

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

18 October, 2017  
06  
16/5144

## SITE INFORMATION

RECEIVED	29 November, 2016
WARD	Tokyngton
PLANNING AREA	Brent Connects Wembley
LOCATION	29 Stadium Business Centre, North End Road, Wembley, HA9 0AT
PROPOSAL	Change of use from storage and distribution (Use class B8) to car servicing with MOT testing (Use class Sui Generis)
APPLICANT	Len Shires Motors
CONTACT	Mr Blythin
PLAN NO'S	Refer to condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_131425">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_131425</a></p> <p><b><u>When viewing this as a Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "16/5144" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions

1. Time Limit (3 Years)
2. Approved drawings / documents
3. Submission and approval of details showing cycle storage

### Informatives

1. The applicant is encouraged to work with the freeholder/business centre management to implement its parking and servicing plan and to work to minimise parking capacity issues.

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

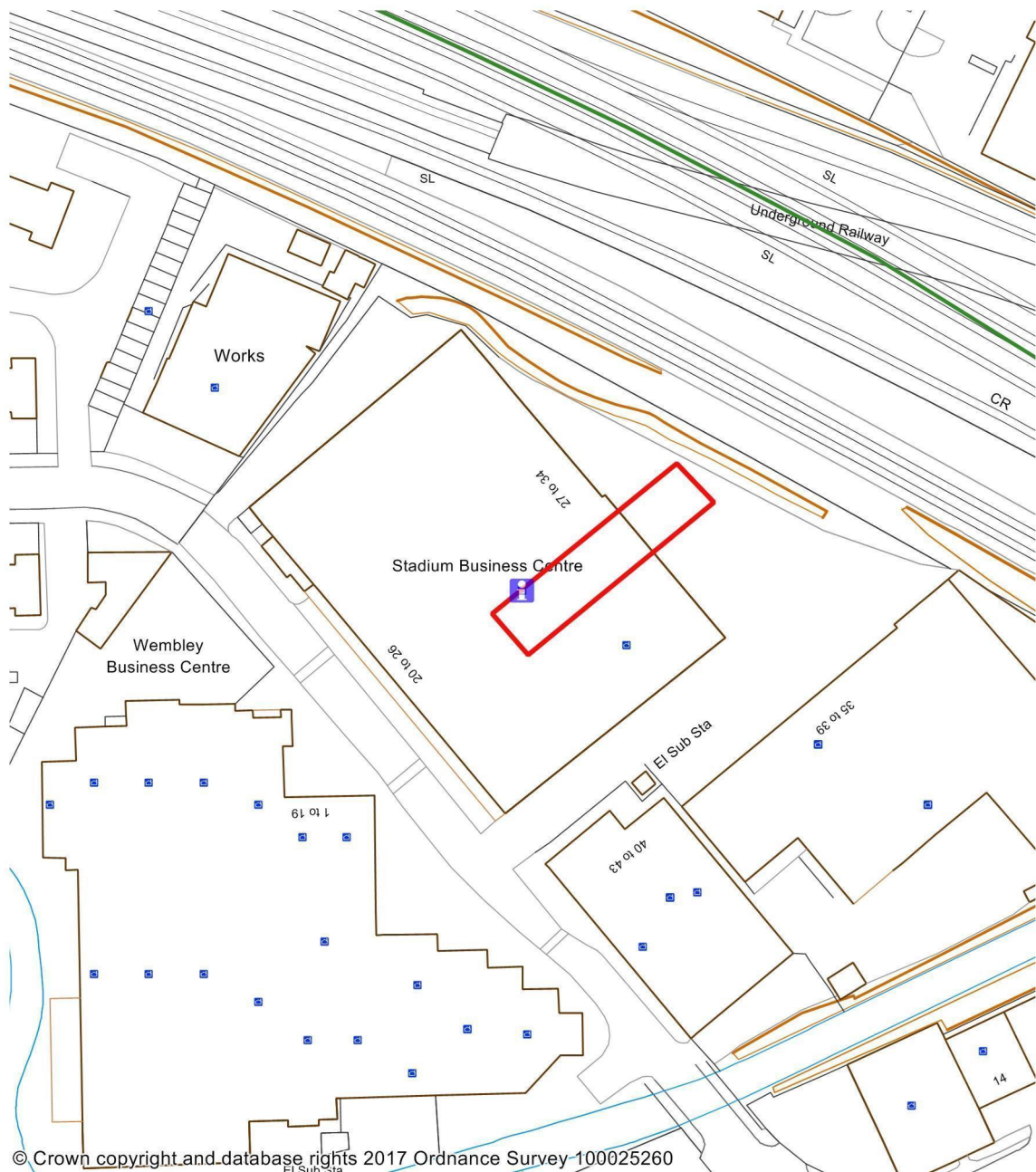
## SITE MAP



### Planning Committee Map

Site address: 29 Stadium Business Centre, North End Road, Wembley, HA9 0AT

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This map is indicative only.

## EXISTING

The subject property is a commercial unit within a warehouse, forming part of the Stadium Business Centre within Wembley Industrial Estate. The property is currently within the B8 (storage and distribution) use class. The property is situated in a commercial/industrial area and is located within a Strategic Industrial Location, reserved strictly for B1, B2, B8 and associated Sui Generis uses. The property is not situated within a conservation area, nor is it within a listed building, and is near to the Wembley Growth Area

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Objections have been received on these matters/some of these matters, and Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application.

- **Objections received:** Six local businesses have objected to the proposal, mainly citing concerns of parking capacity stress. This has been considered closely by officers during assessment.
- **Principle of use:** Whether an MOT garage use is acceptable in principle given local policy designations.
- **Impacts on public highways:** Whether the change of use is likely to have an unduly detrimental impact on the highway and parking capacity of nearby public highways.
- **Impacts on environmental health:** Whether the change of use is likely to give rise to unduly detrimental environmental health problems.

## RELEVANT SITE HISTORY

This property has no relevant planning application history.

## CONSULTATIONS

### Neighbour Consultations

29 nearby properties along North End Road and within the Stadium Business Centre were given prior notification of this proposal for a minimum of 21 days on 12/05/2017. Consultation letters described the development as *“Change of use from storage and distribution (Use class B8) to car servicing and ancillary MOT (Use class B2)”*.

The same properties were consulted again, for a minimum of 21 days on 04/07/2017. Consultation letters now described the development as *“Change of use from storage and distribution (Use class B8) to car servicing with MOT testing (Use class Sui Generis)”*.

