of the first, second and third floors of the building which are currently vacant. The main entrance to these floors is located on Kings Road. There is also a secondary means of escape through the communal staircase of the residential building of 116 Kings Road. There is also a linked building (116 Kings Road) to the rear which is accessed from Tryon Street.
- 1.3 The property lies within the King's Road (East) Major Centre Primary Shopping Frontage.

## **2.0 PROPOSAL**

- 2.1 Planning permission is sought for the change of use from Class B1 office use to the use of the first, second and third floors of the property as dual use for Class B1 office use or Class D1 use as a physio therapy practice. The area is approximately 180 square metres.
- 2.2 Planning permission is sought for the change of use of the upper floor to enable their use as a physiotherapy clinic by "Six Physio". (Class D1 use) This would comprise 4 treatment rooms on the first floor, a gym area on the second floor and offices on the third floor. The clinic would have ten staff, and would operate Monday to Friday 8.00 am to 8.00 pm.
- 2.3 It is proposed to use the third floor as Class B1 offices as the head office of "Six Physio".
- 2.4 Since the application was originally submitted, the applicant has submitted additional information to try to demonstrate that the proposed medical facility would serve local residents.

## **3.0 RELEVANT SITE HISTORY**

- 3.1 Between 1970 and 2005 there were various applications including shop fronts, signage, alterations and changes of use. The following are of particular relevance:
- 3.2 A Certificate of Lawfulness was granted in 1996 for the use of the first, second and third floors for office use.
- 3.3 Planning permission was granted in 1996 for a change of use from Class B1 offices to Class A1 retail at the rear ground floor area (formerly 6 Tryon Street).

3.4 Planning permission was granted in 2004 for the change of use of first and part second and third floors and part of the rear from office (Class B1) to retail (Class A1), an extension to existing retail store and the erection of an extension at first floor level to linked front and rear buildings.

3.5 Planning permission was granted in 2005 for the change of use of the rear on the ground and first floors from office to retail and formation of a new entrance on Tryon Street.

#### **4.0 PLANNING CONSIDERATIONS**

4.1 The main issues in this case are the loss of office use, the benefits of the proposed use to Borough residents and any impact upon residential amenity in terms of noise and disturbance and traffic generation.

4.2 The relevant policies against which to assess this proposal are contained within the Core Strategy of the Local Development Framework, as well as certain policies 'saved' from the Unitary Development Plan 2002 (as amended 28<sup>th</sup> September 2007).

The relevant Core Strategy policies are:

CK1 (Social and Community Uses)

CK3 Walkable Neighbourhoods and Neighbourhood Facilities)

CF5 (Location of Business Uses)

CE6 (Noise and Vibration)

CT1 (Improving alternatives to car use)

CR07 (Servicing)

There are no relevant 'saved' UDP policies.

4.3 Also for consideration is 'The London Plan, Spatial Development Strategy for Greater London, as consolidated with alterations since 2004. In this particular instance, there are no specific Policies relevant to this application contained within this plan.

4.4 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on December 8<sup>th</sup> 2010, and contains planning policies which have succeeded the majority of those in the Unitary Development Plan (UDP). For the purposes of S.38(6) of the Planning and Compulsory Purchase Act 2004, the 'Development Plan' now comprises the Core Strategy, the London Plan Consolidated with Alterations since 2004, plus relevant 'saved' policies from the UDP.

4.5 Policy CK1 'Social and Community Uses' seek to ensure that social and community uses are protected or enhanced throughout the Borough and will support the provision of new facilities. Specifically point b explains that to deliver this, the Council will permit new, and the expansion of existing, social and community uses which predominantly serve, or which provide significant

benefits to Borough residents, except where the proposal results in a shared or communal residential/social and community entrance.

