

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	SUB	Date 24 November 2020	Classification For General Release
Report of Director of Place Shaping and Town Planning			Ward(s) involved Harrow Road
Subject of Report		46 Chippenham Road, London, W9 2AF	
Proposal		Change of use of the ground floor and basement from a Public House to a Pharmacy, alterations to ground floor fenestration, and the creation of secondary entrance on Elgin Avenue.	
Agent		Savills	
On behalf of		Pitchkins & Currans	
Registered Number		20/05072/FULL	Date amended/ completed 17 August 2020
Date Application Received		11 August 2020	
Historic Building Grade		Unlisted	
Conservation Area		Outside a Conservation Area	

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site is a vacant public house, called The Squirrel, that occupies the ground floor and basement level of No. 46 Chippenham Road. The site is a four-storey building which sits in prominent position at the junction of Chippenham Road and Elgin Avenue .

The key issue in this case is whether it is acceptable to convert the existing public house into a pharmacy. An earlier application to convert the pub to residential accommodation was refused (see planning history); appealed and is due to be heard at a Hearing on 7 December 2020.

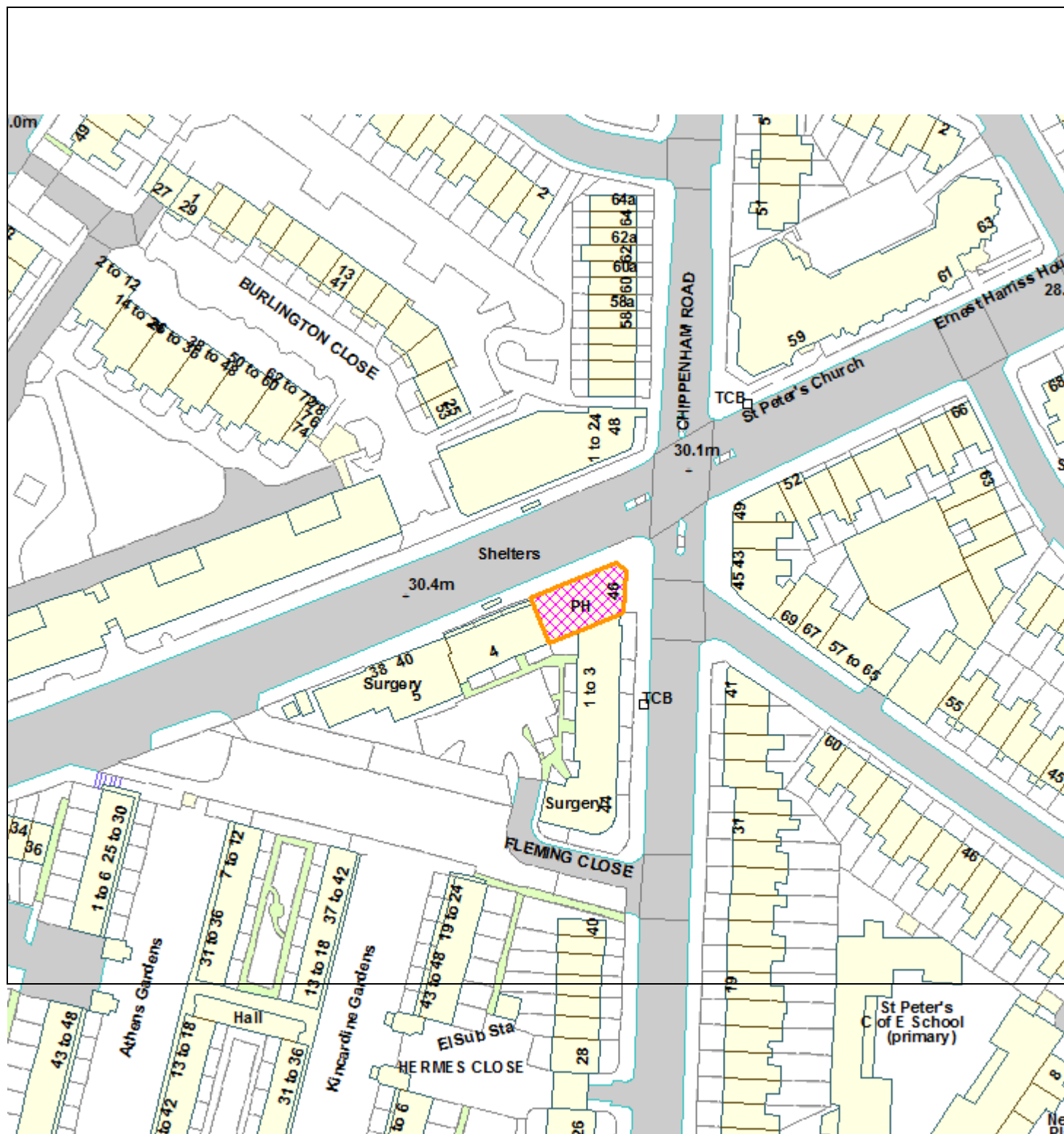
The application has attracted a large number of objections and support

As set out in the report, detailed marketing information has been submitted with this application, which has been independently assessed, and the consultants acting on behalf of the City Council, who have an expertise in the retail/hospitality sector concluded that in light of the COVID19 pandemic, and moving forward, the pub is no longer considered to be viable.

The applicant has sought to address the land use policies requirements as set out in the in the City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in

January 2007 (the UDP). The proposals raise no design or amenity concerns and complies with the Council policies in that regard and the application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



4. PHOTOGRAPHS



Elgin Avenue elevation.

