

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

16 December, 2015  
09  
**15/4104**

## SITE INFORMATION

**RECEIVED:** 22 September, 2015

**WARD:** Dudden Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 222 Church Road, London, NW10 9NP

**PROPOSAL:** Change of use of vacant shop (Use class A1) into funeral services (Use class Sui Generis) to also include the demolition of rear extension and erection of a new single storey rear extension

**APPLICANT:** Mr Zubair

**CONTACT:** AW Architecture Ltd

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

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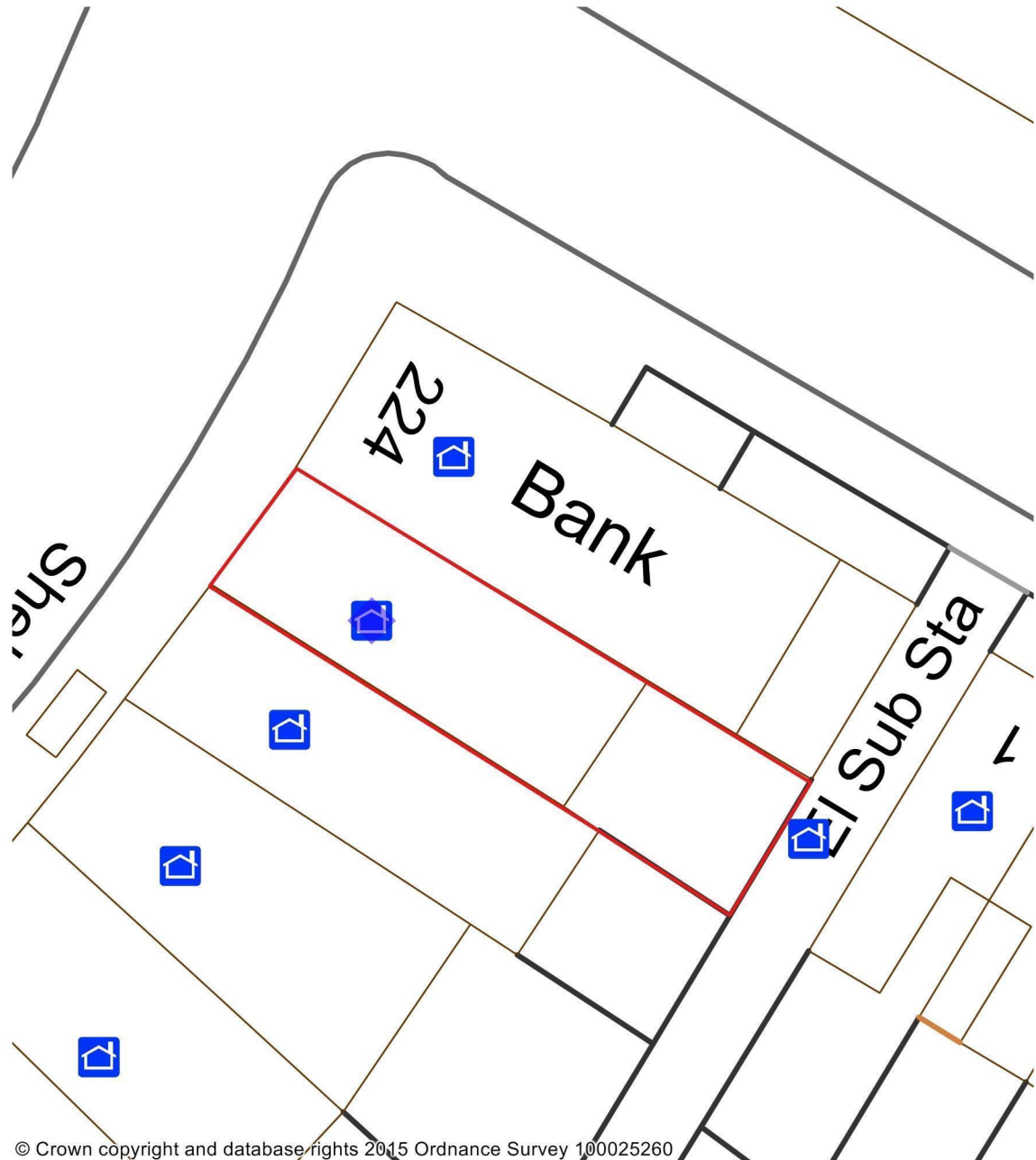
# SITE MAP



