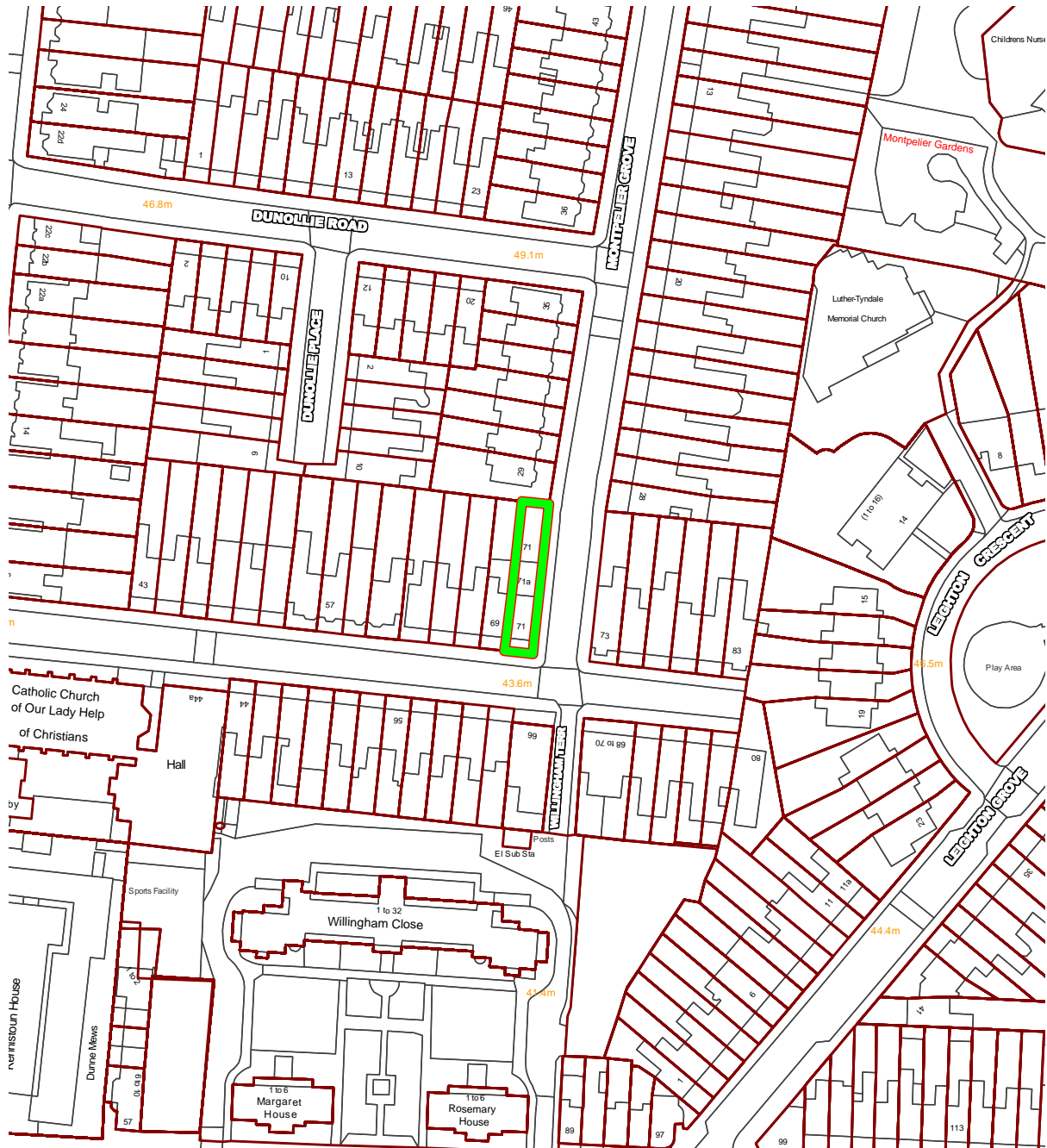


2016/1562/P - 71 Falkland Road



Photographs



71 Falkland Road



Montpelier Grove, East elevation



View – Rear of building (Montpelier Grove)

