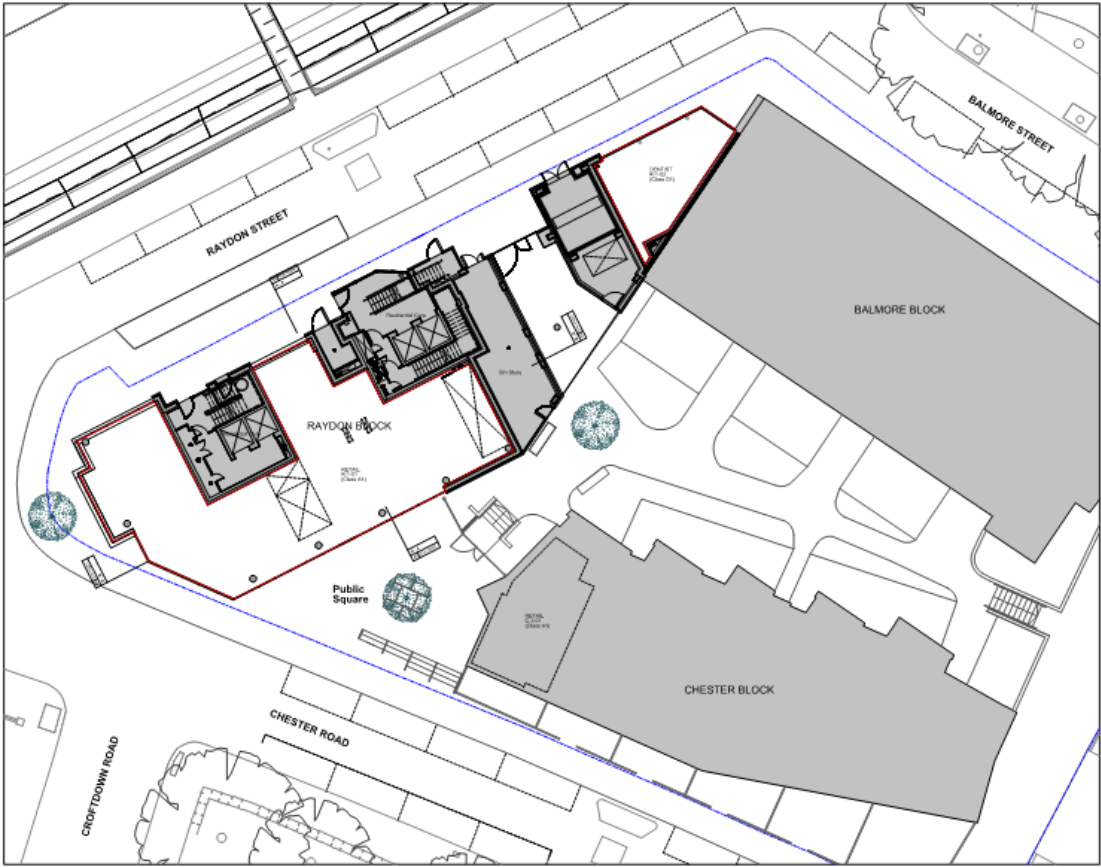


Site bounded by Chester Road, Balmore Street and Raydon Street 2013/3638/P



Delegated Report		Analysis sheet		Expiry Date:		06/08/2013	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		18/07/2013	
Officer				Application Number(s)			
Amanda Peck				2013/3638/P			
Application Address				Drawing Numbers			
Site bounded by Chester Road, Balmore Street and Raydon Street				Refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Amendments to condition 2 (agreed drawings) and variation of 16 (provision of Dentist Surgery) of planning permission 2010/5478/P dated 11/03/2011 (Erection of 4 storey buildings (plus basement level) to provide 53 residential units (Class C3) and commercial units (482.7sqm) to include retail (Class A1), non-residential institution (Class D1), and associated cycle parking and landscaping following demolition of buildings at 58-86 Chester Road and 41-71 at Balmore Street) namely to include provision of a Doctors surgery in place of Dentist surgery and amend size and location of surgery.							
Recommendation(s):		Grant variation of condition					
Application Type:		Variation or Removal of Condition(s)					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	36	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		<p>A site notice was displayed between 21 June and 12 July, a press notice was in place between 27 June and 18 July and 36 consultation letters were sent on 19 June. The following comment was received:</p> <p><u>LB Islington.</u></p> <p>The proposed alternative use as a doctor's surgery as opposed to a dentist surgery would continue to provide a valuable public service to nearby residents. It is considered that the proposal is acceptable, and therefore no objection is raised.</p>					

