



**Planning Committee Map**

Site address: PERFECT EXPRESS, 100 High Street, London, NW10 4SL

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This map is indicative only.

**RECEIVED:** 27 May, 2014

**WARD:** Kensal Green

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** PERFECT EXPRESS, 100 High Street, London, NW10 4SL

**PROPOSAL:** Change of use from retail (Use class A1) to coffee shop/restaurant (Use class A1/A3), installation of new shop front, erection of a single storey rear extension with air conditioning units mounted onto the roof and installation of extract duct to the rear elevation

**APPLICANT:** Cuppacoff Ltd

**CONTACT:** Barton Wilmore

**PLAN NO'S:**  
See condition 2.

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## **RECOMMENDATION**

Approve, subject to the conditions after paragraph 14.

## **EXISTING**

The site is occupied by a three storey building on the southern side of High Street within Harlesden Town Centre. Until early 2014 there was a dry cleaners located on the ground floor although that business ceased to occupy the building when the lease expired. There is residential accommodation located on the floors above.

It is located within the Harlesden Conservation Area and is also within a designated Primary Shopping Frontage, as defined in the Brent UDP.

## **PROPOSAL**

See above.

## **HISTORY**

13/2325 - change of use from A1 to A3. Refused on 7 March 2014 on the grounds of loss of vitality in the Primary Shopping Frontage and also lack of detail relating to any proposed extract system.

## **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.

### **UDP 2004**

BE25 - Development in Conservation Areas.  
SH6 - Non-retail Uses Appropriate to Primary Shopping Frontages  
SH7 - Change of Use from Retail to Non-retail  
SH10 - Proposed food and drink uses  
EP2 - Noise and vibration  
TRN22 Parking Standards non residential development  
TRN34 Servicing in new Development

SPG7-Shopfronts.

## **SUSTAINABILITY ASSESSMENT**

Not applicable.

## **CONSULTATION**

A total of 20 neighbouring owner/occupiers were consulted about this application on 1 July 2014. In addition, a Notice was placed in a local newspaper on 10 July 2014 and a site notice displayed on 1 July 2014 advertising the fact that the development was within the Harlesden Conservation Area.

To date a petition signed by over 23 signatures appearing to include neighbouring owner/occupiers and local businesses has been received. A further separate letter of objection has been received from the current occupier of the premises. The main two points raised are as follows;

- Premises is currently used as a service shop providing dry cleaning, alterations, shoe repair, key cutting which are all vital to the residents, businesses and visitors in Harlesden. This is the only shop of its kind in the Harlesden High Street and nearby areas.
- Harlesden High Street and the surrounding roads are full of coffee shops, take away's and restaurants.

The current applicant has written once again (26 November) on finding out that it is recommended that planning permission be granted. He repeats many of the points raised previously, in terms of the need in the area for his business as compared to the proposed use, but also states that by granting consent he will lose his source of income to close.

Please see the "Remarks" section below to respond to these points.

### ***Internal***

Environmental Health Officers consulted and have no objection to the application on the basis that no extract duct is now proposed. It is suggested that a condition be attached to any consent along the following lines:

This permission does not grant consent for the erection of any external extract system. No system shall be installed prior to obtaining written confirmation from the Local Authority detailing the precise type of extract system to be installed with specific regard to noise, vibration and odor attenuation.

## **REMARKS**

### ***Introduction***

1. This submission follows the refusal of a similar change of use application to convert the property from an A1 premises in use as a dry cleaners to an A3 restaurant earlier this year. It was refused on grounds of loss of vitality in the primary frontage and lack of detail relating to the extract system. Although at that time it is evident that there was much local concern about the role that the dry cleaners played within Harlesden and demands that the use be retained there is no planning policy that protects a specific retail use ahead of any other within the Use Classes Order and so no objection was raised to that particular aspect of the scheme. In any event, under permitted development the use could change to any other use falling within the A1 use class without the need for planning permission (as could any other A1 use in Harlesden).

