

 **Planning Committee Map**
Site address: 62 College Road, London, NW10 5ET
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This map is indicative only.

RECEIVED: 10 September, 2014

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 62 College Road, London, NW10 5ET

PROPOSAL: Change of use from retail (Use class A1) to a 1 x1 bedroom residential flat (Use class C3) on the ground floor

APPLICANT: Mr Patel

CONTACT: London Interiors

PLAN NO'S:

See Condition 2.

RECOMMENDATION

Grant Permission subject to the conditions listed after Paragraph 7.

CIL DETAILS

This application is not liable to pay the Community Infrastructure Levy (CIL) as the proposal does not involve the creation of additional residential floorspace.

CIL Liable?

Yes/No: No

EXISTING

This site is located on the southeastern corner of the crossroads junction of College Road, Clifford Gardens and Bathurst Gardens (three local access roads). The site is currently occupied by a retail unit (80m²) at ground floor level, with a 2-bed flat on two floors above. The site is not within an identified local centre, however, the Council has identified a Local Centre approximately 200m north of the application site. Kensal Rise District Centre is approximately 400m east of the application site. The applicant has stated that the existing lease on the shop expires in 2015.

A 3m crossover from Clifford Gardens to the rear provides access to a garage/storage unit (2.6m x 6.9m) set immediately behind the highway boundary. The site lies within Controlled Parking Zone "KL", operational between 8.30am-6.30pm on weekdays. Being located at a road junction, on-street parking is restricted along the site frontage, but three permit holders' bays are located along the Clifford Gardens flank of the site, with a loading bay located on College Road just to the south of the property. The adjoining roads are all noted in Appendix TRN3 of the adopted UDP 2004 as being heavily parked at night and Transportation Officers have reconfirmed this by recent overnight parking surveys from 2013. Public transport access to the site is good (PTAL 4), with Kensal Green (Bakerloo and London Overground lines) and Kensal Rise (London Overground line) stations and six bus services within 640 metres (8 minutes' walk).

PROPOSAL

This application seeks permission to convert the retail unit to a one-bedroom flat, with the upper floor flat also rearranged internally to provide additional kitchen/dining space at the expense of one of the bedrooms. Bicycle and refuse storage is shown along a side passage to the site, with the rear outbuilding shown retained for storage.

HISTORY

There is no site specific history of relevance to this proposal, however, it is noted that planning permission was granted in 1998 to change the use of the ground floor of the building opposite (85 College Road) the application site to residential (Ref: 97/2482).

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. The Core Strategy will also need to be in conformity with both the London Plan and the NPPF. In doing so it has significant weight attached to it.

The development plan for the purpose of S38 (6) The Planning & Compulsory Purchase Act 2004 is the Brent Unitary Development Plan 2004, Core Strategy 2010 and the London Plan 2011. Within those documents the following list of policies are considered to be the most pertinent to the application:

London Plan 2011

Policy 3.5 Minimum unit sizes

Brent Core Strategy 2010

CP 2 Population and housing growth

Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought

Brent UDP 2004

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- TRN3 Where an application would cause or worsen an unacceptable environmental impact of traffic it will be refused.
- TRN4 where transport impact is unacceptable measures will be considered which could acceptably mitigate this.
- TRN11 Developments should comply with the plan's minimum cycle parking standard.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- PS14 Parking standards for residential uses
- PS16 Cycle parking

CONSULTATION

Letters were sent to neighbouring properties on 8 October 2014.

The proposal has generated significant public opposition whereby 357 OBJECTIONS have been received from local residents.

One comments has been received which states that there are other empty premises from which the current shop keeper could operate. The majority of the objections have been made on the following basis

Objection	Officer Response
Loss of a valuable community facility (in addition to loss of Kensal Rise library).	See Paras 1-3. Community floor space has been re-provided as part of the approved application for the former Kensal Rise library.
The shop keepers are friendly and offer a very good service to the local community.	The personal nature of the current shop keepers are not a material planning consideration.
Important local facility for disabled persons.	See Para 3.
Conversion to a residential use would signal an area which is in decline.	Providing the treatment of the front elevations are treated sensitively (a condition requested further detail is proposed), it is considered that the proposal would represent a viable alternative option for the site.
Contrary to Core Strategy policies to protect local shops and draft policies in the 'Development Management Policies' plan protects the loss of isolated shop units.	The site is not within an identified shopping parade, see Para 1. Very limited weight can be attached to emerging policy in the 'Development Management Policies' plan.
Proposal would result in additional demand for 'on-street' parking.	The proposal would result in a small decrease in the parking standards for the site.
Small local convenience stores contribute to the character of the area and London more generally.	Acknowledged, however, there is a local centre and district centre within 400m of the application site.
Current shop provides 'active surveillance' to the surrounding area.	Acknowledged, but a residential use would also have a similar presence.
No need for further flats.	The need for further residential accommodation is established in Policy CP2 of the Core Strategy.

In addition objections have been received from the following Councillors:

- Cllr Nerva (Queens Park);
 - Cllr Hector (Kensal Green);
 - Cllr Southwood (Queens Park);
 - Cllr Davidson (Brondesbury Park); and
- Cllr Kelcher (Kensal Green).

REMARKS

Key considerations

The key considerations of this proposal are as follows:

- (1) Principle of development;
- (2) Standard of accommodation;
- (3) Impact on Street Scene; and
- (4) Parking & access.

