

Planning Solutions Team
London Borough of Camden
2nd Floor
5 Pancras Square
London
N1C 4AG

Dear Sir / Madam,

Prior-notification from retail (A1) to residential (C3) under Class M of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 (As Amended) at 82 Kilburn High Road, London, NW6 4HS

This application is to determine whether prior notification is required under Class M of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 (as amended) in respect of a change of use from retail (A1) to residential (C3) at 82 Kilburn High Road, London, NW6 4HS.

Legislative context

The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 (as amended) sets out that the following is permitted development:

M. Development consisting of—

(a) a change of use of a building from—

(i) a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order;

(ii) a use as a betting office or pay day loan shop, or

(iii) a mixed use combining use as a dwellinghouse with—

(aa) a use as a betting office or pay day loan shop, or

(bb) a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise), to a use falling within Class C3 (dwellinghouses) of that Schedule, and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Paragraph M1 goes on to stipulate a number of requirements that must be met in order for the change of use of the retail premises to qualify as permitted development.

The Application Site

The application site is 82 Kilburn High Road, London, NW6 4HS. The application site consists of a retail premises where by the principal retail functions take place on the ground floor of the building and the floors above this are used for storage in connection with this retail use.

This application relates to the second, third and fourth floor of the building only. The ground floor of the building will remain in retail use and this is where the primary retail function takes place.

The Development Proposals

The applicant has provided a series of scaled architectural plans depicting the internal layout and number of residential units in respect of a change of use from retail (A1) to residential (C3) at the site. Five self-contained residential units being proposed – two on the second floor, two on the third floor and one unit within the roof space of the building at fourth floor level. Access will be afforded from the ground floor level via a new entrance from Kilburn High Road and this will be facilitated to some minor building works to the front of the building, along with the insertion of a new internal stairwell to enable access to the upper floors of the building.

Assessment

In order to establish whether prior approval is required, we have set out below an assessment of the change of use against the criterion of Class M (as amended).

Designations

The application site is *not* subject to any of the following:

- on article 2(3) land;
- in a site of special scientific interest;
- in a safety hazard area;
- in a military explosives storage area;
- a listed building; or
- a scheduled monument.

Floor area

The proposed development will *not* result in more than 150 square metres of floor space in the building changing use under Class M.

External alterations

The following external alterations are proposed to facilitate the change of use of the application site to residential:

- New entrance at the front of the building;
- Insertion of two new windows, one at third floor level and one at fourth floor level.

Based on the above, it is clear that the proposed development will *not* result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The proposed building operations are reasonably necessary to convert the building referred to enable the residential use of the upper floors in accordance with the legislative stipulations.

No demolition works are proposed as part of the application.

Flood Risk

Based upon a search of the Environment Agency's available online records (see *Appendix 1* for full report and map), the site is located within Flood Zone 1, an area of lowest flood risk. In terms of surface water run-off, the Camden Local Plan (2017) and the Council's 'Flood Risk Management Strategy' confirms that the application site is *not* in a Local Flood Risk Zone.

It is considered that there are no significant flood risk issues and therefore the premises are suitable for a change of use of the second to the fourth floors from retail to residential use.

Transport and Highways Impact

The application site has a Public Transport Accessibility Level of 6a based on Transport for London's WebCAT mapping (see *Appendix 2* for full report and map), which is the second highest level of accessibility to public transport. Indeed, Kilburn High Road Overground station (two minutes' walk away) and Kilburn Road Underground station (five minutes' walk away) are located in very close proximity, along with a number of bus routes.

Given this, no off-street car parking is proposed as it is not required but five cycle spaces are proposed, and these will be located on the ground floor of the building at the end of the entrance corridor.

The new dwellings will all be 'car free' as no dedicated off-street car parking is proposed and the applicant is committed to ensuring that new residents will not have access to Residential Car Parking Permits. To achieve this, the applicant is committed to entering into an agreement with the Council be this via a condition on the Decision Notice or a Unilateral Undertaking via a Section 106 Agreement and can confirm that they have a solicitor instructed, have title information ready to issue to the Council as soon as they request it and can provide a commitment to cover the Council's reasonable legal fees in connection with the preparation of the agreement once confirmation has been issued that a decision to grant the Prior Approval application has been made.

