

RECEIVED: 21 March, 2006

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 98 Hirst Crescent, Wembley, HA9 7HB

PROPOSAL: Change of use from retail (use class A1) to betting office(use class A2)

APPLICANT: Ladbroke Racing Ltd

CONTACT: Richard Raper Planning Ltd

PLAN NO'S: WEMB/01
WEMB/02

RECOMMENDATION

Refusal.

EXISTING

This application relates to a vacant ground floor retail shop unit, with a floorspace of 108 square metres, located on the East corner of the central spine road that serves this new development sited on the North side of East Lane on the former Hirst Research Centre site.

PROPOSAL

Application has been made to change the use of this retail unit to a betting shop. This is a use that falls within Use Class A2 as defined in the Schedule attached to the Town and Country Planning (Use Classes) Order 1987.

HISTORY

01/1473 - Erection of a 2-, 3- & 4-storey residential development containing 344 dwellings, 4 no. retail units (372.4m²), doctor's surgery (171.8m²) and nursery building with associated vehicular access to East Lane, pedestrian/cycle access through the site to Edison Drive, car-parking, landscaping and open space. Approved 5 December 2001.

This application was the subject of a Section 106 Agreement. This Agreement included a clause indicating that the retail units and doctors surgery were to be marketed at a market price or rents comparable to such values in the local area for 9 months from completion of the units and if at the end of that period a buyer or tenant was not found, then they could be converted to residential units subject to getting the necessary planning permission.

There have been subsequent applications relating to conditions attached to this permission.

96-97 Hirst Crescent

04/3365 - Change of use of premises from A1 retail to A2 betting office and alterations to and installation of shopfront.

Refused on 18 March 2005 for the following reason :

"The proposed change of use would result in a development which does not meet the priority land use needs of the Borough, and therefore is contrary to policies STR1 and SH18 of the Adopted Unitary Development Plan 2004"

100 Hirst Crescent

05/1078 - Change of use from Use Class D1 (doctor's surgery) to Use Class A1 (retail shop).

Approved on 10 June 2005

POLICY CONSIDERATIONS

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STR1 - Housing will be the alternative priority land use unless otherwise indicated in the Plan. Affordable housing will be a particular priority where it would help to achieve a mix and diversity of residential development in the Borough.

SH8 - Where necessary, conditions will be attached to permissions for non retail uses in order to minimise the amount of 'dead frontage' and to ensure premises cannot change without permission to non retail uses which are not appropriate in a shopping parade.

SH18 - In shopping parades outside of primary and secondary areas and protected local parades, change of use to appropriate alternative use will be permitted. Priorities for alternative use are set out in policy STR1. A more flexible approach towards redevelopment standards will be applied subject to the maintenance of a quality residential environment.

TRN22 - Non residential development should make provision for vehicular parking in accordance with the maximum standards. The application of these standards may be varied depending on the level of public transport accessibility to the site and the contribution the development would make to reducing the use of the private car.

PS6 - Financial and professional services - For changes of use to A2 in shopping centres no parking is required in addition to the current use.

PS7 - Shops - Up to 400 sq. metres gross floor area, 1 space.

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

Environmental Health -

The occupiers of 61 properties in the immediate area were notified of the application.

A petition with 100 signatures from occupants of properties within Hirst Crescent, Bell House, Loxley House, Cresswell House and Chamberlayne Avenue was received expressing outrage a gambling establishment was being proposed. The original permission included only a doctor's surgery and retail shops and many residents, a number of whom have children, would not have come to the development if they had known a betting office was proposed. Betting offices promote nuisance and disturbance, loitering, intoxicated persons who can cause violence and vandalism, intimidation, affect the balance of the community and they do not want local children being brought up in such an environment. Young people have enough temptations and should not have the added temptation of gambling.

Another response was received raising the same objections as set out above.

A letter was received from the occupier of another shop within the development expressing concern about the discomfort and distress the use would give rise to to the community due to trouble (there is enough trouble already in the development), robberies, difficult to get staff to work at night, inadequate police protection and hold ups being common with betting offices.

The owner of this unit wrote endorsing the view of the tenant and felt the local community should have a dry cleaners, laundrette, Subway or hardware shop, as an alternative use to the betting office.

REMARKS

Introduction

The application unit forms part of the development undertaken on the former Hirst Research Centre site. This

is principally a residential development (344 units) where it was proposed to provide a children's nursery, doctors' surgery and four retail shops for the benefit of the local residents to provide local facilities in view of the scale of development proposed and distance to other facilities in the locality. The dwellings have been provided and are occupied. Approval has been granted for the nursery, but it has yet to be erected. The retail units other than the application property are occupied. A retail shop has been formed within the former unit that had been proposed as the doctor's surgery (see application 05/1078 referred to above). The PCT subsequently indicated they did not wish to provide a doctor's surgery within the development and the size of the unit provided was inadequate, so a retail shop use was considered to represent an appropriate alternative use of the unit.

