

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

8 August, 2016
16/0857

SITE INFORMATION

RECEIVED: 26 February, 2016

WARD: Dudden Hill

PLANNING AREA: Brent Connects Willesden

LOCATION: 76 Burnley Road, London, NW10 1EJ

PROPOSAL: Change of use from Use Class B2 (Car Repair Garage) to Use Class A1 (Retail), partial demolition, installation of plant equipment and associated external alterations.

APPLICANT: The Co-operative Group Food Limited

CONTACT: Barton Willmore LLP

PLAN NO'S:
1735-SL-20JBLOCK AND LOCATION PLAN
1735-SL-28BEXISTING LAYOUT PLAN
1735-SL-29HEXISTING AND PROPOSED ELEVATION
1735-SL-30JPROPOSED LAYOUT PLAN

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_126788

When viewing this as a Hard Copy .

Please use the following steps

1. Please go to pa.brent.gov.uk
2. Select Planning and conduct a search tying "16/0857" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

SITE MAP



Planning Committee Map

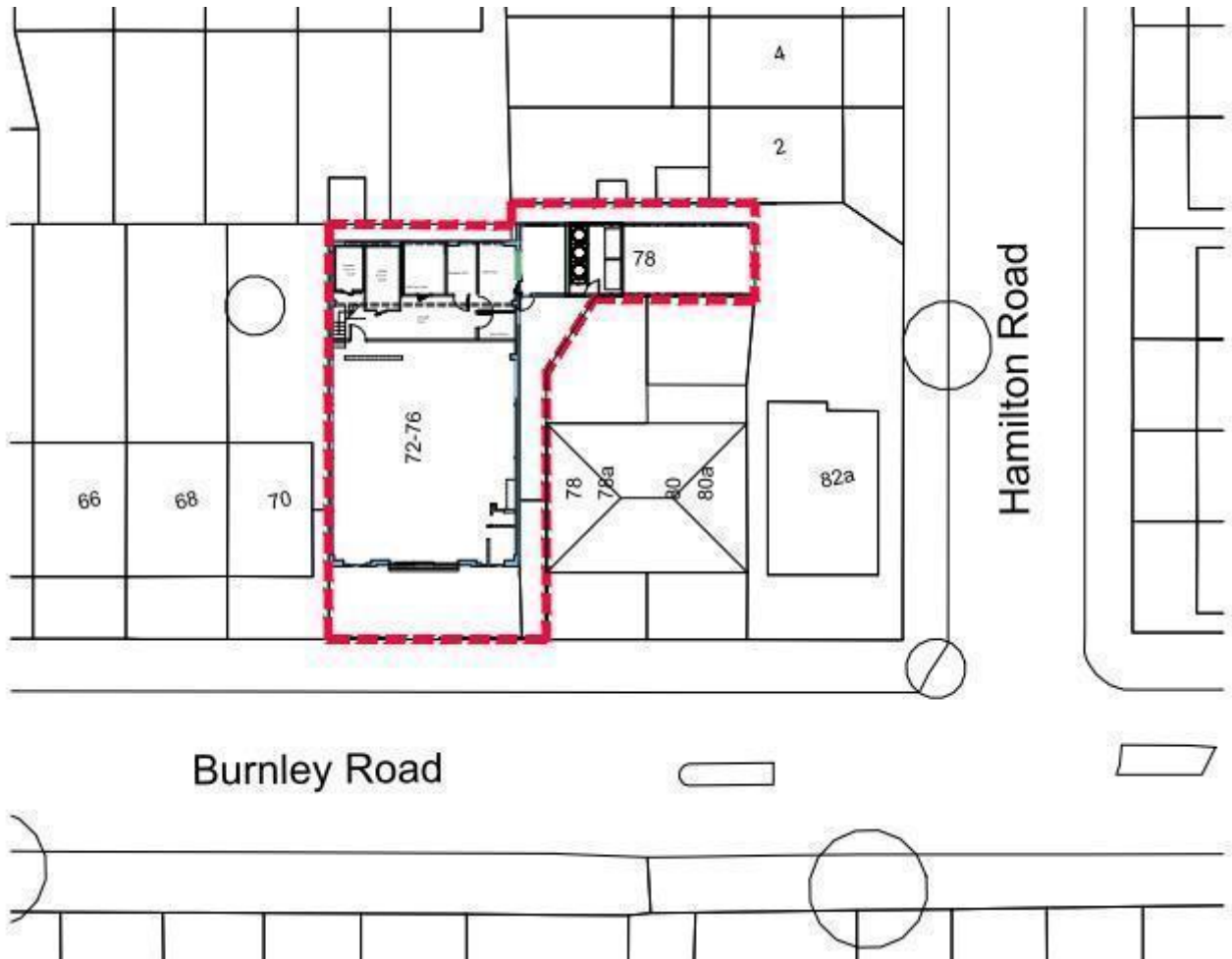
Site address: 76 Burnley Road, London, NW10 1EJ

