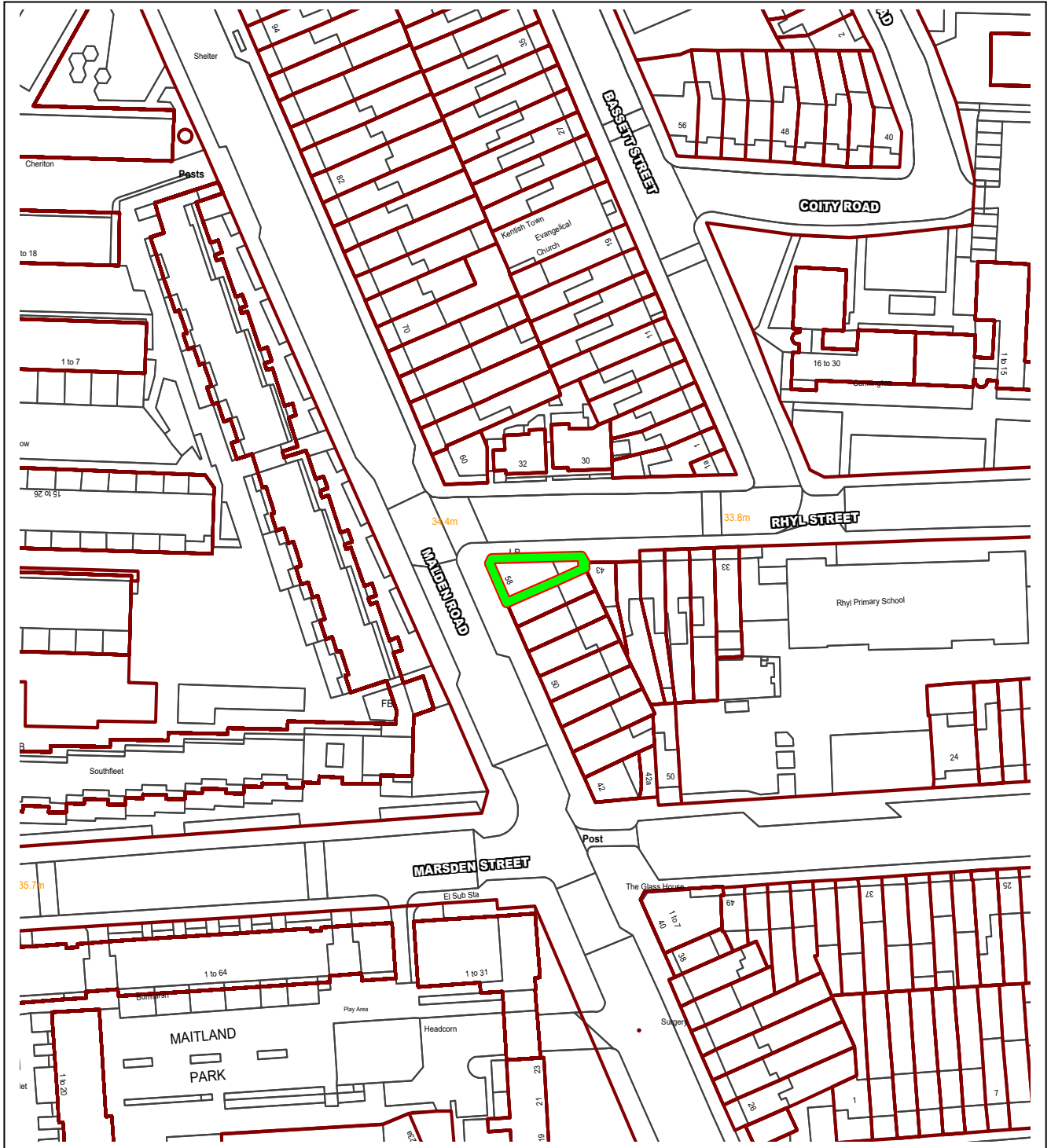


58 Malden Road, NW5 3HG, ref.
2021/0822/P



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Images 1 (above) and 2 (below): Malden Road and Rhyl Street elevations on Google Streetview



