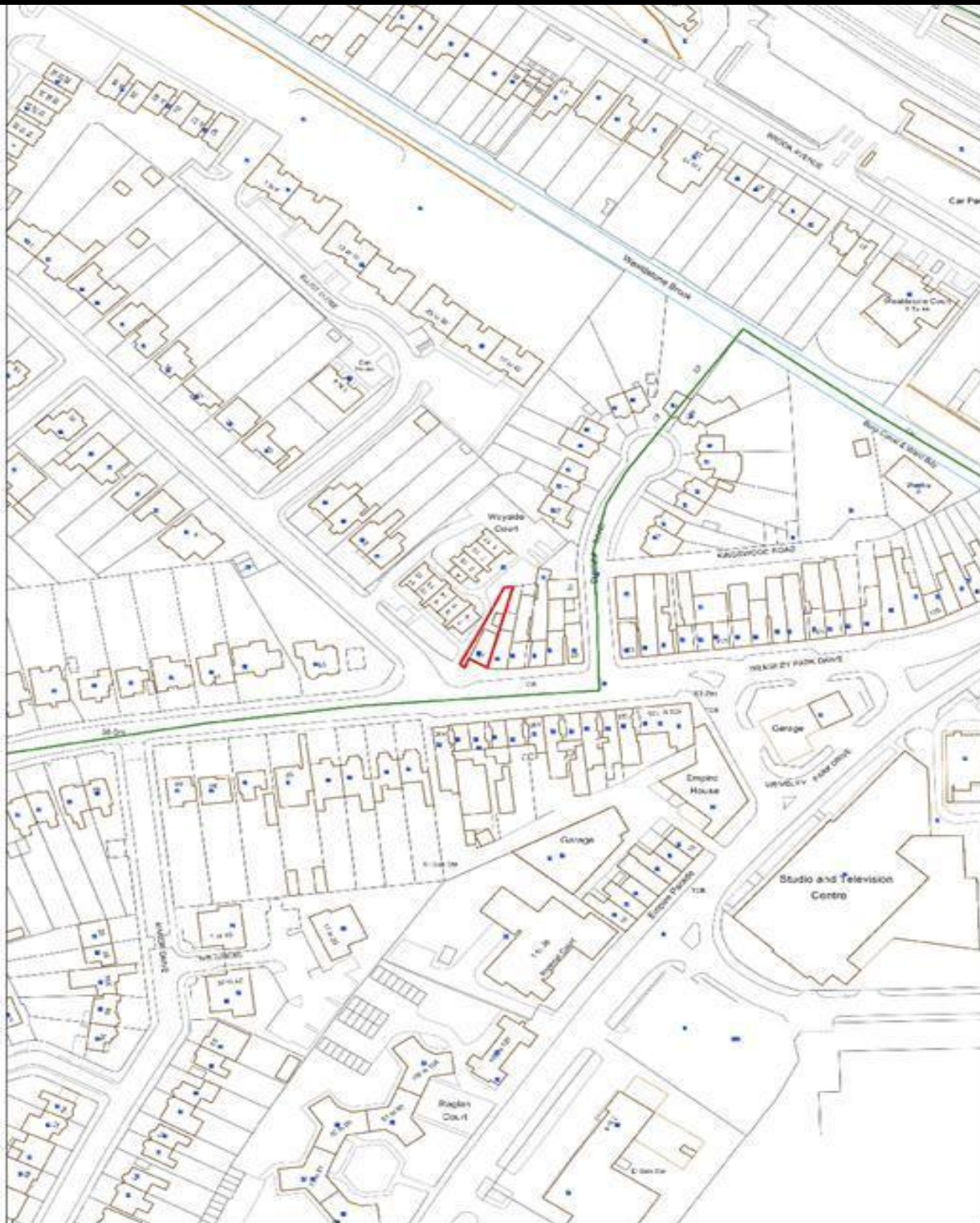




Planning Committee Map

Site address: 87 & 89 Wembley Park Drive, Wembley, HA9 8HF

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This map is indicative only.

RECEIVED: 6 May, 2014

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 87 & 89 Wembley Park Drive, Wembley, HA9 8HF

PROPOSAL: Change of use of No 87 from an estate agent (Use class A2) into a restaurant (Use class A3) to run in conjunction with the existing A3 use at No 89 Wembley Park Drive

APPLICANT: Eccola Pizzeria Ltd.

CONTACT: Sai Architects and Associated

PLAN NO'S:
See condition no 2

RECOMMENDATION

Grant Consent

CIL DETAILS

This application is not liable to pay the Community Infrastructure Levy (CIL).

CIL Liable?

Yes/No: No

EXISTING

The subject site is an empty unit located within a Secondary Shopping frontage on the northern side of Wembley Park Drive at the junction of Oakington Avenue, Wembley. The last authorised use of the property was an estate agents. The adjoining premises, at no 89 Wembley Park Drive, is a restaurant (A3). To the north- west are residential flats at Wayside Court.