Objections to the proposal have been received from 6 separate addresses throughout both consultation periods. Objections were made on the following grounds:

Ground of objection	Officer response
There is parking stress within the business centre, with private parking enforcement in place in an attempt to resolve problems.	The Council's highways officers are responsible for managing the flow of traffic and parking stress on roads within public ownership. The Stadium Business Centre is privately owned land and is positioned more than 100m from North End Road (which is a public highway). As such, there is unlikely to be overspill parking stress on Brent's public highways resulting from

	<p>changes to the unit's parking requirements will result in .</p> <p>Nonetheless, in light of objections received, the Council has asked the applicants to confirm their projected intake of cars and demonstrate that suitable car parking capacity is available to meet this projected intake.</p> <p>The private parking enforcement referred to has the potential to offer the best solution to parking stress on land where the Council has no ownership or control, such as here.</p>
There are already about 5 garages in the estate of which about 3 do MOT testing, as such there is no need for another MOT testing garage. Suggestion that a further application for a similar change is due.	The number of MOT garages is not restricted within policy and there would therefore be no planning grounds upon which to restrict this particular use, although the individual impacts do need to be assessed on a case by case basis as they come forward.
A garage or any similar business requires at least 20 parking spaces as an absolute minimum	Car parking and servicing standards are set out within the appendices of Brent's DMP 2016. Far fewer than 20 spaces would be necessary at a garage of the size proposed.
Another garage will contribute to parking stress	See first officer response above.
This unit has very few outdoor spaces with only 4 or 5 spaces associated with it, unlike some other units in the area	The applicant has clarified the spaces which they have a right to use as parking – since these spaces are under private ownership and control it would be the responsibility of the owner/private enforcement organisation to organise and enforce this.
Whether the MOT is considered ancillary or not will result in the same practical use of the garage – who is going to enforce a breach?	Given the size of the unit, the Council was not convinced that the unit could genuinely operate with the MOT component being ancillary to main operations – it was therefore suggested to the applicant that they apply for the MOT use class on a non-ancillary basis, which explains the change of description and subsequent re-consultation. The application now considers the acceptability of an MOT use being a key aspect of the unit's operations.
Permissions for garages and religious centres within the business centre over the years have impacted business holders heavily from a parking availability perspective.	The applicant has clarified the spaces which they have a right to use as parking – since these spaces are under private ownership and control it would be the responsibility of the owner/private enforcement organisation to organise and enforce this.

