

nineteen47

CHARTERED TOWN PLANNERS
& URBAN DESIGNERS

Planning Statement

Application for full planning permission for the proposed change of use of the existing bed and breakfast use on first, second and third floor levels at No. 34 Kilburn High Street to provide an extension to the existing public house use at basement and ground floor level, to include the erection of a single storey rear extension at first floor level plus the installation of new and replacement plant equipment

No.34 Kilburn High Street, London.

For JD Wetherspoon plc

Client:

JD Wetherspoon plc

Project:

No. 34 Kilburn High Street, London

Report Title:

Planning Statement

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Section 1: Introduction

- 1.1 nineteen47 is instructed by JD Wetherspoon plc [“the Applicant”] to prepare and submit an application for full planning permission [“the Application”] to the London Borough of Camden [“the Council” or “the Local Planning Authority” or “the LPA”] for the proposed change of use of existing bed and breakfast on first, second and third floor levels at No. 34 Kilburn High Street to provide an extension to the existing public house use at basement and ground floor level, to include the erection of a single storey rear extension at first floor level plus the installation of new and replacement plant equipment [“the Proposed Development”] at [“the Site”] at No.34 Kilburn High Street, London [“the Site”].
- 1.2 The Application is submitted following detailed pre-application discussions with the Council’s Planning Officers. Pre-application advice has also been received from the Council’s Environmental Health Officers. The Proposed Development has been revised and amended to reflect the pre-application discussions held to date.
- 1.3 This Planning Statement [or “Statement”] outlines the case in support of the Proposed Development and should be read in conjunction with the comprehensive suite of plans and documentation submitted in support of the Application, including:
- Application Form and Certificates/Notice;
 - Daylight & Sunlight Report produced by eb7
 - Plant Noise Impact Assessment produced by Dragonfly Consulting
 - Transport Statement produced by NTP
 - CIL Form 1: Additional Information
 - Planning Application Drawing Pack including:
 - Site Location Plan 2021-056-001-PL
 - Existing & Proposed Block Plans 2021-056-B002-PL Rev A
 - Existing Basement, Ground & First Floor Plan 2021-056-003-PL
 - Existing Second & Third Floor Plan 2021-056-004-PL
 - Existing Elevations & Sections 2021-056-005-PL
 - Proposed Basement & Ground Floor Plan 2021-056-B007-PL Rev C
 - Proposed First & Second Floor Plan 2021-056-B008-PL Rev C
 - Proposed Third Floor & Roof Plan 2021-056-B009-PL Rev C
 - Proposed Elevations & Sections 2021-056-B010-PL Rev C
 - Proposed Mechanical Layout 2021-056-B011-PL
- 1.4 This Statement sets out the case, in planning terms, in support of the Proposed Development. Section 2 describes the Site and its surroundings, with Section 3 providing details of the Proposed Development. Chapter 4 describes the JD Wetherspoon Public House. Chapter 5 summarises the relevant planning policy context against which the applications must be determined, and Section 6 undertakes an assessment of the Proposed Development against planning policy and all other relevant material considerations. Finally, Section 7 sets out a summary and conclusions.

Section 2: The Site Context

- 2.1 The Site No. 34 Kilburn High Road comprises a four storey Victorian property with a modern flat roofed single storey extension projecting to the rear at ground floor level. The Site is located on the northeast side of Kilburn High Road, south of Kilburn High Road Station. The surrounding area is predominantly commercial in character typical of its inner London Town Centre setting.
- 2.2 The current use of the Site is that of a public house at basement and ground floor level with bed and breakfast accommodation above, following the grant of planning permission in November 2000. The historic use of the Site is however that of a public house, which was originally established in 1444. The property as seen on Site today is the result of a rebuild which took place in 1890.
- 2.3 The last use of the public house was as a cocktail bar, known as Soul Store West, with food provided by the Chicago Rib Shack. The use ceased in July 2017 and the property has remained vacant ever since. The public house includes existing mechanical plant equipment which is located upon the roof of the rear extension towards the back of the Site.
- 2.4 The Site has two access points. The primary access point is located on Kilburn High Road and provides the main entrance into the building, particularly for the public. A secondary access is also located to the rear which leads onto Springfield Lane, and was previously used largely by staff and provides direct access into the existing kitchen and storage facilities.
- 2.5 The Site is located within walking distance of a large range of facilities, attractions and businesses along Kilburn High Road. Within close proximity are a wide range of other uses including restaurants, public houses, retail units, residential and tourist / visitor accommodation. The Site has excellent transport links due to its proximity to the nearby Train Station and the various bus services that operate along Kilburn High Road.
- 2.6 The adjoining uses comprise a Tesco Express with the Maide Vale Aparthotel located above to the north, and a Starbucks at ground floor level with residential apartments located above to the south. Directly to the rear of the main building, at 6 – 12 Springfield Lane, is located a small terrace of residential properties, with a four-storey block of flats situated to the southeast. Each of the surrounding uses accommodate windows facing inwards to an enclosed space between each of these properties.
- 2.7 As defined by the Council's adopted planning policy maps, the Site falls within the defined Kilburn High Road Town Centre and a secondary shopping frontage. The Site is also located within the Kilburn Neighbourhood Area. The property is not located within a Conservation Area nor is it a listed Building. There are no other allocations or designations associated to the Site.