## Planning Committee Map

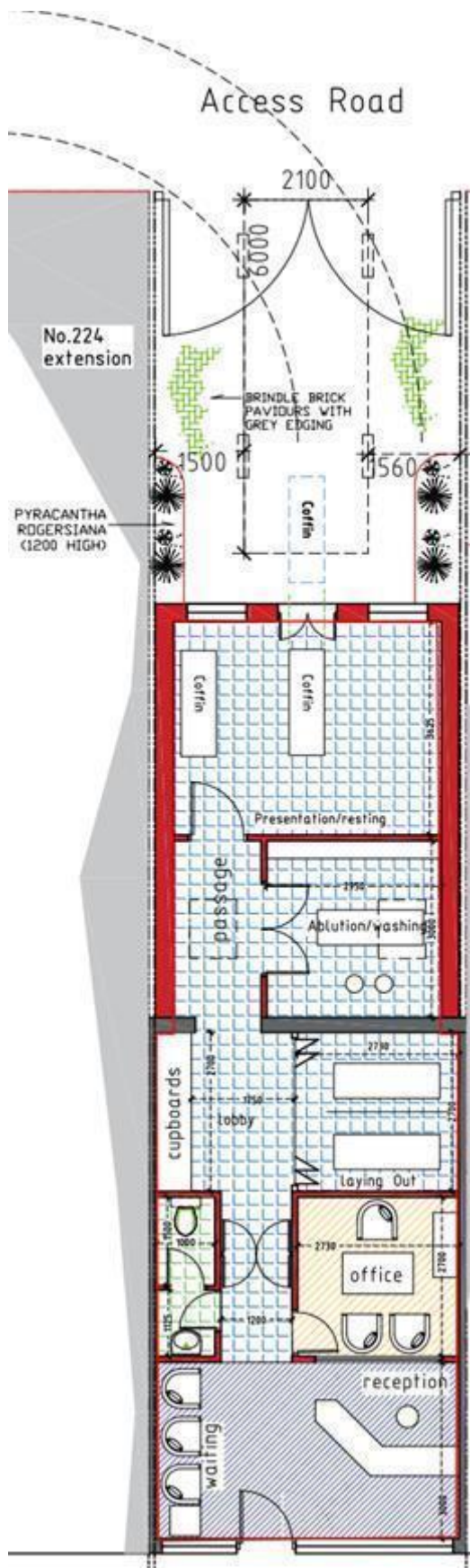
Site address: 222 Church Road, London, NW10 9NP

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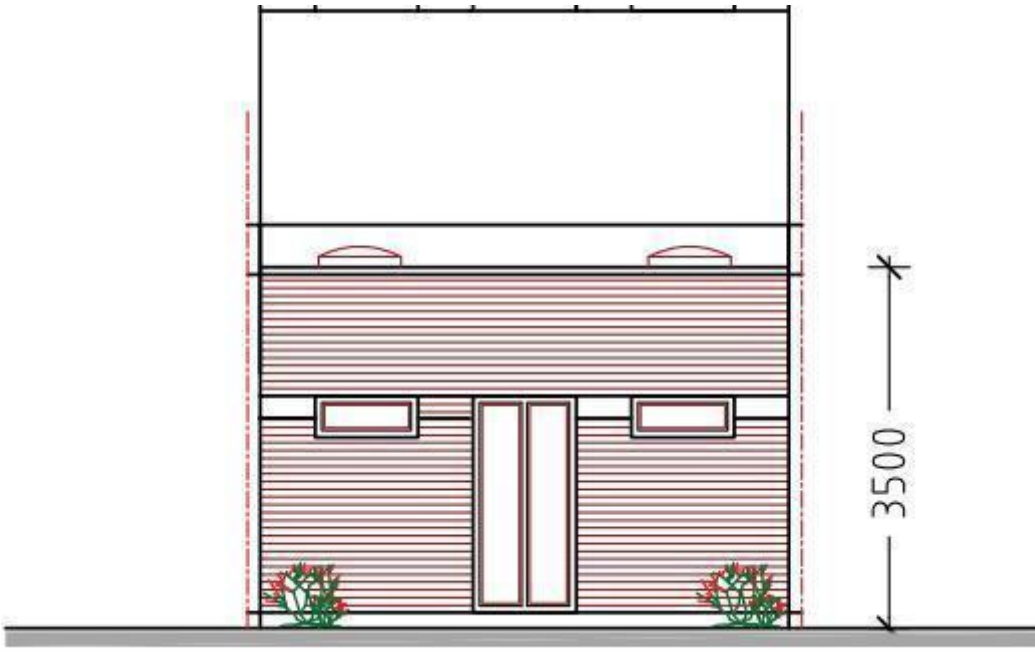


This map is indicative only.

