

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

9 March, 2016

15/5425

SITE INFORMATION

RECEIVED: 14 December, 2015

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: 280 Ealing Road, Wembley, HA0 4LL

PROPOSAL: Removal of existing and installation of 2No. A/C condensers and 2No. Refrigeration condensers to the rear elevation of the shop and installation of louvre to existing flank wall (as amended).

APPLICANT: C/o Subway Realty Ltd

CONTACT: Stiles Harold Williams

PLAN NO'S: (See Condition 2)

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

[When viewing this on an Electronic Device](#)

Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_125589

[When viewing this as an Hard Copy](#) .

Please use the following steps

1. Please go to pa.brent.gov.uk
2. Select Planning and conduct a search tying "15/5425" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

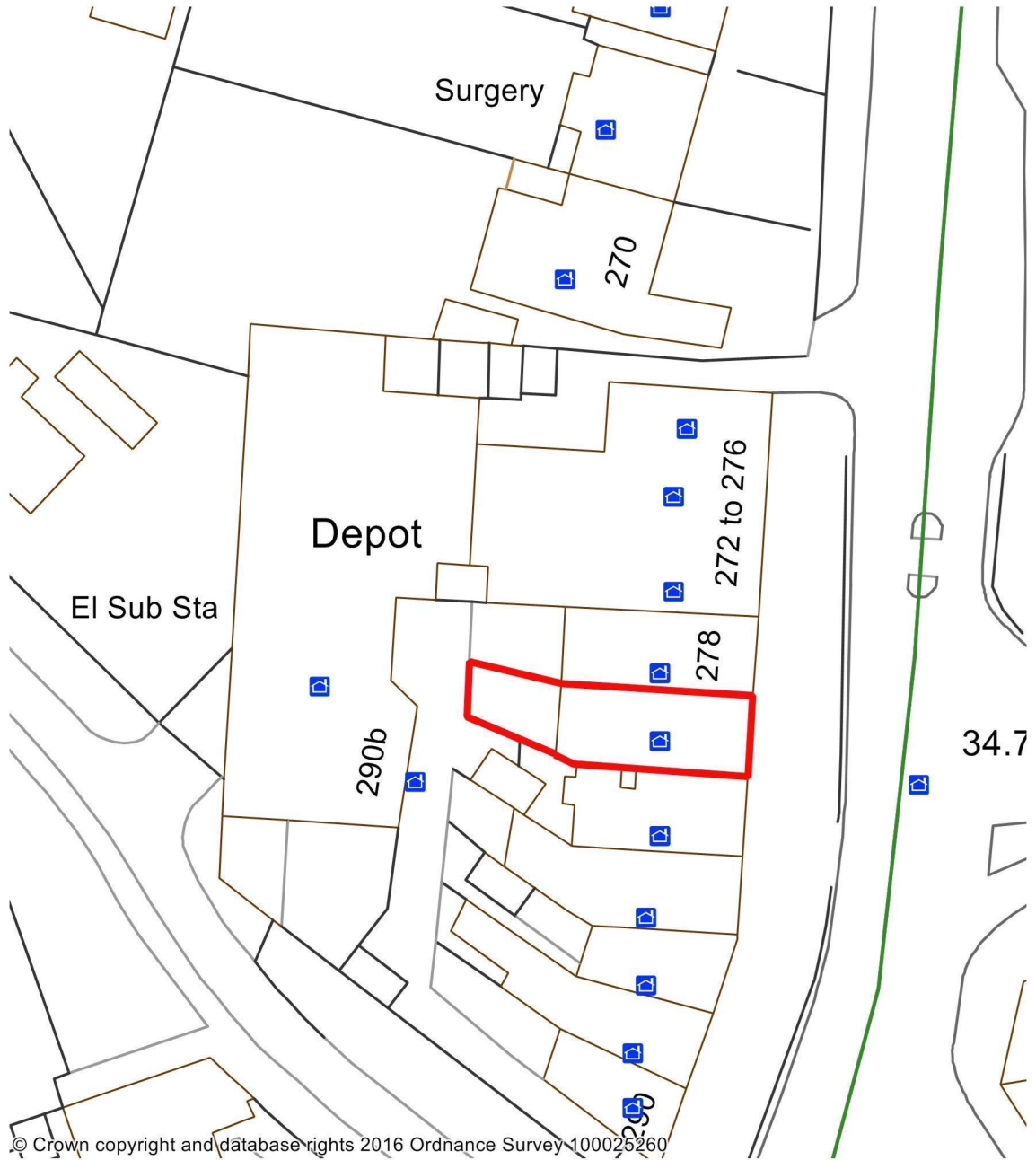
SITE MAP



Planning Committee Map

Site address: 280 Ealing Road, Wembley, HA0 4LL

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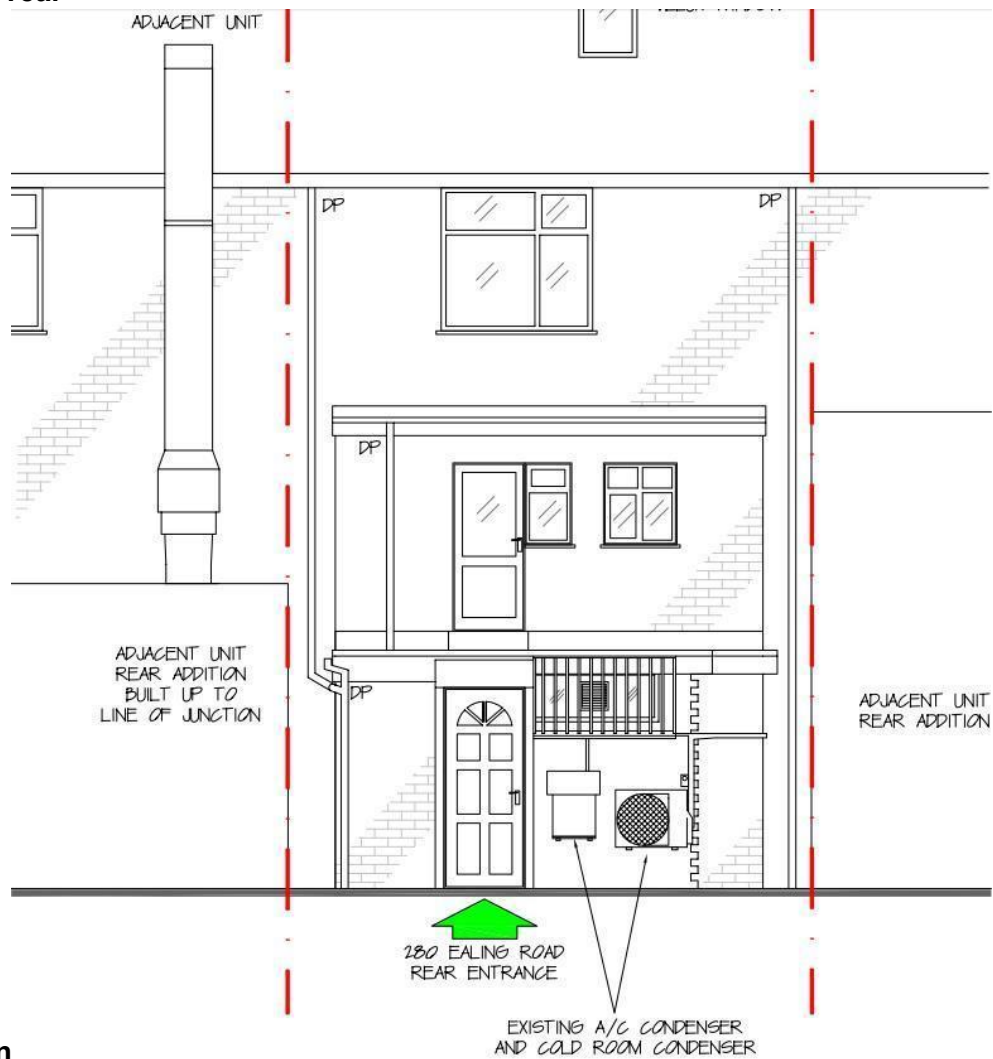


This map is indicative only.