Image (3) below): Indicative image of proposed elevations



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		19/04/2021			
		N/A		Consultation Expiry Date:		18/04/2021			
Officer				Application Number(s)					
Adam Greenhalgh				2021/0822/P					
Application Address				Drawing Numbers					
58 Malden Road London NW5 3HG				Please refer to draft decision notice					
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature			
Proposal(s)									
Change of use from shop to one self-contained 2 bedroom (3 person) flat									
Recommendation(s):		Grant conditional planning permission subject to a legal agreement							
Application Type:		Full planning permission							
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice							
Informatives:									
Consultations									
Adjoining Occupiers:		No. of responses		00		No. of objections		00	
Summary of consultation responses:		<p>Press notice: published on 25/03/2021 Site notice: displayed from 24/03/2021</p> <p>2 letters of objection (unaddressed) received from neighbouring residents. Objections raised on grounds of loss of retail use/impact on economic vitality of the area and harm to character of the area</p> <p><i>Officer comment:</i> See 'Land Use – Principle of development' and 'Design & Conservation' sections of the officer report (below)</p> <p><u>Kentish Town Neighbourhood Forum:</u></p> <p>Note that the site lies outside the Kentish Town Neighbourhood. No objections raised. Question asked whether change of use of shop is acceptable.</p> <p><i>Officer comment:</i> See 'Land Use – Principle of development' section of the officer report (below)</p> <p><u>West Kentish Town Conservation Area Advisory Committee (WTCAAC)</u></p>							

The WTCAAC object to the proposal on grounds of the loss of the shop and harm to the vitality and security of the area. The proposal would also harm the character and appearance of the Conservation Area.

Officer Comment: See 'Design & Conservation' section of the officer report (below)

Haverstock Ward Councillors:

The Haverstock Ward Councillors (Cllrs Quadir, McAnena and Kelly) object to the proposal on grounds of loss of a retail use, loss of security/public surveillance, harm to the vitality of the area and inadequate quality of residential accommodation

Officer Comment: See 'Land Use – Principle of development' and 'Design & Conservation' sections of the officer report (below)

Site Description

58 Malden Road is located at the junction of Malden Road and Rhyl Road in West Kentish Town. It is an end-of-terrace three storey property (including mansard) with a basement and the application relates to the existing shop which occupies the ground floor. It is not located in a designated shopping frontage on the London Borough Camden Local Plan Proposal Map, nor is it within a Town Centre. It is not a listed building but it is located in the West Kentish Town Conservation Area.

The surrounding area is mostly residential, with a mixture of houses and flats, including residential uses on ground floors.



Figure 1 (above): Existing shopfront (Malden Road elevation)



Figure 2 (above): Existing shopfront (including Rhyl Street elevation)

Relevant History

2020/0619/P - Change of use from retail shop (Class A1) to 1x 1-bedroom flat and 1x studio flat (Class C3) and associated amendments to the front elevation – refused 03/11/2020

Reasons for refusal:

1. The proposed change of use, in the absence of any evidence to demonstrate that the continued use as a retail shop is unviable, would result in the loss of an amenity which serves the needs of the local population contrary to policy TC3 (Shops outside of centres) of the LB Camden Local Plan 2017
2. The proposed amendments to the front and side elevation, by way of their proportions, inappropriate materials and unsympathetic design would fail to preserve the character and appearance of the Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017, the West Kentish Town Conservation Area Appraisal and Management Strategy 2005 and policy D3 of the 2 Kentish Town Neighbourhood Plan 2018.
3. In the absence of a legal agreement to prevent future occupiers from obtaining car parking permits, the proposal would fail to encourage the use of sustainable methods of transport and it would therefore be contrary to policies T2 (Parking and car-free development) and CC1 (Climate change mitigation) of the LB Camden Local Plan.
4. The proposed development, in the absence of adequate cycle parking facilities, would fail to cater for the needs of occupants and discourage the use of sustainable transport alternatives contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and car-free development) and CC1 (Climate change mitigation) of the LB Camden Local Plan

2004/5342/P - Certificate of Lawfulness for an existing use of the ground floor as shop and 3 flats on upper floors – granted 20/01/2005

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

Policy H1 Maximising housing supply

Policy H6 Housing choice and mix

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Policy TC3 Shops outside town centres

Policy T1 Prioritising walking, cycling and public transport

Policy T2 Parking and car-free development

Camden Planning Guidance

Design (2021)

Amenity (2021)

Home Improvements (2021)

Developer Contributions (2019)

Housing (2021)

Transport (2021)

West Kentish Town Conservation Area Statement 2005

1.0 Proposal

1.1 Planning permission is sought for the change of use of the ground floor shop into a self-contained 2 bedroom flat. The flat would have two bedrooms at the front and a living room/reception, kitchen and utility room at the rear. External elevational alterations are proposed to form 'shop style' windows on the Rhyl Street and Malden Road elevations either side of a 'dummy' shop door on the corner and traditional sash style windows on each elevation. On the Rhyl Street elevation, next to the door to no. 58 a new traditional style 4 panel door would be formed to the proposed utility room/cycle store.

