

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING & CONSERVATION COMMITTEE
PLANNING SERVICES COMMITTEE
MEMBERS PANEL

APP NO. PP/00/02807
AGENDA NO.

ADDRESS/SUBJECT OF REPORT:

90 Golborne Road, London, W10 5PS

APPLICATION DATED 20/11/2000

APPLICATION REVISED

APPLICATION COMPLETE 05/12/2000

APPLICANT/AGENT ADDRESS:

Mr. M.
Hussain,
90 Golborne Road,
London, W10 5PS

CONS. AREA N/A CAPS No

ARTICLE '4' No WARD Queen's Gate

LISTED BUILDING NO

HBMC DIRECTION

CONSULTED OBJ.

SUPPORT PET.

RECOMMENDED PROPOSAL:

RBK& C DRAWING NO(S):

RECOMMENDED DECISION:

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 28/02/2001 APP NO.PP/00/02807/COTH
AGENDA ITEM NO. 9

ADDRESS

90 Golborne Road, London,
W10 5PS

APPLICATION DATED 20/11/2000

APPLICATION COMPLETE 05/12/2000

APPLICANT/AGENT ADDRESS:

Mr. M. Hussain,
90 Golborne Road,
London,
W10 5PS

CONSERVATION AREA N/A

CAPS No

ARTICLE '4' No

WARD Queen's Gate

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 27

OBJECTIONS 0

SUPPORT 0

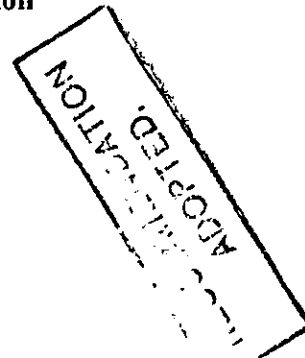
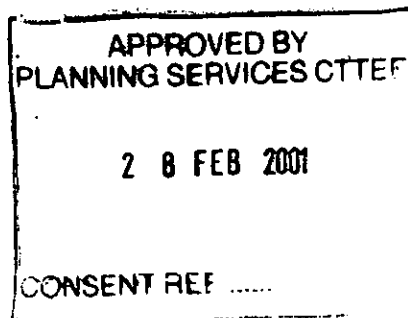
PETITION 0

Applicant Mr. M. Hussain,

PROPOSAL:

Removal of Condition No. 5 of planning permission dated 11/02/2000 (PP/99/0514) to allow approved cafe use with hot food takeaway facilities to operate a home delivery service.

RECOMMENDED DECISION: Grant planning permission



CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C001)**
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)
2. **This permission shall be personal to Mr Hussain and shall not enure for the benefit of the land. (C006)**
Reason - In granting this permission the Local Planning Authority has had regard to the special circumstances of the case/applicant, and considers that use otherwise than by Mr Hussain would have had different implications, and would be likely to have resulted in planning permission being refused. (R006)
3. **No customers shall be on the premises from 22.00 hours until 08.00 hours the following day. (C046)**
Reason - To safeguard the amenity of neighbouring property. (R042)
4. **No music shall be played within the premises the subject of this permission so as to be audible outside the premises. (C048)**
Reason - To safeguard the amenity of neighbouring property. (R048)
5. **No more than 30 seats shall be provided within the cafe premises and no more than 40 customers shall be on the premises at any one time.**
Reason- To safeguard the amenities of neighbouring properties (R048)
6. **The home delivery service hereby permitted shall not be carried out between 22.00 hours and 08.00 hours the following day. (C045)**
Reason - To safeguard the amenity of neighbouring property. (R042)

INFORMATIVES

1. I09
2. I10
3. I22
4. I33
5. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies S1, S13, and S17.(I51)

1.0 THE SITE

- 1.1 No. 90 Golborne Road is a mid-terraced property located on the North West side of Golborne Road.
- 1.2 The property is not Listed and is not located within a Conservation Area. The premises are designated within the Council's Unitary Development Plan as being located within the Golborne Road Local Shopping Centre.

2.0 PROPOSAL

- 2.1 The application seeks to remove Condition No. 5 of the Planning Permission dated 11th February 2000 which allowed the change of use of part retail (Class A1) and part hot food take-away (Class A3) to a cafe with hot food take-away facilities (Class A3). Condition No.5 stated "The use hereby permitted shall not incorporate a home delivery service."

