

Committee Report

Planning Committee on 4 November, 2009 Case No. 09/2102

RECEIVED: 2 September, 2009

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Unit 1, Wharfside, Rosemont Road, Wembley, HA0 4PE

PROPOSAL: Change of use of premises from hot food takeaway (Use Class A3/A5) to a Turkish bath spa (Use Class D2)

APPLICANT: Mr Hassan Abdel-Salam

CONTACT: MONALISA

PLAN NO'S: 01 Revision A - Showing Existing Front and Rear Elevation of the Application Building
01 Revision A - Showing Existing Left and Right Side Elevation of the Application Building
01 Revision A - Showing Site Plan
01 Revision A - Showing Existing Floor Plan
-Un-numbered Proposed Ground Floor Plan
-Un-numbered Proposed First Floor Plan
-Ordnance Survey Map Showing the Site Location

RECOMMENDATION

Approval

EXISTING

The proposal relates to a vacant single storey detached building located at the entrance to Alperton Wharfside Trading Estate, opposite Alperton Bus Garages and next to the elevated section of the Piccadilly Line.

The building is a detached rectangular structure forming part of a complex of industrial buildings with a similar colour and style. It has an arched roof with prominent front gable facing Ealing Road. There is a customer car park for three vehicles including 1 disabled space in front of the building. The main entrance to the Wharfside Development is off Ealing Road directly adjacent to the property and is the access for all vehicles entering and exiting the Wharfside Estate.

The premises was last use as hot food take-away/restaurant within the A3/A5 use classes.

The premises lies within a Borough Employment Area and forms part of the MOS8 Major Opportunity Site designation in the Council's 2004 UDP.

PROPOSAL

The proposal is for the change of use of the premises from hot food takeaway/restaurant (Use Class A1/A5) to Turkish bath spa (Use Class D2).

HISTORY

- 06/05/2005 Renewal of temporary consent for continued use of the premises as a restaurant - Approved (ref: 05/0691)
- 30/12/2004 Formation of mezzanine level to warehouse to provide additional seating and toilets for restaurant on ground floor - Withdrawn (ref: 04/3323)
- 21/12/2004 Formation of mezzanine area for use as office unit - Refused (ref: 04/3324)
- 11/03/2004 Continued use of the premises as restaurant - Approved (ref: 04/0073)
- 24/02/2004 Removal of sections of footpath, alterations to vehicular accesses and the retention of alterations to north elevation of building that remove roller-shutter door and retain window for proposed drive-through, take-away facility for restaurant - Refused (ref: 04/0073)
- 10/04/2003 Alterations to north and east elevations of building - Refused (ref: 03/0242)
- 20/01/2003 Installation of an internally illuminated fascia sign on the front and side elevations of the shop - Refused (ref: 02/3041)
- 04/07/2002 Variation of condition 2 and 3 of planning permission ref: 00/2006 dated 13th March 2000 to permit the use of part of the shop floorspace for the consumption of hot and cold food and drink on the premises - Approved (ref: 02/0215)
- 29/05/2001 Detail pursuant to Condition 7 & 8 (details of air-conditioning or extractor unit) and Condition 12 (noise assessment) of planning permission ref: 00/2006 granted 13/03/2001 for change of use to Class A3 (sale of hot food for consumption off the premises) - Approved (ref: 01/0817)
- 13/03/2001 Change of use to Class A3 (sale of hot food for consumption off the premises) - Approved (ref: 00/2006)

POLICY CONSIDERATIONS

Adopted Unitary Development Plan 2004

<i>EMP7</i>	<i>Borough Employment Areas</i>
<i>EMP8</i>	<i>Protection of Strategic and Borough Employment Areas</i>
<i>EMP11</i>	<i>Regeneration of Employment Areas</i>
<i>EMP13</i>	<i>Bad-Neighbours Uses</i>
<i>TEA2</i>	<i>Location of Small-Scale Tourist, Visitors and ACE Uses</i>
<i>OS19</i>	<i>Location of Indoor Sports Facilities</i>
<i>TRN22</i>	<i>Parking Standards - Non-Residential Developments</i>
<i>TRN34</i>	<i>Servicing in New Development</i>