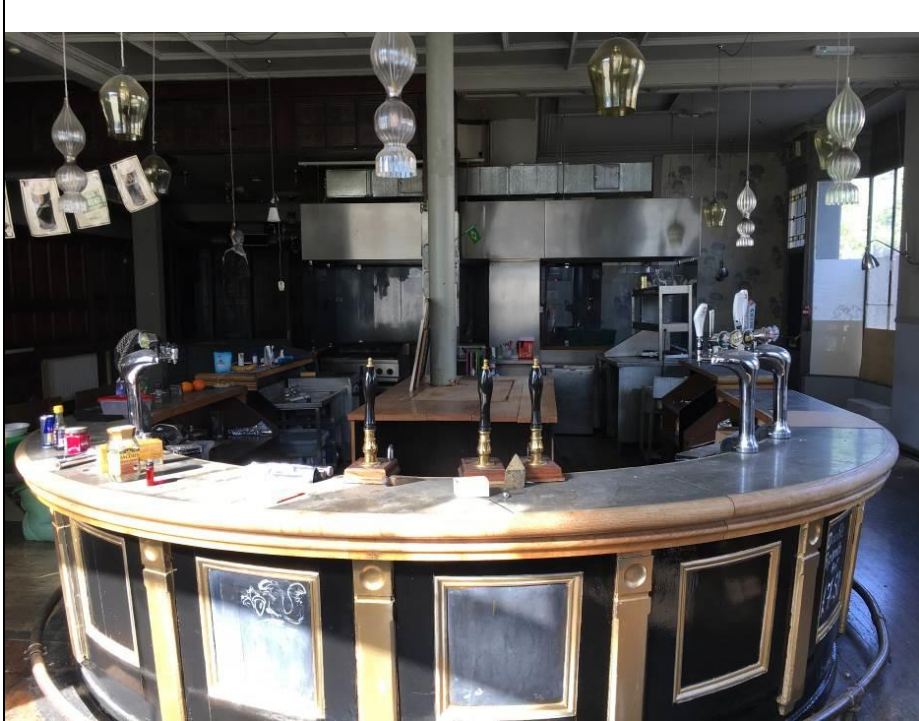


Chippenham Road elevation.

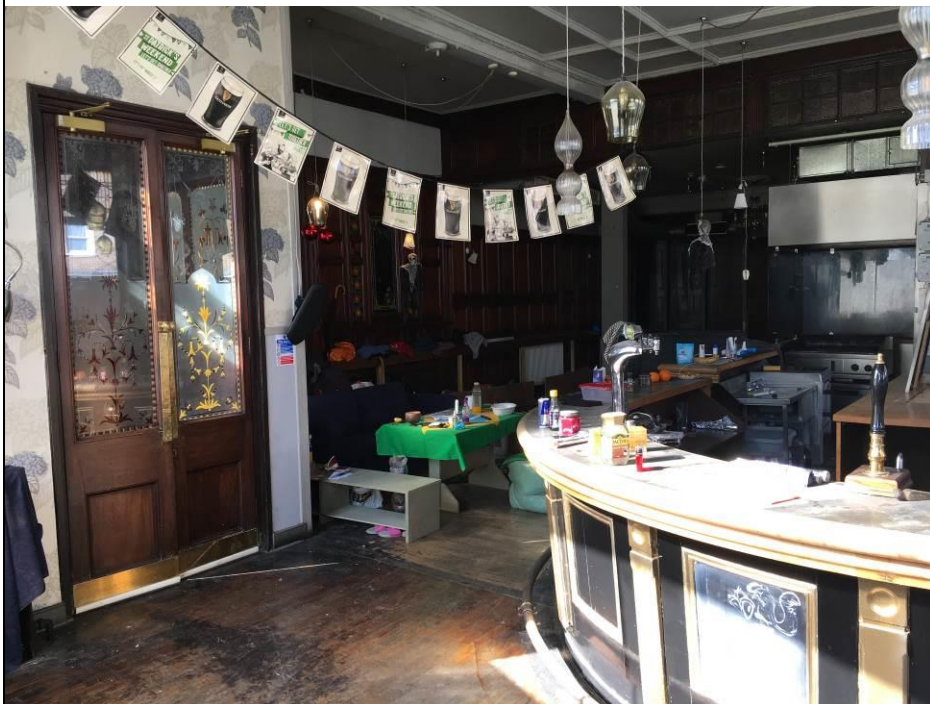


Pub forecourt facing Chippenham Road.





Interior photos.



5. CONSULTATIONS

COUNCILLOR TIM ROCA

- The pub is valued by the local community.
- The Squirrel pub has not been vacant due to lack of interested potential tenants. A number of people have approached the owner looking to run the pub.
- It has been suggested to residents that the pharmacy will have to move out of the area if the application is not successful, but this is untrue as there are other places that it could move to in the local area.
- Previously the pub was poorly pub managed. If the pub was well managed, then it would be successful.

MAIDA HILL NEIGHBOURHOOD FORUM:

- In March 2020 when determining a planning application on this site the City Council deemed the public house on the application site to be viable and that the applicant had not adequately marketed the site. The public house remains viable and the applicant has still not demonstrated that there is no interest from potential operators. To allow the loss of the public house would be contrary to national, regional and local planning policies.
- An established, respected and local Publican attempted to rent The Squirrel Pub, dating back to November 2018. The Publican's interest was not welcomed by the Agents and it seems that he was almost entirely ignored.
- The developer has engaged in a community communication campaign in recent months encouraging people to support the movement of the pharmacy to the application site. The campaign however has been misleading because it suggests that if the pharmacy does not move to the public house it will have to leave the local area. There are, however, other sites that the pharmacy could move to. The campaign also claims that previous operator of the pub tried there best to run a viable business, but this is not true because it was in fact poorly managed.
- The loss of the public house would harm the character of the local area.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally.

WEST LONDON BRANCH OF THE CAMPAIGN FOR REAL ALE (CAMRA):

- A highly experienced publican has made many attempts to rent the pub since November 2018 but was frustrated by lengthy delays when contacting the Agent (Davis Coffey Lyons) and at his final attempt in January 2020 was told that the pub was off the market and there was an offer in for it to become a pharmacy. If this is the treatment this applicant has received, how many other offers have been ignored or overlooked?
- Previously WCC stated in the Delegated Report for a Planning Application from March 2020 that the public house is considered to be profitable and therefore viable.
- The WCC City Plan draft aims to protect public houses
- We urge that WCC reject this latest planning application for change of use to a pharmacy and does indeed work in partnership with the Maida Hill Neighbourhood Forum and this applicant landlord, to ensure that this site can reopen under experienced management and as a potentially viable pub.