Planning History

- 2.8 As identified by the Council's Public Access website, the Site has been subject to various planning applications and listed building consent applications over recent years. The most relevant are considered to be the following:
 - Planning Application Ref. 2020/1412/P

Change of use of existing bed and Breakfast on first, second and third floor levels (Class C1) to a Hostel (Sui Generis) with the existing pub use (Sui Generis) on the basement and ground floor levels being retained.

Decision: Approved 05 January 2021

- Planning Application Ref. PWX0002696

Change of use of the first, second and third floors from ancillary accommodation for the public house to 8 bedrooms for Bed and Breakfast accommodation on the first and second floors and a self-contained manager flat on the third floor, as part of a mixed use of the whole building for Class A3 and C1 use

Decision: Approved 23 November 2000

Section 3: The Proposed Development

- 3.1 The Application seeks full planning permission for the proposed change of use of the existing bed and breakfast use, located on first, second and third floor levels, at No. 34 Kilburn High Street to provide an extension to the existing public house use at basement and ground floor level, to include the erection of a single storey rear extension at first floor level plus the installation of new and replacement plant equipment.
- 3.2 The overarching aspirations of the Proposed Development are to utilise the entire property to provide a JD Wetherspoon public house.
- 3.3 In order to accommodate the Proposed Development, a number of external changes to the host property are required including the construction of an additional storey at second floor level to the rear. The purpose of the proposed extension is essential to the conversion to provide the first floor of the property with an increased customer area together with new customer toilets.
- 3.4 The reconfiguration of the internal layout of the existing property will be required throughout in order to accommodate the proposed use. This includes the removal of existing walls and modern partitions, with the new openings providing a more useable and customer friendly space. The proposed internal layout will provide customer areas at ground and first floor levels, kitchen and staff facilities at second floor level and plant at third floor level. The basement will contain the gentlemen's WC plus other storage. Cycle parking for staff is provided at basement level accessed via the proposed lift.
- 3.5 As part of the Proposed Development, the installation of replacement plant equipment will also be undertaken. The replacement plant equipment will be located on the roof of the existing three storey building set back from the front elevation and surrounded by 2m high noise barrier.
- 3.6 Customer access to the public house will be provided either through the existing front entrance door of the property, or the access gates to the rear which will also be used for services and deliveries associated with the proposals.
- 3.7 As noted in Section 1 of this Statement, the Application is submitted following detailed pre-application discussions with the LPA. As a result of these discussions, several fundamental changes to the original pre-app scheme have taken place to address the comments made. These include changes to both size and scale of the proposed extension and the proposed replacement plant equipment.

Section 4: The JD Wetherspoon Public House

- 4.1 Since opening its first Free House in 1979, JD Wetherspoon has approximately 850 establishments throughout England, Scotland, Wales and Northern Ireland, incorporating JD Wetherspoon Free House, Lloyds No.1 Bar and Wetherspoon Hotels formats, delivering a consistent, high-quality and adaptable consumer offering. JD Wetherspoon's aim has always been to provide a comfortable, attractive and welcoming environment for the local community, through careful design that is sympathetic to the building and surrounding area, whilst consistently providing an adaptable consumer offering whilst delivering high quality standards.
- 4.2 This section of the Planning Statement provides an overview of the unique offer of a JD Wetherspoon public house.

Company Overview

- 4.3 The following points highlight some of the Company's modern day trading style which has a major emphasis on food sales and provides an overview of how a JD Wetherspoon public house operates in terms of levels of trade and the nature of its customers. This information was collected by the globally recognised independent consumer research group CGA:
1. JD Wetherspoon is the No.1 'Licensed Venue of Choice for Consumers', with over 11m visits compared to the next-placed operator Greene King and Nando's with approx. 5m.
 2. JD Wetherspoon is the 3rd 'Most Visited' of all catering brands in England, Wales and Scotland, behind only McDonalds and Costa.
 3. On average, more than 70% of all visits to JD Wetherspoon venues involve a food related purchase, whilst its wet-to-dry split of sales in new openings is approximately 50:50, similar to many restaurants.
 4. Approximately 70% of daily visits to JD Wetherspoon venues take place between 0800 to 2000hrs, Monday to Sunday, such that the Company is not a 'late-night' focused operator.
 5. 20.5 million GB consumers have visited Wetherspoon in the 6 months to May 2022.

The JD Wetherspoon public house

- 4.4 The JD Wetherspoon public house is a distinctive food and beverage establishment, which recreates the congenial atmosphere of the traditional pub, combined with many features found in modern café/bars and restaurants. This is achieved by a combination of high-quality design, well developed policies and procedures and good management.
- 4.5 The key factors that differentiate the JD Wetherspoon Free House from other licensed premises are:
- i. The JD Wetherspoon provides comfortable and welcoming family-friendly and accessible dining facilities throughout their customer areas. The highest modern building and design standards through the provision of facilities such as ample

seating and space for customers, easy access to bars, table service via a dedicated mobile app, high-quality toilet provision, and advanced ventilation systems.

