

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		28/11/2014	
		N/A / attached		<b>Consultation Expiry Date:</b>			
<b>Officer</b>				<b>Application Number(s)</b>			
Mandeep Chagger				2014/6043/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
169-173 Malden Road London NW5 4HT							
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Change of use from shop (Class A1/A2) to 3 x 1 bedroom studio flats (Class C3).							
<b>Recommendation(s):</b>		Grant Prior Approval					
<b>Application Type:</b>		GPDO Prior Approval Class IA change of use of A1/A2 to C3					
<b>Conditions or Reasons for Refusal:</b>		Refer to Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>19</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
				No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		A site notice was displayed from 8/10/2014 to 29/10/2014. No objections were received.					
<b>CAAC/Local groups comments:</b>		N/A – not in a conservation area.					

## Site Description

The site forms a three storey terrace located on the south side of Malden Road. It comprises a vacant retail unit and ancillary office on the ground floor.

The property is not in a conservation area and is not listed. The site is not within a designated shopping frontage or centre.

## Relevant History

2012/2434/P - Change of use from Class A2 (financial and professional services) to Class C3 (residential) and associated extensions and alterations to create two single storey one-bedroom flats to the rear of existing retail premises; installation of solar panels on flat roof. Approved 7/12/2012.

## Relevant policies

### NPPF 2012

Chapter 4 – Paragraph 29 and 35.

## Assessment

### 1. Proposal

1.1 The application relates to the ground floor level of 169-173 Malden Road. The proposal seeks to change the use of the ground floor from retail (Class A1) and Office (Class A2) to provide 3 x 1 bedroom studio flats (Class C3). The proposal does not include any physical alterations other than the alterations to windows and doors to the front and rear of the property.

### 2. Procedure

2.1 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2014 came into force on 6<sup>th</sup> 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 subparagraph 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 85sqm.

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**

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 3 (moderate). The site is therefore not in a highly accessible location as defined in CPG7 (paras 5.7-5.8). Furthermore, the Controlled Parking Zone has a parking rate level of 0.68 which equates to an area which has been identified as not having on-street parking stress. As the site is not located in a ‘highly accessible area’ and has a PTAL level of less than 4, it would be unreasonable to seek a car-free development through a S106 planning obligation. The proposals as they stand accord with policies CS11 and DP18.

## **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. Design and external appearance**

External alterations

8.1 Class IA allows for the building operations reasonably necessary to convert the A1/A2 building to C3. Only the glazing of the shopfront and the stallriser will be replaced on a like for like basis. Every other aspect would remain in place. Seven rooflights would be installed to the rear of the property to allow for light into the rear bedrooms.

8.2 The external alterations are considered to be minimal and the visual appearance of the shopfront would remain. The external alterations are considered to be acceptable in terms of design.

8.3 The alterations are considered to be reasonably necessary to convert the building and would have

no impact on residential amenity.

## **9. Recommendation**

9.1 Grant Prior Approval.