

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

18 October, 2017
08
17/2540

SITE INFORMATION

RECEIVED	7 June, 2017
WARD	Queens Park
PLANNING AREA	Kilburn Neighbourhood Forum
LOCATION	97-101 Willesden Lane, Kilburn, London, NW6 7SD
PROPOSAL	Change of use of the function room within the public house (Use Class A4) to a kitchen and chip shop takeaway (Use Class A5), internal alterations and refurbishment works, new kitchen ventilation/extraction system, alterations to the existing decking area to the front of the building and formation of a new door opening to the rear of the building (description amended 30/06/2017)
APPLICANT	Star Pubs and Bars
CONTACT	Concept IDL
PLAN NO'S	Please see condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_134704</p> <p><u>When viewing this as a Hard Copy</u> .</p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "17/2540" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time limit
2. Carry out the development in accordance with the approved plans
3. Proposed materials to match the existing property
4. Details of the front door and associated hand rail
5. Noise

Any other conditions considered necessary by the Head of Planning

Informatives

1. Party Wall
2. Retention of internal features

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That the Committee confirms that it has paid special attention to the desirability of preserving or enhancing the character and appearance of the Queen's Park Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

SITE MAP

	<p>Planning Committee Map</p> <p>Site address: 97-101 Willesden Lane, Kilburn, London, NW6 7SD</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

PROPOSAL IN DETAIL

This application seeks planning permission to convert the existing function room into a takeaway. The proposal has made reference to serving fish and chips but this application has to consider the change of use to any takeaway, not just fish and chips. It also seeks to make minor changes to the rear courtyard. The initial description of development sought to make changes to the terrace to the front but this has since been withdrawn from the proposal.

EXISTING

The site is a public house and it is locally listed. It is also adjacent the cemetery which is Grade II listed. In addition, the site is also within the Paddington Cemetery Conservation Area.

SUMMARY OF KEY ISSUES

The main issues for consideration would be:

1: The principle and impact of the change of use

The existing function room is underutilised and has not been used for its original purpose for a number of years. The proposed takeaway would regenerate this space and with the internal door, would also be of benefit to the pub.

With conditions imposed on both opening hours and limiting the impact of the new plant, the change of use would be considered acceptable. Any issue with customers creating noise or anti-social behaviour would be classed as a statutory nuisance and would be covered through separate legislation.

2: The impact upon the character and appearance

The proposed changes would not be readily visible and would preserve the character and appearance of the site and surrounding area.

RELEVANT SITE HISTORY

17/0999 – Withdrawn – 19/05/2017 - Proposed change of use to part of the pub (Use Class A4) to provide a kitchen for the pub and a fish and chip take-away (Use Class A5), including the installation of extraction and ventilation to flat roof extension, alterations to external pub decking area to front of building and a newly formed access opening from pub into enclosed rear yard area

17/0951 – Granted advert consent – 27/04/2017 - Installation of 4 x illuminated fascia signs, 1 x illuminated hanging sign, 4 x lanterns and 3 x non-illuminated hoardings to the exterior of the P.H. premises.

86/1117 – Granted permission – 05/05/1987 – Installation of illuminated signs

CONSULTATIONS

Neighbour publicity

In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the application was publicised by serving the notice on the adjoining owners or occupiers on 07 July 2017

Overall 1 letter of support and 3 letters of objection have been received. These raised the following material planning considerations:

Comment	Response
Use of the terrace to the front	Paragraph 1.1
Consumption of fish and chips outside of the site, noise, litter and general nuisance from the proposed use and that created by the pub. Noise from the new plant, vibrations and other general impact	Paragraph 3.7 onwards
Character and appearance and impact upon the adjacent cemetery	Paragraph 4.1 onwards
Parking and highway safety	Paragraph 3.5

Other notifications

The following were notified regarding this application on 13 July 2017:

Environmental Health – raise no objection subject to condition

Transportation officer - raise no objection to the takeaway. Raised concern with the terrace

Historic England – Do not need to be notified of the application

Site Notice

A notice advertising the proposal was displayed outside the property from 07 July 2017 for a period of not less than 21 days.