On the basis of the above, it is evident that there would not be any material impact on the highways network with respect to traffic generation, parking provision or access arrangements.

Contamination Risk

Based upon a search of the National Coal Authority's Interactive Map, the Environment Agency's online mapping records and the Council's online planning application history, there is no evidence of land contamination for this site. The proposed change of use does not involve any below ground disturbance and given the application site's retail use there is no reason to suppose that the interior of the building is contaminated.

Retail use and impact

The legislation sets out that an assessment must be undertaken as to whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use on:

- (i) 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, Class 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*
- (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and*

The site lies within the Kilburn High Road Town Centre, as designated by the Council's Local Plan, and is also a Primary Shopping Frontage. Accordingly, the site is considered to be a 'key shopping area' and so an assessment against point (ii) above must be undertaken.

The proposed development will result in a very small area of the existing retail use being removed to facilitate access into the building. Fundamentally, however, the vast majority of the retail space on the ground floor will remain. In terms of the storage of stock that is sold in the premises, at present there is basement that is part of the demise of the property but is not currently used. As such, any areas of storage from the upper floors of the building that are changed to support the residential use will be accommodated within the basement. Some internal changes will be required to facilitate the access to the basement but these do not require planning permission.

Accordingly, the proposed development will have no detrimental impact on the ability of the current premises to continue trading as a retail use and this will remain the primary use of the building's ground floor. The vitality and viability of the Kilburn High Road Town Centre will not be adversely affected by the proposed development and therefore prior approval cannot be refused on this criteria.

The design or external appearance of the building

As noted above, some minor external alterations are proposed and these will be undertaken to facilitate the change of use of the upper floors of the building to residential. The application site is not within a Conservation Area or affected by any other heritage assets, and whilst there is a strong building line along Kilburn High Road (which will not be affected by the proposed development), the character of the area is mixed. Therefore there will be no adverse impact with regards to the external appearance of the building by virtue of the proposed development and Policy D1 of the Camden Local Plan will be complied with in whole.

Miscellaneous

Whilst outside of the scope of the assessment under the relevant legislation, the applicant is pleased to confirm that all of the studio apartments will have internal storage for refuse and recycling and a suitable arrangements via a private management company will be put in place for the disposal of this.

It is the applicant's intention to deliver five high quality apartment that will meet the pressing need for smaller accommodation within the Borough (and London generally) and the use of the unneeded retail space will contribute to this meet the Government's objectives as set out in the revised National Planning Policy Framework.



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Conclusion

In conclusion, the proposed change of use from retail (A1) to five residential apartments (C3) at the second, third and fourth floors of application site, accords with the criterion of Class M of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 (as amended).

Please find the attached application form with all sections of the notification completed in full, dated and signed. A series of plans indicating the site and development proposals have been provided as discussed within this supporting letter.

We understand that the Local Planning Authority's fee for this type of application is £206. The fee will be paid over the telephone by the applicant on the point of submission.

In light of the above we would request that the Council confirms in writing, within 56 days, that prior approval is not required for the proposed change of use.