CAAC/Local groups*
comments:
*Please Specify

Dartmouth Park CAAC

The planning subcommittee considered this on the 2nd July:

- Prima facie, the provision of a large doctors' surgery within Chester Balmore is a major departure from the original planning decision and one which should be subject of a proper planning application, full consultation and a decision by Development Control Committee as a Council own application. **OFFICER COMMENT:** It is considered that the proposed changes are not a material change to the original planning consent. Consultation has been carried out as described above.
- The basis of the original decision was that sufficient shopping provision was being made to ensure something vaguely approaching a neighbourhood centre was being achieved. The dentist provision was to be modest and located so as not to disrupt the shopping provision. The reasonable expectation generated during the consultation that the provision would include a restaurant and a laundrette has already been thwarted by developer decisions i.e. not to allow provision for kitchen ventilation or to make plumbing provision. The latter no doubt partly a matter of costs but, if the developer is honest, because a laundrette was seen as too down market for this prestigious development so what price a surgery. What is now proposed will certainly further undermine whatever prospect there was of achieving anything approaching adequate neighbourhood shopping provision. The likely loss of footfall will have knock-on implications for the Library, the pub, etc etc. It is notable that the one commercial outlet with detailed knowledge of the implications, the pharmacy in Swains Lane which currently 'services' the existing GP surgery, isn't currently minded to move with the surgery, fearing the footfall would not be sufficient to sustain even a modest and related operation. The loss of footfall (and the change as to the nature of that footfall) is also likely to impact on who is willing to take on the remaining shops. We suspect it is, for example, highly unlikely that what would be left could sustain in the medium-term a real bread bakery serving coffee and some food. **OFFICER COMMENT:** Refer to section 2
- It is, moreover, improbable that a surgery will have the transparency, appearance etc one would wish in a shopping area. One has only to look at the surgery in Highgate Road just south of Gordon House Road. **OFFICER COMMENT:** Refer to paragraph 4.2
- There needs to be a proper evidence based planning assessment of the probable impact of this change. This should then put to the community honestly. The community can then decide (a) that there is anyway no realistic possibility of achieving anything remotely approaching even a very modest neighbourhood shopping centre so one might as well give up on it or (b) reducing the provision to a few corner shops is a price worth paying for finding a home here for this popular and much needed surgery (both obviously true) or (c) everything needs to be done to ensure we get a reasonable neighbourhood shopping facility particularly taking into account the hoped for additional footfall which would flow from the opportunity to service additional visitors achieved by the cherished planning objective of reopening the cemetery gates. **OFFICER COMMENT:** Consultation has been carried out as described above and no comments have been received.
- It is unfortunate that the existing surgery is privately owned property and is to be disposed of in such a way that the take is maximised. It is even more unfortunate that NHS funding/organisation is in such a mess and

precludes rational planning and a proper search for a more suitable site. It is even more unfortunate that pressure from other surgery closures precludes support from Bartholomew Road etc. This is, however, not the way to plan provision for the area. **OFFICER COMMENT:** Refer to section 3.

- Those of us who have been closely involved throughout may have had our expectations 'modified' but it should not be forgotten that what is to be unveiled next year will come as a considerable shock to most of the community.

Site Description

The site is bounded by Chester Road, Balmore Road and Raydon Street. Construction is underway on site on the approved residential development (2010/5478/P). The site is within the Dartmouth Park Conservation area and is close to the Grade II listed Highgate Library on Chester Road. There is a pedestrian right of way through the site from Chester Road to Balmore Road at the boundary of the site with the adjacent existing terraces.

The previous buildings on site contained two levels of retail and community space which has been designated as a Neighbourhood Centre within the LDF, comprising 14 commercial units (1035sqm). The site is designated in Policy CS7 (paragraph 6.24) and within the emerging Site Allocation Document as having the potential for a residential led mixed use development which would replace the existing affordable housing and neighbourhood shopping facilities on site, and provide additional housing and community facilities within a higher density scheme. The Site Allocations Document (Site 49, p.141) states that the suggested approach on this site is for a residential-led mixed use development which replaces existing affordable housing and provides additional housing, replacement neighbourhood shopping facilities and accommodation for community uses.