3.0 RELEVANT PLANNING HISTORY

- 3.1 In 1984, Planning Permission was granted for the conversion of the first and second floors into two self-contained flats and for the erection of a first floor rear extension.
- 3.2 In 1988, Planning Permission was granted for the installation of a residential entrance door (to upper floors) into the existing shopfront. In 1990 Planning Permission was granted for the installation of a new shopfront.
- 3.3 In 1992, Planning Permission was granted for the erection of a rear ground and first floor extension for use as a self-contained flat.
- 3.4 In 1993, Planning Permission was granted for change of use of part of the ground floor grocery store (Class A1) to hot food take-away (Class A3). In 1994, Planning Permission was granted for change of use of part of the ground floor grocery store (Class A1) to hot food take-away (Class A3) involving removal of Condition No. 3 of the 1993 permission which prevented the cooking of food on the premises.
- 3.5 In June 1995, Planning Permission was refused for the change of use of the ground floor to cafe (Class A3) with take-away facility. In September 1997, Planning Permission was refused the change of use from part retail (Class A1) and part hot food take-away use (Class A3) to cafe with take-away facilities. The reasons for refusal on both were loss of retail floorspace and the reduction in the retail character and function of the local shopping centre.

- 3.6 The Council granted Planning Permission for the change of use of the premises from part A1 retail, and part A3, take-away hot food to a cafe with hot food take-away facilities Class A3 on 11th February 2000.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations relate to the impact the home delivery service would have upon the residential amenity of the residential property in the local area.

- 4.2 The cafe with hot food take-away facilities that was granted Planning Permission by the Planning Services Committee at their meeting on 19th January 2000, contained two other conditions which are considered to be material considerations when accessing this proposal. The conditions being:-

"The permission shall be personal to Mr. Hussain and shall not enure for the benefit of the land."

and

"No customers shall be on the premises from 22.00 hours until 08.00 hours the following day."

- 4.3 Mr. Hussain is the applicant with regard to the current proposal.
- 4.4 The existing Planning Permission allows the premises to operate a hot food take-away service which may generate a large number of customers calling to place an order and then collecting it for consumption off the premises. The hours of operation have been conditioned to close at 22.00 hours and not to re-open until 08.00 hours the following day. This is early for a Class A3/food and drink use particularly in this area, but the condition was imposed to safeguard the amenity of neighbouring properties.
- 4.5 What has to be considered is whether the introduction of a home delivery service that will operate within the approved opening hours, will increase the levels of activity generated by the use to what would be considered detrimental to the residential amenity of neighbouring properties. It is considered that an additional condition should be imposed if the proposal is granted Planning Permission to secure the home delivery service will close at 22.00 hours.
- 4.6 The applicant has advised the Council that he will not be using motor cycles to deliver orders but a local taxi cab firm. There will not therefore be the situation that is found in other parts of the Borough where motor cycles are parked outside the premises waiting to deliver orders.
- 4.7 It is considered that, having allowed the use of the premises as a cafe with hot food take-away facilities that closes at 22.00 hours, the home delivery service that would operate between the current opening hours would not have a material affect upon the amenity of neighbouring residential premises, beyond

the levels currently experienced. It could be argued that the introduction of a home delivery service would result in a drop in the level of people visiting the premises to place orders and then collect them as they would just phone their order from home.

- 4.8 The Council has not received any representations from local residents regarding this proposal, and it considered that the residential amenity of neighbouring residential properties will not be adversely affected by the proposal.

5.0 PUBLIC CONSULTATION

- 5.1 The Council notified twenty seven addresses of the proposal and to date no letters of objection have been received relating to it.