	Whilst the Council's control is limited, the Council has asked the applicants to address parking concerns by confirming their projected intake of cars and demonstrating which spaces they have a right to access to meet this projected intake.
There is no point in the Council saying that parking is not their problem as the impact the Council has had on the estate is the Council's problem.	Without Council ownership, it is the responsibility of private land owners to manage the demand for parking.  The implementation of planning permission is still legally subject to consent from the land owner before implementation.
The drains have recently been blocked on account of oil being dumped in the drains.	This is not a material planning consideration.
There is illegal parking occurring and no more space available.	This is a matter for planning enforcement – there is an active enforcement investigation into illegal parking at present (E/16/0475).
The proximity of garages is causing a pollution problem, and the proposal would exacerbate this in terms of exhaust and paint spraying.	The specific impacts are assessed below.

#### Internal Consultations

The Council's highways and environmental health officers were consulted regarding the application.

Neither of the consulted officers objected to the application, please see the relevant discussions below.

## **POLICY CONSIDERATIONS**

### Core Strategy

CP 1 – Spatial Development Strategy  
CP 3 – Commercial Regeneration  
CP 7 – Wembley Growth Area  
CP 20 – Strategic Industrial Locations

### Development Management Policies

DMP 1 – General Development Management Policy  
DMP 11 – Forming an Access on to a Road  
DMP 12 – Parking  
DMP 13 – Movement of Goods and Materials  
DMP 14 – Employment Sites

## **DETAILED CONSIDERATIONS**

### **Principle of change of use**

1. The Stadium Business Centre is within a Strategic Industrial Location, which is protected under policy

CP20 for commercial and industrial uses falling under use classes B1, B2, B8 and associated Sui Generis uses. The vehicle repair garage use (B2) and the MOT use (Sui Generis) fall into the definition of this, and would be appropriate for this location where noisy commercial premises would likely be inappropriate outside industrial areas of the borough.

2. Given that the use class will remain within the accepted local uses class (B2 and associated Sui Generis use), there is no objection to the change of use in principle. The specific details relating to the operation of the use are relevant and are considered below, especially in response to the impact on the highway and parking.

### **Highways considerations**

3. North End Road is a local access road which serves commercial centres and also residential blocks of flats. On-street parking in the road is generally unrestricted, other than on Wembley Stadium event days when residents' permits are required to park between 10am and midnight.
4. Given the site's location within the Stadium Business Centre, it does not have direct access for the public. Public transport access to the site is very good (PTAL 5).
5. Car parking and servicing allowances are set out in Appendix 1 and 2 of the DMP 2016. The existing warehouse should provide a servicing bay for an 8m rigid service vehicle. The site is accessed by a private road, which serves an industrial estate and therefore servicing can be accommodated within the site.
6. The proposed Car repair and MOT will have the same servicing requirements however, parking or servicing layout for the unit has not been submitted.
7. The proposal does not involve any extension to the building and the impact on traffic flow and parking for the unit is unlikely to be significant, such that there would be a knock-on impact on the public highway. With the workshop located within a private industrial estate containing general shared parking / loading being positioned over a 100m or from North End Road, there is little risk that parking or servicing associated with the unit, even by cars awaiting repair or collection, would impact on the public highway.
8. A minimum of one cycle parking space should be provided to comply with the London Plan. This will be required by condition.
9. It is noted that the highways considerations purely come from a perspective of protecting Brent's adopted highways and that the parking concerns to which objectors refer are not addressed. Given considerable local objection, officers have raised the neighbour's issues with the Council highways officers. The Highways team reiterated that the excessive parking within the estate is not a matter for the Highway Authority and that this should be addressed by the applicant and the owner of the private estate road.
10. Recent online aerial imagery as well as what has been viewed on site indicates that some of the bays marked out in the private estate state that private enforcement is being carried out to this private road, which should be addressing their issues raised by objectors. Brent's highways team advise that the applicant should be addressing these issues by possibly providing a car park / servicing parking layout and a car park management plan. As it is not within Brent's remit to manage parking on private land, this cannot be enforced and can only be suggested. An informative will remind the applicant. Brent's highways team also advise that information such as where vehicles waiting for an MOT/repair would park and wait should ease concerns from the neighbouring objections.