THAMES WATER:

Commented that there was no objection to the proposal's impact on the wastewater network, sewage treatment works and water treatment infrastructure capacity.

HIGHWAYS PLANNING MANAGER

The impact of the proposal on car parking, waste and servicing is acceptable. Details of cycle parking storage can be secured through condition.

ENVIRONMENTAL HEALTH OFFICER:

No objection. There are no public nuisance and/or public safety risks associated with this application.

WASTE PROJECT OFFICER

Waste storage for general refuse and clinical waste are indicated on the ground floor and basement floor drawings respectively. However, the waste details submitted are not in line with the council waste storage requirements

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 240

Total No. of replies: 328

No. of objections: 91

No. in support: 237

91 objections have been received on some or all of the following grounds:

- The pub on the application site should be considered an essential community asset.
- The number of local social spaces where community members can meet keeps decreasing.
- Many other pubs in the local area have disappeared in recent years.
- The applicant seems to have ignored the initial refusal of permission and has submitted further applications which show little change to the proposal.
- Whilst it is appreciated that the owners of the pharmacy opposite the application site wish to enlarge their space, there are other shop premises in the locality which would suit their needs.
- There are pharmacies nearby on the Harrow Road, and on Shirland Road, both of which are long-established.
- The applicant runs the existing pharmacy badly.
- The existing pharmacy that is run by the applicant is responsible for dumping rubbish in public places and blocking the highway with delivery vans.
- Experts have previously said that a pub at this address is a viable business.
- There have been a number of offers to take up the tenancy of the property and operate it as a viable Public House
- There has been a pub at this address for a century and it should not be lost now.
- The proposed loss of the pub is contrary to both national and local planning policies.
- The Squirrel pub is kind of pub likely to ride the storm of the corona virus.
- Since the closure of the pub the junction of Chippenham Road and Elgin Avenue feels considerably less safe and welcoming, particularly at night.
- Private landlords are dramatically increasing rents and driving pub operators out of

- the area, as they can generate more profit quicker through residential or retail uses.
- The price that the lease was advertised for the pub at was deliberately set an excessively high amount in order to deter potential operators.

237 comments of support have been received, citing the following:

- The proposed pharmacy would be a vital asset to the neighbourhood.
- Pitchkins & Currans provide a necessary service in our community and the staff of the existing pharmacy they run are consistently helpful and considerate. The loss of this exiting pharmacy would be devastating. The proposal allows them to move to a bigger location which would enable the pharmacy to offer a wider range of facilities to the local community, such as consultation rooms and blood tests. The bigger location will help the pharmacy to offer large scale vaccination programmes to the local community in the near future. The lease of the pharmacy is ending and with restrictive pharmacy regulations, there are limited options where they can move to.
- The parade of shops the where the existing pharmacy is located within has been granted planning permission to make flats, so using one of the other units there is not an option.
- The proposed pharmacy is located in close to a medical centre and other clinics. This is particularly important for the elderly and the disabled.
- The Pharmacy is part of the local community and it is intertwined into the fabric of the community's health and wellbeing.
- The pub has been closed for several years and it was never well frequented. It seemed to attract strange people hanging around outside which made you feel quite unsafe in the area.
- Having an empty building is detrimental to the area and it's unlikely that it will reopen as a pub or wine bar in such uncertain times. Opening a business on the application site will improve the appearance of the area.
- Many businesses near the application site have closed in recent years. In these difficult times, it is the responsibility of citizens and local government to do everything possible to support local businesses.
- There is less demand for a pub in the local area as the demographics have changed. There is a significant part of the local community who, for religious or other reasons, will not visit premises where alcohol is served.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a four-storey building which sits in prominent position at a corner where Chippenham Road and Elgin Avenue cross. The ground floor and basement level of the application site is a vacant public house known as 'The Squirrel'.

The upper floors of the building are in use as 6 flats. There is also a three-storey infill extension to the Elgin Avenue elevation of the building that also contains 3 flats.

The application site is not listed and is not located within a conservation area. The Maida

Vale Conservation Area boundary is located to the north-east of the site.

The site is located within the North Westminster Economic Development Area.

6.2 Recent Relevant History

19/09815/FULL

Use of the ground and lower ground floor from A4 (public house) to C3, to create 1No 1bed duplex, 2No 1bed duplexes with gallery, 1No 2bed duplex with gallery and 1No 3bed triplex self-contained flat; creation of three new lightwells; regularisation of unauthorised works relating to the duct and housing.

Application Refused 16 March 2020

The application was refused on the grounds that the pub was considered viable, mix of units, design and townscape and highways reasons.

19/09705/FULL

Change of use of the ground floor and basement from A4 (public house) to A1 (pharmacy). Formation of lightwell with boundary treatment in front of Chippenham Road elevation. Alterations to ground floor fenestration and the creation of secondary entrance on the Elgin Avenue elevation.

Application Refused 4 March 2020

The application was refused on the grounds that the pub was considered viable, design and townscape and highways reasons.

19/01895/FULL

Use of existing public house (Class A4) at ground and basement level as 5 residential flats (Class C3) and associated external alterations including formation of lightwell to Elgin Avenue elevation, lightwell within forecourt area to Chippenham Road elevation and alterations to ground floor fenestration.

Application Refused 29 August 2019

The application was refused on the grounds that the pub was considered viable, mix of units, design and townscape and highways reasons. The applicant has appealed the decision and the proposal is the subject of a Hearing that will take place on 07.12.20 (Appeal Ref: APP/X5990/W/19/3241362). It was originally due to be heard back in March 2020 but was postponed due to COVID-19.

