

1-3 Southampton Road



Site Photo



Delegated Report (Members Briefing)	Analysis sheet	Expiry Date:	09/10/2014
	N/A / attached	Consultation Expiry Date:	03/10/2014
Officer		Application Number(s)	
Neil Collins		2014/3371/P	
Application Address		Drawing Numbers	
1-3 Southampton Road London NW5 4JS		Refer to draft decision notice	
Proposal(s)			
Change of use from retail (Class A1) to residential to create 1 x 2-Bed flat (Class C3) at ground floor level.			
Recommendation(s):	Grant GDPO Prior Approval		
Application Type:	GPDO Prior Approval Class IA change of use of A1/A2 to C3		
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice		
Informatives:			

Consultations

Adjoining Occupiers:	No. notified	08	No. of responses	03	No. of objections	03
			No. Electronic	02		
<p>Summary of consultation responses:</p>	<p>A site notice was displayed from 12/09/2014 to 03/10/2014.</p> <p>Three objections were received from nos. 7, 9 and 17 Southampton Road which are summarised below:</p> <ul style="list-style-type: none"> • Detrimental impact on viability of remaining shops (in particular, the cumulative impact with the loss of 1-3 Southampton Road (Officer's response: see section 8 of report)) • The premises could accommodate other businesses (Officer's response: see section 8 of report) • Shopfront is best suited to be in use as a shop, it is designated as a heritage asset on the Local List • Could be a mixed business/residential use on ground floor, similar to the existing unit at no.9 • Proposals do not comply with local policy • Proposal is in direct conflict with existing planning permission • Loss of historic street pattern • Increase in parking (Officer's response – see section 5.1 of the report) • Density of development is too high • Conversion of 13 & 15 should not be used as a precedent <p>Officer's response: <i>This application seeks to determine whether the proposed change of use from retail (Class A1) to a residential flat (Class C3) would fall within permitted development allowances under the provisions of Class IA of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2014. The proposal is considered to be permitted by way of the legislation and would not require planning permission.</i></p> <p>The application is for prior approval and therefore assessed in accordance with the GPDO regulations with regard to consultation responses where relevant planning matters are raised and the NPPF. Camden LDF policies and other matters including previous planning applications are not considerations.</p>					
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>N/A – not in a conservation area</p>					

Site Description

The site forms the end of a three storey terrace located on the west side of Southampton Road. It comprises a vacant retail unit on the ground floor and a residential accommodation on the first and second floors.

The property is not in a conservation area and is not listed. The site is not within a designated shopping frontage or centre but the building is included on Camden's local list of non-designated heritage assets.

Relevant History

Application site:

2014/3447/P – Planning application submitted for alteration of shopfronts on front elevation; part single-storey, part three-storey rear extension; and mansard roof extension, and change of use of ground floor level to create 2 x 2 bed self-contained flats. Withdrawn – Officer outlined concerns with regard to the proposed external alterations.

11 Southampton Road

2014/3525/P – Prior Approval application under class IA granted on 06/08/2014 for Change of use from shop (Class A1) to 1 x 3 bedroom flat (Class C3) at ground floor level.

15 Southampton Road

2008/4355/P – Planning permission granted on 20/01/2009 for change of use of ground floor from retail use (Class A1) to residential (Class C3) to provide a self-contained residential unit, and the erection of a ground and first floor rear extension.

Relevant policies

NPPF 2012

Chapter 4 - Paragraphs 29 and 35

Assessment

1. Proposal

1.1 The application relates to the ground floor level of 1-3 Southampton Road. The proposal seeks to change the use of the ground floor from retail (Class A1) to provide 1 x 3 bedroom self-contained residential unit (Class C3). The proposal does not include any physical alterations other than that the existing entrance door into the shop will be fixed shut. An internal opening from the communal residential entrance hall shared with the upper flat would provide access instead.

2. Procedure

2.1 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2014 came into force on 6th April 2014 and introduce Class IA which allows for development consisting of a change of use of a building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class A1 or A2 or a mixed use as a dwelling house with a use falling within Class A1 or A2 and building operations necessary to convert the building to Class C3.