PROPOSAL

Change of use of No 87 from an estate agent (Use class A2) into a restaurant (Use class A3) to operate in conjunction with the existing A3 use at No 89 Wembley Park Drive

HISTORY

Relating to 87 Wembley Park Drive:

09/2302 - Retention of change of use of premises from retail (Use Class A1) to a shisha cafe (Use Class A3)
Application withdrawn 24/10/2012

E/09/0380 - Without planning permission, the material change of use of premises from retail (Use Class A1) to Shisha café (Use Class A3), the erection of a timber and corrugated plastic framed covered seating area to the rear of the premises and the installation of a door to the side of the premises. *Enforcement notice complied with and case closed in November 2010*

07/0224 - Change of use from A1 use class (computer shop) to A2 use class (estate agents). *Granted 12/03/2007*

Relating to 89 Wembley Park Drive:

08/1785 - Change of use from estate agent (Use Class A2) to cafe (Use Class A3) (as amended by plans and e-mail received 01/08/2008) *Granted 07/08/2008*

POLICY CONSIDERATIONS

National Planning Policy

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

Unitary Development Plan 2004 - Policies Saved by direction

BE2 Townscape: Local Context & Character
BE9 Architectural Quality
SH9 Secondary Shopping Frontages
SH10 - Proposed food and drink uses
SH11 – Conditions for A3 Uses
SH19 – Rear Servicing
H22 – Protection of Residential Amenity
EP2 - Noise and vibration
TRN22 Parking Standards non residential development
TRN34 Servicing in new Development

CONSULTATION

External

36 neighbouring owner/occupiers were consulted by letter dated 7 May 2014. A petition with 11 signatories from residents of Wayside Court against the proposal has been received. Issues raised are summarised as follows:

- Noise and disturbance and smell from smoking from the back yard of no. 87 [referring to the previous unauthorised use of the premises as a 'Shisha Café' circa 2009];
- Concern dividing fence between 89 & 87 will be taken down to extend the beer garden and smoking area
- Beer garden and smoking area behind no 89 is not shown on the current plan
- Fire exit – the previous occupiers illegally opened a gate in the fence into our private property
- Stated in the application that there is parking for 2 cars - need to be assured that the customers will not be direct to a private car park which has allocated spaces for the residents of Wayside Court.

Two people have written in support of the application making the following comments:

- No. 87 has been empty now for many years whereas no 89 has been a perfect shop/restaurant in Wembley Park Drive with no noise or trouble ever
- Food and drink service to the community, especially to special needs adults
- Result in more business rates being raised;
- Premises at no 87 have been empty for a number of years and the proposal is welcomed
- This type of businesses should be supported as they were a benefit to the area and community.

Internal

Highways and Environmental Health Officers consulted and they have raised no objections.

REMARKS

1. The current application proposes to change the use of the premises at 87 Wembley Park Drive to an A3 use in association with the adjoining restaurant at 89 Wembley Park Drive. Essentially, it is proposed to extend the use of the existing restaurant at 89 Wembley Park Drive into the adjoining premises at 87 Wembley Park Drive. This would provide extra seating area for patrons of the existing restaurant. There will be no additional kitchen/cooking facilities to be provided; the existing kitchen, and cooking and associated external flue would be retained at no. 89 Wembley Park Drive
2. Revised plans have been submitted to clarify certain aspects of the proposal. This includes a revised site plan outlining the adjacent property at no 89 Wembley Park Drive in blue, indicating that the site is within

the same ownership as that at number 87. This is to clarify that although the current application is for the proposed change of use of no. 87, it is submitted in association with this adjoining property. The existing beer garden to the rear of no 89 Wembley Park Drive is also indicated on revised drawings. The drawings also show two on-street parking spaces, directly to the front of 87 Wembley Park Drive. These spaces are not within the application site.

Principle of Change of Use

3. In accordance with *Policy SH9: Secondary Shopping Frontages* the principle of the change of use of the premises at no 87 Wembley Park Drive can be supported, providing it would not result in a harmful impact on nearby residential amenity, and result in unacceptable highway and traffic impacts. Normally, where a proposal relates to a change of use to a restaurant (Use Class A3) satisfactory external extract flue details are required to control odour from cooking that will take place on site. However, the current proposal is to expand the internal seating area for the adjoining restaurant, and it is not proposed that cooking will take place within no 87. There is an external extract flue already in situ at the rear of no 89 and the Council's Environmental Health officer is satisfied that this equipment meets their requirements.

Neighbouring Amenity

4. The proposal is to extend the internal seating area for the existing restaurant. The existing seating is to remain to the rear of no 89 and no external seating at no. 87 is proposed. As such, the main consideration in terms of the change of use of this premises relates to the coming and going of patrons and whether this will significantly impact on neighbouring amenity. It is considered that given the location within a Secondary Shopping Frontage and taking into account the existing use, the proposal would not have a significant impact on neighbouring amenity. It is recommended that a condition is imposed to restrict the hours of use to accord with the approval at no 89.
5. To ensure the application does not result in use of the outside area on no 87 by patrons (either as a seating or smoking area), a condition is suggested requiring a dividing fence to be retained between the two rear curtilages at 87 and 89 Wembley Park Drive. In addition, the condition will set out that the outside area of no.89 shall not be used by patrons.