© Crown copyright and database rights 2011 Ordnance Survey 100025260

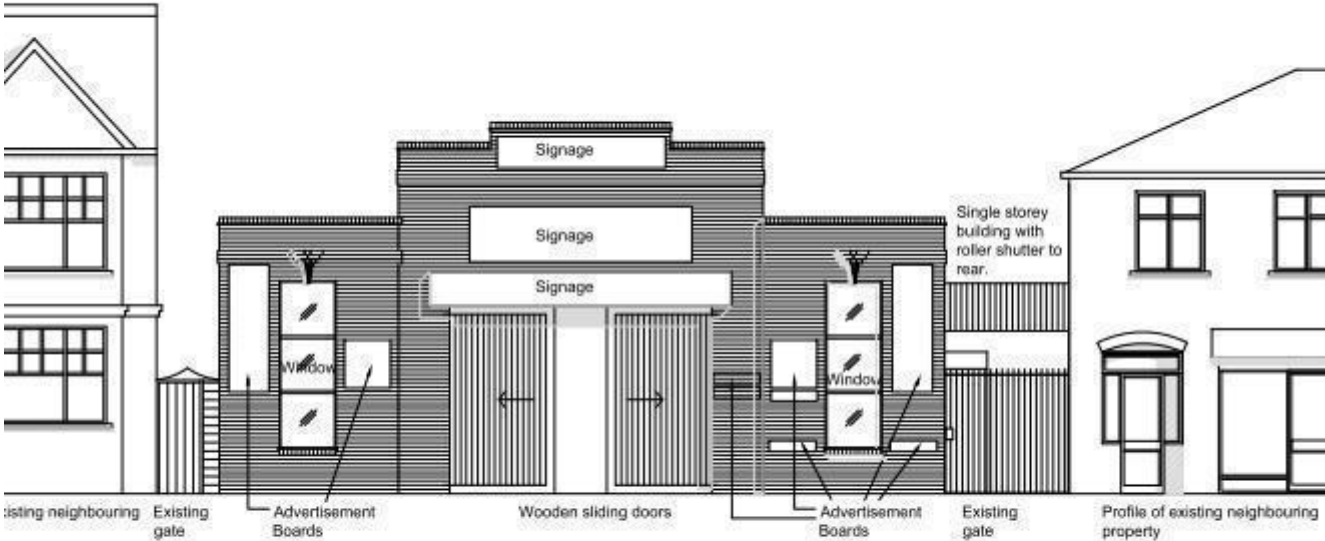
This map is indicative only.