2.2 The application is to ascertain whether the proposed change of use would constitute permitted development within the General Permitted Development ('GDPO') and therefore be a lawful development and whether prior approval is required.

2.3 This is subject to a number of conditions listed within sub-paragraph IA.1 [(a)-(g)] and a subsequent sub-paragraph IA.2 [(1)-(3)] which relate to the need for the developer to apply to the local planning authority for a determination as to whether prior approval is required as to:

- (i) transport and highways impacts
- (ii) contamination risks in relation to the building
- (iii) flooding risks in relation to the building;
- (iv) the impact of the change of use on adequate provision of services of A1/A2 uses and where the building is located in a key shopping area, the impact on the sustainability of that shopping area; and
- (v) design or external appearance of the building, where building operations area proposed.

2.4 It also refers to paragraph N and its provisions apply to such an application.

3. Sub-paragraph IA.1

Development is not permitted by Class IA where:

- a) *the building was not used for one of the uses referred to in Class IA(a) on 20th March 2013 or, if the building was not in use on that date, when it was last in use; The proposal complies – the premises was in use as a shop (Class A1) on 20th March 2013.*
- b) *permission to use the building for a use falling within Class A1 (shops) or A2 (financial and professional services) of that Schedule has been granted only by this Part; The proposal complies*
- c) *the cumulative floor space of the existing building changing use under Class IA exceeds 150 square metres; The proposal complies – the existing floorspace is 70sqm.*
- d) *the development (together with any previous development under Class IA would result in more than 150 square metres of floor space in the building having changed use under Class IA; The proposal complies - the proposed floorspace is under 150sqm.*
- e) *the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point; The proposal complies – the proposal does not include any extensions.*
- f) *the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); The proposal complies – the proposal would not result in any demolition other than parts of internal walls.*
- g) *the building is—*
 - (i) *on article 1(5) land;*
 - (ii) *in a site of special scientific interest;*
 - (iii) *in a safety hazard area;*
 - (iv) *in a military explosives storage area;*
 - (v) *a listed building; or*
 - (vi) *a scheduled monument.*

The proposal complies – the building does not fall under any of the categories listed above

3.1 As the above pre-requisites are complied with, it falls to the Council to assess the proposal.

4. Sub-paragraph IA.2

4.1 The Council will make a determination as to whether prior approval is required as to the following criteria, each of which is considered below:

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site;
- (c) flooding risks on the site;
- (d) the impact of the change of use on adequate provision of services of A1/A2 uses and where the building is located in a key shopping area, the impact on the sustainability of that shopping area; and
- (e) design and external appearance where building operations are proposed.

5. Transport and highways impacts of the development

Car free development

5.1 The NPPF confirms that transport policies have an important role to play in facilitating sustainable development. Paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel”. It also recognises that “different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.” Given that Camden is within a densely populated urban area of London it is considered necessary to maximise sustainable transport solutions.

5.2 Camden’s strategy and policies in line with national planning policy consider access to car parking and seek to encourage car-free and car-capped developments in areas of moderate or good public transport accessibility. The application site has a PTAL rating (public transport access level) of 4 (good). No off-street parking spaces are currently provided on site and so in accordance with the NPPF objectives, in favour of sustainable transport, the proposed residential units would have to be secured as car-free via a S106 agreement (i.e. with no right to apply for on-street car parking permits) to minimise impact on the highway network in accordance with paragraph 29 of the NPPF.

Highway network impact

5.3 The proposal would involve a limited amount of construction work, the majority of which would be internal. The proposed works are therefore not considered to have a significant impact on local transport networks and so a construction management plan is not considered to be necessary.

6. Contamination risks on the site

6.1 The NPPF notes that the planning system should contribute to and enhance the local environment by remediating contaminated land, and that the responsibility for ensuring a safe development rests with the developer.

6.2 The site is not identified in an area designated as contaminated land and so no risks are posed. The proposal is considered to accord with this aspect of the assessment.

