

Delegated Report		Analysis sheet		Expiry Date:		07/04/2010	
		N/A / attached		Consultation Expiry Date:		25/03/2010	
Officer				Application Number(s)			
Gavin Sexton				2010/0876/P			
Application Address				Drawing Numbers			
200A Finchley Road London NW3 6BX				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use from retail shop (Class A1) to Dental/Facial practice (Class D1) with minor alterations to shopfront.							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	39	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		No responses received					
CAAC/Local groups* comments: *Please Specify		Not in CA					

Site Description

The terraced property is located on the northeast side of Finchley Road opposite Finchley Road and Frognal Station and 250m away from the O2 Centre. It lies within the secondary shopping frontage of the Swiss Cottage/Finchley Road Major Shopping and Service Centre.

The site has easy access to Finchley Road and Frognal Overland Station and Finchley Road Underground Station.

Relevant History

194-196 Finchley Road (2004/1054/P) – granted subj s106 July 2004

Change of use of the entire building from Business (Class B1) to Professional and Financial Service (Class A2) at ground floor level and to residential use (Class C3) on 1st, 2nd and 3rd floors, to provide 6 x self-contained 1-bedroom flats and 2 x studio flats plus provision for cycle storage facilities on the ground floor.

202-204 Finchley Road. 2003/2229/P granted nov 2003

The change of use of the front ground floor unit from an office (Use Class B1) to a dual use of office and financial and professional services (Use Classes A2 and B1)

178 Finchley Road 2010/0927/P currently under assessment

Change of use of commercial ground floor from (use class A1) to (use class A3/A5)

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

Adopted Unitary Development Plan 2006

SD6 (Amenity for occupiers and neighbours)

B7 (Conservation areas)

R7 (Protection of shopping frontage and local shops)

C1 (New community uses)

Camden Planning Guidance 2006

Planning Guidance for Finchley Road/Swiss Cottage: Retail, Food, Drink and Entertainment Uses 2006

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.

The following policies in the draft LDF Core Strategy and Development Policies documents have been taken into consideration

CS1 - Distribution of growth

CS5 - Managing the impact of growth and development

CS10 Supporting community facilities and services

CS14 - Promoting high quality places and conserving our heritage

DP15 Community and leisure uses

DP24 Securing High Quality Design

DP26 Managing the impact of the development on occupiers and neighbours

DP30 Shopfronts

Assessment

The proposal is to change the use of the existing class A1 retail unit to a class D1 dental and facial treatment centre. Minor changes to the shopfront are also proposed. The primary considerations are: Land use, transport and design.

Land use and transport

Policy R7A, seeks to protect shopping floor space in A1 Use Class in town centres at ground floor level. It will not only resist their loss but also will only grant permission for development that it considers will not cause harm to the character, function, vitality and viability of the centre.

The proposal site is part of the Finchley Rd Town Centre and is noted as a protected 'other shop frontage' in the Finchley Rd/Swiss Cottage Town Centre SPG (see Map 2, p8). Paragraph 2.4 of the SPG suggests that for proposals 'outside of the core frontages the council will only permit a change from shop to non-shop use only where it would not cause the number of premises in shop uses in a particular frontage to fall below 50%'. A site visit has identified 7 retail units in the parade of 14 units from 166-200. The loss of a further unit would result in fewer than 50% of units remaining in class A1, a situation normally resisted by policy R7A.

However, it should be noted that the key test in Policy R7A is the impact proposals would have on the character, function, vitality and viability of the centre. The applicants have indicated that the premises have been vacant for some time although very limited evidence has been provided to that effect. During the site visit it was noted that in addition to the application site, units at 198, 186-188 and 178 were also vacant. A concurrent application for change of use from A1 to A3 is under assessment for vacant 178. The parade is host to a number of comparison retail units, a take-away, laundrette, estate agents and accountants firm with B1-style office frontage. The nature of the uses at ground floor indicate that this parade is peripheral to the main town centre, relying less on pedestrian footfall for passing trade and the existing vacancies may confirm the assertion of difficulties with letting.

Para.6.43 states that uses which make a positive contribution to the character, function, vitality and viability of the R7A centres at ground floor level include comparison and convenience shopping, financial and professional services, including health and community services, etc. Under this provision, the proposed dental practice could be considered an acceptable alternative use in this location which could help contribute to the mix of uses that is desirable to the vitality of this centre – especially where it would bring activity to a vacant frontage.

Policy C1 further states that the Council will support new healthcare facilities where they are easily accessible to the community they serve. It is considered that a Town Centre location such as this is suitable for such a use, as it acts as a destination for local residents and can be accessed by a range of means of transport. It is considered that the change of use from A1 to D1 for this unit of 95m² would not result in a significant increase in person trips and a Class D1 use would complement the shopping designation.

However, while the parade shows signs of vacancies, in the absence of evidence to demonstrate the absence of alternative tenants it is considered that the primary aims of policy R7 regarding protection of retail frontages should apply. Hence in the absence of evidence sufficient demonstrating the efforts undertaken to let the premises, giving a complete chronology of the marketing strategy since last made vacant including details of advertisements placed in relevant journals and rental prices sought over the period, the application does not provide a conclusive argument to justify the loss of a retail unit and should be refused.

Shopfront: The minor alterations to the doorway would have minimal impact on the appearance of the shopfront and are acceptable.

Recommendation: Refuse change of use.

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