

31st August 2016

Dr. Mojgan Massoudi
Bright Smile Dental Clinic
124 Finchley Road
London
NW3 5JS

Application Ref: **2016/2710/P**
Please ask for: **Helaina Farthing**
Telephone: 020 7974 3303

31 August 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
**Unit 14-15 New College Parade
Finchley Road
London
NW3 5EP**

Proposal:
Change of use of ground floor shop (Class A1) to dental practice (Class D1)
Drawing Nos: OS Map; Existing Ground; Proposed Ground.

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans OS Map; Existing Ground; Proposed Ground.



The development hereby permitted shall be carried out in accordance with

Reason:

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

- 3 Notwithstanding the provisions of Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the premises shall only be used as a dental surgery and not for any other use within Class D1.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28[and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Before the use commences, details of the location, design and method of waste storage and removal (including medical waste) shall be submitted to and approved by the Council and the approved facility shall therefore be provided prior to the use commencing on the site and permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28[and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The use hereby permitted shall not be carried out outside the following times 08.00 - 18.00 Mondays to Saturdays and 11.00 - 17.00 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28[and DP12 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website

<http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

3 Reasons for granting permission.

This application proposes the change of use from A1 (retail, green grocers) to D1 use class (Dental Surgery). The proposal will also result in a number of internal alterations.

The application site is located on Finchley Road. The site is located in the Finchley Road/Swiss Cottage area, which extends along Finchley Road from south of Swiss Cottage underground station to Finchley Road and Frognal overground station. The site is not located within a Conservation Area, although the site is a secondary frontage.

Principle of the Change of Use

Policy DP12 notes that the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. CPG5 notes that A1 retail uses are important to ensure Finchley Road/Swiss Cottage retains a viable retail function to meet the needs of the local population. In order to protect retail uses in this town centre the Council has designated two types of frontages: core frontages and secondary frontages. The application site relates to a secondary frontage.

The Council also wants to ensure that the shopping function and character of Finchley Road/Swiss Cottage is not harmed by developments in other parts of the centre. Therefore, outside of the core frontages it is considered that a change is permitted from retail to a non-retail use where it would not cause the number of premises in retail use to fall below 50% in a particular frontage. Where the number of premises in retail use is already less than 50%, no further loss of shop uses will be permitted in these frontages.

In this instance the proposed change of use from retail to non-retail will result in a reduction to 33% of A1 uses along the frontage. Whilst this is contrary to CPG5, in this instance the change of use to D1 is considered to be an exceptional circumstance and is considered to be acceptable. The current frontage already sits below the required 50% and does not pertain to a high level of retail, with the area primarily comprising of a mixture of restaurants, takeaways and other non-retail uses. The frontage has overtime lost the retail dominance, and has subsequently become dominated by A3 and A5 uses.

It is considered that the proposed D1 use can be viewed to support the intended shopping function along the frontage and indeed make a positive contribution to the area. The D1 use can be defined as a community use that attracts visiting members of the public, complementing the designation of a preference towards A1. The proposed D1 will still generate foot traffic and subsequently contribute to

the vitality to the area.

Further to this, it is noted that the dental surgery has existed within the area for the past 14 years, situated approximately 200m from the proposed application site to the north (124 Finchley Road). Whilst the proposed site is a differing frontage, the dental business currently exists within the area serving the community and therefore it is considered important to keep this facility within the area to be accessible by existing patients and in this instance this consideration, together with the potential vacancy of the unit (evidence has been submitted that the greengrocers is failing and about to close) would add material weight to considerations that indicate exceptional circumstances to support the change of use proposed.

Given the nature of the immediate area with other retail services being easily accessible it is considered that the loss of this retail unit is justifiable in this instance to provide a medical service which would not have an adverse impact on the vitality or vibrancy of the area. Subsequently, the proposal would not cause undue harm to the character, function, vitality and viability of the secondary retail frontage and in this instance is considered acceptable.

Residential Amenity

Policy DP26 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

The locality is characterised by its dense urban form and the site is in close proximity to a number of existing A3 and A5 uses. Whilst there are a number of residential properties nearby given the existing uses and the properties location it is not considered that there would be any undue impact on the residential amenities of the occupiers of these residential properties from the use of this site as a use falling within a D1 use class.

Transport

Policy DP16 seeks to ensure that transport implications of development are managed and does not generate excessive demands on transport infrastructure.

The Councils Transport Planner has assessed the application and raises no objection to the proposal. Given how the site is currently used as an A1 use, the proposed D1 use would likely have similar delivery and servicing needs, if not less, and it is therefore considered to be acceptable.

Consultation

No objections have been received with regards to this application. The planning history of the site was taken into account when coming into this decision.

Conclusion

The principle of development in this circumstance is considered to be acceptable. Moreover there is not considered to be any impact on traffic or parking over and above the existing situation and there is not considered to be any undue harm to the residential amenities of nearby occupiers

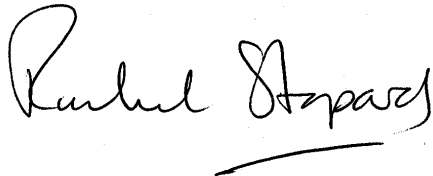
As such, the proposed development is in general accordance with policies CS5, CS7 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP12, DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan 2016; paragraphs 14, 17, and 56-66 and 126-141 of the National Planning Policy Framework.

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard
Executive Director Supporting Communities