

Supporting Statement



387 Kentish Town Road
London, NW5 2TJ

Prior Approval for Change of Use from Class A1 (retail) to Class C3 (residential) under
Schedule 2, Part 3, Class M of the GPDO

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1. Introduction

- 1.1. This Statement is submitted to assist the Council in their determination of an application for Prior Approval for the change of use of the ground floor of the premises from a Class A1 shop to a Class C3 residential use.
- 1.2. The application is made under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) (as amended). This permits the change of use of the building without the need for planning permission.

2. The Site

- 2.1. The application property comprises the ground floor of a three storey Victorian building located on the south-western side of the northern end of Kentish Town Road, opposite its junction with Highgate Road and Fortress Road.

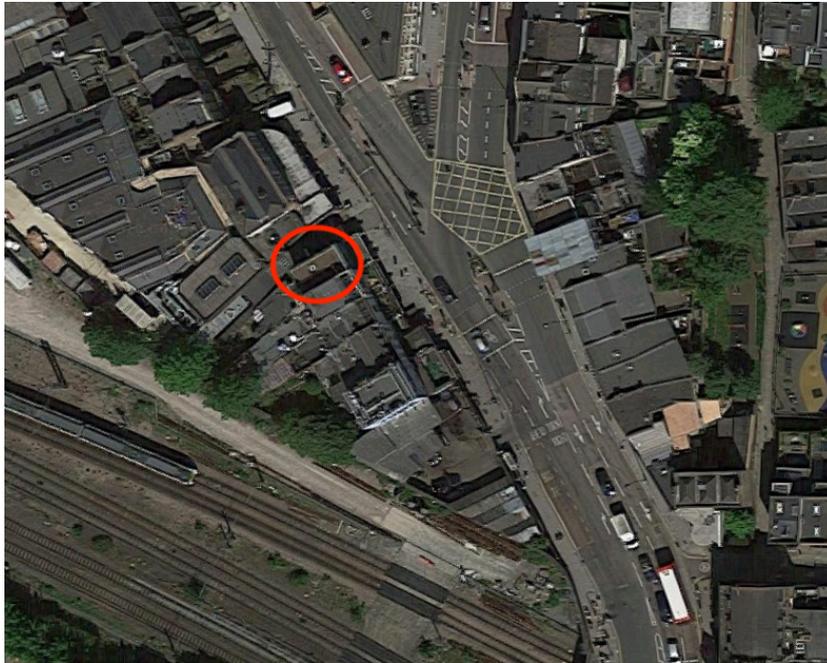


Figure 1 - The application site in context (courtesy Google Maps)

- 2.2. The ground floor of the property is currently vacant but formerly in use as a hairdressers. It has a glazed shopfront incorporating a single width door to its right hand side. A shop fascia extends above the shopfront and across the entrance to the upper floor flat that is to the right of the shopfront.
- 2.3. The front part of the building is single storey with a flat roof, protruding from the main three storey building behind. The upper floors of the building are separate from the ground floor, with a self-contained entrance located to the northern side of the shopfront. The stairwell immediately behind this entrance door leads to the upper floors. The upper floors were last used as a beauty salon, although planning permission has recently been granted for

alterations and extensions (including a mansard roof extension) to enable the change of use of the upper floor to a self-contained three bed flat.

- 2.4. The building is at the northern end of a terrace of 5 properties that vary in architectural style and form, being between three and four storeys in height. Adjacent the northern flank wall of the property there is a gated vehicular access to a single storey workshop building located towards the rear. The "Bull and Gate" Public House lies to the north of this access.
- 2.5. The surrounding area is mixed in character, typical of a busy London street. Buildings are generally three to four storeys in height, and comprise a mix of retail and residential uses.
- 2.6. The location of the site adjacent to the road junction prevents the parking of vehicles outside of the premises, and parking restrictions do not allow for any loading at any time. There is a dropped kerb and vehicular access to the adjoining workshop premises at No. 389, although this appears little used. There are some marked short-term parking bays on the main roads away from the road junction. There is also parking availability in the side streets, with marked bays subject to a Controlled Parking Zone between 8.30am and 6.30pm Mondays to Fridays. The bays are marked to provide a mix of pay and display spaces, spaces for residential permit holders and spaces for car club permit holders.
- 2.7. The property is not within any special character area, it is not within a Conservation Area or Article 4 area, and it is not a Listed building.