2. Immediately prior to submitting the new planning application the unit was vacated as the tenant who ran the dry cleaning business defaulted on the tenancy, failing to pay the rent. There was, therefore, a period where the unit was vacant, however, that same tenant is now back in the shop under what is called a 'tenancy at will', meaning that he is allowed to keep the dry cleaners trading from the property until a new tenant can be found. For the information of Members, the status of the "tenancy at will" means that vacant possession

can be provided at any time.

3. This resubmission includes a number of elements. In addition to the proposed change of use from retail (Use class A1) to coffee shop/restaurant (Use class A1/A3) mentioned above, the proposal also includes the installation of new shop front, the erection of a single storey rear extension, with air conditioning units mounted onto the roof, and the installation of extract duct to the rear elevation. For the avoidance of doubt, the applicant has made it clear that they do not need any such extract system given the activities that they carry out within their business but have provided details in order to demonstrate how someone who did need such a system could provide one on the site. A condition is proposed to indicate that any future extract system would need planning permission in its own right and the applicant is content with this condition.

### ***Principle of Change***

4. The commercial parade in which the premises is located is in a designated Primary Shopping Frontage. As a result, saved Unitary Development Plan policy SH7 is the key local plan policy here stating, as it does, that non A1 (retail) uses in these Frontages will only be permitted where the proportion of non-A1 uses does not exceed 35% of the total frontage. This figure does rise to 50% of the Frontage where there is 10% or more vacancy rate within the Frontage to encourage occupation. It is evident that this is not the case in Harlesden and that the vacancy figure is not high enough in order to justify allowing an increased amount of non-retail floorspace

5. When the previous refusal on this site was refused the decision was based on the most up to date statistics available and they indicated that the non-A1 uses in the Primary Frontage comprised 35.4% of the total frontage. Whilst the assessment was marginal it was, as a matter of fact, the case that the proposed change of use here would have increased the amount of non-retail floorspace in a Frontage that already had effectively too much according to the adopted UDP. It was, of course, accepted that the consideration in quantitative terms was a marginal one.

6. The applicants have made a number of comments that they feel should be taken into account and (should have been taken into account when the first application was refused) which they say should weigh in favour of approving the change of use. These include the fact that the relevant UDP policy SH7 does indicate that the proportion of non-retail uses in a frontage "should not generally" increase to over 35%, that the NPPF seeks to "promote competitive town centres that provide customer choice and a diverse retail offer which reflects the individuality of town centres" and that the application proposal (which is for a Costa coffee shop) does propose what is effectively a hybrid A1/A3 use given the way that it operates rather than a clear A3 non-retail use.

7. All of these points are noted by Officers, although looking back at the earlier refusal it is still considered that the decision was the correct one. What has changed here is that a survey of Harlesden Town Centre has revealed that changes have taken place within the Centre meaning that the change of use proposed could take place and the amount of retail floorspace would remain in excess of that which is set down in policy SH7. In these circumstances, the point about the hybrid A1/A3 use reinforces the recommendation rather than justifying it in its own right.

8. For the information of Members the November 2014 survey work confirmed that 66.2% of the primary frontage is in A1 use meaning that an additional 1.2% of the frontage could be lost before the policy SH7 limit is breached. The total A1 frontage is 929.9m and 1.2% of this is 11.16m. The application site frontage at No.100 High Street is only 5.7m so the change of use would be acceptable in policy terms and would not harm the vitality and viability of the retail based offer in Harlesden Town Centre. The applicants have argued that the proposed occupier would actually enhance the offer.

### ***Highway Considerations***

9. Car parking standards for A3 units are set out in policy PS9 of the UDP-2004, at a maximum of 1 space for units up to 400sqm. The existing and proposed uses also have the same servicing requirements. Under policy PS20 an A3 use should be able to be serviced by a "Transit" sized vehicle. There is no dedicated servicing bay available, with the only option for servicing off High Street, which is obviously not ideal in Highway terms, but these arrangements are not uncommon in town centres.