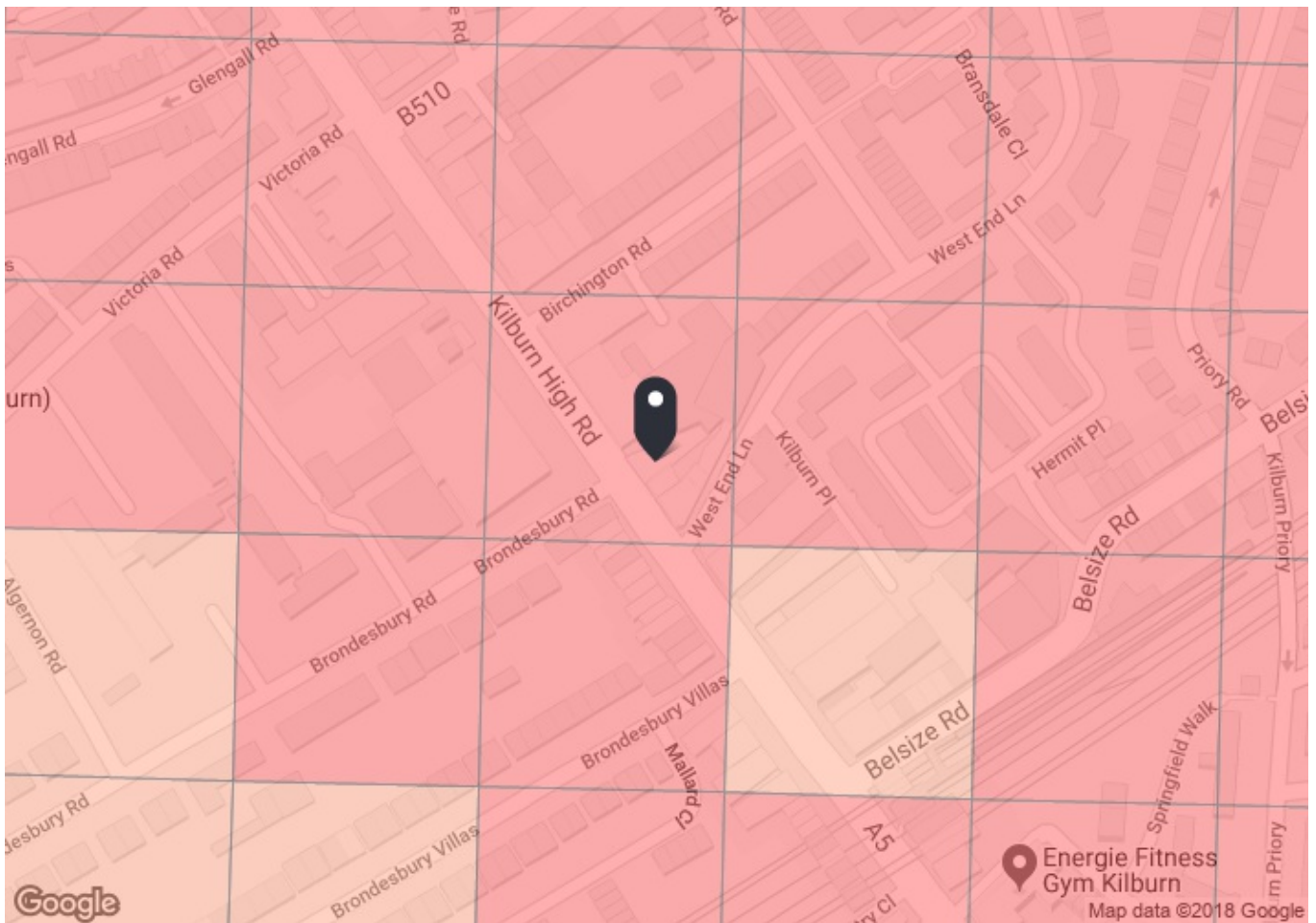
Please feel free to give me a call should you require any additional information.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'ARyley'.

Andrew Ryley MSc MRTPI
Associate Director

Enclosed: Appendices as listed



PTAL output for Base Year 6a

84 Kilburn High Rd, North Maida Vale, London NW6 6PR, UK
Easting: 525365, Northing: 183727

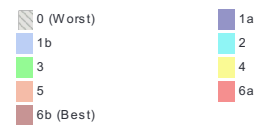
Grid Cell: 97149

Report generated: 06/09/2018

Calculation Parameters

Day of Week	M-F
Time Period	AM Peak
Walk Speed	4.8 kph
Bus Node Max. Walk Access Time (mins)	8
Bus Reliability Factor	2.0
LU Station Max. Walk Access Time (mins)	12
LU Reliability Factor	0.75
National Rail Station Max. Walk Access Time (mins)	12
National Rail Reliability Factor	0.75