SELECTED SITE PLANS SELECTED SITE PLANS

Site plan



Existing front elevation

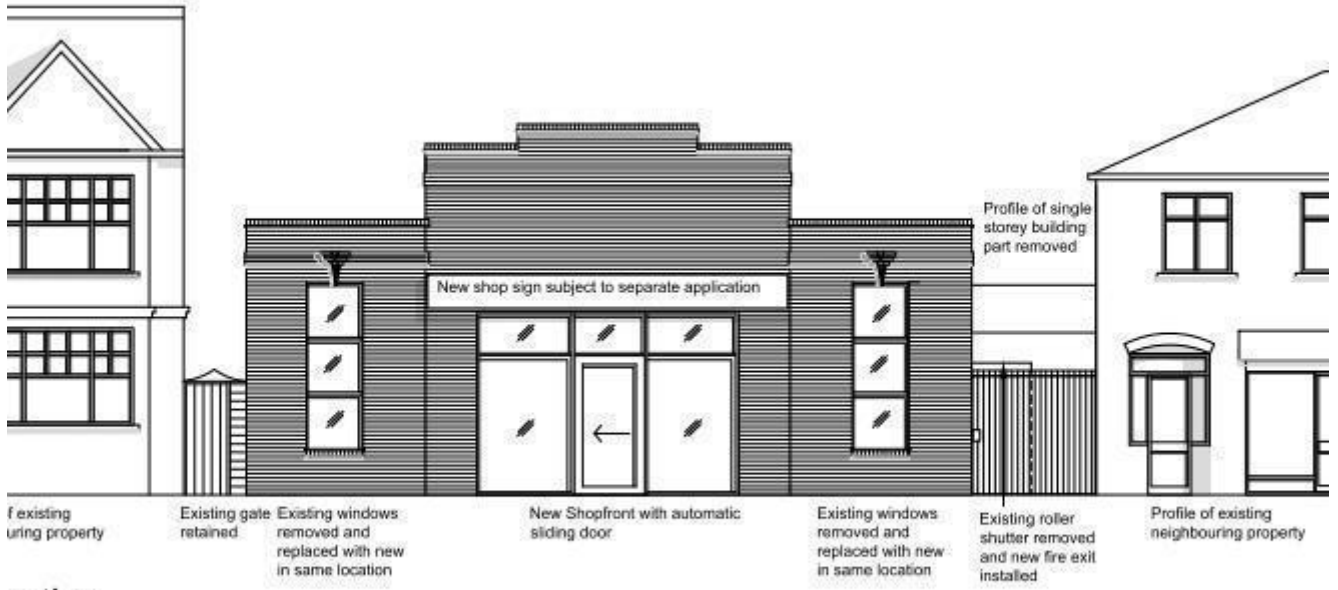


on



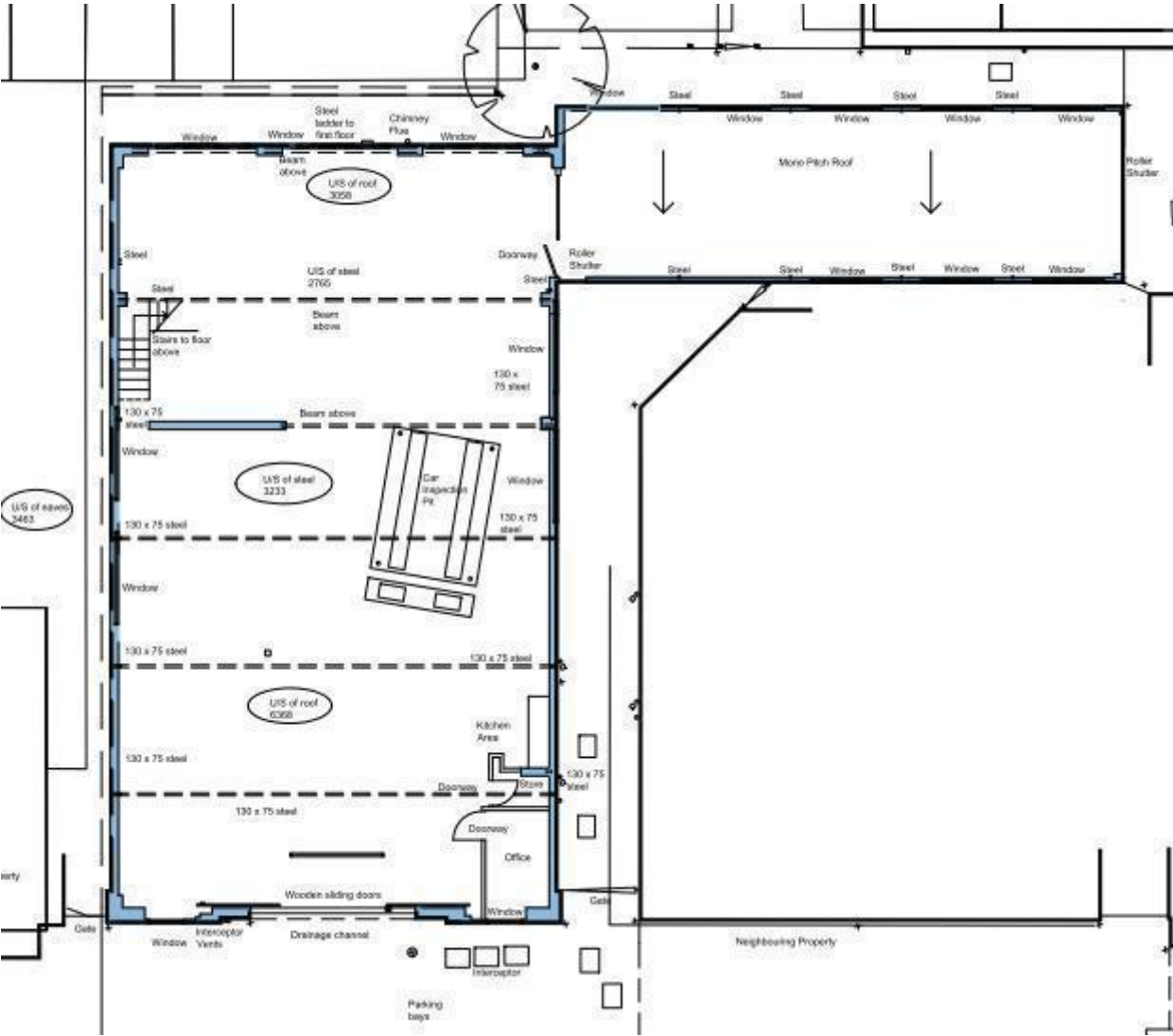
Proposed front elevation

11011

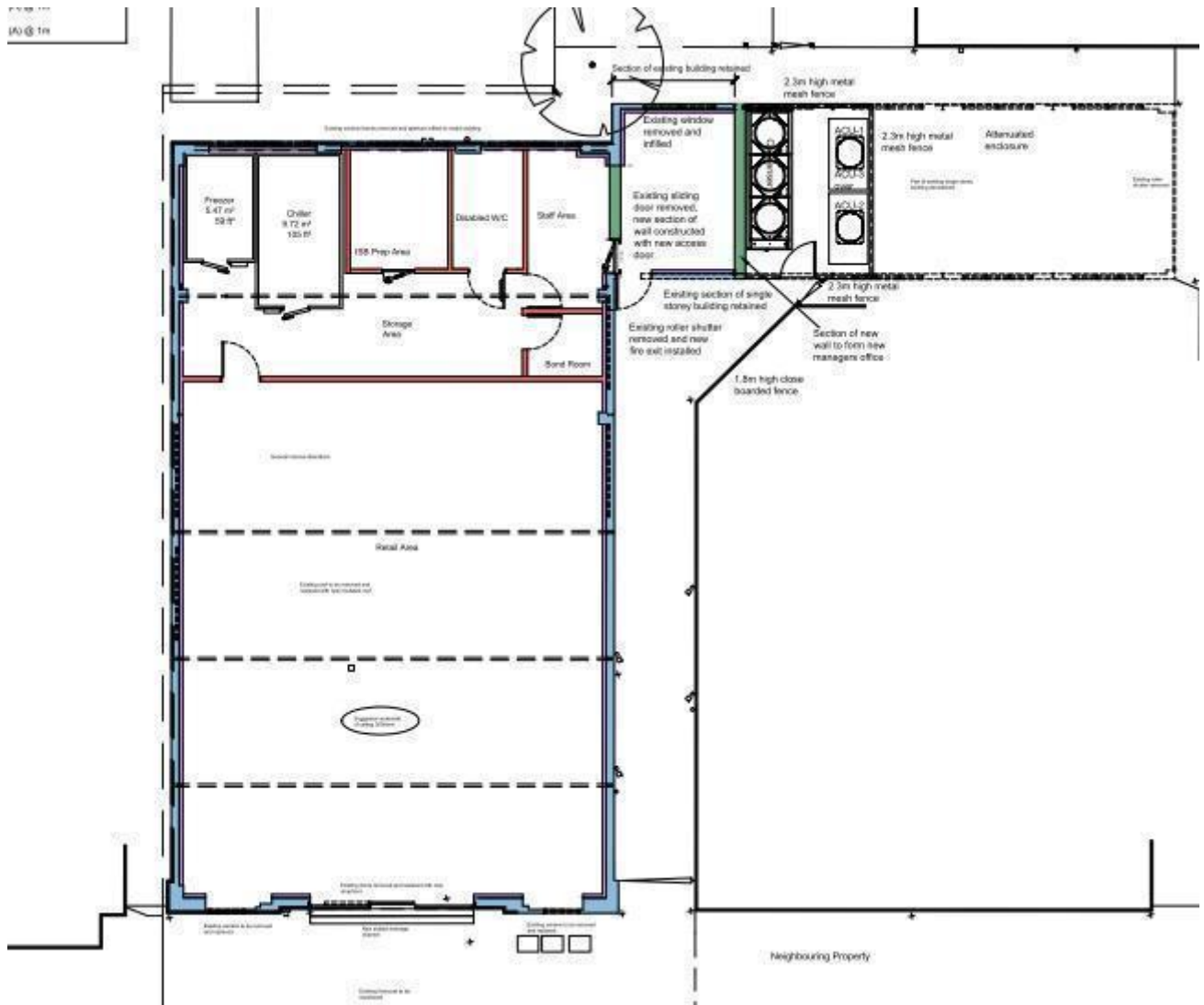


/ation

Existing floor plan



Proposed floor plan



RECOMMENDATIONS

Refusal

A) PROPOSAL

The proposal seeks to turn the existing Use Class B2 General Industrial vehicle repair garage into retail use (Use Class A1 Shops). The existing main building facing Burnley Road is to be retained together with a small amount of the existing single storey secondary unit, the majority of which will be demolished. The future use of this land facing onto Hamilton Road is unknown.

There will be some minor external alterations, such as the bricking up of windows and removal of skylights. It is noted that the small parcel of land with access onto Hamilton Road is not included within this application.

The retail store will be approximately 280sqm in size with approximately 170sqm as retail floorspace and the rest as ancillary functions including a chiller, freezer staff area and toilet.

B) EXISTING

The subject site is 'L' shaped and approximately 480sqm in size. It is situated on Burnley Road, and consists of a single storey light industrial building located on the north side of the road with a secondary entrance and building on Hamilton Road. The building is currently in active use as a vehicle repair garage (Use Class B2 General Industrial) and has an operational floor space of approximately 322sqm.

The main frontage is onto Burnley Road with residential uses to the east and retail (with upper floor

residential) to the west. The surrounding area is generally residential with elements of retail (small, independent shops) on the cross between Burnley Road and Hamilton Road (north side).

Opposite the site is Dollis Hill Tube Station which would provide a strong element of passing trade. The site is considered to have good access to public transport.

D) SUMMARY OF KEY ISSUES

The following are the key considerations in assessing this application:

- The principle of a loss of a site protected for defined employment uses
- The principle of a retail use in this location
- Impact on neighbouring amenity
- Impact on character and appearance of the area
- Impact on the local highway network and pedestrian safety

RELEVANT SITE HISTORY

10/0903- Outline planning permission for demolition of garage/vehicle-testing station and erection of a two-storey dwellinghouse and a three-storey building comprising 8 flats (matters to be determined: access, layout and scale)- REF and DISMISSED at appeal

89/1542- ALTERS.TO ELEVATIONS,PROVISION OF PARKING AREA AT FRONT OF BUILDING

89/1515- INSTAL.OF NON-ILLUM.FASCIA SIGN+2 FLAG- POLES

CONSULTATIONS

The applicant has submitted a Statement of Community Involvement which has identified their strategy for consulting and engaging with the local community prior to the submission of this planning application. According to the statement, the Applicant has endeavoured to keep local residents informed of the proposals with early engagement and proactive consultation measures including leafleting and an evening consultation. The Co-Op (who are identified as the end user in this instance) have conducted pre-application meetings with local residents, the neighbourhood watch, local retailers, local residents and Ward Councillors.

