

**Committee Report
Planning Committee on 15 September, 2010**

**Item No. 13
Case No. 10/1630**

RECEIVED: 5 July, 2010

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 197 Preston Road, Wembley, HA9 8NF

PROPOSAL: Change of use from retail (Use Class A1) to solicitors office (Use Class A2)

APPLICANT: Mr Milan Patel

CONTACT: Allen Crystal Reef Solicitors

PLAN NO'S:

-372.1 - Basement and Ground Floor Plan

-Un-numbered A3 Size Plan showing Location of the Shop in the Parade

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Cllr Pat Harrison

Date and Reason for Request

29 July 2010.

Supports the proposal.

Details of any representations received

Has been approached by the applicant.

Name of Councillor

Cllr Jean Hossain

Date and Reason for Request

29 July 2010.

Supports the proposal.

Details of any representations received

Has been approached by the applicant.

RECOMMENDATION

Refusal

EXISTING

The subject site, located on western side of Preston Road is a mid terrace 3-storey property consisting of a vacant retail (A1) unit on the ground floor, with residential accommodation above. The vacant retail unit, which was most recently used as a Newsagent shop is the subject of this application. The premises are situated within the defined Preston Road Primary Shopping Frontage.

PROPOSAL

Change of use of vacant retail shop (Use Class A1) to Solicitor's office (Use Class A2)

HISTORY

The premises has long planning history. However none is relevant to the proposal.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

<i>BE4</i>	<i>Access for Disabled People</i>
<i>EP2</i>	<i>Noise & Vibration</i>
<i>TRN22</i>	<i>Parking Standards Non-Residential Developments</i>
<i>TRN34</i>	<i>Servicing in New Development</i>
<i>PS6</i>	<i>Parking Standards A2, B1, B2 & B8 Use</i>
<i>PS16</i>	<i>Cycle Parking Standards</i>
<i>PS19</i>	<i>Servicing Standards for A2, B1, B2 & B8 Use</i>
<i>SH1</i>	<i>Network of Town Centres</i>
<i>SH6</i>	<i>Non Retail Uses Appropriate to Primary Shopping Frontages</i>
<i>SH7</i>	<i>Change of Use from Retail to Non-Retail</i>
<i>SH19</i>	<i>Rear Servicing</i>

Considerations;

- Principle of change of use from A1 to A2
- Impact on vitality and viability of Primary Frontage
- Impact on neighbouring residential accommodation
- Parking, servicing standards & access

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

The following have been consulted on the proposal:

- Nos. 197a, 197B, 199, 199A, 201, 201A, 201B, Twinstar Car Sales
- Ward councillors

No response has been received from neighbouring occupiers. However two ward Councillors (i.e. Councillor Pat Harrison and Jean Hossain) have written in to say that they have been approached by the applicant (Mr Milan Patel) to support this planning application. The Councillors confirm in their letter that they have viewed the boarded up shop and they think that the proposed change of

use would not be a problem. In fact, it would bring a positive change that would make a better use of boarded up shop. The Councillors feel that Mr Patel has made a good case for the proposed change of use especially since two larger supermarkets (i.e. Tesco and Co-op) have opened in close proximity, making his former newsagent shop unviable.

Transportation: The proposal can be generally supported on the transportation grounds as there is no significant change in the parking and servicing allowances from the site due to the proposed Change of Use. The transportation impact on the site will also be reduced as there will be less service delivery vehicles visiting the site. There is close access to Disabled Parking spaces and cycle parking on Preston Road.

REMARKS

The application seeks planning permission for the change of use of the premises from retail (Use Class A1) to a solicitor's office (Use Class A2). The subject site is located within the Primary Shopping Frontage of Preston Road Town Centre.

The subject premises are vacant at the moment. However, prior to it became vacant, it was in use as a Newsagent/confectionary shop (certainly within the last 12 months). However, there is no evidence to suggest the premises are long term vacant.