There have been a significant amount of other application relating to roof extensions, side extensions to provide additional residential accommodation, but these are not relevant to the application in question.

7. THE PROPOSAL

Permission is sought for the conversion of the ground and basement floors of the site from a Public House (Sui Generis use) to Pharmacy (Class E use) with the alterations to the ground floor fenestration, and the creation of a secondary entrance on the elevation facing Elgin Avenue.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Public House	395.1	0	-395.1
Pharmacy	0	395.1	+395.1
Total			395.1

The proposal is submitted on behalf of Pitchkins & Currans, the operators of an existing pharmacy at Unit 2, 45-47 Elgin Avenue, which is located across the street from the application site. The lease for the pharmacy is coming to an end at 45-47 Elgin Avenue , and prior approval was recently granted at appeal to convert this shop into a residential flat, and according to the applicant they do not have the option to remain in the same location. The operators wish for their pharmacy to remain in the local area and to have a larger floor space, so they have proposed to convert the existing public house to a pharmacy.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The importance of public houses as community uses is supported by Strategic and National advice. Paragraph 92 of the NPPF (June 2019) seeks to plan positively for the provision and use of community facilities such as public houses. Policy 4.8 of the London Plan 2016 (MALP) sets out the importance of lifetime neighbourhoods and access to services and infrastructure. The supporting text of this policy, part 4.48A, states that the Mayor recognises the important role that London's public houses can play in the social fabric of communities and recent research highlights the rapid rate of closures over the past decade and the factors behind these. It goes on to state that to address these concerns, where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses. Policy HC7 Protecting Public Houses in the Draft New London Plan takes a more stringent approach to the loss of public houses. Under this policy, for it to be determined that there is no realistic prospect of a building being used as a public house in the foreseeable future, the public house should have been marketed for at least 24 months as a public house at an agreed price following an independent valuation and in a condition that allows the property to continue functioning as a public house.

The public house is not an Asset of Community Value under the Localism Act 2011. It should be noted however, that under policy SS 8 of the UDP (2007), policy 4.8 of the London Plan 2016 (MALP) and the NPPF (2019) it is not a prerequisite for a public house to be listed under the Localism Act (2011) before it is considered to be a community facility and therefore afforded protection. In addition, it is worth noting the reasoning given by the Planning Inspector in deciding to dismiss the appeal against the decision by Thurrock Borough Council to refuse planning permission for conversion of the Bricklayers Arms public house to into 15 flats (Appeal ref: APP/M1595/W/16/3154574, Decision date: 5 July 2017). In the Appeal Decision, the Inspector noted that although the pub was not an Asset of Community Value under the Localism Act 2011, "a considerable number of local representations were received objecting to the proposal, which suggests to me that the public house, as a community facility, is indeed valued by local residents".

The current proposal has received 91 neighbour objections, representation from Councillor Roca, as well as objections from the Maida Hill Neighbourhood Forum. In addition, previous applications that involved the loss of the pub received significant neighbour objections which suggest that the Squirrel Public House is valued by the local community. It should also be noted that these current proposals have attracted significant support, as detailed in part 5 of this report.

The application site is located outside of the Central Activities Zone (CAZ) and it is not located within a CAZ Frontage. The site is located within the North Westminster Economic Development Area (NWEDEA). Policy S12 of the City Plan (2016) states that within the NWEDEA, development should contribute to increasing economic activity within the area or providing local services.

The site is not within a designated shopping centre. Policy SS 8 of the UDP (2007) concerns shops and services outside the district and local centres (outside the CAZ). SS8 seeks to protect shops and services because of the convenience and service they provide to residents among others. As such, this policy seeks to protect traditional public houses which are generally considered to add to the character and function of a locality (see para 7.98 of the policy). The policy sets out that the loss of a public house may only be considered acceptable if it has been vacant and marketed for a public house use for at least 18 months without success.

The public house has been vacant since June 2018. As the public house has been vacant for over 18 months, the proposal complies with this element of policy SS 8. The applicant is required to demonstrate the pub has been adequately marketed in accordance with Policy SS 8 of the UDP, and that a public house use is unviable in accordance with Policy 4.8 of the London Plan 2016 (MALP).

Three previous planning applications to change the use of the public house were refused under delegated powers because the City Council considered at that time based on advice from our consultants that the public house was viable.

What follows in this report is first an outline of how the viability and marketing of the public house on the application site was assessed during the lifetime of the three previous applications. Then there shall be an assessment of how COVID-19 has impacted the viability of the public house, under this application.

The Viability and Marketing Assessment Made During Application RN: 19/01895/FULL- and subject of the Appeal

No viability assessment was submitted by the applicant in support of application RN: 19/01895/FULL prior to determination. The City Council commissioned Fleurets, a firm of Chartered Surveyors, to provide an independent review of the Marketing Report and an assessment of the viability of the public house with regard to the current market conditions. The Viability Assessment conducted by Fleurets was not just an assessment of whether the public house is viable under the existing lease, but it also assessed, inter alia, the viability of the public house under a different lease. There is a need to undertake the refurbishment works to the public house and that it lacks domestic accommodation. Despite this, the City Council considered that the public house remained viable based on the current trade and profit potential and likely rental level if let

on a new standard commercial, free of tie lease. The level of profit was considered to be at the lower end of the spectrum, and so therefore a future tenant would most likely have been an independent operator, rather than a multiple site operator. At the time of the determination of application RN: 19/01895/FULL (29.08.2019) the City Council considered the public house to be viable.

