

Delegated Report		Analysis sheet		Expiry Date:	12/08/2016
		N/A		Consultation Expiry Date:	27/07/2016
Officer			Application Numbers		
Samir Benmbarek			2016/3301/P		
Application Address			Drawing Numbers		
208 Kilburn High Road London NW6 4JH			1255-BA-100; 1255-BA-101; 1255-BA-102; 1255-BA-103; 1255-BA-104; 1255-BA-105; 1255-BA-106; 1255-BA-107; 1255-BA-108; 1255-BA-109; 1255-BA-110; 1255-BA-111_A; 1255-BA-112; 1255-BA-113; 1255-BA-114; 1255-BA-115; 1255-BA-116; 1255-BA-117; Environmental Noise Assessment dated 13 June 2016; Planning Statement		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use of A1 unit (retail) to A3 unit (restaurant) to include alterations to frontage, repositioning of rear exit opening and installation of 1x extraction duct at rear elevation.					
Recommendation:		Refuse Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	69	No. of responses	09	No. of objections	00
Summary of consultation responses:	<p>Neighbour consultation letters were sent to adjoining properties on 09 May 2016. Nine comments of support have been received to date from the following addresses:</p> <ul style="list-style-type: none"> • Flat 9, 210 Kilburn High Road • Flat 4, 210 Kilburn High Road • Flat 2, 210 Kilburn High Road • Room 5, 210 Kilburn High Road • Flat 7, 210 Kilburn High Road • Flat 7, 210 Kilburn High Road • 210 Kilburn High Road • 206 Kilburn High Road • 206 Kilburn High Road 					
CAAC/ National Amenity Society comments:	N/A.					

Site Description

The application relates to the ground floor unit of a four storey building on the eastern side of Kilburn High Road. The property is not within a Conservation Area, nor is it a Listed Building. Kilburn High Road forms the boundary between the London Borough of Camden to the east and the London Borough of Brent to the west.

The ground floor retail unit is currently occupied by 'Trend Shoes'. The building is located within the Kilburn High Road Core Frontage.

On the first, second and third floors of the application building, there are residential flats (Use C3).

Relevant History

No. 208 Kilburn High Road (application site):

(Ref 2016/4207/P)- Planning Permission granted (12/09/2016) for alterations to shop frontage with installation of new shopfront.

No. 210 Kilburn High Road

(Ref 2010/4783/P)- Planning Permission granted (28/10/2010) for change of use of ground floor from betting shop (Class A2) to drop-in health care facility (Class D1).

Relevant policies

National Planning Policy Framework, 2012

The London Plan (2016)

LDF Core Strategy, 2010

- CS5 (Managing the impact of growth and development)
- CS7 (Promoting Camden's centres and shops)
- CS8 (Promoting a successful and inclusive Camden economy)
- CS14 (Promoting high quality places and conserving our heritage)
- CS19 (Delivering and monitoring the Core Strategy)

Camden Development Policies, 2010

- DP12 (Supporting strong town centres and managing the impact of food, drink, entertainment and other town centre uses)
- DP16 (The transport implications of development)
- DP20 (Movement of goods and materials)
- DP24 (Securing high quality design)
- DP26 (Managing the impact of development on occupiers and neighbours)
- DP28 (Noise and vibration)
- DP30 (Shopfronts)

Camden Local Plan, Submission 2016

The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

The following policies are considered to be relevant:

- A1 (Managing the impact of development)

A4 (Noise and vibration)
D1 (Design)
D3 (Shopfronts)
TC2 (Camden's centres and other shopping centres)
TC4 (Town Centre Uses)
T4 (Sustainable movement of goods and materials)
DM1 (Delivery and monitoring)

Camden Supplementary Planning Guidance

CGP1 (Design) 2015 – Section 7: Shopfronts

CPG5 9(Town Centres and Employment)- Section 3, Page 24 (Town Centres- Kilburn High Road)

CPG6 (Amenity) 2011

CPG7 (Transport) 2011

Assessment

1. Proposal

1.1 Planning permission is sought for the change of use of the A1 unit (retail) to an A3 unit (restaurant) to include alterations to frontage and installation of 1x extraction duct at rear elevation.

1.2 The main issues for consideration are:

- Land use and the principle of the change of use;
- The impact the proposal may have on the character and appearance of the host building and the surrounding area;
- The impact the proposal may have upon the amenity of the occupiers of the neighbouring properties.