CHANGE OF USE

Policy SH6 of Brent's Unitary Development Plan 2004 sets out that the proposed change of use of retail premises to an A2 use within the designated Primary Shopping Frontage should normally be accepted where the criteria set out in policy SH7 of the UDP is met. The criteria are set out in paragraphs a) to e) of policy SH7.

Paragraph a) requires that account be taken of the rear servicing requirements. The proposed A2 use should demonstrate that servicing by a transit sized vehicle is achievable, in this case there is sufficient provision for this to the rear.

Paragraph b) sets out that proposals should not result in an excessive concentration of units or continuous non-retail frontage within any parade or street block. The adjacent units No. 199 are occupied by a dry cleaners (Use Class A1), No. 201 is a grocery shop (Use Class A1) and 203 is an estate agents (Use Class A2), other units within this block are occupied by Tiles Bath Shop, Subway, Tesco, a flower shop, the Co-Op supermarket and a number of other independent retailers. The frontage of this stretch of parade is not considered to be overly concentrated in terms of non-retail uses.

Paragraph c) sets out the proposals should not generally increase the proportion of non-retail frontage to over 35% unless the vacancy rate exceeds 10% in which case up to 50% non-retail frontage may be permitted. The Planning Service undertakes a survey of the existing uses within the Borough's town centres bi-annually in order to monitor the vitality and health of the centres. This survey was last undertaken in summer 2009 although as part of this application Officers have recently visited the primary frontage in Preston Road to update the survey with any recent changes. The survey reveals that 55% of the primary frontage is made up by A1 uses, and that 37.5% of the frontage is occupied by non-retail uses whilst the vacancy rate (7.5%) remains below the 10% threshold that would permit a higher proportion of non-retail frontage. The current situation in Preston Road's primary frontage fails to comply with the criteria set out in paragraph c) and the proposed change of use would only seek to widen this failure to comply.

Paragraph d) considers whether the proposed non-retail use would enhance the range of services provided or enhance the specialist role of the centre. A solicitors office is proposed which would be the second one in Preston Road. There is already a "Law Practice" at No. 235 Preston Road among other non-retail A2 uses in the primary frontage. The proposed change of use would increase the total number of A2 type uses within the primary frontage and it is therefore considered

that there is an adequate provision within the locality and that an additional A2 use would not particularly enhance the range of services available within the centre.

Paragraph e) considers whether the proposal is an extension to an existing business. This clearly is not the case as a change of use is sought as part of the application.

The proposed change of use generally fails to accord with the criteria set out in paragraphs c) and d) of policy SH7. The proposed change of use would exacerbate the existing over-concentration of non-retail units within the primary shopping frontage which would harm the vitality and viability of the centre and lessen its attractiveness to shoppers. In principle the change of use cannot be supported.

It should be noted that recently a planning application ref: 10/1276 submitted for *Erection of a two storey rear extension with extraction flue and change of use of extended premises from retail (Use Class A1) to a restaurant (Use Class A3)* at 205 Preston Road was refused under Officers' Delegated Powers on 08/07/2010. The officers therefore need to be consistent in their approach when considering planning application and respect the Council's policies in their application which takes account of all types of economic situations (such as recession, competition and market economy).

SUMMARY

With reference to Policy SH7 of the Adopted Unitary Development Plan 2004, the principal of this change of use from Use Class A1 to Use Class A2 cannot be supported as it fails to comply with policy which seeks to retain retail uses and ensure that non-retail uses do not over dominate a primary shopping frontage. As this recommendation is based purely on the principle of the Council's retail policy it is not proposed that members visit the site.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed use of the premises as a solicitor's office (Use Class A2) would exacerbate the existing over-concentration of non-retail units within the Preston Road Primary Shopping Frontage, resulting in there being significantly more than 35% of the units being in non-retail use (with a vacancy rate less than 10%) and would fail to enhance the range of services that is already provided causing harm to the vitality, viability and retailing function of Preston Road Centre and lessen its attractiveness to shoppers contrary to policy SH7 of the London Borough of Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