The approved scheme includes the provision of 53 new residential units housed in three blocks, 482sqm of retail floorspace in two separate units with a 40sqm unit for the relocation of the existing dentist on site. The existing 'Fresh Gym and Juice Bar' has recently been relocated to the nearby Highgate Newtown Community Centre on Bertram Street.

Relevant History

- 2010/5478/P - Erection of 4 storey building to provide 53 residential units (Class C3) and commercial units (482.7sqm) to include retail (Class A1), non-residential institution (Class D1), and associated cycle parking and landscaping following demolition of buildings at 58-86 Chester Road and 41-71 at Balmore Street. Granted 11/03/2011
- 2010/5488/C Demolition of existing buildings at 58-86 Chester Road and 41-71 Balmore Street. Granted 11/03/2011
- Various applications for advertisement, ventilation ducts and changes of use to shop units on Chester Road

Relevant policies

LDF Core Strategy and Development Policies

CS10 – Supporting community facilities and services

CS16 – Improving Camden's health and well-being

DP15 – Community and leisure uses

NPPF

London Plan

Camden Planning Guidance 2011

Dartmouth Park Conservation Area Appraisal and Management Statement 2009

Assessment

1. Proposal

1.1 The approved scheme included the provision of retail units and a dentist surgery as follows:

- Dentist unit in Raydon Street block to corner of Balmore street – 40sqm
- Retail unit to rest of Raydon Street block (including 145sqm to basement) – 395sqm
- Retail unit to Chester Road block – 47sqm
- Total retail – 442sqm (297sqm at ground floor)
- Total D1 – 40sqm

The committee report for the approved scheme incorrectly stated that there was 482sqm of retail floorspace proposed in addition to the 40sqm dental surgery floorspace. The plans and supporting documents actually showed that the approved scheme provided 482sqm of retail and dental surgery floorspace together as detailed above.

1.2 The proposal is to amend the scheme as follows:

- Retail unit in Raydon Street block to corner of Balmore street – 40sqm (same size and location as previous dentist surgery). This is indicated on the drawings as being used as a pharmacy but can be used for any retail use.
- Unit to rest of Raydon Street block has now been divided into two as follows:
 - Retail unit 113sqm
 - Doctors surgery 257sqm (112sqm at ground floor)
- Retail unit to Chester Road block – 47sqm (same size and location as approved)
- Total retail – 200sqm (200sqm at ground floor)
- Total D1 – 257sqm

1.3 Condition 16 secured the provision of the dentist surgery and stated that “the D1 dentist floorspace hereby approved shall be provided and fitted out prior to first occupation of the residential units within the relevant block and thereafter permanently retained and maintained unless otherwise agreed in writing by the Local Planning Authority”. The proposal is to amend this Condition to refer to a doctors surgery and not a dentist surgery.

2. Retail provision

2.1 This site is a designated Neighbourhood Centre. Policy CS7 and the Site Allocations Document expect re-provision of the existing retail floorspace on the site. Policy CS7 states that the Council will seek to retain a strong element of convenience shopping within neighbourhood centres and ensure that any development in them does not harm the function, character or success of that centre.

2.2 The applicant submitted a Retail Impact Assessment with the original application which assessed the current occupation and use, rent levels, other commercial space nearby, demand for retail space in this location and made recommendations for the amount of retail provision in the new development. The report stated that there were high levels of vacancy within the existing retail space despite the reasonable to low rents in the parade. There were fourteen existing units (1035sqm) in the following uses:

- Five were vacant (308sqm),
- Two were in retail use as one combined unit (210sqm)
- One was in A5 takeaway use (67sqm)
- Three were in D1 use (FRESH gym and juice bar, dentist, homeopathic health clinic) (172sqm)
- Three were in other uses (picture framer, dress design, launderette) (277sqm)

2.3 As stated above in paragraph 1.1 the approved scheme provided 442sqm of retail floorspace in two units; one of 47sqm on the ground floor of the Chester Road block and one of 395sqm at basement and ground floor levels in the Raydon Street Block. Another separate unit of 40sqm was provided in the Raydon Street block for a D1 dentist use. The reduction in retail floorspace was considered acceptable given the fact that there were high levels of vacancy, the existing retail floorspace was of relatively poor quality and the proposal was to re-provide approximately 70% of

the current floorspace which was of a higher quality that was more likely to attract potential A1 occupiers.