Press Notice

A notice advertising the proposal was placed in the local press on 13 July 2017

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011). The specific policies applicable to this application are:

National Planning Policy Framework 2012

London Plan 2011

Core Strategy 2010

CP16 Town Centres and the Sequential Approach to Development

Development Management Policy

DMP1 Development Management General Policy

DMP2 Supporting Strong Centres

DMP3 Non Retail Uses

DMP7 Heritage assets

DMP12 Parking

DETAILED CONSIDERATIONS

- 1.1 For the avoidance of any doubt, this application does not include the decking area to the front of the pub. This was initially referenced in the description of development but it has since transpired that the terrace is located on an area of land that is not controlled by the Public House. The area of land is a public highway and the applicant has been made aware that they need to serve notice and discuss the scheme with the Council's Highway Department. For expediency, this element has been withdrawn from consideration and does not form part of the scheme. This has been referenced in an appropriately worded planning condition.
- 1.2 Therefore the main issues for consideration are:
 1. The loss of the function room and the impact upon the pub.
 2. The principle of the change of use to a takeaway and the impact this would have on the living conditions of the adjacent properties
 3. The impact the proposed alterations would have upon the character and appearance of the site and surrounding area.

Loss of the function room

- 2.1 DMP Policy DMP21 makes specific reference to the loss of pubs and how this is generally resisted as they provide a valuable service to the community. What is being proposed would not result in the loss of the pub but rather the loss of the function room that is located to the side of the pub. According to the supporting information, the function room does not comply with Health and Safety regulations and has not been in use for a number of years. The accuracy of this statement cannot be confirmed but at the time of the site visit, this area was being used as storage space and it appeared that the tables and chairs and other items had not been recently moved. It is therefore likely that this area had not been utilised as a function room for a prolonged period. Its loss would therefore not cause material harm to the running of the public house so an alternate use in this area could be accepted.

Change to a takeaway

Principle of the change

- 3.1 The proposed conversion to a takeaway would need to be assessed against Planning Policy DMP3 and this places restrictions upon elements such as the proximity to secondary schools and further education buildings. It also makes reference to the number of takeaways in the area and how this could affect the shopping frontage.
- 3.2 The existing pub is not within a town centre and although is in close proximity to a school, this is not a secondary school or associated with further education, it is a primary school. As Planning Policy DMP3 only makes reference to secondary schools and higher education facilities, the scheme would be in compliance with this part of the policy.
- 3.3 The existing pub is not within a parade of shops. It is also not within a town centre and there would not be an excessive concentration of restaurants (A3) or takeaways (A5) in the vicinity.
- 3.4 In addition to the above, there would be access to the takeaway from inside the pub which would allow customers the chance to purchase food. The proposed change of use could therefore be of benefit to the running and functioning nature of the pub.

Parking and highway safety

- 3.5 There are no specific car parking standards for food and drink uses and neither the existing public house nor the proposed take-away have any particular car parking requirements or allowances. Planning Policy DMP12 does state that if any developments are likely to generate on-street parking, that this needs to be safely accommodated on-street. The proposed take-away could generate short term stopping by customers waiting to collect orders but there is kerbside space adjacent to the premises in both the adjoining cemetery entrance area and on the service road that customers could use. There are

also pay and display parking bays opposite the site. The proposed alteration would therefore not cause harm with regard customer parking.

- 3.6 Servicing for the takeaway would occur by transit sized vans and the rear yard of the site would provide sufficient off-street servicing space for this to occur. This would therefore also have an acceptable impact.

The flue, noise and odour and the impact upon living conditions

- 3.7 The submitted plans have shown that the flue would be sited behind a parapet and this would not cause a significant sense loss of light or a harmful sense of enclosure. There would also not be a harmful increase in overlooking from the proposed change of use.
- 3.8 A 'Noise Management' document and a 'Litter and Cleanliness Management' document were submitted as part of the application and this has been considered by the Council's Environmental Health Department.
- 3.9 Environmental Health officers are satisfied with the means of extraction but have asked that a condition concerning the noise levels of the plant be imposed on any permission. With this condition in place, the proposed means of extraction would not cause significant harm either in terms of noise or odour.
- 3.10 The submitted litter cleanliness document has advised that the site would not produce large amounts of litter but that items could be dropped by their customers. It advises that there would be bins within the site and it also draws attention to the location of bins outside of the premises. It also states that the staff would ensure that these are emptied on a regular basis but this cannot be controlled through planning condition. The dropping of litter by inconsiderate customers would be an anomaly and if it does occur, this course of action would be covered through separate legislation. For instance other Council Departments could issue a Fixed Penalty Notice if deemed appropriate. This would therefore not sustain a reason for refusal.
- 3.11 There are currently no restrictions upon opening hours for both the public house or the function room but because of the siting and as to limit the impact upon the nearby residential properties, the hours of operation have been controlled through an appropriately worded condition. With this condition in place, the proposed change of use would not cause harm in terms of noise and disturbance.
- 3.14 Adjacent properties have raised concern that a change of use to a takeaway could lead to antisocial behaviour but this would not be a normal occurrence. Any excessive noise would also be a statutory nuisance which is controlled through separate legislation. Appropriate management of the existing public house and the proposal would ensure that there is not an excessive impact on the living conditions of the adjoining occupiers.