Delegated Report		Analysis sheet	Expiry Date:	16/05/2016
(Members Briefing)		N/A	Consultation Expiry Date:	20/05/2016
Officer			Application Number	
Hugh Miller			2016/1562/P	
Application Address			Drawing Numbers	
71 Falkland Road London NW5 2XB			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Change of use from shop (A1 use) to a 2-bedroom self-contained flat at ground floor level; new bay-window plus entrance as replacement for shopfront; including alterations to fenestration.				
Recommendation:		Grant conditional planning permission subject to S106 legal agreement		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	01
Summary of consultation responses:	<p>Press Notice displayed 05/05/2016, which expired 26/05/2016. Site Notice displayed 29/04/2016, which expired 20/05/2016.</p> <p><u>73 Falkland Road</u>: the following comments have been made:</p> <ul style="list-style-type: none"> a) Supports the residential use and the alterations to the host building; b) Concern that the proposal excludes the storage space at the rear; c) Concern about the over-development of the site; specifically, the separate residential development of the storage space at the rear (previous scheme refused – May 2005); d) Concern about the impact on the adjacent trees, which should be protected development works; and e) Concern about the refuse storage provision. <p>Officers Comments:</p> <ul style="list-style-type: none"> a) <i>The proposed flat is in compliance with the Council's policies and residential standards as discussed in paragraphs 2.0-2.13 below.</i> b & c) <i>There is no planning application to develop the rear of the site; and each application is assessed on its merits.</i> d) <i>Except for the shopfront replacement, the proposed works are largely internal and will not have any impact on trees in neighbouring garden.</i> e) <i>Secure internal refuse storage is provided and accessed via Montpelier Grove.</i> 					
CAAC/Local groups comments:	<p><u>Kentish Town Neighbourhood Forum (KTNF)</u> objects for the following reasons:</p> <ul style="list-style-type: none"> a) Concern about the loss of the retail A1 unit refers to policies of the Kentish Town Neighbourhood Plan (KTNP); Policy CC4: Protection of shops outside the centre. <p>Officer Comment: <i>The substantive objections are discussed in the land use paragraphs below, 2.0 – 2.13.</i></p>					

Site Description

71 Falkland Road is an end of terrace 3-storey building located at the corner of Falkland Road and Montpelier Grove. Falkland Road is principally a residential street where the site has a gradual slope from the front to the rear along Montpelier Grove. It is in close to Kentish Town District Centre and Underground & Over-ground train stations. The ground floor is currently vacant and is in retail use (Class A1), whilst the floors above the shop are in residential use (Class C3) being self-contained flats. The entrance to the residential units on the upper floors is via Montpelier Grove. The host building is within the designated Kentish Town Neighbourhood Plan, which adoption is pending.

The building is within the Kentish Town Conservation Area but is not listed.

Relevant History

2016/0452/P - Replacement of front elevation first and second floor uPVC windows and side elevation first floor uPVC window with timber sash windows – Granted March 2016.

2005/0621/P - Demolition of the existing single storey storage building at the rear of No. 71 Falkland Road and the erection of a two-storey building comprising one two-bedroom and one one-bedroom self-contained residential units – Refused April 2005.

CTP/F12/9/7/32885 – Alterations to the existing shopfronts and the formation of a new doorway - Granted January 1982.

Relevant policies

LDF Core Strategy and Development Policies

- CS1 – Distribution of growth
- CS5 – Managing the impact of growth and development
- CS6 – Providing quality homes
- CS7 - Promoting Camden's centres and shops, and policies;
- CS11 - Pedestrians and cycling
- CS14 – Promoting high quality places and conserving heritage / conservation areas

Development Policies

- DP2 - Protection of housing
- DP5 – Homes of different sizes
- DP6 - Lifetimes homes and wheelchair housing
- DP10 -Helping and promoting small and independent shops;
- DP17 –Walking, cycling and public transport
- DP18 –Parking standards and limiting the availability of car parking
- DP19 - Impact of parking
- DP24 - Securing high quality design
- DP25 – Conserving Camden's Heritage
- DP26 - Managing the impact of development on occupiers and neighbours
- DP30 - Protection of shopping frontages and local shops

Supplementary Planning Guidance

Camden Planning Guidance:

CPG1 – Design; CPG2 - Housing – Residential space standards; CPG5 – Town Centres, Retail & Employment; and CPG6 – Amenity Section 43: Shopfronts

Kentish Town Conservation Area Management Appraisal Strategy
Kentish Town Neighbourhood Plan – (Draft)

London Plan 2016; and NPPF 2012.

Assessment

1.0 Proposal

1.1 The application is for the following:

- Change of use from retail shop (A1 use) to a two-bedroom self-contained flat at ground floor level;
- Erection of new bay-window plus new entrance as replacement for shopfront; and
- Alterations to the fenestration to include new windows and doors in the flank elevation to replace the existing security shutters.

1.2 The key issues to be considered are: **a]** the change of use & loss of retail floorspace; **b]** the provision of new residential accommodation/ the standard of residential accommodation, **c]** design, **d]** residential amenity and **e]** transport.