SELECTED SITE PLANS

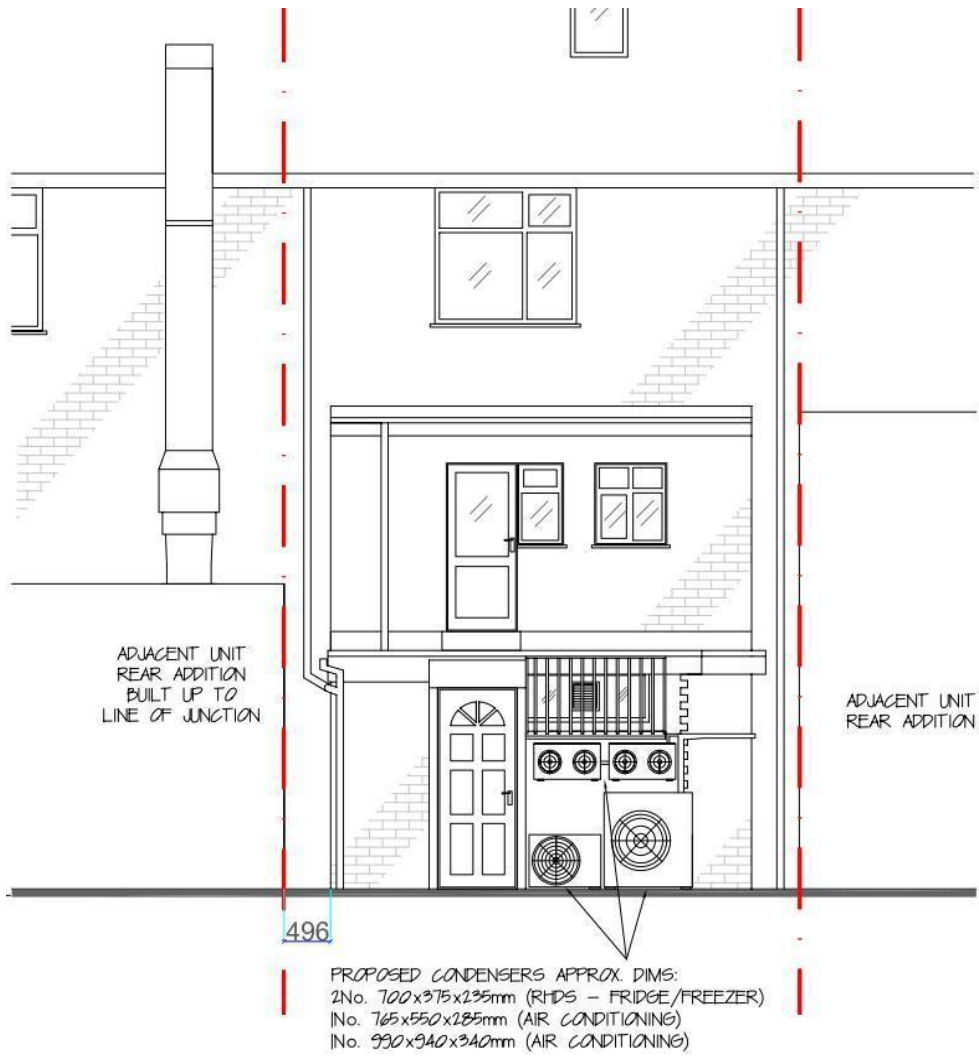
SELECTED SITE PLANS

Existing rear

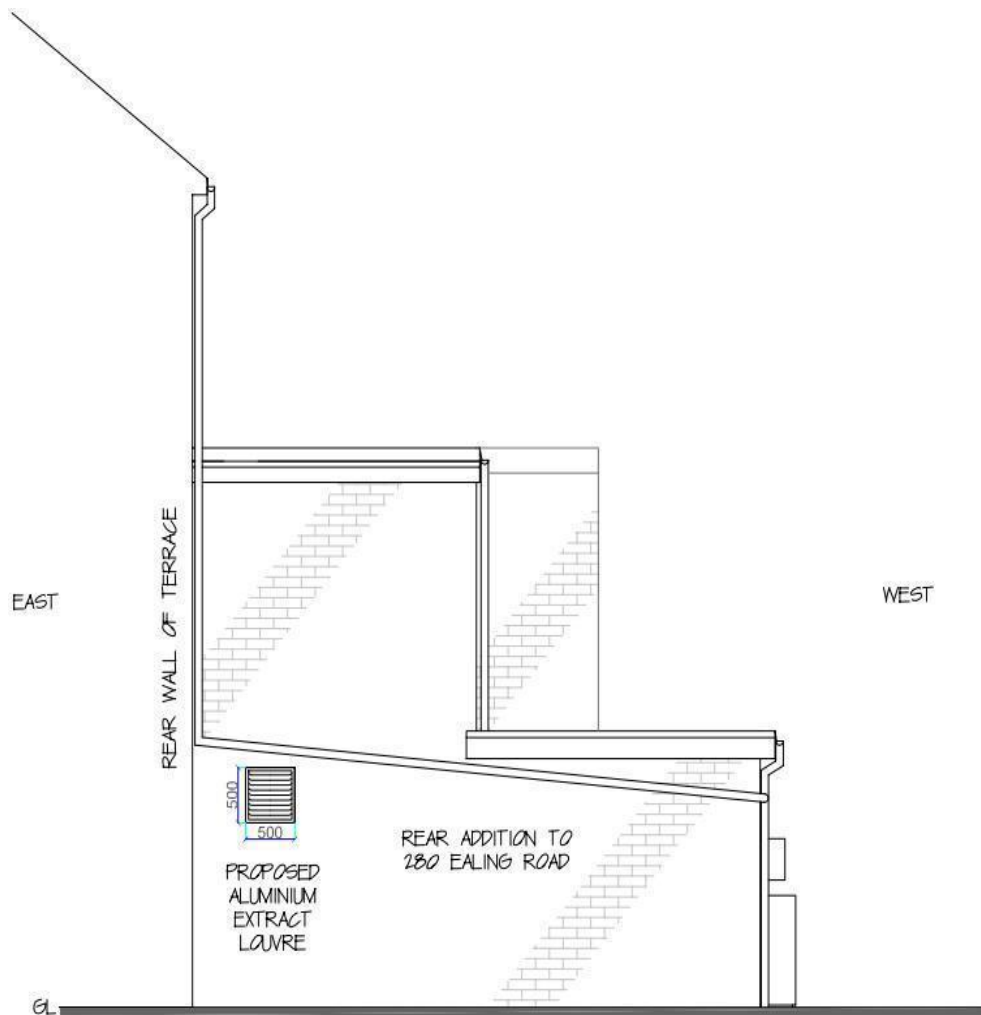


elevation

Proposed rear elevation



Proposed side elevation



RECOMMENDATIONS

Approve (subject to recommended conditions), subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

Removal of existing and installation of 2No. A/C condensers and 2No. Refrigeration condensers to the rear elevation of the shop and installation of louvre to existing flank wall (as amended).

B) EXISTING

The application site comprises a mid terraced property located on the western side of the signal controlled junction of Ealing Road and Mount Pleasant.

The application site relates to the ground floor premises for which Use Class A1 is the lawful use. The site is not within a Primary or Secondary shop frontage. The upper floors are in residential use. The site is not located within a Conservation Area nor is it a listed building.

C) AMENDMENTS SINCE SUBMISSION

Since the application was submitted the rear extraction flue has been omitted from the proposal, and an extraction louvre has been introduced. This would be located within flank wall of the premises at ground floor level (facing north).

D) SUMMARY OF KEY ISSUES

The material considerations relate solely to the installation of proposed plant equipment, and it is considered there are two main issues;-

1. The impact of the proposed plant on the visual amenities of the area.
2. The impact of the proposed plant on the amenity of surrounding occupiers, including residential occupiers.