2.4 A retail report has been submitted with this application which concludes the following:

- There is competition from nearby shopping areas at Swains Lane and Junction Road
- In comparison to these nearby shopping areas the site suffers from lack of footfall and limited parking
- The approved dentist surgery would not add to footfall in the parade
- There are already 4 dental practices within a 5 minute walk of the site
- A doctors surgery would increase footfall in the parade and add to the commercial viability of other units in the parade

2.3 Whilst the proposed amendments results the loss of 242sqm from the approved scheme it should be noted that 145sqm of this floorspace was to be provided at basement level and was therefore likely to be used for storage and ancillary uses and not as usable retail floorspace. The proposal therefore results in the loss of 97sqm of ground floor retail floorspace and still provides 3 good quality, adequately sized retail units in prominent locations within the site and the reduction in retail floorspace is therefore considered acceptable. It is considered that the provision of 3 retail units on site along with a larger D1 unit will not harm the function, character or success of this neighbourhood centre.

3. Community use

3.1 Policy CS10 states that the Council will support the retention and enhancement of existing community, leisure and cultural facilities and require development that increases the demand for community facilities to make appropriate contributions towards provide new facilities or improving existing facilities. Policy CS16 states that the Council will protect existing health facilities and support the provision of new or improved health facilities. Policy DP15 states that the Council will protect existing community facilities by resisting their loss unless a replacement facility that meets the needs of the local population is provided or the specific community facility is no longer required in the current use. The policy also states that new community uses must be close or accessible to the community they serve and accessible by a range of transport modes.

3.2 There were previously two community uses on the site; the FRESH gym and juice bar and one dentist (51sqm). The FRESH gym and juice bar has been relocated to the nearby Highgate Newtown Community Centre on Bertram Street in line with the requirements of condition 32. Accommodation for the dentist use was to be re-provided on site in a 40sqm ground floor unit fronting Raydon Street, within the Balmore Block.

3.3 The applicant has confirmed that the dentist (Michael Lichtig) who practised at the site has relocated and joined another local practice at Aspire Dental Practice 139 Fortess Road, Tufnell Park, NW5 2HR (close to Tufnell Park tube station approximately 15-20 minutes walk or 10minute bus journey from the application site). This information was provided to the local community via one of LB Camden's newsletters in April 2011. The proposal is therefore in line with policies CS10, CS16 and DP15 as a replacement facility has been provided.

3.4 The Brookfield Park Doctors Surgery (2 Brookfield Park, London NW5 1ER) is due to close in 2013 when the principal partners retire and the practice currently has 3,700 patients on its books. The proposal is now to relocate this facility on the application site with the provision of 5 consulting rooms, reception, waiting area and associated offices and staff rooms. Brookfield Park is approximately 5minute walk from application site and the application site is within walking distance of many bus routes and Archway and Tufnell Park Stations. The proposal is considered to be in line with policies CS10, CS16 and DP15 as the new facility is close to the community that it serves and accessible by a range of transport modes.

4. Design

- 4.1 Externally the proposal includes one additional door to the rear elevation of the Raydon Street block facing the new 'public square' within the site. The principle of this additional door within the shop front is considered acceptable. Condition 20 requires the submission of full details of the shop front designs to be submitted for approval and these will include this additional door.
- 4.2 Concern has been raised by the CAAC that a larger D1 unit would not have the transparency within the shop front required in a retail area. Condition 21 states the shop front windows to the retail units and D1 unit shall be used for display purposes and the window glass must not be painted or obscured. The applicant will be reminded of this requirement in an informative.
- 4.3 The alterations to the do not appear to impact on the access around the building or in gaining access into these facilities as previously approved. Internally the proposed surgery appears to be suitably designed with a high level of access provided to both floors.