- 4.6 This existing office use would fall within the definition of a small business premises and the loss of offices is contrary to policies in the Core Strategy. Specifically, Policy CF5a is to protect small sized offices throughout the Borough. However, it goes on to state in CF5a)ii) *except where the office is within a town centre and is being replaced by.....a social and community use which predominantly serves, or which provides significant benefits to, Borough residents..*
- 4.7 The Core Strategy defines social and community uses as including health facilities (paragraph 30.3.4) and the proposed physiotherapy clinic would fall within this definition.
- 4.8 The applicant has provided information with regard to whether the proposed facility would serve the borough's residents. The practice "Six Physio" currently has ten clinics. Two of these are located within the Royal Borough of Kensington and Chelsea at 15 Young Street, W8 (planning permission granted in 2008 under PP/08/01063) and 13 Crescent Place, SW3 as part of the Westover medical practice (planning permission granted in 2006 for medical use under PP/06/501). It is proposed to relocate the existing clinic from Crescent Place to the application site which would also allow its expansion from two treatment rooms and a small rehabilitation gym to four treatment rooms and a larger rehabilitation gym.
- 4.9 The applicant has submitted some patient figures for their existing clinics within Kensington and Chelsea. 86% of the new patients at the Young Street clinic (from 2008 to March 2011) were Borough residents and 53% of new patients (in 2010) at the South Kensington clinic were Borough residents. The services offered by the clinics include Women's Health Physio service for women with obstetric or gynaecological problems, either private patients or referred from Chelsea and Westminster Hospital Consultants. Many patients are referrals from Orthopedic consultants at Chelsea and Westminster hospital and local GPs. It is considered that the proposed facility is likely to serve the needs of Borough residents. On this basis, the proposal is considered to comply with Policy CK1, CK3 and CF5 of the Core Strategy and the provision of a needed social and community use is considered to outweigh the loss of the existing office floorspace.
- 4.10 It is recommended that a Condition is attached to restrict the Class D1 use specifically to physiotherapy. Another medical use may not serve the needs of Borough residents and meet a local need and so may not accord with Policies CK1, CK3 and CF5. In addition, another use within Class D1 may have different transportation implications.

- 4.11 The Director of Transportation and Highways has considered the proposal. He considers that it is unlikely that the use will generate large amounts of traffic. He comments that the site has very good public transport accessibility, with a PTAL of 5, and is situated in close proximity to a number of bus routes and Sloane Square underground station. There are double yellow lines on the street in front of the application property where no parking is allowed at any time. There is a limited number of pay and display parking bays on surrounding streets and these are well used. The Director of Transportation and Highways considers that the subject proposal is unlikely to have any material impact on local traffic and parking conditions and is not in conflict with Policy CT1(b).
- 4.12 No details of proposed servicing arrangements have been provided with the application. However, the proposal is limited in scale, and is not likely to give rise to significant servicing requirements and so there is no conflict with Policy CR7. There is no scope to include bicycle parking within this upper floor unit and so the proposal is not in conflict with CT1(f). The Director of Transportation and Highways also recommends that the use is limited to that specifically proposed since other Class D1 uses may have different impacts upon the highway network.
- 4.13 With regard to the impact of the proposal upon residential amenity, the nearest residential properties are located immediately adjacent to the site. The entrance to the site is located on Kings Road and therefore any comings or goings are unlikely to cause harm to the amenity of nearby residents, however there is potential for noise transmission between the properties. With regard to the precise nature of the proposed use, this involves a physiotherapist working one on one with an individual client. There are four treatment rooms proposed at first floor level and it is also intended that the gym at second floor level would accommodate three clients and three physio therapists. No music and no classes are proposed and the only form of machinery would be a treadmill. The hours proposed are Monday to Friday 8am to 8pm. Due to the particular nature of the proposed use, it is considered unlikely to cause noise and disturbance to the residential amenity of neighbouring occupiers. It is recommended that Conditions are attached to any permission to restrict the nature of the proposed use and to limit the hours of use.
- 4.14 With regard to access, this property is not served not by a lift and is not capable of being accessible to all. The applicant has advised that ambulant disabled customers can call for assistance via the door bell at the ground floor entrance so that an assigned member of staff could be able to assist.



## **5.0 PUBLIC CONSULTATION**

5.1 Twenty two letters were sent to nearby properties at 4 and 6 Tryon Street, 37, 39, 41, 110-112, 114, 116, 118, 118A Kings Road, A site notice was also displayed and a notice placed in the local newspaper. Five letters of objection have been received and the grounds of objection are as follows;

5.2 **Letters including from The Chelsea Society have objected to the proposal on the grounds that it would involve a loss of residential use and that the authorised use of part of the first floor is as residential use.**

An area of the proposed application site is located within the building 116 Kings Road at first floor level and has been linked internally to no. 118. This first floor has a doorway onto the communal stairway of 116 Kings Road which is used as residential flats on the upper floors. Objections to the application have stated that the authorised use of this area is as a residential flat. The planning history for no. 114 shows that in 1996 the Certificate for the use of the first, second and third floors as office use did not include this area, however by 2004 in the application to change the use from office to retail use this floor area was shown as office use (PP/04/1818). The Council tax records show that the 1st floor flat was deleted from the records in 1998. Whilst the existing offices are currently vacant, the applicant has advised that until recently they were occupied as offices by Reiss. From the evidence available, it would therefore appear that in all probability the office use has existed continuously for ten years and is therefore lawful.