- ii. JD Wetherspoon concentrates on the provision of cask conditioned beers - selling more than any other pub company. Throughout the year it runs regional festivals showcasing the very best ales from local microbrewers as well as larger provincial brewers. The majority of its premises are accredited by Cask Marque for the quality of their ales and has the highest number of pubs in The Good Beer Guide than any other company.
- iii. The provision of good-quality food at reasonable prices is core to its business. Food and breakfast sales have grown consistently over past the 20 years, such that food and non-licenced sales in many of its establishments represent around 50% of the total sales. A full menu is available in its premises from opening until 2300hrs. JD Wetherspoon always uses high-quality ingredients and increasingly offers regional dishes and locally sourced products. The Company also takes great care to ensure that artificial ingredients are avoided wherever possible. For example, the Company only uses organic milk, free range eggs, dolphin friendly tuna, cod from sustainable stocks and cooking oils without trans-fats.
- iv. The Government's Food Hygiene Rating scheme ranks JD Wetherspoon as 4.98 out of 5, behind only Aldi, Nandos and TGI Fridays and ahead of other well-known brands including Mcdonalds, Pret a Manger and Bills. An independent survey conducted by CGA in 2018 ranked JD Wetherspoon as the public's favourite restaurant brand.
- v. According to the SOIL Association. Wetherspoon's pubs serve the healthiest meals for children in terms of nutritional content and low-salt. This menu is available at all times children are permitted on the premises and its position as No.1 comes from the 'Out to Lunch' league table published by the Soil Association.
- vi. The Company also provides nutritional information about all meals offered with details featured on the menu but also provided on the 'Wetherspoon App' which allows customers to filter by calories, vegan, vegetarian, allergen and so on.
- vii. The majority of the Company's Free Houses open from 07.00hrs to cater for customers who wish to enjoy in the breakfast offers. JD Wetherspoon pioneered the availability of breakfasts across its public houses and now sells more than 250,000 breakfasts per week. The breakfast menu is available every day until 11:30am.
- viii. No playing of music or amplified sound of any kind are provided in a traditional JD Wetherspoon Free House. The absence of music and entertainment, such as pool tables and juke boxes, is unique; it is the key to providing an atmosphere which is considered to have a beneficial effect on customers' behaviour, by attracting those mixed ages and of both sexes, from all sections of the local community, leading to an improvement in standards of behaviour, both inside and outside its establishments. This facilitates a more relaxed and comfortable atmosphere, where families and members of the full spectrum of the community can meet and socialise.
- ix. JD Wetherspoon operates a dispersal and good neighbour policy designed to minimise the negative impact of our premises on their locality. The Company generally requests that a minimum of 30 minutes drinking-up time is incorporated in

the premise's licence as an aid to the gradual dispersal of all customers in the premises at the end of the evening. A key element of encouraging customers who are leaving a JD Wetherspoon Free House to behave in a responsible fashion is ensuring that they are well-managed whilst on the premises. JD Wetherspoon accept its responsibilities cannot simply end at the front door and that, by contributing to better managed pubs at the end of the night, the company can help deliver safer town and city centres.

- x. JD Wetherspoon has a high ratio of staff to customers to ensure that prompt service can be given to all customers during full opening hours and to ensure that the premises are kept clean and tidy at all times.
 - xi. The Company sets very high standards when it opens a new public house and these standards are maintained through constant supervision and monitoring using a system of mystery visits to the premises to assess 'Cleanliness, Quality, Service, Maintenance and Atmosphere' (CQSMA). These standards are a cornerstone of Wetherspoon's business with Head Office staff and external mystery shoppers carrying out regular weekly visits and the pub teams being incentivised and measured against these scores.
 - xii. JD Wetherspoon's employees are extensively trained on their legal obligations. There is a very strong culture of thorough induction training and on-going refresher training in the company. Appropriate training is provided for all employees relative to their grade, regardless of their role, their age or their hours of work.
 - xiii. JD Wetherspoon applies high standards of management to ensure it meets its aims of providing excellent service to its customers and ensuring that its free houses are not only orderly, but successfully and well run. JD Wetherspoon establishments each have an average of five managers and the majority of these hold personal licence qualifications.
 - xiv. The Company's approach to the sale of alcohol is to concentrate on the range and quality of the products on offer rather than to use price as an incentive. JD Wetherspoon continually reviews the pricing structure of its alcoholic and non-alcoholic products to ensure that it is encouraging sensible drinking at all times. The Company is recognised as being a Responsible Drinks Retailer and is a previous winner of the award of Responsible Drinks Retailer of the Year in the pub group category.
- 4.6 JD Wetherspoon encourages participation in the 'Best Bar None' and 'Pub Watch' initiatives, with these often set up and led by its pub managers. All its duty managers wear bodycams.
- 4.7 JD Wetherspoon has also won numerous awards from the Wheelchair Users Group and the Disabled Access Award in respect of its access for all ethos. Wherever possible in terms of space constraints, Changing Places facilities are installed which are well-received whilst it is also a regular 'Loo of the Year' award winner across multiple categories.
- 4.8 The public houses have a high standard of interior and exterior design, extensive seating, state of art ventilation, CCTV provided both internally and externally as an active deterrent for anti-social behaviour, family areas and high levels of accessibility. JD Wetherspoon has consistently won awards for its fit outs, with numerous awards ranging from design to conservation. JD Wetherspoon goes to great lengths to research and retain information about

the history of the building and its area, which they then display within the public house. JD Wetherspoon's ethos is to use local names for its public houses, derived from either the building's history or the surrounding area, and, where possible, source local materials to ensure sympathetic design and restoration. Further, JD Wetherspoon as an employer take great pride in their staff and has been listed for a number of years within Britain's Top 100 Employers.