Policy Issues

The application property lies within a small shopping parade facing East Lane to the South sited either side of the central spine cul-de-sac access. The parade is not designated within the Town Centre and Shopping section of the adopted UDP. Under the relevant policy within the UDP (SH18), it is suggested that a change of use of a shop unit in such a parade can be considered, but only to another appropriate use as specified within policy STR1. Under the provisions of STR1, an A2 use is not considered to be an appropriate alternative use. STR1 seeks to provide residential accommodation and particularly affordable residential units as the most appropriate use in this situation. This would correspond with the requirement of the Section 106 Agreement attached to the original development of the estate which indicated that after 9 months of marketing, if the units were not sold or let then they could be converted to a residential unit, subject to the submission of a planning application (see planning history above). No application for a residential use of this property has ever been submitted.

This reasoning was used when an application was refused for the change of use of the shop to a betting office at 96/7 Hirst Crescent, (see application 04/3365 above) and in policy terms the current application could be refused on such grounds.

This small group of shops (and the doctor's surgery) were provided as a neighbourhood facility for the residents to serve a perceived local need. Whilst there could be an argument to suggest that the local need may be satisfied by the present three convenience stores in Hirst Crescent, there has been no demonstration of the nature, extent and adequacy of marketing of this unit that has been undertaken. In the letter accompanying the application, it has been indicated "*... the owner has promoted the site largely by word of mouth in the local community. There has been some interest from retailers but never to the point of serious interest in the form of the exchange of draft contracts. Therefore the premises have lain vacant, being the last one in the group since Autumn 2004. We do not believe that putting up a board or a national marketing campaign would help matters as this is simply not the way things are done in this area. Therefore a viable use needs to be found and the Ladbrokes proposal represents a quasi retail use by a national multiple which must surely secure the long term future of the one remaining unit.*"

The introduction of an A2 use at this site would run counter to the intention of the permission for the development of the estate.

Residential/Betting Office Use of Premises

The applicants' agents have questioned whether the site is suitable for residential use, being within a commercial frontage adjoining a retail shop, with retail units in the adjoining block. They suggest that to introduce a residential use would be incongruous and could give rise to amenity issues.

The layout of the development was designed to prominently site the retail shops and doctors' surgery on the inner part of the South elevations of Bell House and Kirk House facing, but set back considerably from, East Lane which forms the vehicular entrance into the site and extend them around the two corners of the central junction to create a feature. This particular unit is sited on and wraps around the East corner of the junction and therefore represents one of the two most prominent units. In principle, this unit (and the other corner unit) do not represent the most appropriate units to convert to residential use, although to convert any one of these retail units to residential would visually provide an imbalance to the layout and design of the development.

Although the site is located next to a retail shop and there are other retail shops opposite in Kirk House, the impact of these uses on the use of the application property as a residential unit would be limited. There are other residential units on the ground floor of Kirk House and Bell House that are sited adjacent to these existing retail units and there are other residential units sited above these shops. These current shops are of a local, and hence limited, nature in terms of their impact on the amenities of the occupiers of neighbouring

properties. In this respect it should be noted that the agents appear to accept that their use could give rise to certain noise and disturbance and indicate that sound insulation (acoustic ceilings, self closing doors, sound attenuation measures for wall mounted air conditioning) can be introduced to limit the impact on the residential amenities of neighbouring occupiers.

There are other ground floor residential units within these two blocks sited as close to the back edge of the pavement as this unit would be sited, that possess a small area of planting in front to provide an area of defensible space for the residents. Whilst the application site may be one of the most prominent, and hence least desirable, locations within the development, it is not a wholly inappropriate site to locate a residential unit in the view of your officers.

A2 (financial and professional services to visiting members of the public) uses are uses that are suitable for providing within town, district and local centres to offer a mix of uses and assist with the maintaining the vitality and sustainability of the centre. They are likely to attract users from a wider area than the immediate vicinity of the site by virtue of the nature of the use. As such they are not considered to represent a suitable use to provide within the small neighbourhood shopping facilities formed as part of this residential development. The agents suggest that A2 uses represent a useful local service and betting offices are a walk to use serving a highly localised area, that do not give rise to any highway or social issues. The introduction of an A2 use into this site would be highly inappropriate to the interests of the estate and the proper planning of the area and should be directed to more appropriate shopping centres as referred to at the beginning of this paragraph.