Attendees of the consultation evening were given the chance to comment. The outcome of the questionnaires are visible within the Statement of Community Involvement.

The Council's statutory neighbourhood consultee letters were dispatched on 29/03/2016. There have been many responses to the application, both for the proposal and against it.

Against

- 35 comments
- Petition Against - The second was an organised petition from 680 addresses with 992 signatures - including 175 signatures that did not have a full address. The objections are that the introduction of the local convenience store will damage the local shops and their business.
- Your officers are also aware of a change.org petition against the proposal titled Help Protect Our Shops, with 103 objectors, on the grounds that the Council should support local community stores

For

- 5 comments
- Petition For 1)- Petition consisting of approximately 95 names. Many of these did not have full addresses. The generic supporting reason was the positive addition of a convenience store on Burnley Road.
- Petition For 2) 5 individuals from 5 different addresses who support the application based on new jobs and groceries at fair prices.

Against

Loss of Shops on the Parade	There will be loss of jobs and close down of businesses.	Point 3.4
	Negative impact on the community. The shops in Burnley and Hamilton roads, including a dispensing chemist, newsagents and greengrocers, are an important local hub.	Point 3.4
	7 stand alone local businesses on the Parade. A corporate supermarket threatens all of them	Point 3.4
Noise/Air Quality	The supermarket will lead to an increase in toxic carbon emissions and noise pollution, which will be aggravated by the late opening hours in a quiet, residential area	Point 4.4
	Early morning and late night lorry deliveries would cause noise pollution and environmental pollution.	Point 4.6
	Air condensers and compressors going in along the north side (back of proposed shop) for the large fridges and freezers will cause noise issues.	Point 4.4
Parking	The parking of big vehicle for deliveries will put at risk the safety of road user, pedestrian and those who are going to cross road from near by zebra crossing	Point 6.3.2
	The proposed supermarket will further worsen the parking problems for residents, who will not be able to find parking around their own homes	Point 6.1
	The parking stress will be on residents because after 6.30pm there are no parking restrictions	Point 6.1

For

Principle	A new local Co-operative will mean fairer prices and better value for local customers	Point 3.4
	Location of the premises is excellent for passing trade	Point 3.3.6
	New full-time and part-time jobs for local residents which might be up to 20-25 in number alongside training and skills development opportunities	Point 3.2.8

POLICY CONSIDERATIONS

NPPF Paragraphs

- 22 – Protection of employment uses
- 23 – Ensuring the vitality of town centres
- 24 – Sequential test
- 26 – Retail impact assessment
- 37 – Minimising journey lengths for employment, shopping etc
- 158 – Proportionate evidence base

Brent's Core Strategy 2010

CP16- Town Centres and the Sequential Approach to Development

Brent's UDP 2004

BE2: Townscape: Local Context & Character
BE6: Public Realm: Landscape Design
BE7: Public Realm: Streetscape
BE9: Architectural Quality
EP3 - Local Air Quality Management
EP6 - Contaminated Land
TRN23: Parking Standards - Residential Developments
EMP9: Development of Local Employment Sites

Supporting Documentation

Employment Land Demand Study (2013 and 2015).

