

**Committee Report
Planning Committee on 12 May, 2011**

**Item No. 18
Case No. 10/3161**

RECEIVED: 21 January, 2011

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Unit 10, 253A Ealing Road, Wembley, HA0 1ET

PROPOSAL: Change of use from vehicle-repair garage (Use Class B2) to vehicle-repair garage and MOT-testing centre (Use Class Sui Generis)

APPLICANT: Mr Sofiane Kireche

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION
Grant consent

EXISTING

The subject site contains a detached, single storey unit accessed via Ealing Road and adjacent to similar buildings all of which fall within use classes B1, B2 and B8. The site in question falls within the B2 use class having originally been granted consent as a spray shop. Access arrangements for the site and neighbouring units are by using a single lane access from Ealing Road which exits onto Carlyon Close.

PROPOSAL

Change of use from vehicle-repair garage (Use Class B2) to vehicle-repair garage and MOT-testing centre (Use Class Sui Generis)

HISTORY

No recent, relevant planning history

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape: Local Context & Character

EP2 - Noise and Vibration

EP4 - Potentially Polluting Development

H22 - Protection of Residential Amenity

TRN22 - Parking Standards - Non-residential Developments

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 10 February 2011 and 03 March 2011 in which 23 properties were notified. Ward councillors have also been notified of this application.

2 individual letters of objection have been received which raise the following concerns:

- Noise and disturbance from traffic exiting units at 253a Ealing Road seven days a week
- Impact on parking in Carlyon Close
- Increase in pollution

In addition to the 2 individual letters of objection, a petition from the residents of Carlyon Close has been received with 16 signatures including the signatures of the two individual objectors.

Internal Consultees

Environmental Health - Due to the proximity to the canal, details of site drainage are required to ensure any spills or leak of oils and greases do not give rise to contamination issues. Previously the site has been subject to complaints regarding noise. Therefore it is recommended that a condition be attached preventing repairs and servicing from taking place outside of the unit in question.

Transportation - No objections subject to a condition requiring the applicants to clear the area adjacent to their building and maintain it in an unobstructed state in the interests of highway safety.

REMARKS

The proposed change of use will involve mainly internal changes to the premises. The main relevant considerations for this application are the impact to neighbouring residential amenity and the transportation implications of the use.

Impact to neighbouring residential amenity

A number of objections have been received from the residents in Carlyon Close regarding the proposal raising concerns regarding the impact on available on-street parking within this residential street and the impact of traffic generated from the use together with concerns regarding noise and pollution.

The problems with parking and traffic generation arise due to an existing gate being kept open. This is used as an exit point for all of the units along 253a Ealing Road. One of the objectors highlight that this problem has only occurred since the current owners of the land took ownership however research has failed to uncover any planning restrictions which might prevent this gate being used. It may be that there is a legal covenant on the land restricting the use of the gate however this would be a civil matter which would need to be pursued by the residents independently from this planning application.

In terms of this application in particular, the site can currently be used for car repairs. The main consideration in terms of the impact to neighbours is therefore whether the change of use would result in a significant increase in the intensity of activity on the site in a way which would further affect neighbouring residential amenity. Whilst the objections raised are legitimate planning concerns, your officers do not consider the use proposed to be significantly different, in terms of the intensity of the use, from the existing authorised use of the site. Furthermore this application represents an opportunity to control the hours of operation at the site through a condition and restrict any repairs/servicing from taking place outside of the building. Confirmation of the applicant's agreement to these controls will be reported within a supplementary report.

Impact on parking

The change of use to allow an MOT test centre with two spaces for MOT parking is not considered to result in a significant increase in activity on the site. Parking for the business would be contained within the site and is not considered to add additional pressures to the area. A condition is recommended requiring the area outside the site to be kept clear unless used for parking in connection with the above site.

Noise and Pollution

The proximity to neighbouring properties is noted in terms of potential issues with noise and emissions which could be experienced by neighbouring properties. Whilst the introduction of a new premises in this location would raise concerns regarding residential amenity, within the context of the established use of the site, it is not considered that further harm would arise from the granting of a permission which would facilitate the testing of vehicles for an MOT when compared with the potential harm already experienced by the existing lawful use. In deed as remarked on earlier in this report the granting of this change of use enables the imposition of control's on the unit that don't currently exist. On balance therefore, the proposal is considered acceptable. Conditions are recommended ensuring that any servicing/repairs take place within the building in order to prevent the excessive transfer of noise and pollution and introducing controls over the hours of use.

The potential issue of contamination from the use and the proximity to the canal has been highlighted to the applicant in response to comments from Environmental Health. The applicant's response to this matter will be reported within a supplementary report.

Summary

With reference to council policies, the proposal is, on balance, considered to be in accordance with policies BE2, EP2, EP4, H22 and TRN22 of Brent's Unitary Development Plan adopted in 2004. It is therefore recommended that planning permission be **granted, subject to conditions**.