Viability and Marketing Assessment Made During Applications RN: 19/09705/FULL and 19/09815/FULL

To support applications RN: 19/09705/FULL and 19/09815/FULL, the applicant submitted a Marketing Report (November 2019) and a Viability Response (October 2019) both by Davis Coffey Lyons. The City Council commissioned Fleuret's to assess this new information and a response was provided by them on 13.02.2020. The City Council's assessment of the information was as follows:

Following the refusal of application RN: 19/01895/FULL on 29.08.2019, marketing of the public house recommenced in September 2019. This opportunity offered at this time was a new free of tie lease for a term of 15-20 years with 5 yearly rent reviews at a rent of £60,000 per annum. When the marketing recommenced, the marketing materials did not accurately represent the state of the existing public house. The marketing particulars showed the public house as open, trading and fully fitted to a high standard whereas it was in fact closed and in need of refurbishment and redecoration. The discrepancy between what is advertised and what actually exists on site was considered to have likely frustrated and disappointed any potential operators.

The offer that was marketed from September 2019 was for a new lease, whereas the offer that was marketed from February 2016 to December 2017 was for the assignment of an existing lease. In theory, the offer of a new lease allows for a potential operator to have the flexibility to negotiate the terms of the lease, but the willingness of the landlord to negotiate terms was not mentioned in the marketing materials and nor were any potential incentives.

Before an operator could have started trading, the public house would have had to have been refurbished and redecorated. The City Council considered that for the public house to be viable in that state, an operator would need to be given an incentive to carry out the necessary works to the public house. Such incentives could be a rent-free period or a capital contribution from the landlord. The marketing particulars did not refer to any such incentives. In addition, the guide rent was considered to have been high and the lease was not marketed on an offers invited basis. Due to the faults and limitations of the marketing carried out since September 2019, it was considered that it was not possible to definitively state that there was no interest from operators for the public house under a new lease.

The Viability Response (October 2019) by Davis Coffey Lyons provided an alternative opinion on the viability of the public house. The key difference is that Davis Coffey Lyons said that the City Council have underestimated the wage costs and in response the City Council said that Davis Coffey Lyons have underestimated the cost of the refurbishment and redecoration. The City Council considered that these differences roughly balanced each other out, and so therefore the additional information had a neutral impact on assessment of the viability of the public house. It was considered by the City Council at

the time that If an appropriate incentive was offered upfront, then a Reasonably Efficient Operator could have run a viable business.

Despite having carried out additional marketing following the determination of application RN: 19/01895/FULL and having submitted additional viability information, the City Council considered that the applicant had not demonstrated that there was no interest from potential operators. The public house was considered to be profitable and therefore viable.

Assessment of the Viability and Marketing of the Public House since the COVID-19 Pandemic

In support of the current proposal, the applicant has submitted a Viability and Marketing Report (13th July 2020) by Davis Coffey Lyons as well as a supporting letter dated 12th September 2020 from Stephen Cox of Faucet Inns, the former tenant of the pub on the application site. The City Council again commissioned Fleurets to provide an independent review of these documents and to carry out an assessment of the viability of the public house with regards to the impact of COVID-19. Fleurets provided their response on 13.10.2020 which is set out in the background papers. Fleurets have made their assessment on the understating that government-imposed restrictions to combat the spread of COVID-19 would last until at least October 2021. This understanding was informed by government advice at the time that the assessment was made. Since the report was published the government have announced nationwide lockdown until 02.12.20 with the possibility of it continuing beyond this time, which asserts that there is a possibility that some form of restriction could continue for over a year.

Social distancing and other restrictions reduce the number of customers that can use a public house, while the costs of running a pub remain the same or higher. Wage costs for pubs are likely to be higher as a result of facilitating table service as well as to cover additional cleaning. In addition, even before the announcement of the second lockdown, the restrictions had reduced consumer confidence.

Fleurets state that customer demand is affected by how well ventilated a pub is and whether it has external trade spaces. The pub on the application site is a small lock-up pub and the only external trade space is that which fronts on to Chippenham Road. This is not the most desirable of external trade spaces.

When taking into consideration the impact of social distancing measures, Fleurets have calculated that the pub on the application site would have a pre-rent Net Operating Profit of £996 per year. Prior to the payment of rent, the pub would barely make even a notional profit. Once a rent is factored in the pub becomes loss making.

Before the COVID-19 pandemic Fleurets said that as the profit margins for the pub on the application site were so low that only an independent operator or a new start-up would be interested in it. In the current economic climate, the pool of potential tenants is shallower than it was previously.

The marketing of the application site under a new lease started on September 2019 and has continued to be marketed to this day, but no offers have been received to operate the site as a public house. The Viability and Marketing Report (13th July 2020) contains

a schedule which sets out a list of enquiries, viewings and offers received, including the feedback from these parties. This information was not provided with the previous applications. This document shows that the state of repair/fit out and rent was not the primary deterrent to interest. Instead, location is the most commonly cited issue deterring interest.

A representation has been received from a local publican who says that after visiting the site he wanted to make an offer on the lease, but he could not get in contact with the agents Davis Coffey Lyons. Fleurets were told about this and they discussed the matter Davis Coffey Lyons. Fleurets have now considered both sides and they are content that the enquiry was dealt with professionally. With the previous applications RN: 19/09705/FULL and 19/09815/FULL it was concluded that satisfactory marketing of the application site had been carried out in accordance with policy SS8. With the current application the City Council continues content that appropriate marketing has been undertaken. The fact that the site has been marketed throughout the pandemic, but no offers were made further suggests that the COVID-19 pandemic has made it unviable.

Assessment of the Proposed Pharmacy

A pharmacy is a retail use. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into effect on 1 September 2020. The regulations altered the planning use classes so that retail uses are now Use Class E.

Policy S21 of the City Plan directs new retail development toward the CAZ and the District and Local Centres. Policy S12 of the City Plan states that development should, amongst other things, encourage economic activity and provide local services.

Policy SS8 of the UDP recognises that retail shops provide a valuable service to residents. SOC 4 of the UDP notes the importance of improving health care facilities, the definition of which includes pharmacies. SS8 states that planning permission will not be given for proposals that would significantly harm residential amenity or local environmental quality or increase parking and traffic.

It is recognised that the application site is located outside the CAZ and is not located within a District or Local Centre. However, the proposed pharmacy use would provide a local service and encourage economic activity on the application site, in accordance with policy S12 of the City Plan.