Revisions during the course of the application:

1.2 When the application was first submitted two 'two-over-two' sash windows were proposed on each elevation. These windows did not hint to the previous/original use of the ground floor as a shop. One of the Conservation Area Advisory Committee's objections related to the change to the character of the area as a result of the alterations to the use and appearance of the building. The now proposed elevations, which would feature a shop style window (with fascia and stallriser on each elevation) are intended to recall the former use as a shop and to preserve the appearance of the building and the character of the area.

1.3 Also during the course of the application, the applicant has included the provision of railings in front of the site on Malden Road and railings on low walls in front of the building on Rhyl Street. The applicant has pointed to the presence of railings in front of neighbouring buildings. The Conservation Area Advisory Committee has also suggested that railings be provided (See Conservation & Design below for further assessment). Another advantage of these is they provide defensible space.

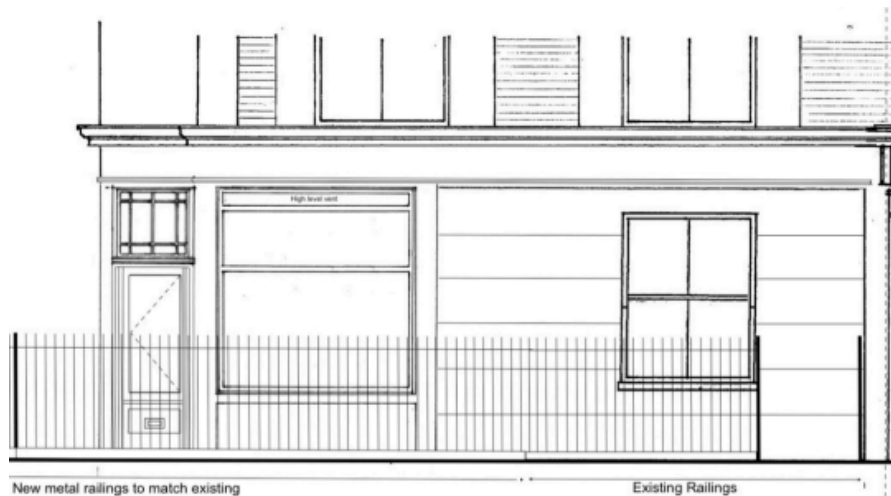


Figure 3 (above): Proposed Malden Road elevation

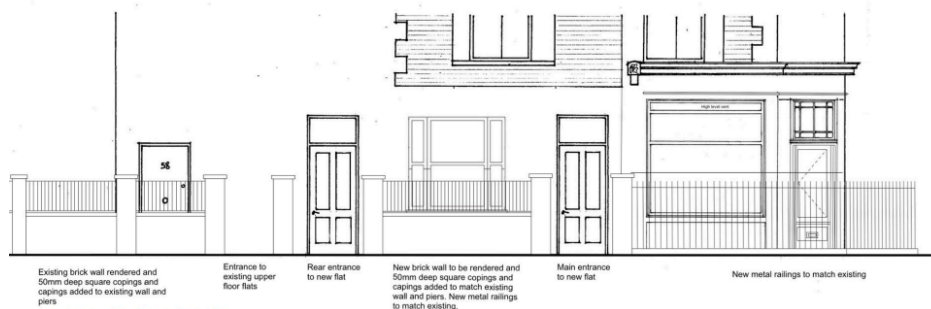


Figure 4 (above): Proposed Rhyl Street elevation

2.0 Assessment

2.1 The material considerations for this application are summarised as follows:

- Land Use - Principle of development
- Design and Conservation
- Effects on the amenity of neighbouring occupiers
- Sustainability
- Transport
- Quality of accommodation

2.2 Land Use – Principle of development

2.3 The proposal would involve the loss of an existing shop and the provision of a new two bedroom dwelling. If the site was not located in a Conservation Area, subject to the relevant provisos and conditions, it might benefit from the prior approval/permitted development process under Class M of the Town and Country Planning (General Permitted Development) Order.