Map key - PTAL



Map layers

 PTAL (cell size: 100m)

Calculation data

Mode	Stop	Route	Distance (metres)	Frequency(vph)	Walk Time (mins)	SWT (mins)	TAT (mins)	EDF	Weight	AI
Bus	QUEX R/W END LN/ABBEY RD	139	427.32	7.5	5.34	6	11.34	2.65	0.5	1.32
Bus	KILBURN HIGH ROAD STN	206	195.85	5	2.45	8	10.45	2.87	0.5	1.44
Bus	KILBURN MARKET	16	79.54	9	0.99	5.33	6.33	4.74	1	4.74
Bus	KILBURN MARKET	32	79.54	7.5	0.99	6	6.99	4.29	0.5	2.14
Bus	KILBURN MARKET	316	79.54	7.5	0.99	6	6.99	4.29	0.5	2.14
Bus	KILBURN MARKET	332	79.54	6	0.99	7	7.99	3.75	0.5	1.88
Bus	KILBURN MARKET	98	79.54	9	0.99	5.33	6.33	4.74	0.5	2.37
Bus	KILBURN MARKET	328	79.54	9	0.99	5.33	6.33	4.74	0.5	2.37
Bus	BELSIZE R KILBURN HIGH R	31	242.96	10	3.04	5	8.04	3.73	0.5	1.87
Bus	QUEX RD KILBURN HIGH RD	189	240.38	7.5	3	6	9	3.33	0.5	1.67
Rail	Kilburn High Road	'WATFJDC-EUSTON 2C06'	226.32	2.67	2.83	11.99	14.81	2.02	0.5	1.01
Rail	Kilburn High Road	'EUSTON-WATFJDC 2D86'	226.32	3	2.83	10.75	13.58	2.21	1	2.21
Rail	Brondesbury	'CLPHMJ2-STFD 2L50'	937.4	3.67	11.72	8.92	20.64	1.45	0.5	0.73
Rail	Brondesbury	'STFD-CLPHMJ2 2Y11'	937.4	3.67	11.72	8.92	20.64	1.45	0.5	0.73
LUL	Kilburn Park	'QueensPk-El&Castle'	566.87	11.01	7.09	3.47	10.56	2.84	1	2.84
LUL	Kilburn Park	'El&Castle-Harrow&W'	566.87	5.67	7.09	6.04	13.13	2.29	0.5	1.14
LUL	Kilburn Park	'StbridgePk-El&Castle'	566.87	5	7.09	6.75	13.84	2.17	0.5	1.08
LUL	Kilburn Park	'Waterloo-QueensPk'	566.87	1	7.09	30.75	37.84	0.79	0.5	0.4
LUL	Kilburn Park	'Waterloo-Harrow&W'	566.87	0.33	7.09	91.66	98.74	0.3	0.5	0.15
Total Grid Cell AI:										32.23

Flood map for planning

Your reference
NW6 4HS

Location (easting/northing)
525364/183727

Created
6 Sep 2018 8:52

Your selected location is in flood zone 1, an area with a low probability of flooding.

This means:

- you don't need to do a flood risk assessment if your development is smaller than 1 hectare and not affected by other sources of flooding
- you may need to do a flood risk assessment if your development is larger than 1 hectare or affected by other sources of flooding or in an area with critical drainage problems

Notes

The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

The Open Government Licence sets out the terms and conditions for using government data.
<https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>



Flood map for planning

Your reference

NW6 4HS

Location (easting/northing)









525364/183727

Scale

1:2500

Created

6 Sep 2018 8:52

-  Selected point
-  Flood zone 3
-  Flood zone 3: areas benefitting from flood defences
-  Flood zone 2
-  Flood zone 1
-  Flood defence
-  Main river
-  Flood storage area

0 20 40 60m