The proposal would allow Pitchkins & Currans, a local pharmacy to move to a bigger premise to provide a greater range of services to a larger number of people. 237 letters of support of the proposal have been received many of which praise the high quality of service that Pitchkins & Currans have provided to the local community and they state that as the pandemic continues their services will become even more in demand. Furthermore, in principle the proposed pharmacy use would be no more harmful to residential amenity or the public highway than the public house use it replaces. For the reasons stated above, the proposed pharmacy would be a suitable use for the application site.

Conclusion on the Proposed Land Use Change

There is no planning guidance about how long decision makers should wait before deciding that COVID-19 has permanently impacted the viability of a public house. The public house on the application site cannot make a profit as long as the government restrictions to combat COVID-19 are in place. Due to the nature of the site and the impact of COVID-19 on consumer confidence, it is unlikely that after the pandemic that new operators of the public house will be forthcoming. For these reasons it is considered appropriate in this instance to conclude that the public house is unviable and that its loss is acceptable subject to an appropriate replacement land use. The proposed pharmacy would be of value to the local community, so it is suitable for the application site. To ensure that the land use of the application site remains an asset to the local community it shall be enforced through condition that the site can only be used as a pharmacy and not as any other use with Class E.

8.2 Townscape and Design

The external alterations proposed include the creation of two secondary entrances for staff and refuse. Areas of signage are shown on the drawings, however these will be subject to separate advertisement applications.

In considering the proposals the impact on the character and appearance of the area will be assessed. The proposals will also be considered in relation to UDP and City Plan policies. In this instance the relevant UDP policies are DES 1, DES 5 and DES 9 and the relevant City Plan policies are S25 and S28. Of relevance is policy DES 5 which seeks to ensure a high standard of design for alterations and extensions to existing buildings. The policy specifically states permission may be granted for development where it is confined to the rear, where it does not visually dominate, if it is in scale and of an appropriate design and where the materials are consistent with the existing building.

The Squirrel Public House contributes positively to the character and appearance of the area, not only because of its physical form but also because of its use as a public house, which has been on this site since the 1890's. Notwithstanding the other policy implications arising from the proposed loss of the public house set out elsewhere in the report the loss of this public house and the use of the building as a public house raises concerns regarding the implications for the character of the area.

Public houses generally provide a focal point within the local street scene and wider area. The Squirrel is set apart in appearance from many of its neighbours through its characteristic public house frontage and its signage. A significant part of its contribution to the character of the area comes from the use of the building as a public house, resulting in it being a local landmark and destination point for a significant number of years. Whilst the use of the building is being lost, the pharmacy use still allows for public use of the building and is a function change that does not require the alteration of the façade to such an extent that would negatively impact on the character and appearance of the building. As such, whilst the loss of the pub use is regrettable in design terms, due to the retention of the pub form, the character and appearance of the area will be maintained.

It is noted that an application to convert the pub into a pharmacy was refused in March 2020 (RN:19/09705/FULL), with one of the reasons for refusal being on design grounds. This application included external alterations which were unsympathetic to the building and street scene, namely the introduction of lightwells and a boundary treatment. These works are not included within this application.

The only external alterations proposed as part of this application is the insertion of two doors on the Elgin Avenue elevation, within the rendered elevation as opposed to the principal pub frontage. The location of these doors is not contentious and their scale and design is in keeping with the character of the building. As such the works accord with DES 5. It is noted that a smaller door is to be inserted within the original pub door opening, altering the proportions, which is regrettable, however not so harmful as to warrant an objection on design grounds.

The proposal is considered to accord with the aims of UDP policy DES 1, DES 5 and DES 9 as well as City Plan policies S25 and S28.

8.3 Residential Amenity

Polices ENV6, ENV 13 of the UDP and S29 and S32 of the City Plan seek to protect residential amenity and environmental quality.

The proposed opening hours of the pharmacy are 09:00 to 18:30 Monday to Saturday and it would be closed on Sunday. There are no amenity objection to the proposed hours of opening, The proposed opening hours shall be conditioned. The proposed external alterations raise no amenity concerns.

8.4 Transportation/Parking

No car parking is provided for the pharmacy. The site is also within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the proposed change of use on parking levels will be minimal.

S42 of the City Plan and TRANS20 of the UDP requires off-street servicing. No off-street servicing is provided for the development. The site is located within a Controlled Parking Zone, which means that single yellow lines in the vicinity allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service this property in a similar fashion to nearby properties.

The London Plan requires a minimum of 1 cycle parking space for a 250m² non-food retail use, with a minimum of 2 spaces. Based on the floor space, the proposed pharmacy requires 2 cycle parking spaces and details of these will be secured by condition.

8.5 Economic Considerations

Whilst the existing pub would have likely had local members of staff in employment, this is likely to be the same for the proposed pharmacy and therefore the employment benefits are welcomed.

8.6 Access

There is a step up into the building which is existing and this is not proposed to be altered. It is unclear how therefore any disabled access can be achieved.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Policy S44 of Westminster's City Plan (2016) and ENV 12 of the UDP (2007) concern waste and recycling storage. Refuse storage is indicated on the proposed ground floor drawing however, the waste details submitted are not in line with the council waste storage requirements. The required details shall be secured through condition.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

8.9 Neighbourhood Plans

There is no adopted neighbourhood plan for the Maida Hill parish/ Harrow Road ward.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are consistent with the NPPF unless stated otherwise.

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.13 Environmental Impact Assessment

An Environmental Impact Assessment is not required for a proposal of this scale.