### ***Air conditioning/ventilation system***

10. The submitted plans include details of the air conditioning system located on the roof of the proposed rear extension at the end furthest away from the rear facing windows in the flats above the application site. Whilst

this will inevitably have a visual impact on these rear facing windows in the context of this busy town centre location it is considered to be an, on balance, location as far as views of it are concerned. In terms of possible disturbance arising from the noise generated by the air conditioning units, the applicants have submitted an Acoustic Assessment which confirms that there are a couple of locations where they could be sited (including the one on the roof) where residential amenities could be successfully protected. Officers are considering this point further and will update Members in due course. For the avoidance of doubt, there a number of possible locations all of which would be acceptable subject to certain controls. In terms of any proposed extraction system relating to cooking on the premises the applicants have emphasised that they have no intention, or need, for such a system to be installed given the way that their business operates and the range of food that they serve within the building. It is acknowledged that this particular use will operate more as a cafe use where there is unlikely to be cooking taking place. However, the upper floors here are residential so the potential implications for the amenity of these occupiers as a result of an extract flue does need to be taken into account and this is why indicative details have been submitted showing how such a system could be installed here.

11. Nevertheless, the applicants have stated that this is not going to be required. The details do show that such a system could be provided but, as explained above, a condition will be attached to this consent emphasising that the permission does not apply to any such system.

### ***Impact on Conservation Area***

12. The proposed single storey extension would be sited to the rear of the unit in a commercial setting behind this frontage. The environment here follows no distinct pattern or character and is made up of irregular extensions and the boundary between properties is not clearly defined. The proposed flat roof extension would extend almost the full depth of the rear yard and in terms of design would not detract from neighbouring amenity (there are no neighbouring ground floor residential uses) or the character and appearance of the Conservation Area. The extension does have a door on the western elevation and the applicant has confirmed that the door opens out into what is effectively a shared yard. It is shown as an alternative means of escape in the event that one is necessary because of the distance from the front door to the back-of-house area but there are no proposals to utilise the rear yard for the applicants operations.

### ***Shop Front Design***

13. In accordance with SPG7, the Council raises no objection to the shopfront design. The current proposal would change the existing shopfront to reflect the proposed change of use. The existing shopfront is not in a very good state of repair and many of the original features have been lost. The proposal would be to install a new shopfront which is considered acceptable within the context of the Harlesden Conservation Area and in general the proposed alterations would be sympathetic to the architectural quality of the building.

### **Response to grounds of objection**

#### **Objection**

Premises is currently used as a service shop providing dry cleaning, alterations, shoe repair, key cutting which are all vital to the residents, businesses and visitors in Harlesden. This is the only shop of its kind in the Harlesden High Street and nearby areas.  
Harlesden High Street and the surrounding roads are full of coffee shops, take away's and restaurants.

#### **Response**

See para 1.

See para's 6-8.

### ***Conclusions***

14. Although the application results in further non retail use in this Primary Shopping Frontage the restrictions set down in saved UDP policy SH7 are not breached and, in these circumstances the application is recommended for approval. The supporting statements made by the applicants are noted and the fact that the use would be a hybrid A1/A3 use reinforces the conclusions that Officers have reached. The existing use, whilst continuing to operate, appears not viable as an ongoing business and the proposal would significantly improve the state of the building whilst also bringing a national business into the Harlesden Town Centre.

**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Central Government Guidance  
Council's Supplementary Planning Guidance

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  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
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):

- A203013/01P, 02P, 04P, 05P.
- Neo Johnson Acoustic Consultants Acoustic Assessment.
- Barton Willmore Planning Statement.

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

- (3) The premises shall not be used except between the hours of:-

0700 hours and 1930 hours Mondays to Saturdays  
0800 hours and 1830 hours Sundays and Bank Holidays without the written consent of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (4) All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- (5) No access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (6) This permission does not grant consent for the erection of any external extract system relating to the cooking and preparation of food within the ground floor unit. No system shall be installed prior to obtaining written confirmation from the Local Authority detailing the precise type, and

appearance, of extract system to be installed with specific regard to noise, vibration and odor attenuation.

Reason: In the interests of residential amenity and the character of the area.

- (7) All plant machinery and equipment (including air conditioning systems) to be used by reason of this approval shall be so installed, maintained and operated as to prevent the transmission of noise and vibration into any neighbouring residential premises.

Reason: To safeguard the amenities of the adjoining occupiers.

**INFORMATIVES:**

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- (2) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

Any person wishing to inspect the above papers should contact Samuel Gerstein, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5368