Management structure

- 4.9 Each JD Wetherspoon has an average of five managers and the majority of these hold personal licence qualifications. There is always at least one manager (often more) on duty in every venue throughout trading hours and at peak times there will be a designated manager supervising the bar and 'walking the floor'. Where a specific need is identified, the managers will undergo training through the Security Industry Association.
- 4.10 Site managers have the support of their area manager who in turn reports to a regional and general manager. The operations director maintains regular contact with management at all levels. This management structure ensures that if any employee has any question or requires further support, they can immediately ask for assistance from their management team. Area Managers look after an average of only 12 outlets each which is a low number of premises in comparison to regional managers in competitor companies.
- 4.11 It is widely recognised that the level and quality of staff training is a significant factor in controlling the behaviour of customers of licensed premises. There is a very strong culture of thorough induction training and on-going refresher training in the Company. Training is provided for all employees, relative to their grade but regardless of their role, their age or their hours of work.
- 4.12 The Company's training systems have been consistently praised by employees and by the industry. JD Wetherspoon has won many awards including the Supreme Training Award from the British Institute of Innkeeping and has been voted as a TOP EMPLOYER for 17 years in a row.
- 4.13 Training of management personnel is conducted on a modular basis with continuing assessment throughout their employment period. Bar staff training is primarily carried out on-site by management personnel. JD Wetherspoon utilises an extensive network of area training co-ordinators to ensure that both management and staff training are carried out and are to the right standard. There is typically one co-ordinator for every 6-8 of its establishments.
- 4.14 An essential element in having a well-trained staff is the Company's ability to retain its employees. Turnover of Managers at JD Wetherspoon is around 12% which is less than half the industry average. Moreover, 75% of all management employees began with JD Wetherspoon as hourly paid employees and, typically, anyone appointed to run a JD Wetherspoon venue for the first time is likely to have been employed by the Company for at least five years. Each of our venues, typically employees between 60 to 80 full and part time staff.

Being a Good Neighbour

- 4.15 JD Wetherspoon attaches the utmost importance to the careful investigation and prompt resolution of any complaint made in relation to the day-to-day running of any of its outlets.

This includes the effect any Free House may have on its surrounding area. Over a third of its premises have residents living above or adjacent to them with no history of complaint. JD Wetherspoon has always emphasised the importance of building close relationships with local residents. The Company's site managers are expected to resolve any complaints from local residents quickly and effectively. If they cannot be resolved on a premises level, they are referred to an area or general manager for resolution or alternatively to Head Office.

- 4.16 Site managers, area managers and general managers convene regular meetings with residents whenever such meetings are requested by its neighbours. These meetings provide a forum for residents to raise any concerns they may have regarding its operations and provide the local management teams with an opportunity to learn how to become a better neighbour.
- 4.17 The Applicant proposes to prepare a Premises Management Plan, which will set out how the proposed public house will operate following completion of the Proposed Development, in order to ensure any potential impacts on neighbouring uses are minimised.
- 4.18 Overall JD Wetherspoon has very few complaints relative to the size of its estate and virtually all of these are resolved satisfactorily through its complaint and investigation procedures. This is very much testament to the professional and well-run nature of its establishments.

Section 5: Planning Policy Context

Context for Determination of the Application

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The Development Plan material to the consideration of the Application consists of the London Plan, which was adopted in March 2021 [“the London Plan”]; and its various associated supplementary planning documents and guidance. On 3 July 2017, the London Borough of Camden formally adopted the Camden Local Plan. The Camden Local Plan is the key strategic document in Camden’s development plan. It sets out the vision for shaping the future of the Borough and contains policies for guiding planning decisions. There are also a number of Supplementary Planning Documents which are relevant to the Proposed Development.
- 5.3 In addition to the Development Plan, applications should also have regard to the National Planning Policy Framework (July 2021) [“the Framework”] and National Planning Practice Guidance [“the PPG”], which are material considerations in any determination.

The Development Plan

The London Plan (March 2021)

- 5.4 Policy D1 (London’s form, character, and capacity for growth) requires boroughs to undertake area assessments to define characteristics, qualities, and value of different places within the plan area, including in terms of historical evolution and heritage assets.
- 5.5 Policy D3 (Optimising site capacity through design-led approach) advocates a design-led approach to new development and establishes guidelines for the design of new development in terms of form and layout; experience; and quality and character.
- 5.6 Policy D4 (Delivering good design) requires Design and Access Statements submitted with development proposals to demonstrate that the proposal meets the design requirements of the London Plan, and also seeks to maintain design quality.
- 5.7 Policy D5 (Inclusive design) requires development proposals to achieve highest standards of accessible and inclusive design.
- 5.8 Policy D13 (Agent of Change) places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. The policy further states that new noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.