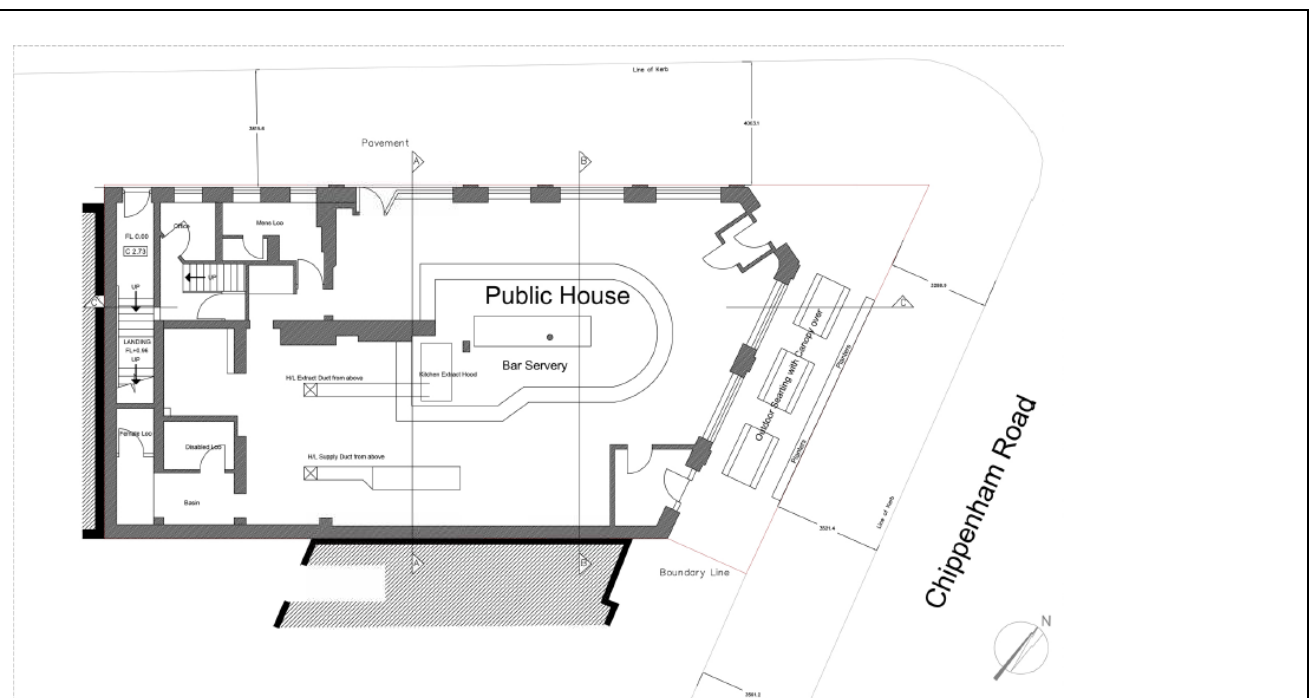
8.14 Other Issues

In assessing this planning application, officers have had due regard to the Public Sector Equalities Duty as per Section 149 of the Equalities Act 2010.

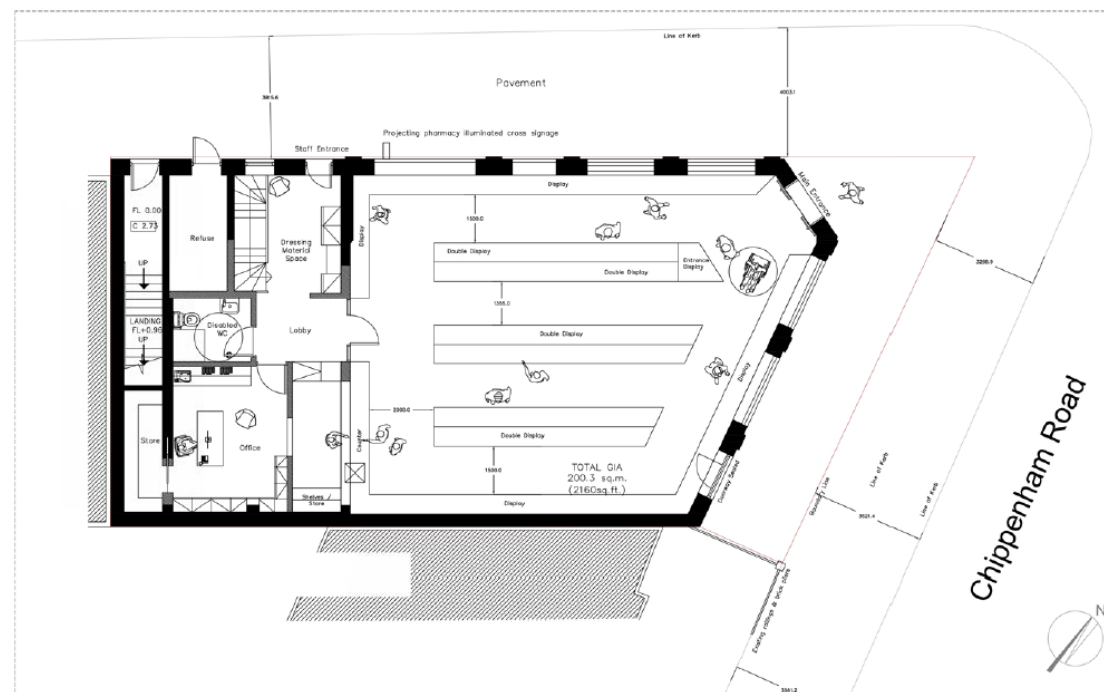
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