DETAILED CONSIDERATIONS

1. Introduction

- 1.1. Prior to the submission of the application, the applicant undertook pre-application advice with your officers to ascertain the likelihood of gaining planning permission.
- 1.2. The applicant was advised of UDP 2004 policy EMP9 and your officers' 'in-principle' objection to the loss of employment land without supporting documentation regarding vacancy of the unit and subsequent marketing. It was advised that a submission of this nature, without demonstrating compliance with EMP9, would not be viewed favourably by officers.
- 1.3. With regards to the acceptability of a main town centre use at this location and the sequential testing to demonstrate a lack of other more appropriate options, the applicant was advised to further the scope of a previously submitted sequential test.
- 1.4. Your officers in the transportation department advised the applicant that reliance on the Highway Authority to provide an on-street loading bay is not acceptable and contrary to Policy TRN34. Reduction of on-street parking on Hamilton Road would not be welcomed and provision of a bay on Burnley Road could not be accommodated due to the proximity of the bus stop and the pedestrian crossing.

2. Key considerations

2.1. The following are the key considerations in assessing this application:

- The principle of a loss of a site protected for defined employment uses
- The principle of a retail use in this location
- Impact on neighbouring amenity
- Impact on character and appearance of the area

– Impact on the local highway network and pedestrian safety

2.2. Your officers are of the opinion that the proposal presents both planning merit and material harm, in that the proposal could result in a net increase in jobs on the site, however those jobs are likely to be less skilled than those associated with its current and potential alternative employment use(s), whilst there are significant concerns associated with locating a town centre use in an out of centre location.

3. Principle

3.1. The key planning issues with regards to the principle of development in this location are:

- whether the loss of a Local Employment Site has been justified; and
- whether the site suitable for a town centre use

3.2. *Loss of a Local Employment Site*

3.2.1. There is a significant in-principle objection to this proposal in terms of loss of a local employment site.

3.2.2. The subject site is currently a Local Employment Site currently in use as a vehicle repair garage. Saved UDP policy EMP9 allows for the managed release of employment sites where there is no effective demand. The policy is compliant with the NPPF which states that planning policies should avoid the protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose.

3.2.3. EMP9 states development of Local Employment Sites for non-employment uses will not be permitted except where there is no effective demand for the premises. Supporting text to the policy (paragraph 7.7.16) states lack of effective demand will normally be demonstrated by lack of success in finding an occupier after vigorous marketing efforts. The vacancy of the premises for at least two years despite marketing efforts would be seen as confirming a lack of effective demand. This approach is consistent with the recommendations of the Employment Land Demand Study (2015).

3.2.4. The Applicant's Planning Statement makes reference to DMP31 (now DMP14). The NPPF states from the date of publication, policies can be given greater weight as they go through the examination process, depending on the extent to which there are unresolved objections. In the case of policy DMP 14, which applies to employment sites, there are unresolved objections and the policy may be subject to modifications. Therefore at this time the policy can not be given any weight. The council will review this approach on receipt of the Planning Inspector's Report which is anticipated in the summer of 2016.

3.2.5. In terms of the NPPF paragraph 22, which states planning policies should avoid the long term protection of sites allocated for employment uses where there is no reasonable prospect of a site being used for that purpose, your officers cannot come to the conclusion that there is no reasonable prospect of the site being used for employment uses: the site is currently in use as a vehicle repair garage operated as Dollis Hill Garage, and whilst it is stated the leaseholder of the garage is to retire which will result in the garage closing, the Planning Statement indicates the site has not been marketed for an alternative user, or for redevelopment for alternative employment uses. Therefore it can not be demonstrated that there is a lack of effective demand or that there is no reasonable prospect of the site being used for employment purposes.

3.2.6. Furthermore, the recently completed Employment Land Demand Study (ELDS, 2015) includes specific assessment of this particular site (76 Burnley Road, cluster 33). Whilst the Planning Statement suggests that there is no material loss of employment floor space within Brent as a result of this proposal (0.002% when compared across the whole Borough), the ELDS 2015 scored the site highly and recommends the site is protected as a local employment area to help ensure there is sufficient capacity to meet projected demand for industrial land to 2029.

3.2.7. To demonstrate a lack of market demand the applicant should submit evidence that the site is vacant and a thorough marketing exercise at realistic prices for the area has been sustained over a 24 month period. Marketing must be through a commercial agent at a price that genuinely reflects the market value in relation to use, condition, quality and location of floor space. It must be demonstrated that consideration has been given to alternative layouts and business uses, including smaller premises with short term flexible leases appropriate for SMEs. This has been advised during pre-application discussions.

3.2.8. With regards to on-site employment, the Applicant has submitted information stating that there would

be a net increase in employment on the site as a result of the proposal. The Homes and Communities Agency (HCA) Employment Densities Guide (2010) sets out that Use Class B2 (General Industry) requires 36sqm floorspace per employee. This equates to a capacity, for the existing use, of approximately 8 employees, whereas the proposed retail store could create 20-25 jobs. It must be noted, however, that up to 20 of these employees for the retail unit are proposed to be 'part time' employees. Furthermore, your officers consider that the jobs associated with defined employment uses are more likely to be skilled jobs than those associated with a retail use. Therefore, whilst acknowledging there would be a net increase in employment on the site, your officers conclude that an employment use has a greater beneficial impact on employment, with higher skilled personnel with the potential of apprentice schemes, than the proposed retail use.