1.3 The proposal was revised during the course of the assessment to include additional high-level windows on the east elevation and rooflights to bedroom 1; and retained access ramp for the cycle storage within the front garden.

2.0 Land use policy

The change of use & loss of retail floorspace

2.1 Policy DP10 of LDF seeks to protect small shop units. This site is not located within any designated Town or Neighbourhood Centre. Policy DP10 will support retail loss outside of any designated centre provided that:

- alternative provision is within 5-10 minutes walking distance;
- there is clear evidence the current use is not viable; and
- within the Central London Area, the use contributes to local character, function, viability and amenity.

2.2 In this instance, the site is not in the Central London Area and there is other shopping provision within 5-10 minutes' walk at Kentish Town District Centre.

2.3 The proposed new residential floor space is a key objective for the Council, as outlined in CS6 and DP2, and as such new residential floor space is welcomed.

Kentish Town Neighbourhood Plan

2.4 On 9th June 2016, The Kentish Town Neighbourhood Plan (KTNP) was successfully passed the referendum stage. The KTNP has not been formally adopted and will be presented to the Cabinet in September 2016 for consideration. In the intervening period, the policies of the plan form a material consideration in determining applications. KTNP Policy CC4 (Protection of Shops outside the Centre) should be read in conjunction with policy DP10.

2.5 The unit has been marketed since August 2014 without any success. The applicant has submitted supporting letters (Ariston Property Group and Drivers & Norris) indicating extensive marketing of the unit. Ariston Property Group state that since August 2014, 13 viewings have been conducted and that the recurring theme from the viewers have been insufficient footfall for passing trade to ensure the retail units' viability. Drivers & Norris commenced marketing of the unit in April 2015 and state that they received numerous enquiries from potential occupiers who lost interest in the unit due to the location being largely a residential area. Drivers & Norris added that some of the viewer's considered Class A2 use as a possibility but owing to a lack of parking space considered this alternative as an unviable option. CPG guidelines suggest that 2 years of vacancy is sufficient time including marketing information to consider an alternative

use. The unit is dilapidated and has been vacant now for 22 months; and the 2 year limit will occur by August 2016.

- 2.6 Paragraph 2.10 of CPG 5 (*Protecting and promoting retail uses*) is of relevance; and whilst the list of supporting information is not exhaustive, the applicant has reasonably demonstrated that the retail unit has been marketed without success as noted above. Under the circumstances, it is considered that a 'financial viability assessment report' as referred to in the draft KTNP Policy CC4 would be unreasonable in this instance given the location of the unit outside the designated centres referred to in para. 2.1.
- 2.7 Turning to the proposed use, the provision of new residential floor space is a key objective for the Council, as outlined in policies CS6 and DP2, and as such new residential floorspace is welcomed.
- 2.8 Policy DP5, Clause a) states that residential development should make contributions to meeting the priorities set out in the Dwelling Size Priorities Table. The Dwelling Size Priorities Table indicates that market housing with 2, 3 or 4 bedrooms is a 'medium' priority. However, Para. 5.5 states "The Council acknowledges that there is a need and/ or demand for dwellings of every size shown in the Priorities Table.

Policy DP6 (Lifetime Homes and wheelchair housing).

- 2.9 Policy DP6 states all new homes should comply with Lifetime Homes criteria as far as possible. From 1st October 2015, the Council is no longer able to apply Lifetime Homes conditions, housing designed in line with our wheelchair design guide, and our space standards for dwellings in CPG2. New build residential developments now must comply with the access standards in Part M of the Building Regulations. This includes parts 1 (Visitable dwellings), part 2(Accessible and adaptable dwellings) and M4 (3) wheelchair user dwellings. We will expect all new building housing developments to meet Building Regulations M4 (2).
- 2.10 To ensure the development meets the new requirements, this element shall be secured by condition to take into account the new standards.

Provision of new residential accommodation & residential space standard

- 2.11 The net floor area (NFA) of the proposed two bedrooms flat is approximately 70 sqm. It comprises 3 habitable rooms; 2 x bedrooms and a combine large living room plus living/ dining / kitchen room.
- 2.12 The principle of residential use on at ground floor level is considered acceptable for reasons expressed above. The flat comprise a single large semi-open-plan living and kitchen/ dining /room (33sqm) with bedrooms of 10 and 14sqm respectively. The size of the proposed flat complies with the National Housing Space Standards within the London Plan and floorspace area and guidance within the CPG for a 3 persons unit; although with the bedroom sizes could accommodate 4 persons. The proposed flat has reasonable good storage spaces and the internal layout of the unit is considered acceptable. The ceiling height is approximately 3m and this complies with the guidance in the CPG. The flat would be in compliance with CPG guidelines in that its principal habitable rooms have large individual windows, full-height sliding glazed doors orientated either due south, east and north to ensure an acceptable level of sun/daylight. With multiple openings its occupier would also benefit from dual aspect which is considered acceptable.