5. Recommendation

- 5.1 The proposal is recommended for approval

DISCLAIMER

Decision route to be decided by nominated members on Monday 12th August 2013. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Darren Bruce
Rick Mather Architects
123 Camden High Street
London
NW1 7JR

Application Ref: **2013/3638/P**
Please ask for: **Amanda Peck**
Telephone: 020 7974 **5885**

06 August 2013

Dear Sir/Madam

DRAFT
DECISION

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (Applications) Regulations 1988

Variation or Removal of Condition(s) Granted

Address:

**Site bounded by Chester Road
Baltimore Street and Raydon Street**

Proposal:

Amendments to condition 2 (agreed drawings) and variation of 16 (provision of Dentist Surgery) of planning permission 2010/5478/P dated 11/03/2011 (Erection of 4 storey buildings (plus basement level) to provide 53 residential units (Class C3) and commercial units (482.7sqm) to include retail (Class A1), non-residential institution (Class D1), and associated cycle parking and landscaping following demolition of buildings at 58-86 Chester Road and 41-71 at Baltimore Street) namely to include provision of a Doctors surgery in place of Dentist surgery and amend size and location of surgery.

Superseded drawings -

540 1172 PL1; 540 1100 PL1; 01 540 1101 PL1; 540 1152 PL1.

Drawings for approval -

574 19700 PL4; 574 19701 PL4; 574 19501 PL4; 574 19500 PL4; 574 19600 PL4; 574 19601 PL4; Addendum to Design and Access Statement May 2013 rev PL2, 574-71000; Email from HASC dated 31 July 2013 entitled RE Chester Baltimore - dentist/doctors surgery application; Email from Rick Mather Architects dated 1 August 2013 entitled RE Chester Baltimore - dentist/doctors surgery application.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Conditions and Reasons:

- 1 Condition 2 of the planning permission granted on 11/03/2011 under reference number 2010/5478/P shall be replaced by the following condition:

REPLACEMENT CONDITION 4

The development hereby permitted shall be carried out in accordance with the following approved plans: Transport statement, January 2011 rev PL1; Travel Plan, January 2011 rev PL1; Sustainability statement, January 2011 rev PL1; Energy statement, January 2011 rev PL1; Affordable housing statement, January 2011 rev PL1; Retail impact assessment, October 2010; Code for sustainable homes ecological assessment, October 2010; Planning statement, October 2010; Daylight / Sunlight assessment, October 2010; Code for sustainable homes pre-assessment, October 2010; Breeam retail pre-assessment, October 2010; Arboricultural survey, October 2010; Statement of community involvement, October 2010; Archaeological survey, October 2010; Noise impact assessment, October 2010; Construction Management Plan, October 2010; Contamination report, October 2010; Response to Planning Consultee Comments, January 2011 rev PL1; Design and Access Statement, January 2011 rev PL1; 540 1000 REV PL; -1001 REV PL; -1002 REV PL; -1003 REV PL; -1004 REV PL; -1110 REV PL1; -1110_1 REV PL1; -1102 REV PL1; -1103 REV PL1; -1104 REV PL1; -1105 REV PL1; -1111 REV PL1; -1971 REV PL1; -1970 REV PL1; -1500 REV PL1; -1501 REV PL1; -1171 REV PL1; -1170 REV PL1; -1150 REV PL1; -1151 REV PL1; 540 540 12200 rev A; -12204 rev A; -12203 rev A; -12202 rev A; -12201 rev A; 574 19700 PL4; 574 19701 PL4; 574 19501 PL4; 574 19500 PL4; 574 19600 PL4; 574 19601 PL4; Addendum to Design and Access Statement May 2013 rev PL2, 574-71000; Email from HASC dated 31 July 2013 entitled RE Chester Balmore - dentist/doctors surgery application; Email from Rick Mather Architects dated 1 August 2013 entitled RE Chester Balmore - dentist/doctors surgery application.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 Condition 16 of the planning permission granted on 11/03/2011 under reference number 2010/5478/P shall be replaced by the following condition:

REPLACEMENT CONDITION 16

The D1 doctors floorspace hereby approved shall be provided and fitted out prior to first occupation of the residential units within the relevant block and thereafter permanently retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory re-provision of D1 community floorspace in accordance with Policy CS10 of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 2 You are reminded that condition 21 of the original permission (ref 2010/5478/P) states that shop front windows to the retail units and D1 unit shall be used for display purposes and the window glass must not be painted or obscured.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

Culture and Environment Directorate
(Duly authorised by the Council to sign this document)

Site bounded by Chester Road, Balmore Street and Raydon Street 2013/3638/P

Approved scheme



Amended scheme