6.0 RECOMMENDATION

- 6.1 Grant Planning Permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

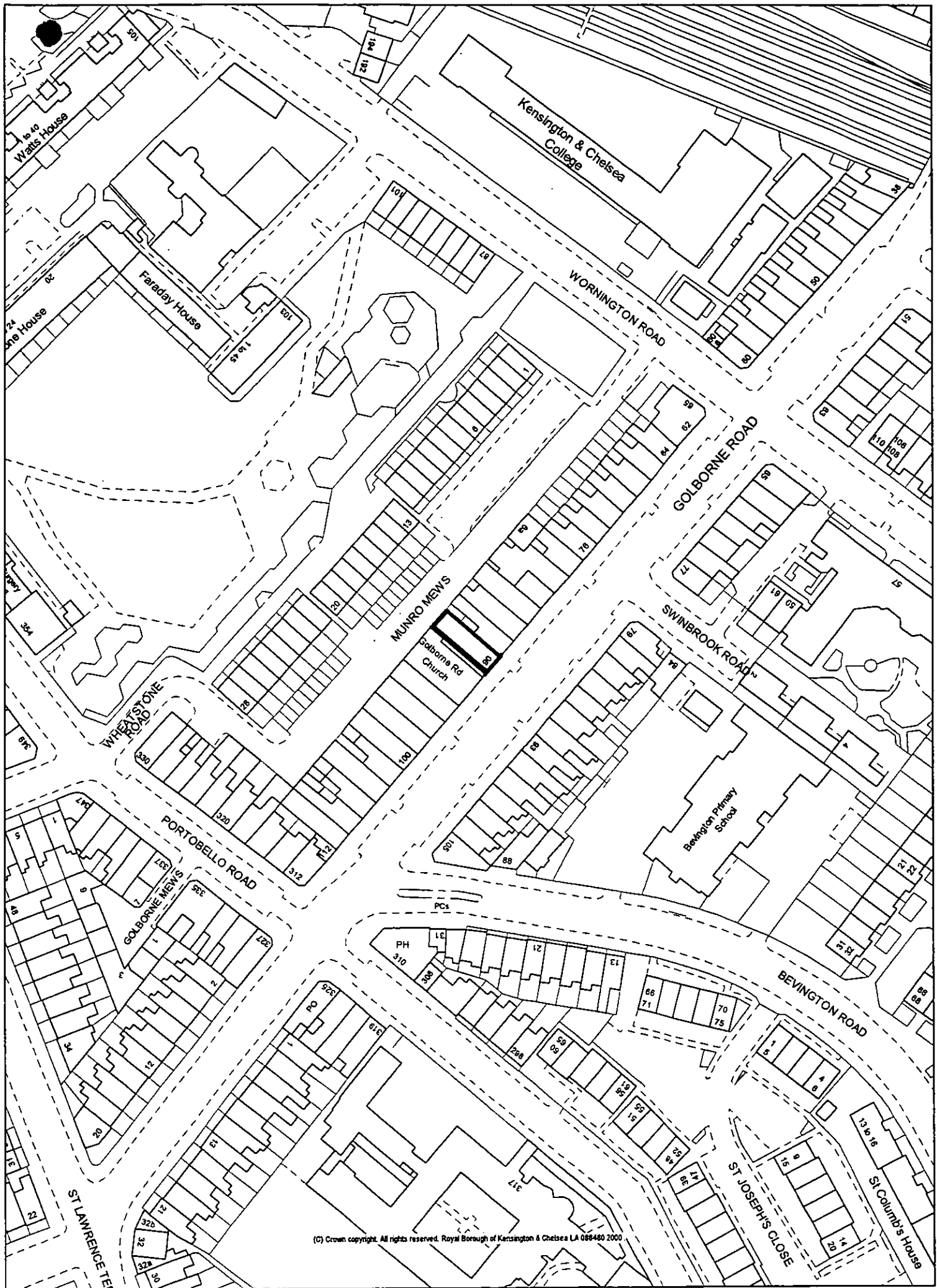
List of Background Papers:

The contents of file PP/00/02807 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: AP
Report Approved By: DT/LAWJ
Date Report Approved: 09/02/2001

PSC0201/AP.REP





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**ADDENDUM REPORT BY THE EXECUTIVE DIRECTOR, PLANNING &
CONSERVATION**

PLANNING SERVICES COMMITTEE 28th February 2001

The Planning Services Committee is asked to note and agree the following amendments to the Committee reports for the NORTH area.

Agenda Item 9
PP/00/2807

90 GOLBORNE ROAD W10
Amendment to Condition 6
Delete the words "hereby permitted"

Agenda Item 10

PP/00/2523

**LAND TO THE REAR OF 14 PEMBRIDGE CRESCENT AND
ADJACENT TO 14C PEMBRIDGE CRESCENT, W11**

Late Objections

Seven objectors have written to state that the revised proposal does not address their original objections. It is stated that the proposed building is too modern in style, would not match the surrounding buildings in the Conservation Area, would have unworkable parking, would result in the loss of trees, and includes a store indicated opposite the proposed house that is not correctly sized.

Most of these points are covered in the main report. The store has been re-examined and it transpires that it is indeed depicted too small; however, although it should be shown as larger it would still not infringe the "swept path" of vehicle turning on the site and the Transportation Officer is satisfied it would not cause an obstruction.

Comments from Councillor Champion

Councillor Champion has written to advise that the garages have recently been substantially demolished. He also observes that although permission was granted (as discussed in para.4.10) to remove three trees, in practice they have only been pruned so far.

Conservation Area Consent is applied for under application ref. CC/00/2524 on this agenda.