### **Consideration of the applicant's parking strategy**

11. Whilst the Council has limited control in this instance (see above), given significant local objection, officers have asked the applicant for further information on a parking strategy which would increase accountability for the garage's impact on the local parking arrangement.
12. The applicant has declared that within the ownership of the unit, there is sufficient space for the parking of four cars in the front of the unit and that up until recently it was yellow lined accordingly. It has also been declared that Stadium Management Limited have agreed with the freeholders to use some of the land that they own, with the land in front of the unit relined to give 3 spaces for large vans, 3 additional spaces were allocated and yellow lined opposite. The applicant therefore declares Unit 29 to have 6 large parking spaces instead of 4 smaller ones allocated for their specific use.
13. The applicant also states that Stadium Centre Management Limited have engaged SCM Limited to control the parking. A parking permit has been issued for each parking space and appropriate signage has been installed regarding fines for unauthorised parking.
14. The applicant proposes for the garage operations to revert back to 4 car parking spaces to better reflect their needs in terms of types of vehicle. Two of the spaces will be allocated for the MOT use. The applicant states that the garage will operate a collect and delivery service for their vehicles (both at their existing premises and proposed at the application site), meaning that very rarely do customers drive to the site. This is intended to allow movements to be carefully managed by the company and based on this, the available number of spaces and their projected need for parking. It is considered by the applicant that the application site will offer ample provision of parking. In any event the controlled nature of parking on the site will further ensure that any inappropriate parking does not occur.
15. The applicant has provided plans to support the above information. The plan shows the 6 larger spaces allocated to the site outlined in their strategy. The applicant confirms that the spaces are not presently in use as the unit is not occupied.
16. The applicant has provided details on existing and proposed projected number of vehicles arriving at the unit. It has been confirmed that some MOT testing is already undertaken, which provides further assurance that these projections are likely to be accurate. It is confirmed that, prior to the unit being unoccupied, the occupiers were parking 2 staff cars and had a daily collection by a courier and approximately 15 calls/collections a day Monday to Friday by customers, with around 3 deliveries a week. The proposed MOT use is proposed to rely heavily on the collection and drop-off service for customers, meaning that for collection, staff either cycle (using a fold-up bike) or use public transport. There are two members of staff, neither of whom drive to work. It is forecast that the business will service/test/repair on average 5 cars a day, the majority of which would be within the premises for the majority of the day.
17. To strengthen the projected vehicle numbers, the applicant has provided a log of all work and jobs undertaken in the week commencing 11<sup>th</sup> September 2017. The sample week is considered to be representative of normal trading, being outside of the main holiday seasons with normal working hours and full staffing levels throughout the week. The business undertook work during the week as follows:
  - *Monday: One car picked up and kept on site all week awaiting parts. One car dropped in by customer (Total – 2 cars)*
  - *Tuesday: Collected one car for service, 2nd car dropped in by customer (Total – 2 cars)*
  - *Wednesday: Collected one car in the morning, One after lunch (Total – 2 cars)*
  - *Thursday: Two cars dropped in by customers (Total – 2 cars)*
  - *Friday: Once car collected, another dropped in by customer (Total – 2 cars)*