REASONS FOR CONDITIONS

n/a

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

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):

Site Plan unnumbered
11/005
Location Plan
r261110/A

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

- (3) Prior to the commencement of the use hereby approved, the parking spaces shown on approved plan numbered 11/005 shall be laid out and thereafter be permanently retained and used solely for parking purposes in connection with the premises hereby approved.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (4) No repairs, maintenance or washing/servicing of vehicles shall be carried out outside Unit 10.

Reason: To safeguard the amenities of neighbouring residential properties.

- (5) The premises shall not be used except between the hours of:-

0800 hours and 1800 hours, Monday to Friday
0800 hours and 1200 hours on Saturdays and at no time on Sundays and Bank Holidays without the prior written consent of the Local Planning Authority.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004

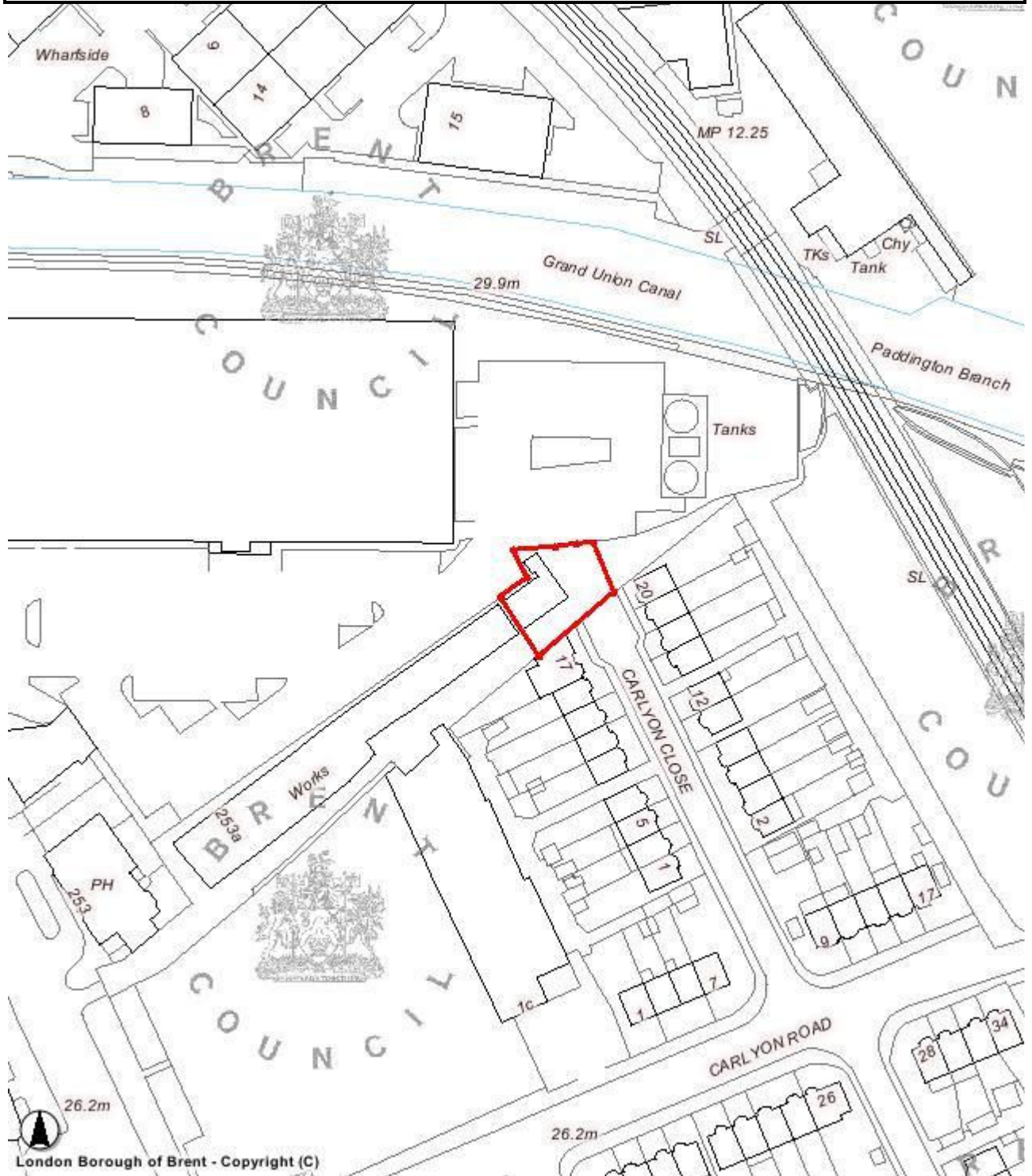
Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: Unit 10, 253A Ealing Road, Wembley, HA0 1ET

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