3.0 Design

External works – Shopfront

- 3.1 The host building is considered to make a negative contribution and detract from the special character and the appearance of the Kentish Town Conservation Area; and offers potential for

beneficial change. The existing shopfront is of a contemporary design and lacks the basic shopfront elements (transom, stall-riser, mullion) and or distinctiveness, which increase the attractiveness of a building and the local area; and therefore its replacement with matching bay-window with an entrance to mirror the terraced group is considered to add value and improve the buildings appearance and would enhance the character and appearance of the conservation area.

- 3.2 On the eastern side of the building (Montpelier Grove), lies the principal access to the residential units on the upper floors. The proposed flat would include a new entrance door; high-level windows including infill rendered finish are proposed to replace the existing fixed windows and shutters. These alterations are considered acceptable as they would improve the residential character of the building and the area generally.
- 3.3 It is therefore considered that the change of use from Class A1 retail use to Class C3 residential use would be acceptable due to the small loss of floorspace and the fact that suitable alternative retail outlets are located within 10 minutes walking distance. The provision of additional residential floorspace is a priority of the Plan and on balance; therefore, the proposal is welcomed.

4.0 Amenity

- 4.1 The proposed residential use would not add any additional significant impact on neighbouring residential or commercial occupiers' amenity on account of noise disturbance. Similarly, the new residential flat would not have any impact on neighbours' outlook, light or privacy and is satisfactory. The proposal is in compliance with policy DP26.

5.0 Transport

- 5.1 Policies CS11 and DP17 support cycle provision. Camden's parking standards for cycles states that one storage or parking space is required per residential unit. The proposal is for 1 new residential flat and therefore 2 cycle storage/parking spaces are required in accordance with CPG guidelines and the London Plan. The storage facility would be located within the front utility area and access via the existing ramp from the front garden. The new residential unit is of sufficient size to accommodate cycle parking were they located at ground floor level. The cycle parking storage is considered in compliance with policy and guidance.
- 5.2 As required under policy DP18, the additional units created in the development should be made car-free using a S106 legal agreement. This is necessary because the site is in an area with a PTAL 4; and is within a Controlled Parking Zone. The site is within the 'Clear Zone Region'. The proposal is for the provision of new self-contained flat and it is therefore considered that in accordance with policy the unit should be designated as car-free through a S106 legal agreement. The applicant has indicated a willingness to enter the agreement.

Refuse storage

- 5.3 The proposal includes secured refuse storage on the east side of the property, accessed from Montpelier Grove, which is considered acceptable.

6.0 Recommendation

- 6.1 Grant conditional planning permission subject to S106 legal agreement.

Disclaimer

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 18th July 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

GLA Architecture and Design Ltd.
Southgate Office
Village Block E
286A Chase Road
London
N14 6HF

Application Ref: **2016/1562/P**

14 July 2016

Dear Sir/Madam

DRAFT

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
71 Falkland Road
London
NW5 2XB

Proposal: Change of use from shop (A1 use) to a 2-bedroom self-contained flat at ground floor level; new bay-window plus entrance as replacement for shopfront; including alterations to fenestration.

Drawing Nos: Location plan; 01 RevA; 04 RevA; 05 RevA; 06 RevA; 07 RevA; 09 RevA2; 10 RevA2; 11 RevA2; 12 RevA1; 13 RevA1; Ariston Property Group letter dated 01.03.16; Drivers & Norris June 2016; and Design Statement ref. 1415A-2 dated 21.03.16.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

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 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans [Location plan; 01 RevA; 04 RevA; 05 RevA; 06 RevA; 07 RevA; 09 RevA2; 10 RevA2; 11 RevA2; 12 RevA1; 13 RevA1; Ariston Property Group letter dated 01.03.16; Drivers & Norris June 2016; and Design Statement ref. 1415A-2 dated 21.03.16.]

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

- 4 The 2 cycle parking spaces shown on the plans hereby approved shall be provided in their entirety prior to the first occupation of the new unit, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The new residential unit hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 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).

- 2 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.
- 3 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.
- 4 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.

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.

Yours faithfully

Supporting Communities Directorate