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

The following have been consulted on the proposal:

- Nos. Unit 1, 2, 3, 4, 5, 6, 7, 8a, 8B, 9, 10, 11, 12-14 & 15 Wharfside, Rosemont Road, Wembley
- Minavil House, Unit 1 & 2 at 2 Rosemont Road, Wembley
- Ward Councillors

In total 4 e-mails (from neighbouring Unit 5, 6, 7 & 11 Wharfside, Rosemont Road) have been received raising objections to the proposal on the grounds that the use is inappropriate with the Industrial Estate and that it would result in the increased car parking, traffic & congestion problems in the estate.

Transportation - There is no transportation objections to the proposal subject to a condition requiring details of refuse and recycling storage.

Thames Water - Has no objection to the planning application.

Environmental Health - Has no objection to the proposal.

REMARKS

The unit was built approximately ten years ago as part of the Wharfside Industrial Estate, it was however never conceived as an industrial unit. Instead it was built initially as a retail premises within the A1 Use Class. Since then it has been used for a variety of purposes including an Indian sweet and savoury shop, Kentucky fried chicken type shop and as a restaurant and takeaway. Therefore although the unit falls within a designated Borough Employment Area its use for a non industrial, warehouse or related use is considered acceptable.

The site also forms part of the MOS8 major Opportunity Site designation in the adopted UDP, this seeks a comprehensive redevelopment incorporating employment and live work uses along with public realm improvements to the adjacent canalside. The Council's draft Site Specific Allocations to be submitted to the Secretary of State in the new year proposes to modify this allocation including removing the application site from it.

The application is proposing to change the use of the unit to a Turkish Spa which according to Use Classes Order 2005, falls within Use Class D2 (Assembly and Leisure). The proposal being related to a small unit (156m²) is considered to be a small scale Leisure Use. According to the Council's policy OS19 *"Proposal for small-scale sport, leisure and recreation facilities, that do not attract a lot of people, should accord with the principles set out in Policy TEA2"* of the adopted Unitary Development Plan 2004.

Council's policy TEA2 relating to *"Location of Small-Scale Tourist, Visitors and ACE Uses"* states that:

"Proposals for small-scale tourist, visitors and ACE uses should be located in or adjoining town or district centres. Where this is not appropriate, small-scale tourist, visitors and ACE uses should be located on sites with moderate or better public transport accessibility (as defined in the Transport Chapter section 6.7) and which are easily and safely accessible by cycling and walking. When proposed within residential areas or in mixed-use schemes with residential accommodation, this is subject to the protection of neighbourhood amenity."

The proposed site is located on the eastern side of Ealing Road, a local Distributor road which has good accessibility with a PTAL rating of level 4. Alperton Station (Piccadilly tube) is very close to the site, and six bus routes are locally available. The location of the application site therefore in accordance with the Council's policy TEA2 is considered to be acceptable for the proposed use.

The applicants estimate that the bath/spa could employ up to ten people. The number of customers anticipated has not been specified but given the size of the unit it is not expected that it would attract more than 20 customers at a time.

The site given that it is largely surrounded by non-residential premises is not considered to have any adverse impact on residential amenity.

No alterations are proposed to the exterior of the building which is in a fairly good state of repair. However if the applicant should wish to enhance the building's facade in the future then this would be welcomed.

Transportation

The application proposes to provide a total of 5 car parking spaces of which 3 car parking spaces (including 1 disabled bay) is located at the front and 2 (including s further disabled bay) at the side. The access to the car parking spaces would be from Rosemont Road which serves a private commercial/industrial estate located behind the unit.