1. Adopted Unitary Development Plan 2004
2. A letter of support from Councillor Pat Harrison and Councillor Jean Hossain

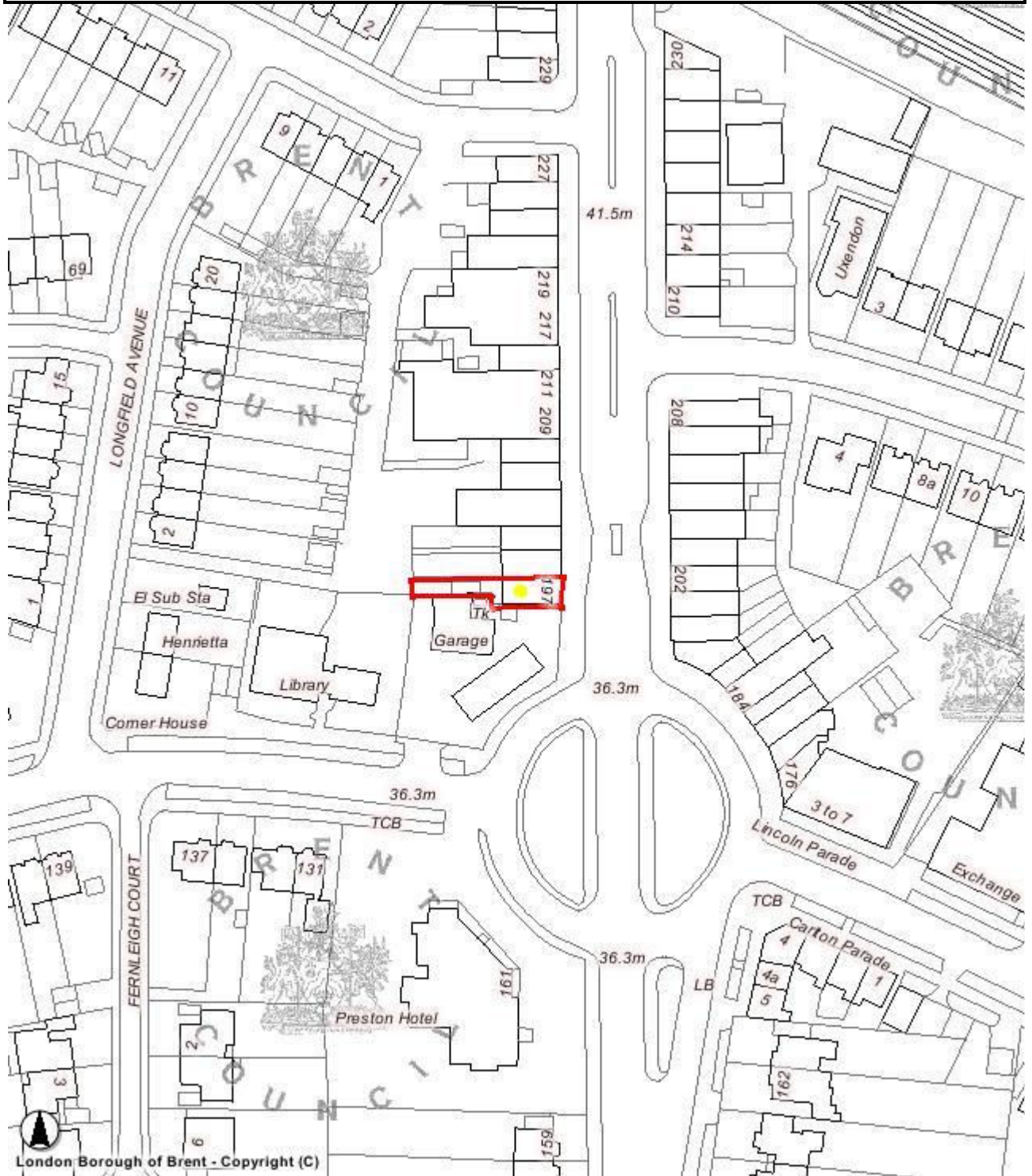
Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244



Planning Committee Map

Site address: 197 Preston Road, Wembley, HA9 8NF

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