

Application ref: 2021/0916/P  
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Date: 14 October 2021

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
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London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Mr Adam Apter  
60 Muswell Hill Road  
Muswell Hill Road  
Hornsey  
London  
N103JR  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:  
**411 Finchley Road**  
**London**  
**NW3 6HJ**

Proposal:  
Change of use of part ground floor from two dental surgeries to a self-contained flat  
Drawing Nos: Location Plan (17-108-01), Existing dental surgeries layout, (Red line)  
Site plan, Existing plans (158-SU-01-06), Proposed plan (002), Dutch & Dutch letter

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 plan:

Proposed plan (002)

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

- 3 Before the development commences, details of a secure and covered cycle storage area for two bicycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Policy C1 (Health and well-being) of the Local Plan seeks to retain existing health facilities and policy C2 (Community facilities) indicates that where an existing community use is no longer required or viable then alternative, non-community uses may be considered (with a preference for affordable housing) if it can be demonstrated that there is no interest or viability for an alternative community use.

The application includes a letter from a local Property Adviser/Management Company (Dutch & Dutch) which firstly advises that the dentists who operated at the site relocated 400m along Finchley Road and consequently there has been no loss of dentistry provision in the area. The letter also advises that the premises are not very suitable for a community use because they are small, they are not in a centre which benefits from significant footfall and alternative facilities are more appropriate, particularly given recent changes in legislation which allows community uses such as medical or health providers (e.g. dentists) to operate from a wide range of 'Class E' sites.

It is considered that the proposal does not result in the loss of an important community facility and, furthermore, given the residential nature of the area, and that new housing remains a priority in the Borough, that the change of use to residential is acceptable.

The gross internal area is assessed to be of a sufficient size to facilitate the provision of a 2 bedroom 3 person flat under the National Housing Standards (i.e. 61 sq m) and the room sizes would be sufficient with natural daylight being provide to each of the habitable rooms. It would have a separate front door, accessed from a path from Finchley Road. The proposed use and layout would not result in any loss of amenity for the occupiers of the existing flat by way of loss of light, privacy, outlook or noise or disturbance.

The new dwelling would not exceed the threshold (i.e. 100 sq m) above which the provision of affordable housing is required under policy H4.

All residential redevelopments, including change of uses, are required to be car-free in accordance with Policy T2 (Parking and car-free development) of the Local Plan.

A legal agreement is therefore needed to ensure that future occupiers are prevented from obtaining on-street parking permits.

Furthermore, to comply with the Council's policies for sustainable transport and mitigating against climate change the proposal is required to provide 2 long-stay cycle parking spaces. A condition is attached accordingly.

Household waste and recyclables could be stored within the dwelling and accessibly placed at the front of the site for collection, without the need for a dedicated bin store or service management plan.

No objections were received prior to making this decision. The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, C1, C2, CC2, D1, T1 and T2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2019

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Re>

quirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319  
or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras  
Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974  
4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 6 Finchley Road forms part of the Transport for London Road Network (TLRN). The footway and carriageway must not be blocked during the development. All vehicles associated with the development must only park / stop at permitted locations and within the time periods permitted by existing on-street restrictions. In the event any Red Route dispensations are sought, these must be agreed with TfL in writing before the work.

Should the applicant wish to carry out any work that would require a highway licence, for example for scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

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

Yours faithfully



Daniel Pope  
Chief Planning Officer