Figure 2 - The front and rear of the premises

3. Relevant Planning History

- 3.1. 2018/0204/P - In September 2018 planning permission was granted for the erection of a rear extension to ground floor shop (A1); replacement of front and rear windows with timber framed replacements; erection of mansard roof extension with rear dormer window to

facilitate change of use of first and second floors from beauty salon (sui generis) to 1 x 3 bed flat (C3).

4. The Proposal

- 4.1. The proposal is for development consisting of a change of use of the ground floor of the building from 74m² of retail use falling with Class A1 (shops) to a use falling within Class C3 (dwellinghouses), together with building operations reasonably necessary to convert the building.
- 4.2. The building operations to facilitate the residential use involve the removal of the existing shopfront and its replacement with a primarily glazed (partly obscure glazed) frontage set on a rendered brick plinth, and incorporating a new front door to the left hand side, designed to provide some symmetry to the elevation and a "mirror Image" of the upper floor entrance. The fascia will be retained and painted a neutral colour.
- 4.3. At the rear of the building the walls and fenestration will be altered or replaced in a manner to suit the residential use. No extensions beyond the existing structures are proposed.
- 4.4. Internally the accommodation is proposed to be arranged as a two bed unit, with the bedrooms and bathroom sited towards the rear of the building and the kitchen and living area sited towards the front of the building.
- 4.5. Full details are shown on the submitted plans.

5. Legislation

- 5.1. Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), as amended, permits the proposed change of use of the building without the need for planning permission. This Class also permits building operations reasonably necessary to convert the building.
- 5.2. Such development is not permitted if the the criteria set out within Class M are not satisfied. In this case, the building has to have been within the specified uses on 20th March 2013, the cumulative floor space of the existing building changing use must not exceed 150 square metres, the external dimensions of the existing building must not be extended, demolition is not permitted and the building must not be a listed building or within a conservation area. The Applicant believes that these and indeed all of the criteria within Class M are satisfied.
- 5.3. The proposal is nevertheless subject to the "Prior Approval" of the Local Planning Authority (LPA).

6. Assessment of Conditions as to whether Prior Approval is required

- 6.1. Condition M.2 of Class M requires the developer to apply to the LPA for a determination as to whether the Prior Approval of the authority will be required in respect of a number of matters. These are identified below, with commentary as to their relevance and impact on this site.

(a) transport and highways impacts of the development,

- 6.2. The site has been considered in the context of Transport for London's WebCAT (Web-based Connectivity Assessment Toolkit). This uses a "Public Transport Accessibility Level" (PTAL) rating to measure locations by distance from frequent public transport services. PTAL values are influenced by the walking distance to nearby stations and stops, and by the frequency of services at these stations and stops. A PTAL level of 1 is worst and a PTAL level of 6 is the best.

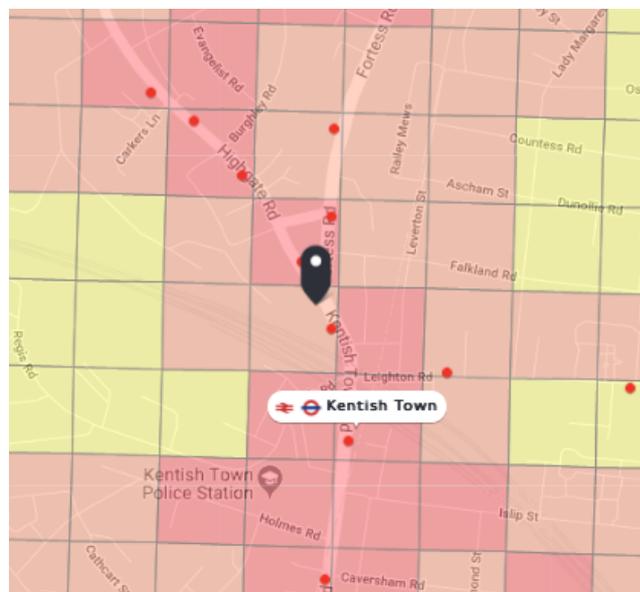


Figure 3 - PTAL map reproduced courtesy TfL and Google.

(black marker shows the approximate location of the site, red dots are bus stops, any red shading shows PTAL 6, orange shading PTAL 5, yellow shading shows PTAL 4 etc.)