2.4 Notwithstanding the above, the principle of the loss of the shop must be considered in relation to policy TC3 (Shops outside of centres) of the Camden Local Plan. This states:

'The Council will only grant planning permission for loss of a shop outside designated centres provided: a. alternative provision is available within 5-10 minutes' walking distance; b. there is clear evidence that the current use is not viable; and c. within the Central London Area, the development positively contributes to local character, function, viability and amenity'

2.5 There appear to be alternative convenience shops within 5-10 minutes' walking distance, particularly on Queen's Crescent 200m to the north.

2.6 The first reason for refusal of the previous application, 2020/0619/P (see Planning History) related to the lack of evidence to demonstrate that the continued use as a retail shop is unviable and the consequential loss of an amenity which serves the needs of the local population contrary to policy TC3.

2.7 The current application includes a Marketing Review (by Orme Property). This confirms that the current lease terminates soon, that the tenant is in arrears (on rent) and that despite marketing on retail property databases and the Orme website there has been no interest in a shop use and that it may be vacant for the next 2 – 3 years. The marketing tools which have been used are:

Costar – Online property portal • PIP – Email mail out to 750 agents across London • Estate Agents Clearing House – 250 agencies across London • Orme Property Website • Orme Property mailing list - consisting of close to 700 agents across London and the rest of the country

2.8 The marketing review strongly indicates that the existing shop is not viable and that there is no demand for an alternative retail use. There are alternative retail facilities available within a 5 minute walking distance and the change of use of the shop would not result in a deficiency of retail provision in the local area or the loss of a significant retail facility.

2.9 The proposed use as a residential dwelling would comply with the Council's policies for growth (G1) and the provision of new dwellings to meet housing needs (H1). Housing is regarded as the priority land-use of the Local Plan as set out in policy H1.

2.10 In accordance with the requirements of the Government's Housing Delivery Test, the Council has published a Housing Delivery Test Action Plan. This sets out a series of actions to ensure that Camden is able to meet its housing requirement in future years. The housing delivery plan has been produced as the data shows that housing completions in Camden in recent years have fallen below the borough's housing delivery target (most recently 79%). Under the 2019 rules if delivery falls below 95%,

authorities must publish an action plan to explain how they intend to increase delivery in future years. This should be taken into account when the Council are making decisions on applications which if approved would enable the delivery of additional housing for the borough.

2.11 There being no land use objections to the loss of the shop and the proposed change of use to residential, the proposal is acceptable in principle.

2.10 Design and conservation

2.11 Local Plan policies D1 and D2 are aimed at achieving the highest standard of design in all developments. Local Plan policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

2.12 Nos. 48–52 Malden Road are referred to in the West Kentish Conservation Area Statement (WKCAS) but they do not now comprise and historic shopfronts. The WKCAS states that the buildings are built from brick with stucco embellishments and that the shopfronts are modern.

2.13 They are noted as being buildings which make a positive contribution to the Conservation Area.

2.14 When the application was originally submitted, two-over-two sash windows were proposed in each elevation, featureless doors were proposed and no fascia or stallrisers were indicated. The existing low wall and railings on Rhyl Street were also not shown.

2.15 The CAAC raised objections on grounds of harm to the character and appearance of the Conservation Area as a result of the loss of the shop and the proposed appearance of the ground floor alterations.

2.16 In terms of appearance, the existing shop does not add to the positive contribution that the building makes to the streetscene. The shop has a modern aluminium frame, excessive glazing/panelling, and excessive acrylic fascia and concrete stallriser. While there were concerns with the appearance of the development under the previous proposal (2020/0619/P) the current proposal is considered to respect and reflect the appearance of the original shop and to improve the appearance of the site within the Conservation Area.

2.17 The previous (2020/0619/P) proposal was assessed to be lacking in stucco render and rustication. The proposed use of uPVC casements on this historic building within a Conservation Area was considered to be unacceptable. All new casements would be fabricated in timber and designed to replicate the historic windows found at Nos 42, 44 and 48. The doors were required to be historically appropriate 6-panel timber doors with fanlights over.