3.2.9. No evidence of marketing of the property has been submitted and therefore fails to demonstrate accordance with EMP9 or the criteria listed within R3 and R5 of the Employment Land Review 2015. In summary, your officers believe there is a reasonable prospect that the site will be used for employment use and therefore protection of the site is compliant with the provisions of the NPPF, and your officers accordingly recommend refusal. Your officers do not consider the net increase in jobs sufficient to outweigh the harm of the loss of this employment site and the other material harm identified elsewhere in this report.

3.3. Suitability of the site for town centre uses

3.3.1. The proposal seeks to change the use of the site to a convenience food store which, as a main town centre use, is subject to the sequential test as set out in the NPPF. Core Strategy Policy CP16 establishes the retail hierarchy in Brent which includes major town centres, district centres, local centres and neighbourhood centres. As set out in the NPPF, as a centre of purely neighbourhood significance comprising a small parade of shops, Burnley Road/Hamilton Road is not classed as a town centre. Therefore only if the sequential analysis demonstrates there are no suitable town centre sites or edge-of-centre locations would 72-76 Burnley Road be considered suitable for a town centre use.

3.3.2. National Planning Practice Guidance (NPPG) sets out that in considering whether a proposal complies with the sequential text due regard should be taken to the requirement to demonstrate flexibility in the format/and or scale of the proposal. The Applicant's Planning Statement highlights a number of vacant sites within the closest district centre, which are dismissed on the grounds of their size. For example Electric House 269 Willesden Lane which, comprises 383sqm of retail floorspace, is dismissed on the grounds of being in excess of the retailer's requirements. However, the requirements as outlined in paragraph 4.8 state only that the retailer requires circa 280sqm. In applying the sequential test flexibility in format and scale has not been demonstrated.

3.3.3. The Applicant's Planning and Retail Statement also suggests that 'the Co-op does not have a store requirement at this location' (Willessden) however it must be noted that the end user cannot be prescribed and the change of use is to A1 and not specifically a "Co-op".

3.3.4. In addition the Applicant's Planning Statement does not provide robust justification that the proposed retail store has specific locational requirements, such that it cannot be accommodated within Willessden Green District Centre.

3.3.5. The NPPF para 37 states planning policies should aim for a balance of land uses so that people minimise journey lengths for employment, shopping and other activities. In this case there is a defined local centre with several retail units adjacent to the site which is considered sufficient for the needs of local residents and this site provides an employment use which can encourage minimised journey lengths for employment.

3.3.6. In summary, the principle of the development proposed is not accepted as the proposal fails to demonstrate, with due regard to flexibility, there are no suitable sites available that are sequentially preferable to this site and thus the proposal fails to with the NPPF para 27, the NPPG, Core Strategy CP16 and policy EMP9 of the Brent UDP and your officers accordingly recommend refusal.

3.4. Vitality and viability of the shops on Burnley Road/Hamilton Road

3.4.1. Notwithstanding that your Officers do not consider that the sequential tests have been met, consideration is also given to the likely impact of the proposal on the local centre. Your officers have received objections to the principle of a retail outlet located here due to the impact on the viability of the small parade of shops on Burnley Road/Hamilton Road.

3.4.2. Officers can only give limited weight to the Applicant's submission of a Retail Impact Assessment as it is not a requirement for proposals of this size. The NPPF and NPPG both state that an Impact Assessment should be required if the development is over a proportionate, locally set floorspace threshold. In the absence of such a locally set threshold, the NPPF states Retail Impact Assessments are required for developments with more than 2,500sqm of floorspace. This proposal is less than the threshold.

3.4.3. Officers conclude that the existing small parade of shops within the defined local centre adjacent to the application site provides a range of shopping choice with a variety of shops such as a grocery store, off licence, fruit and veg shop and pharmacy. Given the range of shops available within the immediate vicinity, local residents are currently able to fulfil their basic/essential shopping needs and as such, the introduction of another small retail shop outside of the local shopping parade and district centre is not an essential requirement to serve the existing residents. Your officers are not of the opinion that a new convenience store here is required to meet the needs of local residents and therefore do not give significant weight to the provision of such a store.

4. Impact on Neighbouring Amenity

4.1. The change of use brings about changes to the expected activity type, the hours of use and the types of necessary plant associated with the use.

4.2. The existing situation sees a car garage in use at the premises. Analysis into the comments submitted shows no signs that the existing use is problematic to the neighbouring residents. The hours the premises operates are from 08.30 until 19.00 (Monday to Friday) and 08.30 until 13.00 (Saturdays).

4.3. It is likely that the proposal will expect opening times from 07.00 until 23.00 in line with reasonable opening hours for shops of this nature. Whilst the hours are increased, the type of use (A1) is considered to be less intense than the existing use, albeit with longer opening hours. There are concerns from local residents regarding the use of air conditioning units to the rear of the premises. This is discussed in 3.4.

4.4. Your Officers in Environmental Health have considered the Noise Assessment submitted with the application (Hann Tucker Associates 22771/ENS1 Rev4 dated 18/2/16). There is agreement with the methodology used within this report however the plant noise assessment did not provide any details relating to acoustic correction factors that may be required in terms of the plant noise having intermittent, impulse or tonal characteristics. In addition, it has been noted that the Applicant's Planning Statement suggests that one of the items of plant will exceed the requirements of the LPA so an acoustic enclosure should be fitted. This was not the conclusion of the noise assessment. Notwithstanding this, should Members be minded to grant planning permission, a condition could mitigate any potential noise impacts to surrounding properties to the effect of 'any plant shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises'.

4.5. There are also officer and residents concerns regarding the deliveries to the unit to service, outside the residential properties.