The site comprises 156sqm. of floor space. Under parking standards PS9 of the adopted Unitary Development Plan 2004, the existing food and drink use can be permitted 1 car space per up to 400sqm., meaning that the existing parking provision is excessive for the existing use. These uses also have servicing requirements as set out in PS20 for a "Transit"-sized bay, and this is available to the side/rear of the site.

There are no specific servicing requirements associated with a D2 use, and so the use of this area for car parking may be acceptable. The parking standard for this use is set out in PS10 which specifies 1 car parking space per 60 patrons, based on maximum capacity. This has not been specified but it seems unlikely that more than this number of people could use the site. Additionally there can be 1 car space provided per 5 staff. 10 staff will be employed at the site, and so 2 car spaces may be provided for these. This gives an overall parking provision of 3 car spaces – which is the level specified in plans. This is acceptable therefore.

There are also 2 disabled parking bays shown in plans. This exceeds the minimum level set out in PS15, and is acceptable.

Details of refuse and recycling storage have not been included and will be required and therefore a condition requiring details of refuse and recycling storage to be submitted for consideration at a later date is attached. Five cycle standards have been shown at the rear of the site, which will accommodate up to 10 bicycles. This is a very generous provision of cycle parking and is welcomed. Transportation has no objections to the proposal.

Comments on Objections Received

With regards to objections received, the site has good public transport accessibility (PTAL 4) and therefore in accordance with the Council's policy TEA2 is considered to be an appropriate location for a use of this type and scale. The proposal as discussed in the transportation section of this report would fully meet the Council's car parking and servicing requirements as set out in the adopted Unitary Development Plan. The Wharfside Industrial Estate is covered by CCTV cameras and any unauthorised parking in the estate is vigilantly enforced by the estate owner which results in either a car being clamped or being towed away by a private company. The existing measures by the estate owner to deter other unauthorised car users to park in the estate would further ensure that the proposal would not cause any adverse highway problems in the estate. The application in terms of its proposed use, location, car parking and servicing requirements and having no impact on the residential amenity is considered to be acceptable.

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
- Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

- Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities
- Transport: in terms of sustainability, safety and servicing needs
- Design and Regeneration: in terms of guiding new development and Extensions

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) Details of arrangements for the storage and disposal of refuse and recyclable materials, and vehicle access thereto, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The approved arrangements shall be implemented in full prior to first occupation of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

- (3) No water tank, air conditioning plant, lift motor room or other roof structure shall be erected above the level of the roof hereby approved without the further written consent of the Local Planning Authority.

Reason: To ensure that such further structure(s) do not prejudice the amenity of the neighbouring occupiers or the appearance of the development in the interests of the visual amenities of the locality.

- (4) Notwithstanding the plans hereby submitted and approved further details of the units forceout and servicing area including landscaping, proposed vehicular access and car parking spaces within the application site shall be submitted to and approved in writing by the Local Planning Authority, before the development hereby approved is commenced. The approved details shall be fully implemented as part of this permission.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to ensure a satisfactory standard of amenity by providing and retaining adequate on site car parking.

- (5) Details of any future changes to the buildings facade and external elevations shall be submitted to and approved in writing by the Local Planning Authority prior to being carried out.

Reason:

In the interests of the visual amenity and to ensure that the building makes a positive contribution to the character of the area.

INFORMATIVES:

- (1) The applicant is advised that no material alteration to the shop front may be carried out, nor the addition of certain forms of advertisement sign, without the prior consent of the Local Planning Authority.

- (2) Detailed design of the building should take appropriate account of the British Standard Code of Practice on Access for the Disabled to Buildings (B.S.5810: 1979) and Schedule 2 of Building Regulations 1985. It should be taken into account that consideration must be given to the needs of ambulant people having other disabilities and to those with sight or hearing problems, as well as to those of wheelchair users.

REFERENCE DOCUMENTS:

1. Adopted Unitary Development Plan 2004
2. 4 e-mails from neighbouring industrial units in the estate raising objections to the proposal.

