

Delegated Report		Analysis sheet		Expiry Date:	03/04/2020
		N/A		Consultation Expiry Date:	12/04/2020
Officer			Application Number(s)		
Adam Greenhalgh			2020/0619/P		
Application Address			Drawing Numbers		
58 Malden Road NW5 3HG			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from retail shop (Class A1) to 1x 1-bedroom flat and 1x studio flat (Class C3).					
Recommendation(s):		Refuse planning permission			
Application Type:		Full planning permission			
Conditions or Reasons for Refusal:		Refer to Decision Notice			
Informatives:					
Consultations					
Adjoining Occupiers:		No. of responses	5	No. of objections	4
		No. electronic	0		
Summary of consultation responses:		Site notice: 13/03/2020 – 06/04/2020 Press notice: 19/03//2020 – 12/04/2020			
		Four letters of objection received from local residents. Objections raised relate to:			
		<ul style="list-style-type: none"> - Loss of shop - Loss of natural surveillance - Inadequate quality of proposed residential accommodation 			
		<i>Planning Officer response:</i> <ol style="list-style-type: none"> 1. See section 2.2 below 2. The proposed flats would provide a degree of natural surveillance and the level of public surveillance from the shop is a minor consideration which must be considered alongside all other relevant planning considerations. 3. The proposed flats would provide an inadequate standard of accommodation as explained in 'Quality of accommodation' below. 			
CAAC/Local groups comments:		Objections received on grounds of: <ul style="list-style-type: none"> - Loss of retail facility (Note: Not strictly a Conservation consideration) 			

- Loss of natural surveillance (Note: Not strictly a Conservation consideration)
- Inadequate quality of proposed accommodation (Note: Not strictly a Conservation consideration)
- Inappropriate materials (UPVC windows inappropriate in Conservation Area) (See section 2.3 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 and the application relates to the existing shop which occupies the ground floor. It is not located in a designated shopping frontage on the LB Camden Local Plan Proposal Map. It is not a Listed Building but it is located in the West Kentish Town Conservation Area.

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

Relevant History

2004/5342/P	58 Malden Road London NW5 3HG	Certificate of Lawfulness for an existing use of the ground floor as shop and 3 flats on upper floors.	FINAL DECISION	20-01-2005	Granted
PEX0200400	58 MALDEN ROAD LONDON NW5 3HG	The conversion of the existing 2-bedroom lower ground floor flat into 2 flats.	FINAL DECISION	10-05-2002	Refused

Relevant policies

National Planning Policy Framework (2018)

The London Plan March 2016 and Draft London Plan July 2017

Camden Local Plan 2017

Policy H1 Maximising housing supply
 Policy H6 Housing choice and mix
 Policy C5 Safety and security
 Policy C6 Access for all
 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 Adopted March 2018:

CPG Housing (interim)
 CPG 2 Housing May 2016 updated March 2018)
 CPG Amenity

Adopted Prior:

CPG 6 Amenity (September 2011 updated March 2018)
 CPG 8 Planning obligations (July 2015 updated March 2018)

Kentish Town Neighbourhood Plan 2018

West Kentish Town Conservation Area Appraisal and Management Strategy 2005

Assessment

1.0 PROPOSAL

- 1.1 Planning permission is sought for the change of use of the ground floor shop premises into 1 x 1 bed and 1 x studio flats. The 1 bed flat would be sited at the front and the studio flat at the rear. Separate (new) entrance doors would be provided and the existing shopfront would be removed and new white painted render walls and UPVC windows provided. The floor areas would be 32 and 31 sq m respectively.

2.1 ASSESSMENT

The material considerations for this application are summarised as follows:

- The principle of the development: change of use from retail to residential
- Design and Conservation
- Effects on the amenity of neighbouring occupiers
- Transport/highway issues
- Quality of accommodation
- Mayor of London's Crossrail CIL and Camden's CIL

2.2 The principle of the development: change of use from retail to residential

- 2.2.1 The proposal would involve the loss of an existing shop and the provision of two new dwellings. The site is not located within a designated centre and it should therefore be considered in relation to policy TC3 (Shops outside of centres). 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'

- 2.2.2 There appear to be alternative convenience shops within 5-10 minutes' walking distance, particularly on Queen's Crescent 200m to the north, but no evidence has been submitted to demonstrate the use (A1 shop) is unviable. This is a requirement of policy TC3 and in the absence of any such evidence, the proposal would result in the loss of a viable shop to the detriment of the retail provision of the area. The Council strongly resists the loss of shops without a robust justification and the change of use is therefore unacceptable.