5.3 **Kings Road Association of Chelsea Residents have objected to the proposed use on the grounds that it would not be a suitable change of use.**

Social and community uses are considered to be appropriate uses for town centre locations. It is not considered that the proposed use would result in any significant harm to residential amenity or increased traffic generation or parking.

5.4 **Concern is expressed about noise from proposed gym**

The impact of the proposed Class D1 use upon the residential amenity of nearby residents, particularly in terms of noise and disturbance is considered in paragraph 4.13 above.

5.5 **Proposal would result in loss of privacy, adverse effect on our health and downfall in property values.**

There are no external alterations proposed as part of this application and it is not considered that the proposed use will result in any loss of privacy in comparison with the existing use as offices. The impact upon property values is not a material planning consideration.

- 5.6 **The commercial use of gym equipment will result in noise and vibration.**  
The proposed physiotherapy clinic does not propose to use mechanical equipment with the exception of a treadmill to be located within the rehabilitation gymnasium at second floor level.
- 5.7 **The use of the properties by visiting members of the public as well as increased staff will create increased footfall.**  
The entrance to the premises is located on Kings Road and it is not considered that any increased footfall would be harmful to residential amenity.
- 5.8 **The fire exit to no. 116 Kings Road not suitable for heavy traffic and users from no. 114.**  
The adequacy of the fire escape is dealt with under Building Regulations rather than the Planning Acts.
- 5.9 **There is inadequate parking for a new health studio.**  
The Director of Transportation and Highways has considered the proposal and does not consider that it is likely to have any material impact upon parking conditions.
- 5.10 **There are many suitable Health studio facilities in the immediate area.**  
The applicant has provided information to show that the company's other physiotherapy clinics within the Borough serve the needs of local residents.
- 5.11 **There is inadequate ventilation and the building is not suitable for the proposed use.**  
The applicant is satisfied that the existing building is suitable for the proposed use and needs little physical alteration.
- 6.0 CONCLUSION**
- 6.1 The proposed use is considered to be a social and community use which would meet local need in accordance with some relevant Core Strategy Policies, and this is considered to outweigh policies safeguarding office uses. There is not considered to be any significant harm caused to neighbouring residential properties or to be a material increase in traffic or parking generated.

**7.0      RECOMMENDATION**

7.1      Grant planning permission.

**JONATHAN BORE  
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT**

**List of Background Papers:**

**The contents of file PP/11/00493 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

**Report Prepared By:      SG  
Report Approved By:      EL/DT  
Date Report Approved:    21/04/2011**

**PSC05/11/SG.REP**

26/04/2011 09:52:02

**Change of use from B1 (Office use) to dual B1(Office use) and D1 (physiotherapy clinic).**

**SUMMARY OF REASONS FOR DECISION**

You are advised that this application was determined by the Local Planning Authority with regard to Development Plan policies, including relevant policies contained within the Core Strategy of the Local Development Framework, the London Plan, as well as policies 'saved' from the Unitary Development Plan, and was considered to be in compliance with the relevant policies. In particular, the following policies were considered:

- CK01 (Social and Community Uses)
- CK03 (Walkable Neighbourhoods and Neighbourhood Facilities)
- CF05 (Location of Business Uses)
- CE06 (Noise and Vibration)
- CT01 (Improving alternatives to car use)
- CR07 (Servicing)

The London Plan was taken into consideration. No policies were considered of particular relevance to this application.

Weight was also given to relevant local Supplementary Planning Guidance and Statements, including the **Chelsea** Conservation Area Proposals Statement. This document was prepared in line with Government guidance and adopted following public consultation.

The material circumstances of the case, including site history, location, and impact on amenities were considered.

In addition, consideration was given to the results of public consultation.

It was concluded that there was no impact upon the amenities of adjoining occupiers, or upon the character or appearance of the area, that would justify a refusal in this case.

The full report is available for public inspection at the Planning Information Office, Ground Floor, Town Hall, Hornton Street, London, W8 7NX.