- 6.3. The site has a PTAL rating of 5 or 6, which suggests that there is excellent connectivity to the public transport network in comparison to other parts of London. It is therefore in a sustainable location for either residential or commercial uses.
- 6.4. The London Plan (2016) and the Camden Local Plan (2017) both express car parking standards as "maximum" standards. Parking provision in new developments can be below these maximum standards, provided that there is no adverse impact on traffic generation or parking stress within the area.

- 6.5. Whatever the use of the building, there can be no off-street parking provided within or adjacent the site. However, the absence of any parking provision in this location is perfectly acceptable, particularly given the sustainable location and the policies of the Local Plan.
- 6.6. The proposed residential use will not result in a material increase or a material change in the character of traffic in the vicinity of the site, and it will not have any adverse impact in terms of parking and highway safety compared with this existing use, or indeed the potential impact of an alternative retail use. If anything there will be an improvement in pedestrian and vehicular safety as there will be less activity and only limited servicing requirements for a residential use compared with a retail use.
- 6.7. On-street parking is available in surrounding streets, all of which are within a Controlled Parking Zone. There are also several car club schemes that are in operation within the immediate area. Therefore should the occupants of the flat ever require a private vehicle it can be accommodated within the area and without harm to the continued provision of on-street parking availability for existing residents and businesses.
- 6.8. A covered space for the storage of cycles will also be provided within the rear yard to the flat so as to promote and encourage cycling.
- 6.9. There are therefore no parking or highway safety impacts arising from this development, and the prior approval of the LPA is not required in this respect.

(b) contamination risks in relation to the building

- 6.10. The building appears to have been originally constructed for mixed residential and retail purposes and there is no evidence of any contamination risks in relation to the building.
- 6.11. The most recent hairdressing use of the ground floor will not have introduced any contaminants into the land to affect soil conditions within or in the vicinity of the site, and customers have obviously occupied the building without hindrance in this respect.
- 6.12. Accordingly, it is considered that there are no contamination hazards on the site or within the building and there will be no risks to the health and well-being of the occupants of the building if it were to be used for residential purposes.
- 6.13. As such, it is considered that there are no contamination risks in relation to this proposal and the prior approval of the LPA is not required in this respect.

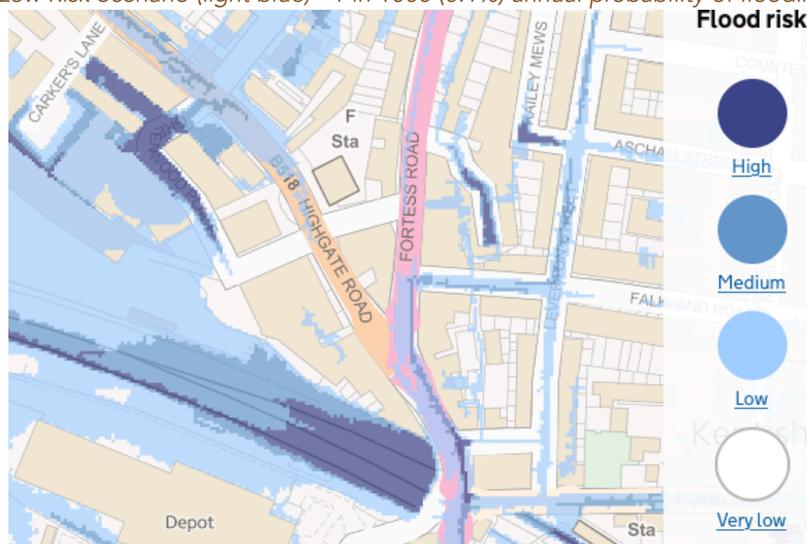
(c) flooding risks in relation to the building,

- 6.14. The Environment Agency confirms that the site is within a Flood Zone 1 indicating that there is a very low probability of flooding occurring from sea or rivers within the vicinity ¹. This means that the area has been assessed as having a less than 1 in 1000 annual probability of flooding from rivers and the sea.