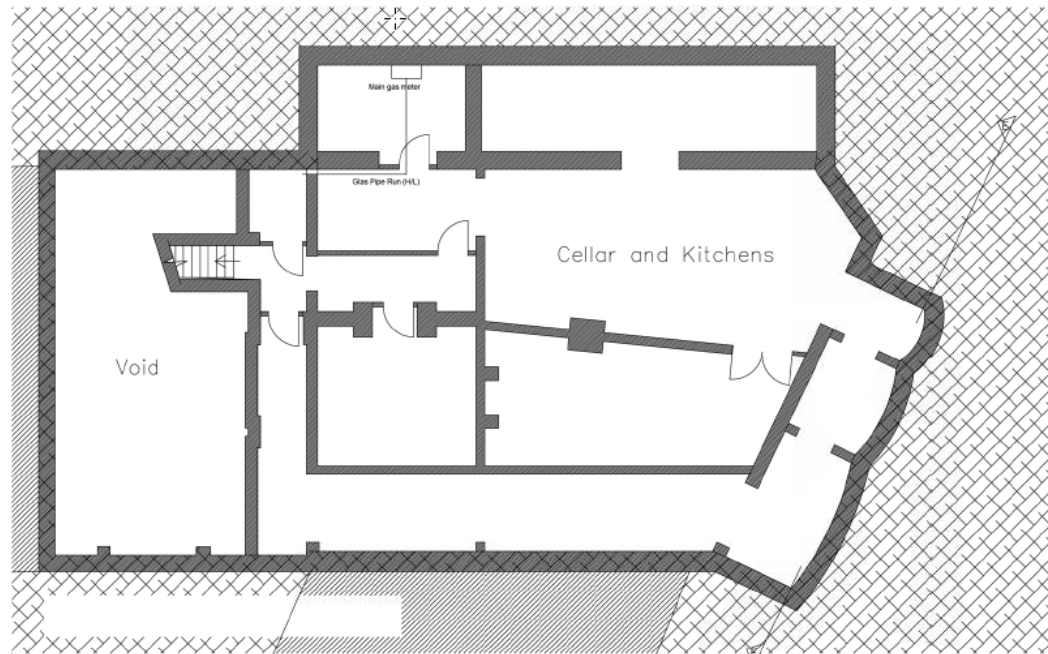
9. KEY DRAWINGS



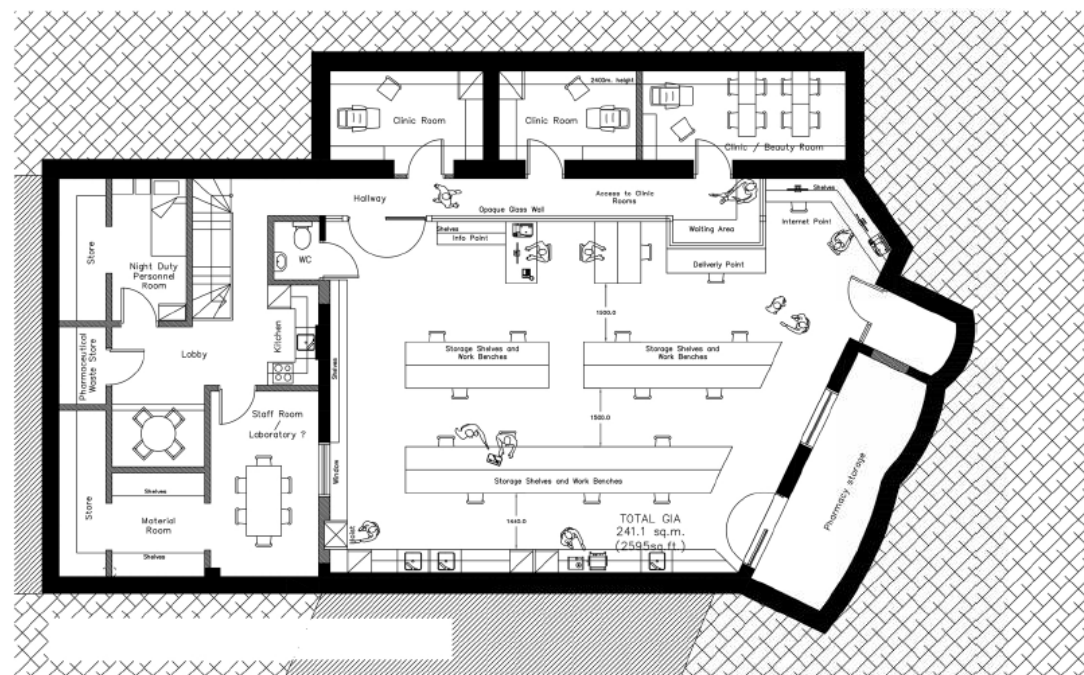
Existing Ground Floor Plan



Proposed Ground Floor Plan



Existing Basement Plan



Proposed Basement Plan



Existing Elgin Avenue Elevation



Proposed Elgin Avenue Elevation



Existing Chippenham Road Elevation



Proposed Chippenham Road Elevation

DRAFT DECISION LETTER

Address: 46 Chippenham Road, London, W9 2AF

Proposal: Use of the ground floor and basement as Pharmacy (Class A1), alterations to ground floor fenestration, and the creation of secondary entrance on Elgin Avenue.

Reference: 20/05072/FULL

Plan Nos: 0-01, 1-01, 1-02, 1-03, 1-04, 2-01, 2-02, 2-03, 2-04, 2-05, 3-01, 3-02, 3-03, 3-04, 3-05, 3-06, 3-07, 3-08, 3-09, 3-10, Planning Statement the Former Squirrel 46 Chippenham Road London Planning Application by Pitchkins & Currans dated: August 2020, Marketing and Viability Report for the Squirrel 46 Chippenham Road London W9 2AF by Davis Coffey Lyons dated: 13 July 2020

Case Officer: William Philps

Direct Tel. No. 07866036165

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , onot at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by

conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 The application premises shall only be used as a pharmacy. You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class E because it would not meet policies SS8 and SOC4 of the Unitary Development Plan that we adopted in January 2007 and S12 of the City Plan (November 2016) and because of the special circumstances of this case. (R05BB)

- 5 Customers shall not be permitted within the premises before 09:00 or after 18:30 hours on Monday to Saturdays and not at all on Sundays.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the pharmacy. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 7 You must apply to us for approval of details of secure cycle storage for the pharmacy. You must not occupy the pharmacy until we have approved what you have sent us and provided the cycle storage in line with the approved details. The cycle parking storage must be made permanently available throughout the lifetime of the development and it should be used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9

(Table 6.3) of the London Plan 2016 (MALP).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.