4.6. Officers have considered the application and the conclusions of the Applicant's Transport Statement (Royal HaskoningDHV Report PB3005 dated February 2016) and assessed the existing use and current expected patterns of delivery. The applicant has advised that deliveries would be from 07.00 to 22.00 for fresh and frozen foods and 17.00 to 20.00 for ambient goods. Officers consider that there is potential for a rise in activity, mainly due to the increased operating hours, however this is considered to be relatively minimal and reduced further by the adjacent retail units. Officers consider that conditions can restrict the delivery times of goods to the unit if necessary.

4.7. It is considered that the change of use, subject to the implementation of conditions, will have a negligible impact on the amenity of the neighbouring occupiers and this is not, therefore, a reason for refusal.

5. Design and Impacts on Character of the Host Building and Immediate Vicinity

5.1. The Proposed Development includes alterations to the appearance of the existing building. There is proposed to be a demolition of part of the site to the secondary building- approximately 12.5m in length. This will improve the amenity of the neighbouring properties.

5.2. The frontage of the property is proposed to stay the same, aside from the signage which will be removed.

5.3. All remaining windows to the main building and the remainder of the secondary building will be removed

and infilled. This will not have any implications on the function of the property or the neighbouring properties.

5.4. The alterations associated with the proposal are relatively minor and your Officers do not feel they will be to the detriment of the host property or building and this is not, therefore, a reason for refusal.

6. Transportation

6.1. Parking and Servicing (existing)

6.1.1. Recent parking surveys (2013) data shows that Burnley Road is not considered a heavily parked street, with only 44% occupancy overnight. However, Hamilton Road is listed a heavily parked street with 201% occupancy overnight.

6.1.2. The site lies within CPZ "GB" which operates 08:30 – 18:30 Monday to Friday, and has good accessibility with a PTAL rating of level 4. Dollis Hill Station (Jubilee tube) is very close to the site, and seven bus routes are locally available, one of which is almost directly adjacent to the site. It can be considered that the site has good access to public transport.

6.1.3. The existing garage/test centre is a B1/B2 use which attracts under PS6 of the UDP-2004 a maximum of 1 car space per 300sqm, and requires under PS19 servicing bays for an 8m rigid vehicle, as well as a visitor/waiting space for cars awaiting service or collection. The site comprises of approximately 346sqm of floor space, hence 1 staff car space plus 1 visitor space would suffice, plus the servicing bay. The current on-site provision is acceptable for the use.

6.1.4. Parking and servicing requirements for the proposed A1 use are given in standards PS7 and PS17. The proposed new Cooperative food retail shop (use class A1) will have a parking allowance of 1 space per 400m², along with an 8m servicing bay. No off-street space has been proposed to meet these standards

6.2. Trip Generation and Parking (proposed)

6.2.1. Point 3.4 within the Transport Report proposes no off street parking for staff or customers. This is acceptable as there are pay and display bays opposite the site. The existing crossover, onto Burnley Road, should be reinstated back to footway as it will be redundant and will also reduce any hazards for pedestrians accessing the site. This could be satisfied by condition.

6.2.2. Table 2.1 within the Transport Report shows the existing vehicle trip throughout the day, for the repair garage, was 26 arriving and 85 departing. TRICS data was taken from a Sainsbury's Local store in Hackney and table 4.2 indicates the total two way trips for the site will be 202. This is a significant increase in vehicular trips to the site and although servicing figures for the site have not been provided, these are likely to be more than 2 a day and therefore a significant increase in servicing requirements for the site as well.

6.2.3. Appendix C within the Transport Report gives a break down of the parking beat survey that was carried out using Lambeth Methodology. This methodology applies a 5m long bay as opposed to Brent's requirements which is a 6m long bay. Nevertheless, the results indicate that at the overnight parking on Tuesday 14th October 2014 is at 98% occupancy, on Wednesday 15th October 2014 at 4:30am the occupancy is 93%, on Wednesday 15th October at 7am the occupancy is 84% and on Wednesday 15th October at 7pm the occupancy is 93%. These figures indicate that Burnley Road is a heavily parked street and therefore Officers have strong concerns regarding any proposals which include the loss of on street parking.

6.3. Servicing(proposed)

6.3.1. The Applicant's Transport Statement proposes on street servicing along the site frontage. The site frontage is 8m long and the bay requires a 10m length to provide sufficient manoeuvrability as well space to unload. The applicant proposes to achieve this by moving the adjoining bus stop the west; however, confirmation from TfL for the relocation of the bus stop has not been sought. In addition to this, the relocation of the bus stop will result in the loss of on street parking and without provision of replacement parking. Your Officers do not find this solution acceptable and consider this failure to be sufficient reason for refusal.

6.3.2. The Applicant's Transport Report proposes to reduce the middle zig-zag markings, which are currently approx. 16.5m long. This is shown in drawing number PB3005/TR03 revision P1 as well as the relocation of the bus stop. Your Officers concerns with the loading bay are that is its close proximity to the zebra crossing

and the inter-visibility between vehicles and pedestrians, as well as the potential for vehicles to obstruct the crossing.

6.3.3. Permission for the relocation of the bus stop has not been sought, the design would be subject to a safety audit which has not been carried out and as mentioned in your officers comments for pre-app, the on street bay would be subject to a TRO and there is no guarantee that the Highway Authority could deliver this if the Council receives objections from residents aggrieved at losing parking space from the frontage and having a bus stop in front of their house. Officers have also been clear that the Council's priority would be retention of the bus stop outside the site, keeping it closer to the shops and the station, rather than sitting wholly outside residential properties.

6.3.4. Officer's pre-application comments had suggested retaining the access from Hamilton Road and providing a loading bay within the site as a means of addressing these difficulties. Further clarification is sought on who will be using this space if it does not form part of the application as the freehold title for the site does include the off street parking, accessed from Hamilton Road. Otherwise, there remain concerns over the future servicing of this proposed retail unit.