2. Land Use and principle of development

2.1 The application building is located within the Kilburn High Road Core Frontage. Along the block of buildings in which the application building is located, there are in total 8x four storey buildings. Each of these buildings has a ground floor commercial unit and associated frontage upon Kilburn High Road. At present there are 6x ground floor units in A1 use, 1x ground floor unit in A3 use and 1x ground floor unit in D1 use. The current make-up of this block is 75% A1 use and 25% non-A1 use.

2.2 In reference to Local Development Framework policies, the protection of retail upon key frontages within designated town centre location within the borough is important. In particular, Policy DP12 seeks to ensure that development will not cause harm to the character, function, vitality and viability of a town centre and will consider (amongst other criteria) the effect of non-retail development on shopping provision and the character of the centre of which it is located.

2.3 In association with Policy DP12, the document 'Camden Planning Guidance 5: Town Centres and Employment' (CPG5), details where within the town centre the primary and secondary frontages are located and the recommended minimum provision of A1 units at ground floor level that should be provided on a block by block basis. The application site is within a primary frontage within the Kilburn High Road Town Centre and as advised within CPG5, 75% of the units within the frontage should be 75% retail. As mentioned in paragraph 2.1, the application block is at currently 75% of A1 ground floor units (more detail can be found in the table below).

Address	Existing Occupant	Existing Use	Proposed Occupant	Proposed Use
204 Kilburn HR	Grocery Store	A1	Grocery Store	A1
206 Kilburn HR	Party Party	A1	Party Party	A1
208 Kilburn HR	Trend Shoes	A1	Proposed Restaurant	A3
210 Kilburn HR	The Healthy Heart Centre	D1	The Healthy Heart Centre	D1
212 Kilburn HR	Computer Repair	A1	Computer Repair	A1
214 Kilburn HR	Jummy's	A1	Jummy's	A1
216 Kilburn HR	Emma @ Ola	A1	Emma @ Ola	A1
218 Kilburn Hr	Il Kornar	A3	Il Kornar	A3
Existing A1 Percentage= 75.0%			Proposed A1 Percentage= 62.5%	

2.4 Given that any change of use from A1 to the ground floor unit at 208 Kilburn High Road would result in the under provision of A1 uses within a core frontage within a designated town centre, it is not considered in this case that the proposal is acceptable and is considered to be a detriment toward the vitality and the viability of the Kilburn High Road Town Centre.

2.5 Within the core frontage of Kilburn High Road, it is also advised that there should be no more than 2 consecutive premises within the frontage being in non-retail use. However, this is not relevant as by result of the proposal, there would be 2 non-retail premises together (the application building and the D1 use next door).

2.6 To conclude, the proposal would result in fewer than 75% of the units in the frontage being in retail use, contrary to CPG5 guidance. As a result, the proposal would cause undue harm to the character, function, vitality and viability of the shopping frontage. The principle of development is not considered to be acceptable and planning permission should be refused on this basis.

3. Design

3.1 The front elevation of the ground floor unit is predominately glazed with a fascia board above. Along the group of buildings, the frontages are observed to be in a similar appearance to that of the host unit. The existing front elevation of the ground floor unit also features a set in at the centre of the elevation and therefore, the entrance door is inset from the front elevation by 2.9m. The rear elevation features windows and rear (fire) exit doors at ground level for the retail units while there is a combination of non-habitable and habitable windows above to accommodate the residential uses on the upper floors. On the rear elevation of the application building, there is an external metal staircase from ground level to first floor level to provide access to the residential flats.

3.2 Policy DP24 requires careful consideration of the characteristics of the site, features of local distinctiveness, and the wider context to be demonstrated in order to achieve high quality development which integrates into its surroundings. DP30 also requires a high standard of design in altered shopfronts and consideration of its design, existing character of the building and general area and the relationship between the shopfront and the upper floors of the building as well as natural surveillance.

3.3 The proposal includes alterations to the front elevation/shopfront in association with the proposed restaurant use. This is by way of the repositioning and installation of a new entrance door at the centre of the front elevation as well as the installation of a new and slightly enlarged fascia board sign. This also includes bringing forward the centre of the elevation so that it is flush with the rest of the front elevation and will infill in the inset entrance area. This would

provide 8.9sqm of additional internal area to the unit. Overall the front elevation at ground floor level will maintain its predominately glazed appearance, which is considered to be appropriate and in keeping with the existing as well as the appearance of the frontages of the neighbouring units.