E) MONITORING

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Shops	73	73	0	0	73

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total

RELEVANT SITE HISTORY

13/3943 - Refused

Change of use from retail (Use class A1) to hot food takeaway (Use class A5) and installation of an extract duct.

Reason:

The proposed use of the ground floor premises as a hot food take away is likely to result in customer vehicles stopping on the public highway close to the site in the vicinity of a signal controlled junction with pedestrian crossing facilities. This would be detrimental to the free and safe flow of traffic and pedestrians in the vicinity of the site. The proposal is therefore contrary to policies, SH10, TRN3, TRN24 and parking standard PS9 of Brent's UDP 2004.

CONSULTATIONS

A total of thirteen properties were consulted on 06 Jan 2016, the consultation carried out is in accordance with SPG2.

Four objections were initially received, the grounds for these are set out in the table below. Following the amendments to the proposal that have resulted in the removal of the rear flue from the application one of these objections has now been removed. This has been confirmed in writing on 23/02/16.

Grounds of objection	Response
Concerned the proposed flue will encroach onto neighbouring property.	No longer relevant as the flue has been removed from the application.
This is referred to as being a change of use from A1 to A3, and concern has been expressed about the over concentration of A3 uses nearby.	No change of use from A1 is being sought. It is well established that Subway outlets operate as a sandwich shop, within Use Class A1. The application relates solely to the installation of associated plant equipment, and these are the matters that are for consideration.
Fumes, odours and smells from proposed extraction flue.	No longer relevant as the flue has been removed from the application.
Another food outlet will harm	Increased competition to existing /

existing local business.	surrounding business is not a material planning consideration, and this cannot be taken into account when considering the planning merits of the proposed plant equipment.
Noise from AC condensor units harmful to neighbouring property.	Your Environmental Health officers have considered the location and type of proposed plant, and no concerns have been identified in terms of noise associated with these.

STATUTORY CONSULTEES

Regulatory Services (Environmental Health):-

Following the removal of the rear flue from the proposal there are no concerns with the remainder of what is being proposed. No objection is raised.

POLICY CONSIDERATIONS

National Planning Policy Framework 2012

Brent Core Strategy 2010

Adopted Brent Unitary Development Plan 2004

BE2: Townscape
 BE9: Architectural Quality
 BE17: Building Services Equipment
 EP2: Noise & Vibration

DETAILED CONSIDERATIONS

1. The subject site is located on the ground floor of a 3-storey terraced parade on the western side of the signal controlled junction of Ealing Road and Mount Pleasant. The existing parade consists of a mixture of A1/A2/A5 uses on the ground floor. The ground floor premises (60sqm) are currently vacant, and it is understood this was last used for retail purposes for the selling of Indian sweets and snacks. A residential maisonette is situated on the two floors directly above, and this is accessed from Ealing Road via a separate entrance.
2. The proposal entails the removal of existing and installation of 2No. A/C condensers and 2No. Refrigeration condensers to the rear elevation of the shop and installation of ventilation louvre to existing flank wall (as amended).
3. The proposed external works are to support the intended use of the premises as a Subway outlet. No change of use of the premises is being sought, nor is one required as Subway outlets operate within Use Class A1 as a sandwich shop, and A1 is the lawful use of these premises. For this reason the grounds of objection that have been raised to this being a change of use from A1 to A3, and this leading to an over concentration of foot outlets / hot food takeaway outlets cannot be taken into consideration when determining the application. No planning permission is required for the use, and this does not involve a change of use from A1 to A3.
4. There are a number of Subway outlets within the Borough. All of these operate as a sandwich shop, within Use Class A1. The opening of a Subway outlet here is a permitted A1 use of the premises.
5. Members will note from the 'History' section of this report that permission was refused for a change of use from A1 to A5 (hot food takeaway), in February 2014. The refusal was solely on transportation grounds.