6.4. Cycle and Refuse

6.4.1. The transport statement states that 5 'sheffield' stands will be provided for 10 cycle spaces. These are welcomed and comply with PS16 of the UDP-2004. The proposed drawings do not show where these will be proposed and therefore a revised plan should be submitted showing the location of the cycle stands and these should be in a secure and covered location to protect against theft and weather.

6.5. Summary

6.5.1. Relocation of the bus stop does not appear to have been approved by TfL, particularly as it will be moved further away from the station.

6.5.2. The proposed on street loading bay cannot be guaranteed by the Highway Authority as it subject to a TRO and consultation, which has not been undertaken.

6.5.3. The proposal will lead to loading taking place on street on or close to existing pedestrian crossings and bus stop, in the vicinity, to the detriment of the free and safe flow of traffic, especially buses, and pedestrians.

6.5.4. Your Officers do not feel that the proposed layout and servicing arrangements are acceptable and as such are contrary to policies TRN2, TRN3 and TRN34 of the adopted UDP-2004 and your officers accordingly recommend refusal.

7. Other

7.1. The proposed demolition works will be carried out within close proximity to existing residential premises. Therefore without appropriate controls noise and dust emissions could cause disturbance to local residents and also dust emissions may adversely impact on local air quality. Your Officers would therefore recommend that a condition requiring a Construction Method Statement shall be submitted to the LPA before any demolition, should Members be minded to grant planning permission.

7.2. Given the age of the building to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials. If the application is to be granted, Officers recommend an informative for this point.

7.3. The proposed site is an existing car repair business and there are surrounding uses that may cause migration of contamination to the site. Your officers have noted from the Applicant's Planning Statement that a preliminary Investigation Report was undertaken by Soiltechnics. Conditions should be attached to any permission requiring the submission of further details regarding contaminated land to the LPA, should Members be minded to grant planning permission.

8. Summary

8.1. Your officers are of the opinion that the planning merits of the scheme are insufficient to overcome the

significant material harm that would arise in respect of loss of employment use and from locating a town centre use in an out of centre location, in terms of the sequential test. Your officers do note that it is argued that there is some merit to locating a convenience store on this site in terms of added choice for local residents, but your officers do not give significant weight--particularly given the presence of a number of retail units in the immediately adjacent local centre, capable of offering a range of services to local residents--to this argument and thus this does not overcome the likely harm described above. Further, your officers are of the opinion that the servicing arrangements are likely to give rise to material harm to highway and pedestrian safety and the free and safe flow of traffic.

8.2. Your officers recommend that this application should be refused.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – REFUSAL

Application No: 16/0857

To: Miss Shiells
Barton Willmore LLP
7 Soho Square
London
W1D 3QB

I refer to your application dated 26/02/2016 proposing the following:
Change of use from Use Class B2 (Car Repair Garage) to Use Class A1 (Retail), partial demolition, installation of plant equipment and associated external alterations.
and accompanied by plans or documents listed here:

1735-SL-20JBLOCK AND LOCATION PLAN

1735-SL-28BEXISTING LAYOUT PLAN

1735-SL-29HEXISTING AND PROPOSED ELEVATION

1735-SL-30JPROPOSED LAYOUT PLAN

at 76 Burnley Road, London, NW10 1EJ

The Council of the London Borough of Brent, the Local Planning Authority, hereby REFUSE permission for the reasons set out on the attached Schedule B.

Date:

Signature:

A handwritten signature in black ink, appearing to read 'Aktar Choudhury'.

Mr Aktar Choudhury
Operational Director, Regeneration

Note

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.

DnStdR

PROACTIVE WORKING STATEMENT

- 1 To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and offers a pre planning application advice service.

REASONS

- 1 The proposal would result in the loss of site which is currently in use, and has a reasonable prospect of being used, for employment uses and is thus contrary to the NPPF and to policy EMP9 of Brent's adopted Unitary Development Plan 2004.
- 2 The proposal fails to demonstrate that there are no sequentially preferable sites for the proposed town centre use (A1) and is therefore contrary to Chapter 2 of the NPPF (para. 23, 24, 26 and 26) and Core Strategy Policy CP16.
- 3 The proposal fails to provide adequate or practical servicing arrangements for the site and the proposed location of the loading bay is to the detriment of the free and safe flow of traffic, especially buses, and pedestrians contrary to policies TRN2, TRN3 and TRN34 of the adopted UDP-2004.

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

Councillor Harrison

Date and Reason for Request

17/04/2016

Details of any representations received

We understand that the Co-operative Group proposals will result in the employment of 20-25 people with priority given to recruitment in the local area.

Name of Councillor

Councillor Nerva

Date and Reason for Request

17/04/2016

Details of any representations received

We understand that the Co-operative Group proposals will result in the employment of 20-25 people with priority given to recruitment in the local area.

Name of Councillor

Councillor Collier

Date and Reason for Request

18/04/2016

Details of any representations received

We understand that the Co-operative Group proposals will result in the employment of 20-25 people with priority given to recruitment in the local area.

Name of Councillor

Councillor Shahzad

Date and Reason for Request

20/04/2016

Details of any representations received

Should be heard at Committee so residences can expressed their views to the committee.

Name of Councillor

Councillor Hirani

Date and Reason for Request

22/04/2016

Details of any representations received

Concerned about the impact on local independent shops;

Concerns with the increase of traffic and spaces for loading vehicles.

Name of Councillor

Councillor Choudry

Date and Reason for Request

22/04/2016

Details of any representations received

Concerned about the impact on local independent shops;

Concerns with the increase of traffic and spaces for loading vehicles.

Name of Councillor

Councillor Patel

Date and Reason for Request

20/04/2016

Details of any representations received

Request that the application be discussed and decided by the Planning Committee only.

Any person wishing to inspect the above papers should contact Robert Reeds, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 6726