1. Principle

1. The application proposes to change the existing retail to a residential use, with associated development to facilitate the conversion. The relevant policies of the development plan are set out above, however, the provisions of policy SH18 (Other Shopping Parades) are salient to the principle of this proposal as the application site contains a shop which is not within an identified centre. Policy SH18 states:

"In shopping parades outside the primary and secondary areas and protected local parades identified in Appendix SH1, change of use to appropriate alternative use will be permitted. Priorities for alternative use are set out in Policy STR1"

2. Policy STR1 which promoted housing development outside of employment areas is no longer 'saved',

however, residential use is still considered an appropriate alternative use within the context of other policies contained in the development plan and National Planning Policy Framework (NPPF). Whilst the proposal is acceptable in accordance with policy SH18, it is noted that the shop appears to be a viable business amongst a parade of other commercial uses, all of which appear to be trading well. Furthermore, the strength of support for the existing use (see 'Consultation' above) shown through the public consultation exercise is of relevance. In this respect, it is useful to reiterate the statutory requirement upon local planning authorities contained in Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"

3. Officers consider that the ability of the local community to meet its day-to-day needs is a material planning consideration for the purposes of the planning Acts and both the NPPF paragraph 70 and London Plan policy 3.1 state local planning authorities should guard against the loss of facilities where this would reduce the community's ability to meet its day-to-day needs. In considering to what extent the shop at 62 College Road is required to meet the needs of the community an audit of current local provision has been undertaken. It was observed that a convenience store and Post Office incorporating a newsagent's are located less than 200m north of 62 College Road (which is less than a 10-minute walking distance for an able-bodied person). As alternative provision is in close proximity, it is not considered that it could be argued the loss of this shop would impact on the communities ability to meet its day-to-day needs. For this reason and given the policy context provided by policy SH18 it is considered that the principle of the conversion of the property to a residential use is acceptable in principle. Whilst a number of representations have made reference to the personal character of the current shop keepers this is not a relevant planning consideration which must be made on the basis of land use planning principles.

2. Standard of Accommodation

4. The size of the unit at 70sqm comfortably exceeds the minimum standards contained within the London Plan and the size and layout of the rooms would also comply with the Mayor's Housing SPG. All of the habitable areas of the proposed unit would benefit from good levels of daylighting and would have a good outlook onto the surrounding streets and in the case of the kitchen onto the rear garden. The applicant has confirmed (at the request of officers) that the existing storage building will be removed and it is proposed to secure a condition to ensure the rear of the site is suitably landscaped so that the proposal would be provided with its own amenity space in excess of the Council's standards in SPG17. The proposal would comply with the 'stacking' criteria contained in policy H18 of the UDP to minimise noise transmission between the proposed and existing first floor unit.

3. Impact on Street Scene

5. The proposal would retain the existing fascia board, pilasters and corbels of the existing shop front and would replace the display windows with timber sliding sash windows. This would reflect the design and position of the existing first floor windows. Given the sensitivity of developing existing shopfronts to a residential use further details will be sought by condition to ensure that this is undertaken in a sensitive manner that would be appropriate to the local townscape. It is noted that the unit opposite the application site (No. 85 College Road) has been converted to a residential use following a planning approval in 1998, but the exterior of the property has not been treated particularly sensitively. Therefore the imposition of planning condition to secure detailed information (in addition to the retention of the shop front) would ensure that the conversion could be undertaken to a higher standard.

4. Parking & access

6. Car parking allowances for the existing and proposed uses of the site are set out in standards PS7 and PS14 of the adopted UDP 2004. As the site has good access to public transport services and is located within a CPZ, reduced residential parking allowances apply. The existing shop is therefore permitted up to one off-street parking space, with the 2-bedroom flat above permitted 0.7 spaces (total 1.7 spaces). The proposed conversion of the building into 2 x 1-bed flats will marginally reduce the total allowance to 1.4 spaces, whilst also reducing servicing requirements for the building. With no more than one off-street parking space available, the proposal would continue to comply with the parking standards. As the existing vehicular crossover would no longer be required as part of the development, the Transportation department have confirmed this should be returned to footway at the developers expense prior to occupation of the development and the parking bays along Clifford Gardens extended across the access, as a condition of any approval.

7. Standard PS16 requires the provision of a secure bicycle parking space for each flat. Suitable secure provision for two bicycles is shown along the side wall of the building, in line with requirements. Refuse

storage is also shown along the side passage to the building, allowing easy access for refuse collection staff.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-

National Planning Policy Framework
Brent Core Strategy 2010
Brent Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

PR14-085A; PR14-085B Rev 02; PR14-085C; and PR14-085D

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

- (3) The area(s) so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (4) No building or use hereby permitted shall be occupied or the use commenced until the existing vehicular access on Clifford Gardens to the development site has been permanently stopped up, the footway reinstated and the parking bays along Clifford Gardens extended across the access at the developer's expense.

Reason: In the interests of pedestrian safety.

- (5) The bin and cycles stores shown on the approved plans, shall be built of brick (to match existing brick work of the building or garden wall as appropriate), roofed and fitted with ledged, braced and battened doors and shall be permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory appearance, adequate standards of hygiene and refuse collection and suitable cycle storage facilities.

- (6) The storage building shown to be removed on the approved plans shall be completely removed from the site prior to occupation of the unit hereby approved and the area suitably landscaped in accordance with the details agreed as part of this permission.

Reason: In order to provide residential accommodation of a suitable quality.

- (7) Details of materials for all external work including (but not limited to) the proposed brick, decorative lintels and entrance door shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

INFORMATIVES:

- (1) The removal of a crossover fronting Clifford Gardens including the reinstatement of the public footpath shall be carried out by the Council as the Local Highway Authority at the applicant's expense. Such application should be made to the Council Highway Consultancy. The grant of planning permission, whether by the Local Planning Authority or on appeal does not indicate that consent will be given under the Highways Act.

Any person wishing to inspect the above papers should contact Matthew Harvey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 4657