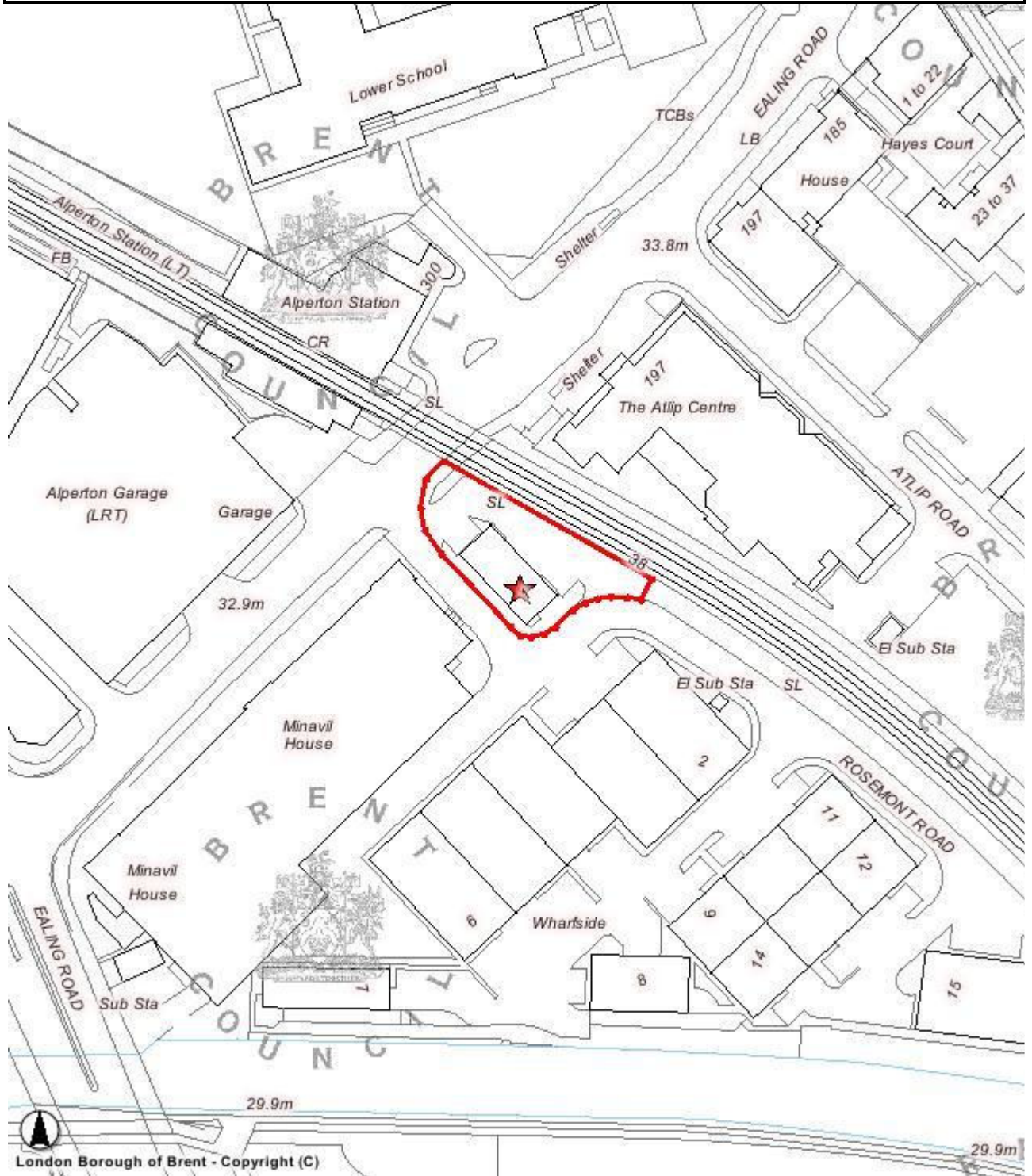
Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244



Planning Committee Map

Site address: Unit 1, Wharfside, Rosemont Road, Wembley, HA0 4PE

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.