

Delegated Report		Analysis sheet	Expiry Date:	09/09/2010
		N/A / attached	Consultation Expiry Date:	13/08/2010
Officer			Application Number(s)	
Anette de Klerk			2010/3289/P	
Application Address			Drawing Numbers	
34 Malden Road London NW5 3HH			Refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use from residential (Class C3) to dental surgery (Class D1) at basement level.				
Recommendation(s):		Grant Planning Permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	9	No. of responses	1	No. of objections	0
Summary of consultation responses:	<p>A site notice was displayed between 23/07/2010 – 13/08/2010. One letter of support was received stating the following:</p> <ul style="list-style-type: none"> - Mr Wieder is an NHS dentist of the highest calibre providing opportunities for associates to gain experience through the wide range of dental problems one would see in a built up and deprived area such as Haverstock Ward from young to old alike. - He is a dental surgeon meaning patients can get an immediate solution to more drastic dental problems rather than be referred elsewhere and onto a waiting list. - He also has experience in ortho-dentistry – meaning young people requiring braces and such like interventions can be treated as a whole in his surgery. - Extra surgery rooms will ease his general workload so that he may be able to spend more time in acute dental work. - He hasn't got much garden at the back so there wouldn't be affecting the immediate environment or the neighbours in the adjoining properties. - He provides a valuable service to the Orthodox Jewish patients who are unable to attend appointments on the Sabbath. - This is a unique dental surgery and should be supported as such. <p>One letter was received commenting as follows:</p> <ul style="list-style-type: none"> - There are already a number of dentists in Malden Road - It would seem a shame to take a basement out of residential use as housing is in short supply. - Parking for no-permit holders is very limited (except at weekends) in Malden Road <p><i>The author of the above letter confirmed via telephone on 01/09/2010 that the above should be viewed as comments only and not as an objection to the proposal.</i></p>					
CAAC/Local groups comments:	Kentish Town CAAC – No response received.					

Site Description

The application relates to a three-storey mid-terrace building situated on the east side of Malden Road. The building is in use as a doctor's surgery (Class D1) at ground and upper floor levels with a residential flat in the basement (Class C3).

The site is within the West Kentish Town Conservation Area.

Relevant History

2006/2223/P: Erection of a 2-storey rear extension to lower ground floor residential flat (Class C3) and ground floor surgery (Class D1). Granted 19/07/2006.

8802083: Change of use of basement to residential (one bedroom flat). Granted 14/06/1988.

Relevant policies

Replacement Unitary Development Plan 2006

SD6 – Amenity of occupiers and neighbours

H3 – Protecting existing housing

C1b – New community uses

T2 – Capacity for transport provision

T9 – Impact on parking

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

Relevant Policies in Camden Core Strategy

CS1 Distribution of growth

CS5 Managing the impact of growth and development

CS6 Providing Quality Homes

CS10 Supporting community facilities and services

Relevant Policies in Camden Development Policies

DP2 Making full use of Camden's capacity for housing

DP15 Community and leisure uses

DP16 Transport implications of development

DP19 Managing the impact of parking

DP26 Managing the impact of development on occupiers and neighbours

Assessment

Proposal:

The proposal entails the change of use of from residential use (Class C3) to a dental surgery (Class D1) at basement level. The internal layout and external appearance of the building will remain unaltered. The ground floor of the building is currently in use as a dental surgery (Class D1) and is linked to the basement level residential unit via an internal staircase. The basement level residential unit comprises of approximately 41sq m of floorspace and is currently vacant. The average number of staff will increase from 5 to 7 and the average number of patients seen through the day will increase from 15-20 to 20-25. The operating hours would be as follows:

Monday to Friday: 9.30am to 5.30pm

Assessment:

The principle considerations relative to this case are considered to be the:

- Loss of C3 floorspace and replacement with D1 use
- Amenity and Transport

Loss of C3 floorspace and replacement with D1 use

Principle of the change of use:

Policy H3 has a broad presumption against the loss of residential floor space with the exception being where the proposals are for health care facilities that are needed locally and providing that there is no alternative non-residential site in the area.

The proposal involves the loss of a single residential unit on site, and given that the proposal is intended to provide additional floor space for an existing use at ground and upper floor levels, it would not be practical to seek alternative premises elsewhere. The facilities are relatively small in scale, covering an internal area of approximately 41sqm. The applicant has stated that the additional floorspace is required due to the increase in patient numbers in the local area and the need to comply with the new cross infection control guidelines that requires an extra room for the sterilisation of instruments.

The proposals also broadly comply with the requirements of Policy C1b, in that they are providing an extension to existing facilities which are of a size which are unlikely to have a significant impact on the area.

Amenity and Transport

Policy SD6 states that the Council will not grant planning permission for development that it considers causes harm to the amenity of occupiers and neighbours in terms of overlooking, loss of daylight/sunlight, noise, odour and fumes and light. Given that there are no external alterations proposed, the proposal would not result in an adverse impact for neighbouring properties in terms of overlooking, loss of sunlight or daylight. Furthermore, given the relatively limited floor area of approximately 4.1sq m, it is considered unlikely that large numbers of people can be accommodated at the premises. It is recognised that Class D1 encompasses various uses which could include a church hall, religious instruction, non-residential education & training centres, public libraries, art galleries, creches etc. which may have implications for traffic generation and/or residential amenity and in most cases it is recommended that a condition be imposed to restrict the use to specifically the use that is being applied for within Class D1 to enable the Council to retain control over any future change in usage. However, in this instance the ground and upper floors have been in D1 use for a considerable period of time without any restrictions/conditions limiting the specific use within Class D1 and as such it is considered onerous to attach a condition to the decision notice restricting only the

basement to use as a dental surgery. Also it would be unnecessary to impose a condition requiring the basement to be used in conjunction with the dental surgery upstairs as an alternative and separate surgery use of this floor, unconnected with the existing one, would not result in any materially different impacts on the neighbourhood. It is unlikely that the D1 use here would be used for anything else except a surgery use, given its poor access and small size.

The ground and upper floors of the building is used as a dental surgery and the change of use of the residential unit in the basement to part of the dental surgery will increase the overall floorspace in D1 use. Although an increase in surgery space could increase the level of trips to the site, it is not thought that this increase will have a material impact compared to the existing situation.

UDP policy T3 requires development to sufficiently provide for the needs of cyclists, which includes cycle parking. There is currently no cycle provision at the existing dental surgery and the proposed area of increase the surgery is in the basement of the building which will be accessed via stairs. Giving that the internal layouts of the building will not change it is not considered appropriate to insist on the provision of cycle parking.

Recommendation: Grant Planning Permission

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