Proposed plant equipment

A/C and REFRIGERATION CONDENSER UNITS:

Document Imaged

6. The existing A/C and condenser units are to be removed. These are both fixed to the rear wall of the property at ground floor level.
7. Two A/C units and two refrigeration condenser units are proposed to be installed in the same location, which is at ground floor level, fixed to the rear wall and adjacent to the rear entrance. In this location these will have no significant visual impact. They will be visible from the rear service road.
8. These are not proposed adjacent to any residential windows. The uses either side at ground floor are commercial. On one side is a hot food takeaway and to the other a pharmacy. It is not considered either use will be adversely affected by way of noise or vibration from this plant equipment. The installation of these has been reviewed by your Environmental Health officer, who raises no concerns in respect of noise or disturbance to neighbouring occupiers.

EXTRACTION LOUVRE:

9. The rear extraction flue that was initially proposed has been omitted from the proposal. The applicant's initially proposed a flue thinking it would represent good practice. It has been established that this won't be required to support the intended use of the premises as a sandwich shop (Use Class A1) as no cooking processes will take place on site. Only heating of bread, rolls and sandwich fillings is required to take place. Knowing how Subway outlets operate the fact that a flue system is not required is also a view shared by your officers in Environmental Health, so the removal of the flue from the application is considered acceptable.
10. A louvre is now proposed to be installed within the flank wall of the premises. This is required for ventilation and food hygiene / safety requirements. The louvre will not be visible due to its siting, and it will measure 500mm x 500mm.

Impact upon the amenities of surrounding residential occupiers

11. The proposed plant is to be located at ground floor level and will not be located close to any residential windows at first floor. Information has been submitted by the applicant regarding the proposed units, including information regarding noise levels. No concerns have been expressed by Environmental Health in relation to the proposed A/C or refrigeration condenser units, and their potential impact on neighbouring occupiers amenity.
12. As discussed above, the first and second floor units above the application premises are accessed from the front (Ealing Road). A rear metal staircase is visible within the adjoining property to the south (282 Ealing Road). This property also has residential accesses from Ealing Road, with Nos. 282A and 282B shown on the front door. The property database shows that there is also a 282C at this location and it is assumed that this is accessed via the rear metal staircase. The proposal does not adversely affect this access. The adjoining property to the north (No. 278 Ealing Road) has a large single storey rear extension which projects significantly beyond the rear wall of the extension to the subject property.
13. It is important to note that the proposed plant will replace existing A/C and condenser units on site, this will proposal will simply result in one more of each type being installed on site.

Highway considerations - Parking and Servicing

14. These have not been considered as there is no change of use involved. The proposal simply relates to the installation of external plant equipment.

Conclusions

15. The proposal (as amended) is considered to be acceptable with regard to the potential visual impact on the visual amenities of the area, and the amenity of neighbouring occupiers. It is recommended that planning permission be granted, subject to recommended conditions.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

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Application No: 15/5425

To: Mr Hawkins
Stiles Harold Williams
1 Jubilee street
Brighton
East Sussex
bn1 1ge

I refer to your application dated 14/12/2015 proposing the following:
Removal of existing and installation of 2No. A/C condensers and 2No. Refrigeration condensers to the rear elevation of the shop and installation of louvre to existing flank wall (as amended).
and accompanied by plans or documents listed here:
(See Condition 2)
at 280 Ealing Road, Wembley, HA0 4LL

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2012
LDF Core Strategy 2010
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

- 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):

104Av2
104Bv2
104Cv2
104Dv2
105
401

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

- 3 The air conditioning and refrigeration units hereby approved shall be installed and thereafter maintained in full accordance with the manufacturers specifications.

Reason: In the interest of the amenities of nearby occupiers.

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 This decision relates solely to the installation of plant equipment. The applicant is reminded that the lawful use of the premises is A1 retail and that planning permission would be required for the use of the premises as a cafe / restaurant (Use Class A3), and / or hot food take-away (Use Class A5).
- 3 Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
- (a) illuminated fascia signs
 - (b) projecting box signs
 - (c) advertising signs
 - (d) hoardings

Any person wishing to inspect the above papers should contact Gary Murphy, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5227