- 5.9 Policy D14 (Noise) seeks to reduce, manage and mitigate noise to improve health and quality of life by, inter alia, avoiding significant adverse noise impacts on health and quality of life; mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses; and promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.
- 5.10 Policy S1 (Developing London's social infrastructure) seeks to support development proposals that provide high-quality, inclusive social infrastructure, particularly where accessible by public transport, cycling and walking.
- 5.11 Policy HC1 (Heritage conservation and growth) requires development proposals affecting heritage assets, and their settings, to conserve their significance by being sympathetic to the asset's significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 5.12 Policy HC6 (Supporting the night-time economy) states that planning decisions should, inter alia, promote the night-time economy where appropriate, particularly in the Central Activities Zone and strategic areas of night-time activity; diversify the range of night-time activities; address the cumulative impact of high concentrations of licensed premises on anti-social behaviour, noise pollution, health and wellbeing and other issues for residents and nearby use; and promote management of the night-time economy through an integrated approach to planning and licensing, out-of-hours servicing and deliveries.
- 5.13 Paragraph 7.6.1 of the London Plan defines the night-time economy as referring to all economic activity taking place between the hours of 18.00hrs and 06.00hrs, and includes evening uses. Night-time economic activities include eating, drinking, entertainment, shopping and spectator sports, as well as hospitality, cleaning, wholesale and distribution, transport and medical services, which employ a large number of night-time workers.
- 5.14 Policy HC7 (Protecting public houses) expresses support for proposals for new public houses where they would stimulate, inter alia, the night-time economy. Paragraphs 7.7.1 and 7.7.2 acknowledge that public houses can be at the heart of a community's social life, often providing a local meeting place, a venue for entertainment or a focus for social gatherings - contributing to regeneration and local tourism and providing a focus for existing and new communities. Paragraph 7.7.4 acknowledges that new public houses can provide a cultural and social focus for a neighbourhood.
- 5.15 Policy T1 (Strategic approach to transport) seeks to ensure that development proposals facilitate the delivery of the Mayor's strategic target of 80% of all trips in London being made by foot, cycle or public transport by 2041 and that all development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes.

- 5.16 Policy T5 (Cycling) seeks to remove barriers to cycling and create a healthy environment in which people can choose to cycle. The provision of cycle parking is categorised by Use Classes. These have not been amended since the change in classification however for A2-A5 1no. space per 175 sqm GEA is required for long-stay guests, i.e. employees, whilst 1no. space per 20 sqm GEA is required for short-stay guests, i.e. customers. Paragraph 10.5.8 states that short-stay cycle parking for customers must be convenient and readily accessible, being located within 15m of the main entrance wherever possible.
- 5.17 Policy T6 (Car Parking) considers that car-free development should be the starting point for all development proposals in places that are well-connected by public transport. Policy T6.4 (Hotel and leisure uses parking) states that on-site parking provision for leisure uses within the CAZ and locations of PTAL 4-6 should be limited to operational needs, disabled persons parking and parking required for taxis, deliveries or servicing, whilst Policy T6.5 (Non-residential disabled persons parking) requires provision of 6% of the total number of bays as designated disability bays and 5% as enlarged bays.
- 5.18 Policy T7 (Deliveries, servicing and construction) requires development proposals to facilitate safe, clean and efficient deliveries and servicing, with on-street loading bays only used where this is not possible.
- 5.19 Policy SI 1 (Improving air quality) seeks, inter alia, to ensure that new development does not lead to a further deterioration of existing poor air quality.
- 5.20 Policy SI2 (Minimising greenhouse gas emissions) seeks to reduce greenhouse emissions in operation and minimise both annual and peak energy demand in accordance with the be lean/be clean/be green/be seen hierarchy.

The Local Plan

- 5.21 The relevant policies of the Local Plan are considered to be as follows.
- 5.22 Policy G1 – Delivery and location of growth. Policy G1 seeks to deliver growth by securing high quality development and promoting the most efficient use of land and buildings in Camden. The policy states that development will take place throughout the borough with the most significant growth expected to be delivered through development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead.
- 5.23 Policy A1 – Managing the impact of development. Policy A1 seeks to protect the quality of life of occupiers and neighbours. The Council will grant permission for development unless this causes unacceptable harm to amenity.
- 5.24 Policy A4 – Noise and Vibration. Policy A4 states that the Council will seek to ensure that noise and vibration is controlled and managed. Development should have regard to Camden’s Noise and Vibration Thresholds. The Council will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity.
- 5.25 Policy C2 – Community Facilities. Policy C2 states that The Council will work with its partners to ensure that community facilities and services are developed and modernised to meet the changing needs of our community and reflect new approaches to the delivery of services.

- 5.26 Policy C4 – Public Houses. Policy C4 seeks to protect public houses which are of community, heritage or townscape value. The Policy states that the Council will support the provision of new public houses in appropriate sites in growth areas, other highly accessible locations and town centres, subject to other policies in this Plan.
- 5.27 Policy E1 – Economic Development. Policy E1 states that the Council will secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses. The policy states that the Council support businesses of all sizes and will recognise the importance of other employment generating uses, including retail, education, health, markets, leisure and tourism.
- 5.28 Policy TC4 – Town Centre Uses. Policy TC4 seeks to ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. To manage potential harm to amenity or the local area, the Council will, in appropriate cases, use planning conditions and obligations to address the following issues:
- hours of operation;
 - noise/vibration, fumes and the siting of plant and machinery;
 - the storage and disposal of refuse and customer litter;
 - tables and chairs outside of premises;
 - community safety;
 - the expansion of the customer area into ancillary areas such as basements;
 - the ability to change the use of premises from one food and drink use or one entertainment use to another (within Use Classes A3, A4, A5 and D2); and
 - the use of local management agreements to ensure that the vicinity of premises are managed responsibly to minimise impact on the surrounding area.
- 5.29 Policy D1 – Design. Policy D1 states that the Council will seek to secure high quality design in development. Amongst other things, the Council will require development that respects local context and character; and comprises details and materials that are of high quality and complement the local character.

