

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

Application Ref: **2016/5156/P**  
Please ask for: **Helaina Farthing**  
Telephone: 020 7974 **3303**

25 November 2016

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Variation or Removal of Condition(s) Granted

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

Proposal: Variation of condition 5 (hours of operation) of planning permission 2016/2710/P dated 31/08/2016 (Change of use of ground floor shop (Class A1) to dental practice (Class D1), namely to extend the hours of operation.

Drawing Nos: OS Map; Existing Ground Floor; Proposed Ground Floor.

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 begin before 31/08/2019.

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 For the purposes of this decision, condition no. 5 of planning permission 2016/2710/P shall be replaced with the following condition:

The use hereby permitted shall not be carried out outside the following times 08.00 - 20.00 Mondays - 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 Planning permission (ref: 2016/2710/P) permitted the change of use from A1 (retail, green grocers) to D1 use class (Dental Surgery) with the operating hours of 08.00 - 18.00 Mondays to Saturdays and 11.00 - 17.00 on Sundays and Bank Holidays. This application seeks to vary these hours to 08.00 - 20.00 Mondays - Saturdays to address demands of patients.

The current frontage has overtime lost the previous retail dominance, and has

subsequently become dominated by A3 and A5 uses. The frontage therefore primarily comprises of a mixture of restaurants, takeaways and other non-retail uses. A3 and A5 uses in this vicinity are generally permitted to have operation hours till 23.00 Mondays - Saturdays.

With regards to the acceptability of extending the hours of operation, it is important to consider the reason for the condition, which is to safeguard the amenities of the adjoining premises and the area generally. In this instance the surrounding uses are largely A3 and A5, which have later opening hours than that proposed and are potentially more harmful than a dental surgery use. In terms of disturbance to amenity, it is viewed that the extended hours would not generate additional disturbance further than that caused by the existing uses in the frontage. 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.

The proposed extended hours of operation are consistent with the adjoining properties and are considered to be acceptable.

Two objections were received in relation to this application, which raised concerns in relation to construction noise associated with the previous application. The site's planning history was taken into consideration when reviewing this application.

As such, the proposed extended hours of operation 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 the London Plan 2016 and the National Planning Policy Framework.

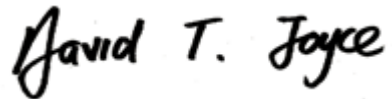
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 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.

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 that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce  
Executive Director Supporting Communities