

 **Planning Committee Map**
Site address: 72 High Street, London, NW10 4SJ
© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

RECEIVED: 7 December, 2011

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 72 High Street, London, NW10 4SJ

PROPOSAL: Change of use from amusement arcade (sui generis) to retail (use class A1).

APPLICANT: Harvey & Thompson Ltd

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval.

EXISTING

The existing property is located on the southern side of Harlesden High Street. It is currently vacant, but the last use appears to be as an amusement arcade. The property forms part of the Harlesden Town Centre Primary Shopping Frontage. It is not a listed building, but it is within the Harlesden Town Centre Conservation Area.

PROPOSAL

See above.

HISTORY

R1682 811681M. Change of use of shop premises to amusement centre. Allowed on appeal 26/08/1982.

In addition, there are two applications currently awaiting determination that relate to the property and cover signage (11/3316) and shopfront (11/3315) proposals for the building. These applications will be determined once the principle of the use has been established through this proposal.

POLICY CONSIDERATIONS

UDP 2004

TRN 22 - Parking Standards - Non Residential Development.
SH1 - Network of Town Centres.
SH3 - Major Town Centres and District Centres.
SH6 - Non-retail uses appropriate to primary shopping frontages.
SH13 - Amusement Centres.

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

All neighbouring properties were consulted by letter, a site notice (20 January 2012) was displayed outside the site and a press notice (26 January 2012) was published.

Three objections have been received from adjoining properties all stating that they do not want the unit to become a pawnbrokers.

REMARKS

Principle of the Change of Use

The application property is located within the Harlesden Town Centre Primary Shopping Frontage as well as the Harlesden Conservation Area. As explained above the most recent use has been as an amusement arcade with consent for that dating back to 1982. Amusement arcades are defined within the Use Classes Order as being sui generis (ie: falling outside any class) and are not a type of use that the Council consider appropriate within any Primary Shopping Frontage throughout the Borough. The UDP does not include specific policies covering changes of use to retail (A1) within Town Centres (policy SH7 sets out the relevant criteria where the change is from retail), however the strategic policy for town centres seeks to ensure that development sustains, and enhances, the vitality and viability of the Borough's town and district centres (policy STR29).

This proposal will result in the loss of a non-retail use, and one which the Council's policies would not normally allow in a Primary Shopping Frontage. The application proposes a new A1 retail use and, as a result, must be considered acceptable in principle as it has the potential to increase the amount of retail floorspace within the Frontage, precisely the enhancement of the Centre that the UDP seeks.

For clarity, this application is submitted by a pawn brokers and there has been some debate in the past over whether that sort of use is, in fact, retail. 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. The applicants are aware of this and have submitted an application that they feel demonstrates that the proposal is A1. This includes a floor plan which shows a window display and a retail sales area to the front of the shop. Other Councils have confirmed that in their view the proposed activities do fall within the A1 use class, although Brent have not formally made such a decision relating to premises within the Borough.

The Council is being asked to approve a retail use here, which is acceptable for the reasons set out above. However, should it transpire that, in the view of the Planning Service, the use of the premises by the way that it subsequently operates on a day-to-day basis is not actually considered to be retail then the Council would be able to use its Enforcement powers to address the breach of planning control. Members will note that the proposal will not result in a loss of an existing retail use, given its historic use as an amusement arcade, and therefore even if were to be decided at some time in the future that the premises was been operated as an A2 use it would be difficult to argue that such an A2 use would not be an improvement on the most recent situation in planning policy terms. Policy SH6 indicates that A2 uses are amongst those considered to be appropriate to Primary Shopping Frontages.

Highway Considerations

In relation to car parking this Town Centre site has very good public transport accessibility and will not result in an increase in vehicular trips or pressure for parking in the local area. The Council's Highways Officer has confirmed that there will be no detrimental impact on local highway conditions as a result of the proposed change. The proposal for an A1 retail use in this location is, therefore, considered to be acceptable.

Conclusion

This application comes before the Committee because of the number of letters of objection that have been received. All 3 indicate that they do not want to see a pawnbrokers in Harlesden. The decision needs to be taken on planning policy grounds and, as explained above, the historic use of the site is sui generis meaning that any change to a use falling within the "A" class could be considered to enhance the range of goods and services available to visitors. Pawnbrokers could fall within either A1 or A2 depending on how the business operates, but the applicants here are clear that they are proposing an A1 retail use. It is evident that people feel strongly about particular uses within the use class order but, as explained above, every application needs to be determined on adopted planning policy.

The proposed change of use is considered to be in accordance with Council planning policy and guidelines and accordingly planning approval is recommended. It should be noted that this application relates solely to the proposed change of use and does not relate to the alterations to the shopfront which are the subject of current full planning and advertisement consent applications as explained above.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (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:-

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

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 drawings:

260-1020-002

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent UDP 2004

Three letters of objection.

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229