

**Date:** 12/10/2016  
**Our ref:** 2016/5180/PRE  
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Dear Rebecca Prince,

**Pre-planning Application Advice  
Proposal at Merlin House, 122 - 126 Kilburn High Road**

Thank you for submitting the pre-planning application enquiry for the above property which was received on 22<sup>nd</sup> of September 2016.

**Proposal:**

*Change of use of basement and ground floor from retail (A1) to dental practice (D1) with associated shop front alterations and signage.*

**This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.**

**Town and Country Planning Act 1990 (as amended)**

Re: 122 - 126 Kilburn High Road, London, NW6 4Y.

**Site Description, History and Policies**

The site relates to a four-storey corner building (Merlin House) located on the east side of Kilburn High Road on the junction with Quex Road. The property consists of A1 retail unit with residential on the upper floors.

**Land use**

The site is located with the Core frontage zone of Kilburn Road, as such; planning policy would retain 75% of the units within A1 use and resist the loss of 2 consecutive premises within this frontage to be non-retail use. The ground floor of the building is currently occupied by shop (A1) with ancillary floor space at basement level. The parade consists of nine commercial properties at ground floor level seven of which is within the retail use (Class A1).

The proposed layout is designed to have internal display boards with sales area within the main concourse from the entrance which would consist of a reception and waiting area, to the side along the Quex Road elevation would 3 x treatment rooms, x-ray, sterilisation, archive and toilets and the overall ground floor space would measure approximately 196.4sqm.

At lower ground floor level there would be 3 x treatment rooms with ancillary offices, staff area, sterilization and store areas changing room, plant and an accessible staff covering the overall floorspace would be approximately 135sqm.

The unit is approximately 13.7 wide by 20.7m deep. The main frontage along Kilburn High Road is west facing. The property also faces Quex Road to the north with a street frontage of 11m that incorporates a means of escape. The unit has fire escape access to a small enclosed rear yard that is linked to Quex Mews to the east of the property. Other commercial premises enclose the southern boundary.

The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent) and is easily accessible by public transport; Kilburn High Road Overground located approx. 300m away(South), and a variety of bus stops serving numerous different routes located 0m-300m away on Kilburn High Road and Kilburn High Road Underground Station(North) is located 800m away.

### **Relevant History**

2014/4733/P: Change of use from offices (Class B1a) to provide 12 x studio units (Class C3) at 1st, 2nd & 3rd floor levels. Granted consent on 29/09/2014.

PWX0103944: PP Granted for "Erection of telecommunication equipment on roof, including one screened equipment cabin and 6 pole mounted antennae" Decision Date: 18/12/2001.

2014/7916/P: Erection of extension on the roof of Merlin House following demolition of water tank enclosure to provide two additional residential units with associated terrace amenity area. Granted Subject to s106 legal agreement on 01/05/2015.

2015/0075/P: Erection of a first floor roof extension level to create 1 x 1 bedroom residential unit (C3). Granted Subject to s106 legal agreement on 27/03/2015.

9500626: Change of use from Class A1 (retail) to class A3 (restaurant).Refused 25/08/1995

### **Planning Policy Context**

The documents which make up the development plan are the London Plan 2016 and the London Borough of Camden's Local Development Framework (LDF). There are a number of documents making up the LDF, but those primarily of concern in this instance are the Core Strategy (2010), and the Development Policies (2010). Other documents which are of relevance include the Proposals Map, and the Camden Planning Guidance (CPG).

Also of relevance is the National Planning Policy Framework (NPPF) 2012 is an important

material consideration. A list of relevant policies is provided below.

Camden Core Strategy 2010-2015:

- CS1 (Distribution of growth)
- CS5 (Managing the impact of growth and development)
- CS7 (Promoting Camden's Centres and shops)
- CS10 (Supporting community facilities and services)
- CS11 (Promoting sustainable and efficient travel)

Camden Development Policies (Adopted 2010):

- DP10 (Helping promote small and independent shops)
- DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)
- DP15 (Community and leisure uses)
- DP16 (The transport implications of development)
- DP17 (Walking, cycling and public transport)
- DP18 (Parking standards and limiting the availability of car parking)
- DP19 (Managing the impact of parking)
- DP22 (Promoting sustainable design and construction)
- DP24 (Securing high quality design)
- DP26 (Managing the impact of development on occupiers and neighbours)
- DP28 (Noise and vibration)
- DP30 (Shopfront)

Camden Planning Guidance

- CPG1 (Design)
- CPG5 (Town Centres, Retail and Employment)
- CPG6 (Amenity)
- CPG7 (Transport)

**Principle of the Development**

Advice is sought to convert the basement and ground floor units into a Dental surgery (Class D1)

Core Strategy Policy CS16 states that 'The Council will support the provision of additional health care facilities and will work with NHS Camden and other service providers to make sure the borough has a necessary supply and distribution of premises to meet Camden's health care needs'.

The surrounding uses in the area are mixed and the premises benefit from an independent access. Therefore there is no in principle objection to a D1 use in this location. However given the size of the premises, single access, and lack of parking, the intensity of use on site would require further justification. The site is highly accessible by public transport with a PTAL score of 6A (excellent) hence the proposed facility would also need to be car free for both employees and patients. The supporting statement with the pre-application advice estimates the visitors to the surgery would be approximately 300 per day and more information would thus need to be provided about the intensity of use in terms of the proportion that is likely to travel using public transport and information in regards to travel arrangement in terms of staffing above 20 or more, patients, and equipment this would require justification via a Transport impact assessment or travel plan in accordance with

DP17.