Supplementary Planning Documents

- 5.30 The following Supplementary Planning Documents (SPD) are relevant to the Proposed Development.

Amenity (2021)

- 5.31 This guidance provides information on key amenity issues within the borough and includes the following sections relating to Local Plan Policy A1 – Managing the impact of development:
- Overlooking, privacy and outlook
 - Daylight and sunlight
 - Artificial light
 - Construction management plans
 - Noise and vibration
 - Wind and micro-climate
 - Contaminated land.

Community Uses, Leisure and Pubs (2021)

- 5.32 This Planning Guidance provides details of how the Council will protect and enhance community, cultural, leisure and pub provision in the Borough. It relates to Policy C2 Community facilities, Policy C3 Cultural and leisure facilities, and Policy C4 Public houses of the adopted Camden Local Plan.

Design (2021)

- 5.33 This guidance provides information on all types of detailed design issues within the borough and includes the following sections:
- Design excellence
 - Heritage
 - Extending and altering
 - Landscape design and public realm
 - Shopfronts
 - Designing safer environments
 - Waste and recyclables storage
 - Building services equipment and plant

Town Centres and Retail (2021)

- 5.34 This guidance document sets out detailed guidance on how the Council will implement its policies for town centres and retail development. It includes detailed area specific information for each designated centre. This document also provides further detailed information on the management of food, drink, and entertainment uses in designated centres.

National Planning Policy Framework (July 2021)

- 5.35 The Framework makes it clear at paragraph 218 that the policies contained within it are material considerations to a particular decision or determination.
- 5.36 Section 2 of the Framework seeks to achieve sustainable development, with Paragraph 8 detailing that there are three overarching objectives to achieving sustainable development which are interdependent. These objectives are:
- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and

pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.37 Paragraph 10 of Section 2 states that at the heart of the Framework is a presumption in favour of sustainable development, with Paragraph 11 detailing that, for decision-taking, this means:

- c) **“Approving development proposals that accord with an up-to date development plan without delay, or**
- d) **Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:**
 - i. **the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
 - ii. **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

5.38 Section 4 of the Framework relates to decision-making, with Paragraph 38 stating:

“Local planning authorities should approach decisions on proposed development in a positive and creative way” and that “Decision-makers at every level should seek to approve applications for sustainable development where possible.”

5.39 With regard to the determination of planning applications, paragraph 47 reaffirms the statutory requirement for decisions to be made in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should also be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing.

5.40 Section 6 of the Framework seeks to build a strong, competitive economy, with Paragraph 81 prescribing the role of planning decision in helping to create the conditions in which businesses can invest, expand, and adapt, stating:

“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

5.41 Section 7 of the Framework seeks to ensure the vitality of town centres, with Paragraph 86 requiring planning policies and decisions to take a positive approach to their growth, management and adaptation.

5.42 Section 8 of the Framework seeks to promote healthy and safe communities, and requires the planning system to promote social interaction, create places which are safe and accessible, and enable and support healthy lifestyles.

5.43 Paragraph 93 of Section 8 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) **“plan positively for the provision and use of shared spaces, community facilities (such**

as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."

5.44 Section 9 of the Framework promotes sustainable transport which includes promoting opportunities for walking, cycling and public transport. Paragraph 110 details that development should also ensure that safe and suitable access to the site can be achieved for all users. Paragraph 112 adds that development should give priority first to pedestrian and cycle movement, and second, to facilitating access to high quality public transport services. Development should also address the needs of people with disabilities, allow for the efficient delivery of goods and access by service and emergency vehicles.

5.45 Section 12 of the Framework seeks to achieve well-designed places and notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 126 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

5.46 Paragraph 130 of Section 12 states that planning decisions should ensure that developments:

- a) "will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where

crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

- 5.47 Paragraph 132 details that design quality should be considered through the evolution and assessment of individual proposals. Early discussion between the applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.
- 5.48 Section 14 seeks to meet the challenge of climate change and flooding. Paragraph 157 states that new development should comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Section 6: Case in Support of the Application

- 6.1 On the basis of the policy framework set out in the previous section and in accordance with Section 38 (6) of the Town and Country Planning Act 1990, the proposals are considered within the context of the Development Plan together with other material considerations below.
- 6.2 The key issues in the determination of the application include the following considerations:
- General principle of the Proposed Development
 - Impacts on neighbouring amenity
 - Highways and Transport
 - Other material considerations

General principle of the Proposed Development

- 6.3 The Proposed Development involves the efficient reuse of an existing vacant building to provide an extension to the existing public house use located at ground floor and basement level.
- 6.4 Annex 2 of the Framework defines a public house as a main town centre use. The Site is situated centrally within Kilburn High Street, identified as the Town Centre in the Local Plan. The Proposed Development will contribute positively towards the objectives for these designations as defined in the Development Plan.
- 6.5 In particular, the improvement and expansion of the existing public house in this location, whilst also finding an appropriate use for the current vacant building, will help to promote and enhance the day-time and night-time economy and complement other destinations within the town centre, which is highly sustainable in terms of its public transport linkages.
- 6.6 Paragraph 84 of the Framework defines a public house as a local service/community facility. The improvement to the public house will enhance the community facility to be able to be used as a meeting place for friends, family and professionals, thereby providing a cultural and social focus that will contribute to regeneration and local tourism.
- 6.7 Policy C2 (Community Facilities) of the Camden Local Plan is relevant. This states that:

“The Council will work with its partners to ensure that community facilities and services are developed and modernised to meet the changing needs of our community and reflect new approaches to the delivery of services.”