7. Flooding risks on the site

7.1 The NPPF also confirms that flooding is an issue to be considered when determining planning applications, and so it is important that this is considered for this type of application. The site is not within an area which is known to flood, and so the proposal is considered to accord with this aspect of the assessment.

8. Impact of the change of use on existing services

8.1 Class IA states that the prior approval assessment can also consider whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) because of the impact of the change of use on:

(aa) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

(bb) where the building is located in a key shopping area, on the sustainability of that shopping area.

Objections were received regarding the impact of the loss on the sustainability of the existing shops in Southampton Road and that the shop could be used for A1/A2 purposes. In line with Part 4, Paragraph N of the GDPO, the responses are considered as part of the assessment.

Impact on adequate provision of services

8.2 The site lies within a row of 9 properties, 6 of which have Class A1 (retail) use at the ground floor level (although it is noted that number 11 has recently been granted a similar change of use under the Prior Approval procedure. The group of units do not lie within a designated town centre or a designated neighbourhood centre and three of the units have already been converted to Class C3 on the ground floor.

8.3 The nearest A1 unit (food shop) is approximately 1 minute walk away on the corner of Mansfield Road and Agincourt Road and the nearest A2 unit (estate agent) is across the road from this property. There are many alternative shopping (Class A1/A2) uses available within 5-10 minutes walking distance of the application site on Malden Road, Mansfield Road, Queen's Crescent and Haverstock Hill. It is therefore considered that the change of use from retail to residential would still allow for an adequate provision of A1/A2 services in the vicinity.

Sustainability of the key shopping area

8.4 The site is not located within a key shopping area (a town or neighbourhood centre) and so the impact on its sustainability cannot be considered.

9. Design and external appearance

External alterations

9.1 Class IA allows for the building operations reasonably necessary to convert the A1/A2 building to C3. The applicant originally submitted plans showing alterations to replace the shopfront with residential windows. However, no elevations were submitted and the impact upon the appearance of the property could not be fully understood. Following concerns raised by officers regarding the impact of removal of the shopfront in principle, all external works have been omitted from the proposal. Therefore, there are no issues to consider with regard to appearance.

10. Recommendation

10.1 Grant Prior Approval

DISCLAIMER

Decision route to be decided by nominated members on Monday 6th October. For further information please go to www.camden.gov.uk and search for 'members briefing'

Stiff and Trevillion Ltd
16 Woodfield Road
London
W9 2BEApplication Ref: **2014/3371/P**
Please ask for: **Neil Collins**
Telephone: 020 7974

25 September 2014

Dear Sir/Madam

DRAFT
DECISION

In accordance with section 60 (2B) and (2C) of the Town and Country Planning Act 1990
(as amended by section 4(1) of the Growth and Infrastructure Act 2013)

Process set out by condition IA.2 of Part 3 of Schedule 2 Class IA of the Town and Country
Planning (General Permitted Development) Order 1995 (as amended by SI 2008 No. 2362
and SI 2013 No. 1101 and SI 2014 No. 564)

Certificate of Lawfulness (Proposed) Prior Approval granted

The Council, as local planning authority, hereby confirm that their **prior approval is granted** for the proposed development at the address shown below, as described by the description shown below, and in accordance with the information that the developer provided to the local planning authority:

Address of the proposed development:**1-3 Southampton Road
London
NW5 4JS****Description of the proposed development:**

Change of use from retail (Class A1) to residential to create 1 x 2-Bed flat (Class C3) at ground floor level.

Details approved by the local planning authority:

Drawing Nos: 110; 111; and 210 Rev A

Reason for approval:

Informative(s):

- 1 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 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 Noise and Licensing Enforcement Team, 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.

- 4 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 7 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

Director of Culture & Environment

It's easy to make, pay for, track and comment on planning applications on line. Just go to www.camden.gov.uk/planning.

It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our online survey at the following website address: www.camden.gov.uk/dmfeedback. We will use the information you give us to help improve our services.