18. The applicant states that the current operations result in a consistent level of daily business, standing at 2 cars per day being worked on. The applicant's initial forecast (as above) was for 5 cars a day, which the applicant states was used as so to err on the side of caution to ensure that the number of cars worked on is not underestimated. It is also confirmed that the range of services offered and staff numbers are not proposed to alter from the existing situation.
19. Whilst the level of trade might be considered low, the applicant states that this is evidenced and commensurate with the size of the company, its drop-off and collection service and the number of staff.
20. The applicant has also provided information in relation to the private parking enforcement, managed by UKPC. Information from UKPC provided to the applicant confirms that the private parking enforcement commenced on 31<sup>st</sup> March 2017 and operates on the basis of all vehicles parked within the business centre needing to display a valid parking permit in their vehicles, between the hours of 8am and 6pm, to avoid being fined. The fines are stated to be £100, or £60 if settled within 14 days. It is also confirmed that parking permits are specific to individual bays within the centre which allows a high degree of enforcement control specific to the individual businesses. The applicant confirms that two of the bays within the centre are visitor's parking bays (no's 49 and 50) and are available to any business within the Centre; parking is permitted here for one hour, with no return within 12 hours. The applicant confirms that UKPC operate a callout service to allow short notice alerts of unauthorised parking to be enforced against. Exceptions are made for delivery vehicles who will park up at the centre on a temporary basis, as long as the driver is present with the delivery vehicle. Finally, the parking enforcement regulations are clearly signposted across the business centre and these were observed by the case officer during a visit to the site.
21. To reiterate, the Council cannot enforce the above arrangement, however officers have asked for such details to be provided in the interests of easing neighbour concerns and ensuring that a strategy is in place. An informative will be applied to the decision notice to encourage the applicant to work with the freeholder to implement their proposed parking and servicing strategy, given the significant local objection to the MOT garage on grounds of parking capacity.

### **Environmental Health**

22. The Council's environmental health officer has considered the application has not identified any concerns or recommended any conditions. An application refers to pollution being caused by the proposal. The proposal would generate vehicle movements, as noted above, and there would be some associated noise and exhaust fumes associated with it. The equipment used to carry out MOTs would also potentially create noise, and an objection cites fumes from paint as being an issue. Painting of cars is not primarily a part of an MOT, but it is possible that some painting would occur, although it is expected to take place inside. An objection notes that there has been oil spilled in the area recently (although it is not suggested that this has been caused by the applicant). There is always the potential for accidents to happen, and any future operators of the site would have a duty to manage their operations responsibly. However, this is an area where such uses are logically found. Therefore, there is no objection to the proposal from an environmental health perspective.

### **Conclusion**

23. As the proposed change of use is acceptable in terms of its principle use in policy terms and in terms of its impact on the public highways, a grant of planning permission is recommended. The applicant will be encouraged to help minimise private parking stress by working with the freeholder to implement and uphold its parking and servicing strategy once the new use has commenced. Approval is accordingly recommended.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 16/5144

To: Mr Blythin  
Eclipse House  
Maidstone  
ME14 3EN

I refer to your application dated **29/11/2016** proposing the following:

Change of use from storage and distribution (Use class B8) to car servicing with MOT testing (Use class Sui Generis)

and accompanied by plans or documents listed here:  
Refer to condition 2.

at **29 Stadium Business Centre, North End Road, Wembley, HA9 0AT**

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: 05/10/2017

Signature:

**Alice Lester**  
Head of Planning, Transport and Licensing

### 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:-  
  
Brent Development Management Policies 2016  
Brent Core Strategy 2010
  
- 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):  
  
DHA/11948/01  
DSD1296 Rev C  
2012R4 Rev A  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 Prior to the commencement of the use, a drawing shall be submitted to the Local Planning Authority and approved in writing showing a minimum of one cycle parking space, in a secure and covered location to protect against theft and weather. Following approval, and prior to commencement of use, the cycle parking shall be implemented in accordance with the approved details, made available and maintained as such thereafter.  
  
Reason: To ensure the site has sufficient cycle parking and makes provisions for sustainable forms of transport.

**INFORMATIVES**

- 1 The applicant is encouraged to work with the freeholder/business centre management to implement their submitted parking and servicing plan and to work to minimise parking capacity issues within the Stadium Business Centre given the significant local concerns raised regarding the MOT garage use on grounds of parking capacity. .

Any person wishing to inspect the above papers should contact Toby Huntingford, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1903