Transportation

6. The transport officer has no objections to the proposal on transportation grounds. The site has very good access to public transport, with PTAL 5. There are 8 bus routes available locally as well as Wembley Park and Wembley Stadium stations. The site does not have any off-street parking or servicing. However, if the two units at 87 and 89 Wembley Park Drive were used as separate businesses, the parking standards would require one parking space per unit. However, this standard would fall to just one space for both units if they are merged to one. There is no off-street parking available or possible within the site therefore the impact is considered to be no worse than the existing situation. Similarly, the use of the two units as separate businesses generates a need for transit sized servicing bays for each unit – a requirement that will fall to just one transit sized bay for the enlarged café use. There is no service yard at the back of the unit so all servicing is from the public highway. However, the existing shortfall in off-street servicing for the two properties would be reduced by this proposal to provide one enlarged unit, which is a benefit in highway terms
7. As the application is for a restaurant, visitors are likely to safely park their vehicles in legal bays because they will be at the restaurant for a period of time. As such, pedestrian and highway safety concerns should not arise. There are also two cycle stands on the public footway outside the site which provides cycle parking spaces for this site

Objections

8. Concerns over experiencing noise and odour disturbance as with previous unauthorised use

Officers response

The unauthorised use of the site as a Shisha Café has now ceased, and the enforcement notice complied with. The current application does not propose such a use, and would also not have any additional external seating, - only the existing rear beer garden at no 89 will remain. This part of the site is not immediately adjoining the neighbouring residents at Wayside Court. A dividing fence

between the rear gardens at 87 and 89 Wembley Park Drive will also be required to be retained by condition should the application be supported.

9. The existing beer garden and smoking area behind no 89 is not shown on the current plan
Revised plan no.14/301/PL Rev B shows that there is an existing beer garden/external smoking area for patrons to the rear of no. 89 Wembley Park Drive.
10. There is a concern about the fire exit – the previous occupiers illegally opened a gate in the fence into our private property to use as a fire exit and access. It is hoped that this would not happen again
This is not a material planning consideration. Any such issues would be civil matter. However, the proposal is for the merging of the existing restaurant with the adjacent premises, and any fire exits should be via any existing means
11. It is stated in the application that there is parking for 2 cars. We would like to know where, as we need to be assured that the customers will not be direct to a private car park which has allocated spaces for the residents of Wayside Court.
The applicants have confirmed that there is no existing on-site parking provision and the spaces indicated are those on-street. The transport officer is satisfied that the proposal meets the parking standards, and in fact the proposal would result in a decrease in these standards, (see paras 6 & 7) and that patrons of the restaurant would have to use existing paid parking on-street. The control of any parking on private property would be a civil matter, and not within the control of the Council.
12. In conclusion, this application to expand the existing restaurant at 89 Wembley Park Drive into the adjoining site at no 87 Wembley Park Drive can be supported, subject to relevant conditions. It is accordingly recommended for approval.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

311; 14/301/PL Rev B; 14/302/PL Rev B; 14/303/PL Rev A; 14/304/PL Rev A

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

- (3) The A3 use shall only operate between the times of 0600 hours and 2000 hours, unless the prior written consent of the Local Planning Authority is obtained for any variation.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (4) Prior to the use hereby granted consent, the existing projecting box sign at 87 Wembley Park Drive shall be removed.

Reason: To avoid an excessive display of advertisements on the property that would be detrimental to the visual amenities of the area or the conditions of general safety along the neighbouring highway.

- (5) The premises subject of this application shall be used solely in association with the existing ground floor premises at 89 Wembley Park Drive with internal access provided as shown on the approved plan (unless a further application has been submitted to and approved in writing by the Local Planning Authority). The use hereby approved shall be discontinued and premises revert to Use Class A2 should it no longer be required in association with the premises at 89 Wembley Park Drive.

Reason: To protect neighbouring residential amenity and highway safety.

- (6) Prior to the commencement of the use hereby granted consent, a close boarded boundary fence at a height of at least 1.5m and no higher than 2.0m shall be erected and retained at all times between the rear curtilage of 87 and 89. There shall be no external seating provided to the front of 87 Wembley Park Drive and no access shall be provided to the rear (including seating and smoking area) by patrons to 87 Wembley Park Drive.

Reason: In the interests of the general amenities of the locality and in the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways.

INFORMATIVES:

- (1) The applicant is advised that no material alteration to the shop front may be carried out, nor the addition of certain forms of advertisement sign, without the prior consent of the Local Planning Authority.

Any person wishing to inspect the above papers should contact Avani Raven, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5016