- 3.4 At the rear of the building, the existing rear door is removed and a proposed replacement fire escape door installed approximately 1.2m to the right of the existing opening. The existing opening will be bricked up with London stock brick. The alterations to the rear are considered to be acceptable as they will not be visible from the public realm and the rear elevation at ground floor level is obscured by a wall.
- 3.5 Overall, the proposal does not involve a physical increase or decrease of floorspace within the ground floor unit. It does reconfigure some of the space from external to internal as mentioned in paragraph 3.3.
- 3.6 In terms of design, the proposal is considered to be acceptable.

4. Neighbouring Amenity

- 4.1 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of the development is fully considered. Furthermore, Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight.
- 4.2 As the proposal involves the change of use and external alterations at the front and rear elevation that are minimal in scale, it is not considered the proposal would cause any adverse impacts upon the amenity of adjoining residential occupiers in respect to the aspects listed in the above paragraph.
- 4.3 Policy DP12 also seeks to protect the amenity of residents from the potential harm caused from food, drink and entertainment premises which includes hours of operation, noise and vibration (discussed in more detail in the section below) and the storage of disposal and litter.
- 4.4 The proposed plans indicate the provision of waste and recycling facilities at the rear of the site underneath the external staircase which is considered acceptable. If the application was otherwise considered to be acceptable, a condition could have been attached for the operating hours of the proposed restaurant to be 10:00-23:00 Mondays to Saturdays and 10:00-23:00 on Sundays and Bank Holidays. This is as a safeguard of the neighbouring premises of adjoining residential occupiers as a proposed restaurant use would increase levels of noise and activity for a longer period of time within the day.
- 4.5 Overall, in regards to neighbouring amenity, excluding noise and vibration which is discussed in the section below, the development is considered to be acceptable.

5. Noise and Vibration

- 5.1 Policy DP28 seeks to ensure that noise and vibration is controlled and managed, and will only grant planning permission for plant or machinery if it can be operated without causing harm to amenity and does not exceed noise thresholds.
- 5.2 The applicant has submitted an acoustic report in support of the application which includes calculations of noise levels as well as treatment for vibration onto adjoining buildings and occupiers. This is in order to support compliance with Council noise standards.
- 5.3 The proposed extraction units would be likely to operate during the day between 10:00 and 23:00 in line with the operating times conditioned should the application have been approved.
- 5.4 The closest noise sensitive windows are Flat 1 of 206 Kilburn High Road which is located

approximately 1.2m to the left of the proposed extraction unit.

5.5 The Council's Environmental Health Officer has assessed the acoustic report and has not raised any objections to the application with the recommendation that the approval is granted subject to the condition that details shall be submitted to and approved in writing by the Council of the external noise level emitted from plant/machinery/equipment being lower than the existing background noise level by at least 10dBA as assessed according to BS4142:2014. This is to ensure that the amenity of occupiers of the development site and adjoining sites are not adversely impacted from noise from the proposed equipment. If the application was otherwise considered to be acceptable, such a condition could have been attached to the permission.

5.6 A further condition would have been attached should permission have been granted to secure details of anti-vibration measures to be submitted to and approved in writing by the Council. This is to ensure that the amenity of occupiers of the development site and adjoining sites are not adversely impacted from vibration from the proposed equipment.

5.7 Overall, subject to the suggested conditions, if the application was to be approved, the development is considered to be acceptable in terms of noise and vibration.

6. Transport Considerations

6.1 Policy DP12 (d) advises that the council will consider the impact of parking, stopping and servicing and Policy DP20 expects development that would generate significant movement of goods or materials during construction and/or operations to seek opportunities to minimise disruption for local communities.

6.2 The scale of the development does not warrant the submission of a transport assessment and/or delivery and servicing management plan and, if the application was otherwise considered to be acceptable, it is not considered necessary to require the submission of a Construction Management Plan.

6.3 Overall, it is not considered that the proposed change of use from A1 to A3 would cause any harmful transport impacts in the wider area and the proposal is considered to be acceptable in this respect.

7. Recommendation

Refuse Planning Permission.