Character and appearance

- 4.1 The existing building is an attractively detailed public house that is locally listed and falls within the Paddington Cemetery Conservation Area. It is a three storey red brick building with an imposing frontage and lavish stone dressings located at the entrance to Paddington Cemetery. The adjacent cemetery is also statutory Grade II listed.
- 4.2 The part of the pub that is to be converted into the takeaway is a later addition and of later construction. It is of less architectural interest but in spite of this, the proposed alterations are minor in nature and would preserve the character of the building and the appearance of the conservation area.
- 4.3 With regards the impact, the proposed cooker extract flue would be mostly internal and the air supply and outlets for the extracts would not be readily visible. The extract within the courtyard would be enclosed and the inlets would be below the parapet level. The other works proposed to the rear are also minor in nature and the visibility would again be limited as they are sited within the rear courtyard. The works as a whole are therefore considered acceptable and would preserve the character and appearance of the conservation area. Therefore setting of the application site and the adjacent heritage assets be preserved.

Summary

- 5.1 This application does not seek to alter or change the use of the whole of the public house, it seeks to

convert a function room into a takeaway and to make minor changes to the rear. The function room is located to the side of the pub and is currently underutilised. It has not apparently been used for a number of years and at the time of the site visit, was storage space.

- 5.2 The site is in close proximity to a primary school but this is not referenced in DMP Policy. The site is also not located within a town centre and there is not an over concentration of takeaways in this area. The principle of the change can therefore be accepted.
- 5.3 The proposed change of use would not cause harm in terms of parking and highway safety and with appropriately worded conditions to restrict the opening hours and to limit the noise from the plant, the scheme would not cause harm to the living conditions of the adjacent occupiers.
- 5.4 As the proposed external alterations would be well screened, the external alterations would preserve the character and appearance of the site and conservation area. It would also not materially impact upon the setting of the adjacent listed cemetery.
- 5.5 The proposed change of use would therefore have an acceptable impact and would be in compliance with DMP Policies such as DMP1, DMP2, DMP3, DMP7 and DMP12.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 17/2540

To: Miss Arnold
Concept IDL
Suite I
Sheffield Business Park
Sheffield Business Centre
Europa Link, Sheffield
S9 1XZ

I refer to your application dated **07/06/2017** proposing the following:

Change of use of the function room within the public house (Use Class A4) to a kitchen and chip shop takeaway (Use Class A5), internal alterations and refurbishment works, new kitchen ventilation/extraction system, alterations to the existing decking area to the front of the building and formation of a new door opening to the rear of the building (description amended 30/06/2017)

and accompanied by plans or documents listed here:
Please see condition 2

at **97-101 Willesden Lane, Kilburn, London, NW6 7SD**

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: 05/10/2017

Signature:

A handwritten signature in black ink that reads "Alice Lester".

Alice Lester
Head of Planning, Transport and Licensing

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:-

National Planning Policy Framework
London Plan (March 2016)
Brent LDF Core Strategy 2010
Brent Local Plan Development Management Policies 2016
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

- 1 To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and offers a pre planning application advice service. The scheme does comply with guidance and no pre application discussions were entered into. The local planning authority delivered the decision in a timely manner.

- 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 drawings:

2093-01 – Existing ground floor layout

2093-04 – Existing front elevation,

2093-05 B – Proposed front elevation,

2093-06 – Existing side elevation,

2093-07 B – Proposed side elevation,

2093-08 A – Existing rear elevation,

2093-09 A – Proposed rear elevation,

2093-10 A – Block plan,

2093-100 C – General arrangement,

OS Map A– Block plan,

MHQ764(2) – Ground floor plan,

MHQ764(3) – Roof plan and section BB

MHQ764(4) – Section AA and View A

Reason: For the avoidance of doubt and in the interests of proper planning. Also for confirmation, the height of the eaves of the new building should be no higher than the adjacent property.

- 3 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.

- 4 No works shall be undertaken until full details of the proposed front door and associated hand rails for the takeaway have been submitted to and approved in writing by the LPA.

Reason: To preserve the character and appearance of this locally listed building

- 5 Any extract ventilation fan shall be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any extraction plant together with any associated ducting, shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises. The method of assessment should be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' An assessment of the expected noise levels and any mitigation measures necessary to achieve the required noise levels shall be submitted to the Local Planning Authority in writing for approval. The extraction system shall thereafter be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenity of the neighbours from the transmission of noise

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
- 2 The internal fixtures and fittings of the public house are of historic importance and should not be removed or destroyed.

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