

## Charlotte Meynell

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**From:** Jonathan McClue  
**Sent:** 01 June 2022 11:19  
**To:** 'Matthew Mortonson'  
**Cc:** Jamie Pyper; Nathaniel Young  
**Subject:** RE: Pre-Application Submission - 34 Kilburn High Street, London ref. 2022/1092/PRE  
**Attachments:** 2022/1092/PRE - 34 Kilburn High Road - change of use C1 to pub/restaurant

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You're welcome Matthew.

On the existing use class, I was wondering whether the whole building was in public house use (with the bed and breakfast being ancillary to that main use) or if the bed and breakfast component was/is a separate and independent use to the pub beneath it? I guess it depends how they operated (i.e. were they the same business and managed as one) and were accessed (i.e. is there independent access to the bed and breakfast or do you need to go through the pub?). When you submit the application it will be up to you to establish what the existing use class of the building is. To be honest, I think we would support the proposed use in principle either way. In terms of the new/proposed use class, are you applying for a mixed use or would the building be broken up into different use classes? I'm of the school of thought that a planning unit is either one use or another. The land use will be whatever the dominant use is and the other function would be ancillary. For example - Pizza Expresses are considered to be a restaurant with the takeaway element being ancillary. I believe there is case law and they demonstrated via receipts that circa 80% of their customers eat in their establishments (with the rest taking the pizzas away). When you apply for the proposed use you therefore need to appropriately define the use class. It might just be sui generis (public house with ancillary restaurant) or Class E (restaurant with ancillary public house). You don't need to list ancillary uses on the description of development. Alternatively it might be that the lower levels are public house and upper levels restaurant (if people tend to drink on the lower level and eat above).

Thank you for looking at the first floor extension. Whilst the comments on viability are noted this does not override planning policy and the proposals must be acceptable from a design and residential amenity point of view. The extension does look overly large and dominant. I noticed that there are no proposed context drawings (i.e. showing surrounding sites) which will be crucial for assessment. Some kind of sketch or 3D model/drawing would also be useful to see it in context. We'd expect detailed drawings showing the proposal's relationship with neighbouring properties, particularly windows and outdoor terraces/balconies. If drawings are marked up with diagrams that would be useful. It isn't just about impact on daylight and sunlight, but loss of outlook/sense of enclosure and overbearing/unneighbourly impacts as well as overlooking/loss of privacy. Whether you need a full daylight and sunlight assessment will depend on whether the proposals pass the basic 25 degree and 45 degree BRE tests.

I've chased Environmental Health - I agree this is a key matter. Are you looking for their thoughts on the principle of the use, the plant equipment or both? Has a licencing application been made? If so, can you please forward the details.

Transport have come back to me and confirmed they issued comments to Nathan a couple of days ago. See their comments attached.

In terms of validation requirements:

- ∞ Local Area Requirements are here - <https://www.camden.gov.uk/documents/20142/12053822/LARs+2020+%28republished%29.pdf/a1f2c0e-c643-0100-40c3-b1188a0badc3?t=1645193008819>
- ∞ Plans - <https://www.camden.gov.uk/types-scale-drawings-plans-planning-applications>
- ∞ Supporting documents - <https://www.camden.gov.uk/making-planning-application-supporting-information>

Kind regards

Jonathan McClue  
Deputy Team Leader  
Pronouns: He/Him/His



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**From:** Matthew Mortonson [REDACTED]  
**Sent:** 31 May 2022 21:25  
**To:** Jonathan McClue [REDACTED]  
**Cc:** Jamie Pyper [REDACTED] Nathaniel Young [REDACTED]  
**Subject:** RE: Pre-Application Submission - 34 Kilburn High Street, London ref. 2022/1092/PRE

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Hi Jonathan,

Thank you for the response, much appreciated.

With regards to the existing and proposed use classes, the pre-application enquiry seeks advice on proposals to permit the change of use of the existing bed and breakfast located at first floor level upwards (the ground floor and basement levels are already in public house use) to provide a JD Wetherspoon public house / restaurant (sui generis / class e). We include class e restaurant use in order to accommodate JD Wetherspoon's typical trading characteristics whereby approximately 40% - 50% of total sales of a public house relate to food.