2.3 Design and Conservation

- 2.3.1 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. 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.
- 2.3.2 The West Kentish Town Conservation Area Appraisal and Management Strategy 2011 notes that 42-58 Malden Road date from 1862 to 1870. Nos. 42-58 are identified as 'buildings which make a positive contribution'.

- 2.3.3 Within the Heritage section of the Council's Planning Guidance SPD it is noted that 'The Council will only permit development within Conservation Areas that preserves and where possible enhances the character and appearance of the area'. For non-designated heritage assets such as the application building, 'The Council will protect non-designated heritage assets. The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset'.
- 2.3.4 Policy D3 (Design Principles) of the Kentish Town Neighbourhood Plan requires proposals for development to 'reinforce and enhance local character' and to identify and draw upon key aspects of character or design cues from the surrounding area.
- 2.3.5 Purely in terms of the character and appearance of the Conservation Area, the proposal is considered to be harmful. The residential use, per se, is not an issue in the Conservation Area. Residential on the ground floor was, and remains a feature of the area.
- 2.3.6 As currently drawn the proposal is unacceptable as the detailing on the façade is incorrect for the terrace.
- 2.3.7 The ground floor should be finished in stucco render with pronounced banded rustication (as for the unaltered members of the terrace). At ground floor, nos 42, 44 and 48 all have Venetian sash windows (sash casement with centrally larger sash and smaller sash side windows). The proposed use of uPVC casements on this historic building within a Conservation Area is considered unacceptable. All new casements should be fabricated in timber and designed to replicate the historic windows found at Nos 42, 44 and 48.
- 2.3.8 Doors should similarly be historically appropriate 6-panel timber doors. External doors should have fanlights over. Railings should match existing.
- 2.3.9 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. For the combination of reasons set out above the proposed development would fail to preserve or enhance the character and appearance of the host building and wider Bloomsbury conservation area.
- 2.3.10 The proposed design is also contrary to policy D3 (Design Principles) of the Kentish Town Neighbourhood Plan which requires development to include architectural features which are characteristic of the area and to reinforce the local vernacular.
- 2.4 Effects on the amenity of neighbouring residential occupiers
- 2.4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG - Amenity provides specific guidance with regards to privacy, overlooking and outlook.
- 2.4.2 No additions or extensions are proposed and the proposed plans and elevations would not result in any significant loss of light, privacy or outlook for any neighbouring occupiers. The proposal would not result in any significant increase in noise levels or activity in the area, harmful to the amenity of surrounding occupiers.
- 2.5 Transport/highways issues

- 2.5.1 Policy T2 of the Camden Local Plan states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The council will not issue on-street parking permits in connection with new development and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits.
- 2.5.2 No on-site parking is proposed as part of the current proposal and none of the proposed units would be eligible for on street permits. The car-free requirements would be secured by a legal agreement if the scheme was considered acceptable. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.
- 2.5.3 Policy T1 of the new Camden Local Plan requires developments to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and the design requirements outlined in CPG7. No on-site cycle parking facilities are shown on the proposed plan and the proposal therefore fails to provide cycle parking facilities in the interest of promoting sustainable transport in accordance with policy T1.
- 2.5.4 It is considered that the proposal would generate a lower level of waste/recyclables than the existing shop and it is considered that the volume of waste/recyclables could be contained in household containers within the flats until collection days when the waste/recyclables could be placed on the highway for collection.

2.6 Quality of accommodation

- 2.6.1 Neither of the proposed flats meets the minimum space standards set out in the nationally described space standards or London Plan. For a studio, a minimum of 37 sq m is required and for a one bedroom flat a minimum of 50 sq m is required. The Design & Access Statement indicates that the units would be 31 and 32 sq m in area. As such, they would fail to provide sufficient and satisfactory living space for future occupiers. The lack of any on-site provision of external amenity space for either of the units would contribute to the inadequacy of the living accommodation.

2.7 Mayor of London's Crossrail CIL and Camden's CIL

- 2.7.1 The proposal will be liable for both the Mayor of London's CIL and Camden's CIL as the development involves the creation of new dwellings.

3.0 **Conclusion**

The proposal would result in the loss of a shop which provides for the local area and this would be contrary to policy TC3 (Shops outside town centres) of the LB Camden Local Plan. The proposed elevational treatment would fail to be of an appropriate materiality and design for the Conservation Area and the proposal would therefore fail to accord with NPPF, London Plan and LB Camden policies and guidance for heritage assets. In the absence of a legal agreement relating to the prevention of future occupiers from obtaining car parking permits, and given the lack of proposed on-site cycle parking facilities, the proposal would be contrary to the Council's policies for promoting the use of sustainable transport in the interests of reducing climate change,

4.0 **Recommendation**

- 4.1 Refuse planning permission