2.18 The proposed amended design 'mocks' the original corner shop with traditionally sized shop windows both sides of a traditional style entrance door with fanlight over, fascias and stallrisers on the Malden Road and Rhyl Street elevations. The Malden Road elevation would be of stucco render with pronounced banded rustication to match 42, 44 and 48 Malden Road, with traditional style timber sash windows. It references the original corner shop at the site and would preserve the character or appearance of the Conservation Area in accordance with policies D1 (Design) and D2 (Heritage) of the LB Camden Local Plan 2017.

2.19 Like at the neighbouring sites in Malden Road (nos. 48, 52, 54 and 56) the proposal would have railings on the Malden Road frontage. The railings would return around the Rhyl Street frontage, in keeping with the development at the other end of the terrace (42 Malden Road) and in keeping with the neighbouring site in Rhyl Street (no. 43). The proposed railings are considered to be appropriate in the context of the design and appearance of the area and they would not compromise the safety, perception, permeability or legibility of the public realm.

2.20 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

2.21 Effects on the amenity of neighbouring occupiers

2.22 Local plan policy A1 seeks to protect the amenity of residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by granting permission for development that would not materially harm the amenity of neighbouring residents. This includes factors such as light, outlook, privacy, noise and disturbance.

2.23 No built extensions are proposed and there would therefore be no effects on the light or outlook of any neighbouring properties.

2.24 The configuration and use of the flat would not result in any increase in overlooking of any neighbouring rooms or gardens and the proposal would be unlikely to result in any undue noise or disturbance at any neighbouring sites. Appropriate sound insulation of the rooms would be required under the Building Regulations.

2.25 It is concluded that the proposal would not result in any significant levels of loss of amenity for the occupiers of any neighbouring properties.

2.26 Sustainability

2.27 As the proposal is for the conversion of an existing building, and not a new build, it would not exceed the threshold, in the Council's Energy Efficiency & Adaptation CPG for carbon reductions in excess of Building Regulation targets. Also, given the nature and scale of the development, a Flood Risk Assessment/details of Sustainable Urban Drainage are not required. A condition to limit water use by occupants is recommended in the interests of the Council's policy for limiting water use and discharge.

2.28 Transport

2.29 Policy T2 of the Camden Local Plan requires all new developments in the borough to be car-free. In order to prevent future occupiers from obtaining on-street parking permits from the Council, the development should be subject to a car free agreement and this should be secured by means of a Section 106 Agreement. New railings are proposed within the forecourt. The applicant has stated these are within the landowner's demise and the red line boundary on the site location plan. Officers have accepted this in good faith. As the area in question is publicly accessible, there might be a need for a stopping up order if it is to be blocked off. Any stopping up order would be subject to separate orders outside of the planning process. It is also officer's view that railings/boundary treatment of up to 1m would be potentially possible under the General Permitted Development Order. The proposals are seeking 1.3m high railings.

2.30 The proposed ground floor plan includes a 4.8 sq m bicycle and bin store. This would enable the provision of cycle parking and waste/recycling storage facilities for the occupiers of the new dwelling.

2.31 Quality of accommodation

2.32 Policy H6 of the Local Plan requires new housing to be of a high design quality, to provide functional, adaptable and accessible living space and for all new self-contained housing to comply with the Nationally Described Space Standards. In terms of area, the minimum requirement in the Nationally Described Space Standards for a two bedroom, three person unit on one storey is 61 sqm (GIA). room). The proposal indicates a 63 sq m flat. All the habitable rooms would be adequately sized with good

levels of natural light. Railings would provide defensible space for occupiers. As such the proposal would provide a good standard of accommodation in accordance with policy H6.

3.0 Recommendation:

- 3.1 Grant conditional planning permission subject to a car-free 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 Tuesday May 3rd 2022, 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'

Application ref: 2021/0822/P
Contact:
Tel: 020 7974 6341
Date: 27 April 2022

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

B2 Surveyors
165 Perrysfield Road
Cheshunt
EN8 0TJ

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:
58 Malden Road
London
NW5 3HG

Proposal: Change of use from shop to one self contained 2 bedroom (3 person) flat

Drawing Nos: Site Location Plan, 101400/1 A, 101400/3 C, 101400/6, 101400/7 A, 101400/8, 101400/9, Design & Access Statement, Marketing Review (Orme Property - 18/05/2021)

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 The development hereby permitted shall be carried out in accordance with the following approved drawings:

Site Location Plan, 101400/1 A, 101400/3 C, 101400/6, 101400/7 A, 101400/8, 101400/9

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

- 3 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 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and

Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

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