Notwithstanding this, we do believe that restoring this vacant building back to its original public house use throughout is of significant benefit to the community, particularly in a time when the general trend is for the loss of such uses. The incorporation of the upper floors into the existing public house use, which ceased trading in 2017, is key to this and allows the use to remain viable, subject to additional customer floorspace being provide at first floor level, hence the need for the extension. I do however note your comments regarding the first-floor extension, and I will discuss these with the applicant to see what amendments can be achieved to address your concerns.

In terms of other matters, an important element of the submission is seeking advice from your environmental health

colleagues and whether the proposed approach to noise within the NIA is acceptable from their point of view. If we could have an answer on this particular point that would be helpful.

I have re-attached both our covering letter and the NIA submitted with the pre-app for ease, which set out the case in more detail.

If in addition to the outstanding comments, you could provide advice on expected validation requirements, that would be great.

Thank you once again

Matthew Mortonson

Principal Planner



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**From:** Jonathan McClue

**Sent:** 31 May 2022 19:48

**To:** Matthew Mortonson

**Cc:** Jamie Pyper; Nathaniel Young

**Subject:** RE: Pre-Application Submission - 34 Kilburn High Street, London ref. 2022/1092/PRE

Hi Matthew

Of course let me know how I can help.

Nathan has spoken to me about this one. We think the land use is probably acceptable in principle, although there needs to be some clarity as to what the existing and proposed uses are in terms of the use classes order.

There are concerns about the depth and size of the first floor level rear extension (it would not be acceptable to extend the entire footprint shown) and lift shaft, along with potential impacts on neighbouring properties (adjacent residential windows and balconies) on all sides. It might be that this needs to be redesigned and cut away from the common boundaries shared with the residential uses. Also can the lift shaft not be contained within the existing footprint rather than projecting out?

I think Nathan is waiting for internal comments from transport officers and environmental health. I'm not sure if he's going to consult our design or conservation team (conservation do comment on sites outside of conservation areas sometimes). If you could pull out the things for these departments to assess, I will press them for a response.

From my understanding of what Nathan explained to me, we might be supportive of the principle of the proposals subject to amendments (including to the first floor rear extension in particular) and the views of environmental health and transport.

Happy to have a chat on the phone if you want to pave a way forward.

Kind regards

Jonathan McClue  
Deputy Team Leader  
Pronouns: He/Him/His



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**From:** Matthew Mortonson [REDACTED]  
**Sent:** 31 May 2022 16:48  
**To:** Jonathan McClue [REDACTED]  
**Cc:** Jamie Pyper [REDACTED] Nathaniel Young [REDACTED]  
**Subject:** Pre-Application Submission - 34 Kilburn High Street, London  
**Importance:** High

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Good Afternoon Jonathan,

I wondered if you could please assist with this pre-application submission, as I have received an out of office from Nathaniel.

We originally submitted the pre-application request on 16<sup>th</sup> March 2022, however it took until the 27<sup>th</sup> April 2022 to receive a case officer. We were finally assigned Nathaniel whom I have had some brief exchanges with, most notably on the 6<sup>th</sup> May where it was advised that we could expect a response to the pre-app submission in a couple of weeks. Needless to say, that we did not receive a response, and I have had no response to my emails since. I have now received an out of office reply from Nathaniel today saying he will return from leave on 13<sup>th</sup> June, but that he won't be working on anything other than a public inquiry until 5<sup>th</sup> July.

Unfortunately, these timescales are unacceptable to our client particularly given the pre-app was originally submitted nearly 11 weeks ago. Can you therefore please look into this as a matter of priority so that we can have a response to the submission in a more timely manner. Key to the submission are the comments and thoughts of your Environmental Health Officer, so I would be grateful if these could also be sought.

I'd be happy to discuss if required,

Kind Regards

Matthew Mortonson  
Principal Planner

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