Conclusion

Whilst this unit has remained vacant since erected, it is not considered that the introduction of a betting office (A2) use provides an appropriate alternative use. The unit should be used as a retail unit as originally approved, or be converted to residential accommodation to assist in satisfying the demand for such accommodation within the Borough.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed A2 use of this unit provided as part of a small group of neighbourhood retail shops within the residential development of this site, does not provide a suitable alternative use that is in the interests of the proper planning of the area and would detract from the general and residential amenities of the locality. Further it does not meet the priority land use needs defined in policy STR1 and therefore would be contrary to the provisions of policy SH18 in the adopted London Borough of Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Adopted London Borough of Brent Unitary Development Plan 2004.
Applications 01/1473, 04/3365 and 05/1078.

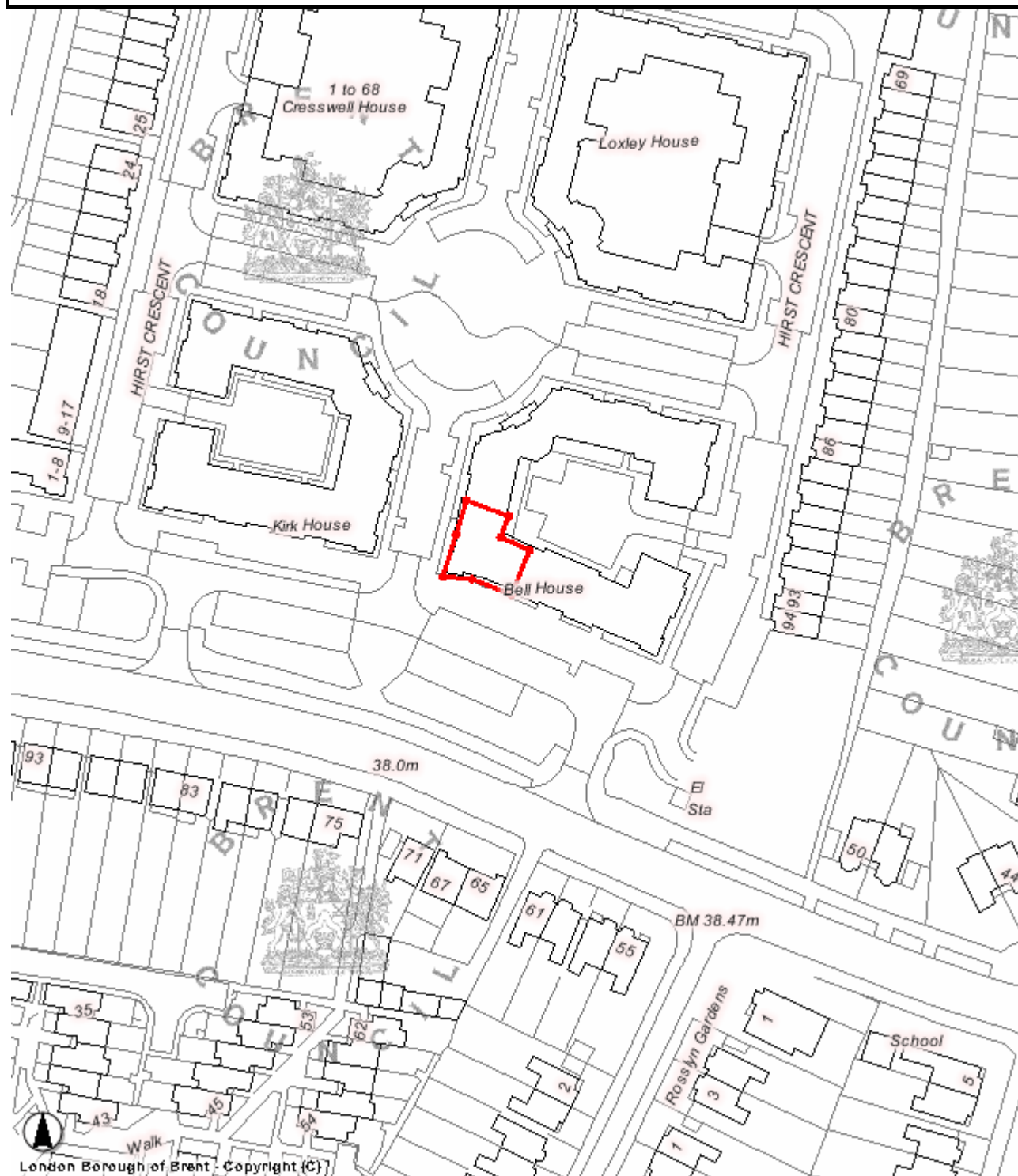
Any person wishing to inspect the above papers should contact Neil Bleakley, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016



Planning Committee Map

Site address: 98 Hirst Crescent, Wembley, HA9 7HB

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