**SELECTED SITE PLANS**  
**SELECTED SITE PLANS**  
Ground floor plan



Proposed rear elevation



## RECOMMENDATIONS

### Approval

, subject to the conditions set out in the Draft Decision Notice.

#### **A) PROPOSAL**

The proposal is for the change of use of vacant cafe (Use class A3) into funeral services (Use class Sui Generis), the demolition of the existing rear extension and replacement with a new single storey rear extension of equal floor area.

The proposal also includes rear servicing accessible from the rear service road.

#### **B) EXISTING**

The site consists of a single storey building on the south east side of Church Road. The site is one of four single storey units on the end of the shopping parade otherwise characterised by three-storey terrace buildings which are commercial at ground floor and residential above.

The site has most recently been in use as a cafe/restaurant, use class A3.

It is accessible from the rear via the service road to which the property has a right of access.

The site is not currently within a designated shopping frontage as identified on the Policies Map: the Local Centre extends only to 132-192 Church Road; however, the Draft Development Management policies map has proposed new town centre boundaries extending around the whole of Church Road and the site is within the this proposed primary frontage.

#### **C) AMENDMENTS SINCE SUBMISSION**

Since the submission the application has demonstrated that they have a right of access to use the service road and have amended the layout of the extension so that servicing can take place without obstructing the service road.

#### **D) SUMMARY OF KEY ISSUES**

- Principle of the use in the shopping frontage is found to be acceptable as it maintains an active frontage and the uses to the rear can be considered ancillary to the funeral parlour frontage.
- The provision of rear servicing to avoid an obstruction to Church Road.

#### **E) MONITORING**

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

#### **Floorspace Breakdown**

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Assembly and leisure	0		0	0	
Businesses / research and development	0		0	0	
Businesses and light industry	0		0	0	
Businesses and offices	0		0	0	
Drinking establishments (2004)	0		0	0	
Financial and professional services	0		0	0	
General industrial	0		0	0	
Hot food take away (2004)	0		0	0	
Hotels	0		0	0	
Non-residential institutions	0		0	0	
Residential institutions	0		0	0	
Restaurants and cafes	0		0	0	
Shops	0		80	-80	

Storage and distribution	0	0	0
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## **Monitoring Residential Breakdown**

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
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## **RELEVANT SITE HISTORY**

No relevant history

## **CONSULTATIONS**

Neighbouring occupiers were consulted on 5<sup>th</sup> October 2015, 3 objections have received raising the following comments:

- The use will cause more disruption in terms of overcrowding on the pavement and traffic at a standstill.
- There are parking restrictions in the vicinity so how will this affect residents in surrounding streets.
- The access road shown on the plans does not exist – no vehicle access is permitted along the gated alleyway.
- There is a bus stop to the front
- Access to the rear is not available as permission will not be given to cross land owned by neighbour.
- Has UK Power Network who own the sub station to the rear of 224 Church Road been notified?
- An additional storey will block light to the neighbours to the rear

Cllr Long has objected to the proposal for the following reasons:

- Due to the location of the bus stop deliveries cannot be managed from Church Road without affecting the bus service or reducing the amount of car parking spaces.
- Turning space needs to be shown so vehicles do not reverse into Ilex Road.
- Hours of access may be 24/7 – not ideal as the service road backs onto residential properties.
- Probably a civil matter but believe the property does not have a right of way down the service road.
- There is no proposed front elevation – there are too many shuttered shops on Church Road.
- There should be a condition limiting the number of people in the premises and it should not hold public ceremonies.
- Impact of the loss of an A3 or A1 use on the economic viability of Church Road and the limited footfall this use would have.

Highways officers requested evidence that the site has a right of access to use the servicing road.

Environmental health officers commented that a condition regarding building methods should be attached in the interest of air quality during the construction of the extension.

## **POLICY CONSIDERATIONS**

Brent's UDP 2004

## **DETAILED CONSIDERATIONS**

### **1. Principle of the use**

1.1 The proposal seeks permission for the change of use of the single storey building from A3 to Sui Generis.

1.2 Funeral parlours are often considered to be use class A1 (shops), whilst a funeral undertaker's chapel is classed as Sui Generis unless it is ancillary to an undertaker's shop, in which case it would be also be use class A1. Other differences between similar uses identified as A1 or Sui Generis use can include processes such as embalming.

