

**Committee Report  
Planning Committee on 12 May, 2011**

**Item No. 13  
Case No. 11/0346**

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**RECEIVED:** 8 February, 2011

**WARD:** Kilburn

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 139 Kilburn High Road, London, NW6 7HR

**PROPOSAL:** Installation of replacement shopfront and roller shutter

**APPLICANT:** HARVEY & THOMPSON LIMITED

**CONTACT:** R S Designs

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

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**RECOMMENDATION**

Approval

**EXISTING**

The subject site, located on the south-eastern corner of the junction between Kilburn High Road and Glengall Road, is occupied by a four-storey building consisting of a retail unit (Use Class A1) on the ground floor with residential accommodation above. The ground floor retail unit is the subject of the current application. The site is located within the designated Primary Shopping Frontage for Kilburn Town Centre.

**PROPOSAL**

See above

**HISTORY**

This planning application has been submitted with a concurrent application (11/0347) for Advertisement Consent to install new shop signs to the property. This application also appears on the current Committee agenda.

A recent planning application (10/2533) for the change of use of the unit from charity shop (Use Class A1) to financial services (Use Class A2) was refused by the Council on 9th December 2010. The application was refused for the following reason:-

*"The proposed use of the premises to provide financial services (Use Class A2) would exacerbate the existing over-concentration of non-retail units within the both the locality and wider Primary Shopping Frontage lessening its attractiveness to shoppers thus causing harm to the vitality and viability of Kilburn Town Centre contrary to policy SH6 and SH7 of the London Borough of Brent Unitary Development Plan 2004"*

This refusal followed another planning application (10/0370) for a change of use from retail (Use Class A1) to betting shop (Use Class A2), installation of new shop front and relocation of entrance doors to front and side elevations and removal of existing rear entrance to premises. This application was refused on 26th April 2010 for the following reason:-

*"The proposed use of the premises as a betting shop (Use Class A2) would exacerbate the existing over-concentration of non-retail units within the both the locality and wider Primary Shopping Frontage and would fail to enhance the range of services that is already provided causing harm to the vitality of Kilburn Town Centre and lessen its attractiveness to shoppers contrary to policy SH6 and SH7 of the London Borough of Brent Unitary Development Plan 2004"*

Prior to the above applications, there have been a number of other planning applications on the site although these are not considered to be of particular relevance to the determination of the current application.

## **POLICY CONSIDERATIONS**

### **London Borough of Brent Unitary Development Plan 2004**

BE2	Townscape: Local Context & Character
BE9	Architectural Quality
SH21	Shopfront Design

### **Supplementary Planning Guidance 7:- Shopfronts & Shopsigns**

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

Consultation letters, dated 21st February 2011, were sent to 12 neighbouring owner/occupiers. Three letters of objection were received in response. The concerns of the objectors relate to the occupation of the unit by H&T pawnbrokers, in terms of encouraging criminal and/or anti-social behaviour and the impact of the over provision of such uses on the retail function of Kilburn High Road. These concerns are addressed in the "Remarks" section of the report.

Given the close proximity of the site to the Borough boundary, the London Borough of Camden have been consulted. They have confirmed that they have no comments to make on the application.

## **REMARKS**

### **CONSIDERATION OF OBJECTIONS**

For the avoidance of doubt, the current planning application seeks permission for the installation of a new shopfront and roller shutter to the ground floor unit. The application does not seek planning permission for a change of use of the existing unit and should planning permission be granted for the development applied for then the lawful use of the unit would continue to fall within Use Class A1 (retail).

The concerns of the objectors primarily relate to the occupation of the unit by H&T Pawnbrokers. The objectors are concerned that the current application is being used to circumvent planning control in allowing a pawnbroker use to occupy a retail unit. The objectors refer to recent planning applications on the site which were refused for a bookmakers and a cheque cashing centre which are detailed in the "History" section of this report.

The Land Use Gazetteer, which provides a comprehensive guide to land uses and their use classes, sets out that a Pawnbrokers premises will fall within Use Class A2 unless the use also involves retail sales of goods and/or services appropriate to a shopping area to visiting members of the public in which case the use will fall within Use Class A1. Officers have queried the precise nature of the proposed use of the premises with H&T Pawnbrokers who have responded by stating that a substantial element of their business involves the retail sales to visiting members of the public. This statement has been accompanied by supporting evidence where other branches of H&T Pawnbrokers have been found to fall within Use Class A1 in other locations by other Local Authorities. Having reviewed this evidence, it is the view of Officers that should H&T Pawnbrokers operate within the subject unit in a similar fashion to these other branches then it is likely that a change of use will not occur. However, should it transpire that, in the view of the Planning Service, the use of the premises has changed unlawfully then the Council' would be able to use its Enforcement powers to address the breach. As discussed above, granting planning permission for the current proposal would not constitute permission for a change of use and therefore would not affect the Council's ability to enforce any future planning breach in terms of the use of the premises.

## **SHOPFRONT & ROLLER SHUTTER**

The proposed development would involve the replacement of the existing shopfront to the shop unit. As the premises are located on a corner, in addition to the main shopfront facing Kilburn High road, there is also a return frontage along Glengall Road. The proposed replacement shopfront will be generally constructed using a powder-coated aluminium frame above a tiled stall-riser, approximately 350mm in height. The frame would provide a mullion that would divide the main shop window fronting Kilburn High road whilst the other elevations would contain a single glazed panel. A lobby area would be created inside the main public entrance.

The proposal would also involve the replacement of the existing roller shutter to the shop. The existing shutter is housed in an external enclosure and has a solid appearance. The proposed shutter would also be housed in an external enclosure. The shutter and enclosure would be colour coded to match the shopfront and shop signs (the subject of a separate application). The proposed shutter would be perforated to give a visibility of between 33-37% through it whilst maintaining security.

Overall, the proposed shop front and shutter would be of a simple and appropriate design that would complement the character of the wider shopping parade, improving the overall appearance of the existing unit. As such, approval is recommended.

## **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent

## **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 7:- Shopfronts & Shopsigns

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

**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:-

- 260-1012-004

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

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

London Borough of Brent Unitary Development Plan 2004  
Supplementary Planning Guidance 7:- Shop fronts & Shop signs  
Three letters of objection

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



## Planning Committee Map

Site address: 139 Kilburn High Road, London, NW6 7HR

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This map is indicative only.