



Appeal Decision

Site visit made on 27 August 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2019

Appeal Ref: APP/T5150/W/19/3219184
248 High Street, London NW10 4TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sahota Ms. Satwinder Kaur against the decision of the Council of the London Borough of Brent.
 - The application Ref 18/2940, dated 25 July 2018, was refused by notice dated 1 October 2018.
 - The development proposed is the change of use of A1 retail shop into A5 takeaway with rear air flue.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the site visit it was apparent that the proposed development had been carried out with a takeaway business operational and flue system installed. It appears that the development carried out is not fully in accordance with the plans as the rear flue did not appear to exit above the height of the residential flats above as set out in elevation drawing reference XEVA/248HSH/104. There is no evidence before me to indicate that the plans have been amended during or after the initial determination, and I am therefore considering this appeal on the basis of the plans supplied.

Main Issue

3. The main issue is whether the appeal site is a suitable location for A5 takeaway use, having particular regard to the health and well-being of the local population.

Reasons

4. The appeal site is a three storey building located on the High Street and forms part of a parade of shops in Harlesden town centre. The ground floor is currently in use as a hot food takeaway with residential flats above. The surrounding area is characterised by a mix of retail units with residential flats above. Further along the high street is another smaller parade of shops also containing a mix of retail units, including a hot food takeaway.
5. The London Borough of Brent Local Plan Development Management Policies document (2016) (the LP) sets out the Council's position on non-retail uses at

Policy DMP3. The policy seeks to control the number of takeaways in particular circumstances in order to avoid over-concentration, and thereby limit adverse impacts on the health outcomes of residents.

6. A hot food takeaway is currently located two doors along the parade from the appeal site at No 250. At the time of my visit this unit was not operational due to a recent fire. However, the planning history indicates that the use of No 250 for a hot food takeaway was granted planning permission in 2014. The use of No 250 had clearly been implemented and despite its current state of repair, it would be capable of returning to use as a hot food takeaway by virtue of the approved permission.
7. At the time of my site visit, two other food outlets (delicatessen) were present in the parade advertising food to take away. The presence of the appeal proposal in combination with the approved use at No 250 would result in a concentration of takeaways in close proximity to each other, separated only by a single premises. This would be in an area where there are already a range of other food outlets operating, albeit the primary use of some of those may not be A5 hot food takeaways. The development has resulted in a concentration of units operating as, or permitted for use as, A5 takeaways in this town centre location, given there is only one non-A5 use separating it from the next unit with permitted A5 use. Accordingly the appeal development conflicts with the aims of Policy DMP3 with regard to the location of non-retail uses in the town centre.
8. As such, I conclude that the over concentration of takeaways would cause harm by failing to support the health and well-being of the local population. The proposal is therefore contrary to Policy DMP3 of the Brent LP which states that takeaways would be allowed except, amongst other things, where it would result in less than two non-A5 units between takeaways.
9. The proposal would also conflict with paragraph 91 of the National Planning Policy Framework which indicates that planning policies and decisions should aim to achieve healthy, inclusive and safe places and which enable and support healthy lifestyles especially where this would address local health and wellbeing needs.

Other Matters

10. My attention has been drawn to the economic benefits of the use in terms of local job creation and bringing into use an empty building which supports the vitality and viability of this centre. Whilst I acknowledge that the proposal creates jobs, due to the scale of the proposal the number created would likely be very modest. Whilst the proposal has resulted in the use of a building that had previously been empty for a period of time, the area is already busy and appears to have good footfall. As such, I consider that the economic benefits would be limited and thereby insufficient to outweigh the harm identified.
11. Whilst it is recognised that the proposal has sought to avoid harm to the amenity of adjoining occupants through the location of the extraction flue, this would be a common requirement for a takeaway proposal. Although no precise details have been provided with this appeal as to its specification, this is a matter that could have been dealt with via a planning condition. As such, this is a neutral factor in the planning balance and, in light of my findings on the main issue, it does not alter my conclusions.

Conclusion

12. For the reasons set out above, I conclude that the appeal should be dismissed.

P Mileham

INSPECTOR