- 6.8 Policy C4 (Public Houses) of the Local Plan is also relevant stating that the Council will seek to protect public houses which are of community, heritage or townscape value. The policy states that the Council will not grant planning permission for proposals for the change of use, redevelopment and/or demolition of a public house unless certain criteria are met.
- 6.9 The supporting text to Policy C4 highlights the significant benefits public houses bring to both the local economy and the local community. It does however also stress the level of pressure public houses are under, such that significant losses of public houses has occurred over London in recent years. Paragraph 4.70 of the Local Plan states:

“However, pubs across London and nationally are under immense pressure from higher value uses, especially housing development, the availability of cheap alcohol

in supermarkets and increasing operating costs. In the London region between 2008-2012 around 100 pubs closed every year (net). Pubs in residential areas are considered to be especially vulnerable to demolition or a change of use due to the high residential values.”

- 6.10 It is evident from the above that there is not only a great need to retain existing public houses but also to support their continued development and modernisation.
- 6.11 In this particular case, the Proposed Development will not only reinstate the public house into the upper floors of the property as was historically the case, but will also provide significant improvements to the property to allow the change of use. Fundamental to this, and to the viability of the Proposed Development, is the first-floor extension which delivers a greater customer area. The compliance of the Proposed Development with Policy C2 and Policy C4 (Public Houses), and its retention as a community facility, is a matter which weighs heavily in support of the principle of the development.
- 6.12 Finally, the development will contribute positively to the economic growth of the town centre through the generation of additional footfall and spend in the town centre, together with the creation of new employment opportunities. The Proposed Development is therefore creating substantial benefits to the economic growth of the town centre which, in accordance with the Paragraph 81 NPPF, should be given significant weight
- 6.13 The general principle of the Proposed Development is therefore in accordance with Policies Policy G1, C2, C4, E1 and TC4 of the Camden Local Plan, with particular regard to delivering a significant enhancement to the existing public house through the development a vacant building in a location where it will promote and enhance the vitality and viability of the town centre; deliver high-quality community and social infrastructure in an accessible location; and deliver a development which will complement other retail, leisure and employment uses in the locality.
- 6.14 The general principle of the Proposed Development is also in accordance with the Framework, particularly in relation to economic objectives (Paragraph 8); building a strong, competitive economy (Paragraph 80); taking a positive approach to the growth, management and adaptation of town centres (Paragraph 85); promoting social interaction (Paragraph 92); and planning positively for the use of community facilities (Paragraph 93).

Impacts on neighbouring amenity

- 6.15 Policy A1 (Managing the impact of development) of the Camden Local Plan states that the Council will seek to protect the quality of life of occupiers and neighbours and that the Council will seek to ensure the amenity of communities, occupiers and neighbours is protected. The factors the Council will consider include visual privacy, outlook, sunlight, daylight and overshadowing and artificial lighting levels.
- 6.16 In order address the potential noise impacts of the Proposed Development, a Plant Noise Impact Assessment (NIA) has been produced to support this Application. The document should be referred to in full when considering matters of noise and the associated amenity impacts.
- 6.17 The NIA identifies the potential noise impacts resulting from the Proposed Development, particularly with regards to new plant equipment and its relationship to the nearest noise sensitive residential receptors, which are identified as the residential properties to the rear at 6 – 12 Springfield Lane, and the Maide Vale Aparthotel to the north.

- 6.18 Prior to making an assessment of the new equipment, it is however relevant to give consideration to the existing plant on the Site which could be brought into use without the need for any further permissions.
- 6.19 Notwithstanding this, the NIA has been able to demonstrate that the predicted noise rating levels from the plant equipment will be a minimum of 11dB below the background noise levels at the nearest noise sensitive receptor and therefore fall below the NOEL. Impacts below the NOEL are considered to be acceptable when assessed against the requirements of the Camden Local Plan, based on the contextual criteria set for this development and the requirements of the NPPF.
- 6.20 In addition to the noise related impacts, the Application is supported by a Daylight and Sunlight Report which assess the impact of the Proposed Development, particularly the rear extension, with regards to daylight and sunlight to the existing surrounding properties and neighbouring amenity spaces.
- 6.21 With regards to the daylight and sunlight impact of the proposed extension, the results of the VSC (daylight) test have shown that all but three neighbouring habitable windows will retain good levels of daylight with the proposal in place, in line with BRE targets. The three falling below do so only marginally with retained values between 0.71 and 0.75, clearly very close to the 0.8 target and are acceptable given the BRE guidance advises flexibility.
- 6.22 The further NSL (daylight distribution) test has shown that all neighbouring habitable rooms will retain good levels of daylight distribution with the proposal in place, in line with BRE targets. For sunlight, all neighbouring habitable rooms will retain good levels of both annual and winter sunlight with the proposal in place, in line with BRE targets.
- 6.23 The assessment of sunlight amenity (overshadowing) within the rear gardens of 6- 10 (even) Springfield Lane has shown that all currently receive none (0%) sunlight on March 21st. This does not change following the proposed development, so the proposals are compliant with BRE guidance.
- 6.24 Finally, with respect to the traffic movements (servicing, refuse collections etc) of the Proposed Development, it will be noted that the proposals would result in a modest increase in traffic associated with the Site, however it is worth noting that the number of vehicles servicing the Site will be broadly similar to the number which serviced the established use of the Site. There is therefore no reason to consider that this would materially impact on nearby residential amenity.
- 6.25 Therefore, given the findings of the NIA and the Daylight & Sunlight Report, it is concluded that the noise and amenity impact of the Proposed Development are acceptable. The Proposed Development is therefore in accordance with Policy A1 of the Local Plan; and also with the amenity-related policies included in the NPPF, with particular regard to development not undermining the quality of life (Paragraph 130).