The current use of the site is retail and under previous Council judgements, 2014/4733/P and 2014/7916/P were approved for the conversion of the upper floors into residential accommodations have been granted for a combined 12 x studio flats and 1 x 1bed self-contained unit following the erection of dormer extension. It's therefore considered in this instance the change from retail to community use would be acceptable and the change would be in accordance with CPG 5.

Whilst CPG 5 hopes to retain no less than 75% of the premises in Core Frontages being in retail use, the proposed loss of the A1 use would be offset by the planning policy CS7, DP10 and DP12 in terms of the value in the community use in contributing to the viability and vitality of the Kilburn Area. It is considered that the loss of a retail use would not have an adverse impact on the retail function of the surrounding neighbourhood as the proposal would generate more employment than the typical retail unit which is estimated to be between 16 to 20 employees. Hence a change of use from retail is possible given that the proposal would be in accord with LDF policies as listed below:

CS7 of the Local Development Framework Core Strategy requires "Promoting Camden's centres and shops" The Council seeks to protect the vibrancy and vitality of its centres through managing the mix of uses in them and ensuring that development does not cause harm to a centre, to its neighbours or to the Local area.

DP10 of the Local Development Framework Development Policies of states that "helping and promoting small and independent shops". The Council will encourage the provision of small shop premises suitable for small and independent business.

DP12 of the Local Development Framework Development Policies of states that "Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses". It seeks to promote successful and vibrant centres, for example by designating a hierarchy of town centres, Central London frontages and neighbouring centres:

- Promoting new retail development at Kings Cross, Euston and Camden Town, with additional retail in the growth areas at Tottenham Court Road, Holborn and West Hampstead and in existing centres:
- Seeking to protect the character and role of each of Camden's centres and
- Resisting the loss of shops where this would cause harm to the character and function of a centre or shopping provision in the local area.

CPG 5 Town Centres, Retail and Employment of the Camden Planning Guidance cover a number of core policies and tests for change of use within the Borough.

- Protecting and promoting retail uses (para 2.8) – In order to provide for and retain the range of shops in the borough the Council aims to keep a certain proportion of premises in its centre in retail use.
- We will control food, drink and entertainment uses to ensure that our town centres are balanced and vibrant as well as ensuring that these uses do not harm the amenity of local residents and businesses.
- We will seek a mixture of suitable uses within our town centres as well as a variety of uses in each frontage.

## **Design**

The central stacking door would be replaced and is of no merit. Furthermore, the retractable opening would be contrary planning guidance and the proposed new entrance door (subject to elevation drawing) may be acceptable in regards to its size and location, there are no changes proposed to the means of escape to the flank and rear elevations. The changes proposed to the fascia and fenestration detail would require further consideration following the submission of planning and advertisement application.

## **Transport**

Policy DP20 states that Construction Management Plans (CMP) should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). Policy DP21 relates to how a development is connected to the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a CMP. It is not anticipated that a Construction Management Plan would be required in this instance due to the works proposed. However, A statement would be required as part of the application to with anticipated delivery and servicing trips.

## **Conclusion**

It is considered that the proposed (D1) medical use would be appropriate supported in this instance. The external alterations proposed would be determined on its own merit following conclusion of the final design and the proposed materials to be use for both the advertisement and the changes to the fenestration. Further details would be required in regards to the delivery and servicing times to mitigate any impact with traffic flow and amenities of the residential units at upper ground floor level. Finally we would require supporting evidence via transport impact assessment in accordance with DP17 of the LDF.

## **After you submit your application**

It would be useful if you could let me know when you have submitted the application along with the planning portal reference number. I will then pick the application up as the case officer.

We are legally required to consult on the application with individuals who may be affected by the proposals. We will notify your neighbours by letter, put up a notice on or near the

site and, advertise in a local newspaper. The Council must allow 21 days from the consultation start date for responses to be received.

All consultation responses will be available to view on the Council's website using the planning application search page. It is likely that an application of this size would be determined through delegated powers.

I trust the above provides a useful summary; however should you have any queries about the advice contained in this letter please contact Obote Hope on **020 7974 2555**.

It is important to us to find out what our customers think about the service we provide. To help, we would be very grateful if you could take a few moments to complete our [pre application enquiry survey](#). We will use the information you give us to monitor and improve our services.

**Please submit your application electronically via the national planning portal.**

When submitting a one-app planning/listed building application, the following information will be required:

- The appropriate fee of £335.00
- Current site location plan
- All existing elevations (including the front and the rear), floor plans and sections
- All proposed elevations (including the front and the rear), floor plans and sections
- Statement of showing the time table for delivery and servicing

After your application is submitted please let me know the planning portal reference number. I will then pick the application up as the case officer.

We are legally required to consult on the application with individuals who may be affected by the proposals. We will notify your neighbours by letter, put up a notice on or near the site and, advertise in a local newspaper. The Council must allow 21 days from the consultation start date for responses to be received.

All consultation responses will be available to view on the Council's website using the planning application search page.

**Please note that the information contained in this letter represents an officer's opinion and is without prejudice to further consideration of this matter by the Development Management section or to the Council's formal decision.**

It is important to us to find out what our customers think about the service we provide. To help, we would be very grateful if you could take a few moments to complete our pre application enquiry survey. We will use the information you give us to monitor and improve our services.

Yours sincerely,

Obote Hope

Planning Officer  
Planning Solutions Team