¹ Long Term Flood Risk Map for England, Environment Agency, 2019

- 6.15. The NPPF provides guidance on the type of development appropriate for each of the classified Flood Zones 1, 2 and 3. A Flood Zone 1 classification indicates that the site is suitable for 'more vulnerable' residential uses. The NPPF therefore confirms that the proposed development is appropriate at this location (in terms of flood risk).
- 6.16. The Applicant also acknowledges that localised flooding can sometimes arise from heavy rainfall when surface water cannot be absorbed into the ground or enter drainage systems. Ordinary smaller watercourses such as ditches and drains cannot hold the volume of water flowing through them and consequently water overflows onto surrounding land, and groundwater may rise above surface levels.
- 6.17. Consideration has therefore been given to the Environment Agency's Flood Map for Surface Water, which assesses the chance of flooding occurring in any given year as a result of rainfall. However it confirms that the flood risk from surface water within and in the vicinity of the site is also low.

High Risk Scenario (dark blue) - 1 in 30 (3.3%) annual probability of flooding
Medium Risk Scenario (medium blue) - 1 in 100 (1%) annual probability of flooding
Low Risk Scenario (light blue) - 1 in 1000 (0.1%) annual probability of flooding



*Figure 4 - Extent of flood risk from surface water
(courtesy Environment Agency Flood Risk Mapping)*

- 6.18. The flood map shows that the site itself is unlikely to be affected by flooding from surface water. Some of the surrounding roads and the adjoining railway, as might be expected, can be subject to surface water flooding, but the flood depth or velocity of the water is not excessive. In any case surface water flooding is likely to be short-lived given the urban drainage systems that exist within the vicinity of the site.
- 6.19. NPPF Guidance ² confirms that minor developments are unlikely to raise significant flood risk issues unless they would:
- have an adverse effect on a watercourse, floodplain or its flood defences;

² NPPF Planning Practice Guidance on Flood Risk and Coastal Change, Paragraph 047, 15/04/2015.

- would impede access to flood defence and management facilities; or
- where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.

- 6.20. It is considered that this is the case here. The development is a minor development and comprises change of use of an existing building that already feeds into the existing drainage system. The opportunity can be taken through the change of use to enhance and improve upon the existing drainage provision within the site. This can include permeable paving to any new external hard surfaces and a soft landscaping scheme that takes into account the need to absorb rainwater and prevent surface water run-off.
- 6.21. There are no flood risks or potential for significant impact in surface water run-off associated with this development and no specific mitigation measures are therefore required. The proposal satisfies the requirements of the NPPF and the policies of the Local Planning Authority with respect to flood risk.

(d) the impact of the proposal on the adequate provision of Class A1 shops

- 6.22. Condition (d) asks for the LPA to assess "*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— (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.*"
- 6.23. The Applicant is of the opinion that the loss of the A1 use will not impact on the adequate provision of services provided by an A1 use within the area. The building is located within a secondary shopping parade within Kentish Town Centre. However, it is not located in a key shopping area, and the loss of the shop will not harm the role and character of the centre, and will not impact on the sustainability of the centre.
- 6.24. The property comprises the end of a terrace of 5 buildings, the ground floors of which are partly in commercial use or provide residential entrances to the the flats behind or above. The commercial uses comprise a food and wine store, and 3 no. cafe/restaurants. To the north is a workshop and the Bull and Gate Public House, and beyond that the street loses its retail activity. The parade is very much secondary in nature, and it does not fulfil a vital role in providing services within the Town Centre.
- 6.25. Furthermore there are vacant units in both the primary and secondary retail parades within the Town Centre (particularly in close proximity to the site) that are capable of providing A1 services. Most of these vacant properties are positioned in a better location (away from the road junction and with greater footfall) and where their occupation for A1 purposes would contribute to the continued vibrancy of the Town Centre far better than the "edge of centre" location of the application site.

- 6.26. The impact of the change of use will not therefore impact on the services of the sort that may be provided within the area, and there will remain adequate A1 provision and a variety of types of services that are appropriate to the area. The Prior Approval of the LPA is not required in this respect.

(e) the design or external appearance of the building

- 6.27. The proposal includes alterations to the design and external appearance of the building by means of a replacement shopfront and alterations to the rear elevations at ground floor level by replacing the walls and fenestration to suit the residential use. No extensions beyond the existing building footprint are proposed.
- 6.28. The proposals have been carefully considered in the context of the existing building and its impact on the character of the area. They are considered an appropriate and sympathetic way of incorporating the proposed use, and entirely acceptable in their design, external appearance and impact.

7. Conclusion

- 7.1. The use of the ground floor of the premises for wholly residential purposes does not give rise to any matters that should warrant concern from the LPA. The Prior Approval of the LPA should not be required for any of the matters referred to in the legislation, and the proposal should therefore be permitted.

end.