Highway related impacts

- 6.26 The Application is supported by Transport Statement which demonstrates that the Proposed Development is located in a highly accessible location with access to a number of sustainable modes of transport.
- 6.27 Deliveries to the public house would be made from Kilburn High Road with refuse and bottles collected to the rear from Springfield Lane. The Proposed Development would result in a

modest increase in traffic associated with the Site, however it is worth noting that the number of vehicles servicing the Site will be broadly similar to the number which serviced the established use of the Site. There is therefore no reason to consider that the traffic generated by the Proposed Development would have any implications for highway capacity or road safety on the local highway network.

- 6.28 With regards to cycle parking, there is currently none provided at the public house and in the consideration of planning application ref. 2020/1412/P, the planning officers report stated that:

“The absence of any on-site cycle parking is considered acceptable in this instance given the constrained nature of the site. Furthermore, visitors are most likely to use public transport to access the site particularly given its proximity to the tube station and being well located for public transport.”

- 6.29 Notwithstanding the above, the Proposed Development provides secure cycle parking for use by staff within the basement of the building which is accessible from ground floor level via the northern doorway on Kilburn High Road and then by using the service lift. As accepted by the Council on the previous application, visitors are most likely to use public transport to access the Site particularly given its proximity to the tube station and being well located for public transport.

- 6.30 Overall, it is concluded that the Site is in a highly accessible location by various sustainable modes of transport and the highway related impacts of the Proposed Development are acceptable.

Other Material Considerations

- 6.31 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the previous sections have demonstrated the proposals are in compliance with local and national policy. The section below will discuss other material considerations to be considered when determining planning applications.

- 6.32 The other material considerations in the assessment of this planning application relate to the public benefits the Proposed Development will deliver, which weight in favour of granting planning permission.

- 6.33 The public benefits of the Proposed Development are set out below:

Economic Benefits

- 6.34 The Applicant intends to spend circa £2.8m on the Proposed Development and will result in the creation of at least 50 - 60 additional full and part-time jobs, with further employment created during the construction process.

- 6.35 The Proposed Development will make use of a vacant building and will contribute positively to the viability and vitality of the existing public house. Through the creation of additional footfall, the proposals will also add to local economy of the town centre, with patrons undertaking linked trips to other services and facilities.

Social Benefits

- 6.36 The Proposed Development will enhance, improve and expand the existing community facility, whilst bringing the building back into use. This will deliver community benefits in the form of a facility for the customers to enjoy whilst also providing new employment opportunities.

Environmental Benefits

- 6.37 The Proposed Development will contribute towards a more efficient, effective and sustainable use of the land which will thereafter ensure the long term maintenance of the Site moving forward. It is considered that the proposals represent the optimum viable use for the Site.
- 6.38 In summary, therefore, the benefits of the Proposed Development are in broad accordance with the Development Plan and the Framework as explained above.

Section 7: Summary and Conclusions

- 7.1 This Planning Statement has been prepared on behalf of JD Wetherspoon plc in support of application relating to the proposed change of use of existing bed and breakfast on first, second and third floor levels at No. 34 Kilburn High Street to provide an extension to the existing public house use at basement and ground floor level, to include the erection of a single storey rear extension at first floor level plus the installation of new and replacement plant equipment at No.34 Kilburn High Street, London.
- 7.2 In terms of general principles, the Proposed Development will result in the re-use of an existing vacant unit within the defined town centre. The Proposed Development will also enhance the existing public house and community asset, which will contribute positively to the economy of the area and the vitality of the town centre.
- 7.3 The Application is submitted following detailed pre-application discussions with the LPA which result in several changes to the Proposed Development to address the comments and concerns raised. These amendments include a reduction in the scale of the extension to the rear and the re-location of the replacement plant equipment to the roof of property. These revisions are considered to address the comments made by the LPA at pre-app stage whilst also delivering a viable development for the Applicant.
- 7.4 In terms of impacts upon residential amenity, the Application is supported by technical assessments, which demonstrate that the Proposed Development will not result in significant noise-related disturbance or loss of daylight and sunlight.
- 7.5 In summary, therefore, this Planning Statement demonstrates that the Proposed Development accords with all relevant policies of the Development Plan and the Framework and other material considerations, including the ensuing economic, social and environmental benefits and represents sustainable development.
- 7.6 Furthermore, it has been demonstrated that there are no policies within the Development Plan or the Framework that seek to protect areas or assets of particular importance that provide a clear reason for refusing the Proposed Development and that any adverse impacts of granting full planning permission will not significantly or demonstrably outweigh the benefits, when assessed against the policies of the Development Plan or Framework taken as a whole.
- 7.7 In accordance with Paragraphs 11 and 38 of the Framework, it is therefore respectfully requested full planning permission be granted.