1.3 Based on Use Class information and case law there is some doubt as to the specific use class this proposal should fall into but in this instance as the majority of the floor space (70% being behind the front reception and office) would be taken up by functions other than the public face of the funeral parlour your

officers consider that the use should be classed as Sui Generis.

1.4 Notwithstanding this, your officers are of the opinion that the fact an active frontage is to be maintained, the use at the front of the site will be sufficiently characteristic of an A1 funeral parlour or undertaker's shop in the level of activity it attracts for it to be considered as an appropriate town centre use.

1.5 As set out in the Existing section above, the unit is not currently in the adopted designated shopping frontage (though it would become primary frontage if the draft policies map is adopted). The proposal does not result in the loss of a retail unit as its most recent use was A3 and while being considered a Sui Generis use the proposal has some characteristics of an A1 use with a service being provided to visiting members of the public. The applicant advises that the use would be open to the public from 10am to 8pm which is reasonable in a shopping frontage.

1.6 Concerns have been raised about the frequency of use of the premises and the likely turnover. The layout provides space for two coffins in the presentation/resting room, one within the ablution/washing room and two within the layout room. The agent has confirmed that the likely scale of use would be one or two bodies a week and they would arrive during the day time and only by appointment. Following this bodies would be washed, prepared and sent for burial. The use is considered to be of a sufficiently small scale and unlikely to exceed such a level that it would cause harm to neighbouring amenity in respect of vehicular movements at unusual hours and vehicles queuing to gain access to the service yard.

1.7 No amendments are proposed to the existing shop front and if in the future the applicant sought to replace this a separate planning permission would be required.

## **2. Impact of the Extension**

2.1 The proposal includes a replacement extension, equal in depth to the existing structure but increased in height to 3.5m to create a more usable space in line with the original unit. The adjacent uses at ground floor are commercial so this enlarged extension can be accommodated without harm to neighbouring amenity.

2.2 The neighbouring building to the north, 224 Church Road, located on the corner of Church Road and Ilex Road, has a residential dwelling at first floor and this has a terrace set in its rear corner adjacent to the application site. The extension will not directly conflict with the neighbouring dwelling however it is recommended that the proposed rooflights be obscure glazed in the interest of privacy and neighbouring amenity. Also in order to protect neighbouring amenity a condition is recommended which would require an application be submitted for the addition of any plant (e.g. air conditioning) so that noise and visual amenity can be assessed.

2.3 The separation distance between the rear elevation of the extension and the neighbouring Ilex Road property remains the same as the existing layout. The site is perpendicular to the rear projection of 1 Ilex Road but is separated by the servicing road and as such your officers are satisfied that the replacement extension would not effect the amenity of closest neighbour.

## **3. Transportation**

3.1 The existing and the proposed use both require a transit sized van so there is no change to the minimum servicing standards.

3.2 The proposal does, however, include the provision of a new parking/loading space to the rear of the site, accessed via the existing rear service road. The principle of this arrangement is welcomed to avoid an obstruction Church Road where there is an existing bus stop.

3.3 Whilst there is restricted manoeuvring space at the rear of the site, the servicing arrangements will be able to accommodate a hearse and will allow the business to function without effecting traffic on Church Road. The applicant advises that at this stage they would be hiring a hearse when required for funeral services so a vehicle would not permanently be at the site.

3.4 In terms of parking standards the adopted standards would allow up to one off-street space for both the existing and proposed uses. In this case, no parking is proposed other than specifically for servicing and this is considered to be acceptable. For visitors to the business, there is limited public parking in the vicinity of the site and a CPZ operates between 8.30am to 6.30pm Monday to Friday and pay and display parking operates on Church Road during this time. Staff and visitors would need to use permits or pay and display parking as no other parking provision is made.



## 4. Conclusion

4.1 Whilst the proposed use has the same servicing and parking requirements as other retail uses the applicant has proposed an individual solution to enable the use to operate in an appropriate way, specific to its needs and preventing any obstruction on Church Road. The use is accepted by case law as being acceptable in shopping frontages.

### Neighbouring comments

Comments	Officer response
The use will cause more disruption in terms of overcrowding on the pavement and traffic at a standstill	The proposal does not create a large capacity venue and services will not be held here, as such the use should attract footfall similar to retail uses. Servicing and parking is set out in para's 3.1-3.4
There are parking restrictions in the vicinity so how will this affect residents in surrounding streets	Para's 3.1-3.4
The access road shown on the plans does not exist – no vehicle access is permitted along the gated alleyway	The property has a right of access to use the rear service road confirmed by the Land Registry
There is a bus stop to the front	A condition is recommended requiring all servicing of the use to take place from the rear to avoid an obstruction to Church Road.
Access to the rear is not available as permission will not be given to cross land owned by neighbour	The property has a right of access to use the rear service road confirmed by the Land Registry
Has UK Power Network who own the sub station to the rear of 224 Church Road been notified?	Neighbouring properties with addresses are consulted, this does not usually include substations. The proposal does not affect the substation.
An additional storey will block light to the neighbours to the rear	This is a misunderstanding of the proposal - a single storey rear extension is proposed and there is not increase in height to the existing building.
Turning space needs to be shown so vehicles do not reverse into Ilex Road. Hours of access may be 24/7 – not ideal as the service road backs onto residential properties	Manoeuvring space to the rear is tight but the agent has confirmed that it is usable and would enable vehicles to turn around. The applicant confirms that public access to the site will be 10am-8pm and delivery of bodies will be during the day and by appointment only.
There is no proposed front elevation – there are too many shuttered shops on Church Road	Para 1.7
There should be a condition limiting the number of people in the premises and it should not hold public ceremonies	An informative is recommended advising that the use hereby approved does not entail holding public ceremonies.
Impact of the loss of an A3 or A1 use on the economic viability of Church Road and the limited footfall this use would have	Para's 1.1-1.6

## CIL DETAILS

The proposal involves a change of use but does not involve any increase in floor area as the footprint of the proposed extension is like for like.

This application is liable to pay **£0.00\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): sq. m.  
 Total amount of floorspace on completion (G): 80 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Sui generis	80	80	0	£35.15	£0.00	£0.00	£0.00

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	259	
<b>Total chargeable amount</b>	£0.00	£0.00

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\***Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

**Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.**



**Brent**

**DRAFT NOTICE**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

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Application No: 15/4104

To: Mr Wajid  
AW Architecture Ltd  
15 RICHARDS WAY  
SLOUGH  
Berkshire  
SL1 5EU

I refer to your application dated 22/09/2015 proposing the following:  
Change of use of vacant shop (Use class A1) into funeral services (Use class Sui Generis) to also include the demolition of rear extension and erection of a new single storey rear extension and accompanied by plans or documents listed here:  
See condition 2  
at 222 Church Road, London, NW10 9NP

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

**Notes**

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

## SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-  
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  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Transport: in terms of sustainability, safety and servicing needs
  
- 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):  
  
Site plan  
Proposed Plans Revision D  
Proposed Elevations  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 The development hereby approved shall not be occupied unless the rear parking space shown on the approved plans has been laid out as approved and made available for use. The parking space shall be retained for the lifetime of the development and used solely for servicing in connection with the premises hereby approved, and at no time for any other purpose including staff or visitor parking.  
  
Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.
  
- 4 The reception shall be maintained for the lifetime of the development and no obstruction, including obscure glazing, shall be installed in or behind the shopfront.  
  
Reason: In the interest of maintaining an active shop frontage within the town centre.
  
- 5 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.
  
- 6 The premises shall not be open to the public except between the hours of 10am and 8pm.  
  
Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.
  
- 7 The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the demolition and construction work. This must include:  
(a) damping down materials during demolition and construction, particularly in dry weather

conditions,

- (b) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
- (c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- (d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
- (e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
- (g) the use of demolition equipment that minimises the creation of dust.

Reason: To minimise dust arising from the operation.

- 8 Rooflights in the extension shall be obscure glazed and maintained as such for the lifetime of the development.

Reason: In the interest of neighbouring amenity.

#### INFORMATIVES

- 1 The applicant is advised that the use hereby approved does not include the holding of public ceremonies, such activities may result in a use in the D1 use class and would have different impacts on neighbouring amenity and the highway.
- 2 The applicant is advised to note that if changes to or the replacement of the shopfront are proposed this will require planning permission in its own right.
- 3 The installation of air-conditioning or ventilation plant, extraction equipment or other roof structure would require permission in its own right.

Any person wishing to inspect the above papers should contact Liz Sullivan, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5377