

**Committee Report
Planning Committee on 13 October, 2010**

**Item No. 17
Case No. 10/2085**

RECEIVED: 2 August, 2010

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: 86 East Lane, Wembley, HA0 3NJ

PROPOSAL: Installation of plant equipment and associated brick enclosure to side of existing building.

APPLICANT: Tesco Stores Ltd

CONTACT: CgMs Consulting

PLAN NO'S:
(see condition 2 for details)

RECOMMENDATION

Approve

EXISTING

The subject site is a former public house known as "Bootsy Brogans" this 3-storey building is situated on the northern side of East Lane at the junction with Peel Road. The present building is vacant, however the last use of the ground floor was as a public house (Use Class A4).

This is not in a Conservation Area, nor is the building listed.

TESCO plan to open one its *TESCO Express* stores on the ground floor. Planning permission is not required to change from Use Class A4 to A1 retail.

PROPOSAL

This is one of a series of applications for minor works submitted in association with the proposed permitted change from A4 to A1 retail use

Full planning permission is sought for the installation of plant equipment and associated brick enclosure to side of existing building.

HISTORY

10/1756 - Demolition of detached store, erection of a 4 storey rear extension comprising stairwell and access lift, side extension at second floor level, installation of 9 rooflights to side elevations, 1 rooflight to rear elevation, creation of 8 self-contained flats at first, second and third floor level, provision of 12 off-street parking spaces, a refuse storage area, cycle storage area and associated landscaping to site. **Current application undetermined - recommended for approval**

10/2083 - Advertisement consent is sought for the installation of 2 externally illuminated fascia signage to ground floor of building facing East Lane, 1 externally internally illuminated fascia

signage to ground floor facing Peel Road and 1 non-illuminated sign to first floor of building (facing Peel Road). **Current application undetermined - recommended for approval.**

10/2087 - Replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of building. **Current application undetermined - recommended for approval**

10/2050 – Installation of ATM. **Current application undetermined - recommended for approval**

10/2100 - Installation and display of 8 external signs to car park, consisting of 4 directional signs, 1 gantry sign facing East Lane (externally illuminated), and 3 'Euro parking' signs in car park. **Current application undetermined - recommended for approval**

84/1623 - Change of Use of first floor to office use. **Granted**

84/1553 - Single storey rear extension. **Granted**

Although the building is currently vacant, as the last use was a public house, with ancillary function room (Use Class A4) and TESCO, the prospective occupiers, would be an A1 retail use, the applicants do not actually need planning permission to occupy the premises. For the information of Members, under planning legislation it is possible to move "back up" the Use Classes Order (eg: A4 to A1) without consent, but not "down" it (eg: A1 to A4) without getting permission from the Council.

The first floor of the premises, now vacant have previously been used as an office (Use Class B1). This was granted in 1984.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Local Context & Character

BE5 – Urban Clarity and Safety

BE9 – Architectural Quality

BE17 - Building Service Equipment

SH21 – Shopfront Design

EP2 – Noise & Vibration

Considerations;

Impact on highway safety

Impact on character of area

Impact on surrounding amenities

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

75 individual properties were notified by letter (dated 01/09/10).

Environmental Health raise no objection.

A petition has been received objecting to the planned opening of a TESCO store, however the Council is not giving consideration to the principle of a TESCO store through its assessment of these series of applications. Concerns about the planned use fall beyond the remit of this application, or the other related applications for the site which also appear on this agenda.

Specifically, the representations express concern that the premises are to be occupied by a TESCO store and the harmful impact this will have on local businesses. The Council has no control over the use of the ground floor of this building for A1 retail as a change of use from A4 to A1 is permitted development and planning permission is not required. Under planning legislation it is possible to move "back up" the Use Classes order (eg A4 to A1, A2 or A3) without getting permission.

REMARKS

USE

The most recent use of the ground floor was as a public house use class A4 (drinking establishment).

This application proposes the installation of plant equipment and brick enclosure in support of the conversion of the ground floor, to a retail use (A1). The change constitutes permitted development, with A4 uses being able to change "up" the Use Classes Order (eg: to A1, A2 and A3) without the need for consent. The planning history of the site is set down earlier in this report and as such the application is for the proposed display of adverts only. For the avoidance of doubt, issues raised in relation to the anticipated A1 use fall outside the remit of this application.

The site is on the very edge of an existing Local Centre which is on the southern side of East Lane. Given the buildings history for commercial uses, and the permitted changes that can be exercised to A1, A2 or A3 in the event that planning permission was required it is unlikely the Council would object on policy grounds to a retail use of this size, and in this location.

When considering applications for new retail development the Council is required to follow the Government's 'sequential' approach. This requires new retail floor space to be located within the Council's existing network of defined town, district and local centres. If an appropriate site is not available within a nearby centre then an edge of centre site may be acceptable. As there are no available units of the size required by Tesco within the existing Local Centre and the next nearest Centre is Wembley where they already have an established store it is probable that if planning permission were required for the change of use the recommendation from officers would be to approve.

There are separate applications on this agenda for proposed external alterations, the installation of an ATM, for new and replacement car park signage for the same site.

PLANT

Refrigeration and air conditioning equipment is proposed to be installed to the side of the existing building, at a low level. The plant will comprise 3 air conditioning units and a twin flat bed condenser unit at the west elevation of the building at ground floor level. The equipment will be screened behind a new 3.2m high brick wall enclosure with timber door. This enclosure will ensure the plant is completely screened from views from public areas, therefore minimising any visual harm to the building or the surrounding area.

In support of the proposed plant installations a Noise Impact Assessment has been prepared by KR Associates and submitted (revised version dated 2nd September 2010). This report assesses the potential impact of the plant equipment on the amenity of the surrounding residents, and this takes into account nearest existing noise sensitive premises (100 East Lane) which is approximately 30m away, and also the potential residential flats on the upper floors of the building. The proposed conversion of the upper floors into 8 flats is currently being considered under planning application (10/1788) which also appears on this agenda.

The *KR* noise report concludes that the noise emissions from the refrigeration and air conditioning equipment will not have an adverse effect on the nearby residential properties.

The Council's Environmental Health Officer has assessed the report and concludes that the installation of plant is unlikely to adversely affect surrounding amenity by virtue of noise nuisance.

OTHER ISSUES

As far as the future Servicing of the site is concerned, the Transportation Engineer has not considered if this is in compliance with adopted standards as the principle of the use is not sought. In any event the Transportation Engineer has confirmed that the existing East Lane access will allow entry for servicing and delivery vehicles, who would then reverse within the site and exit from the same access.

SUMMARY

As the proposed external alterations are minor in nature and have therefore been kept to a minimum it is considered the works will respect the character and appearance of the original building. The proposal is therefore considered to be in accordance with policies BE2, BE9 and EP2 of Brent's Unitary Development Plan 2004. Furthermore it is considered the plant is unlikely to harm local amenity either visually due to the proposed brick enclosure or through noise disturbance and is found to be in compliance with policy EP2. As such, this application does not present any material harm to the existing building, the amenities of the area or the surrounding occupiers. It is recommended that full planning permission be *granted*.

There is obviously a level of concern about the proposed occupation of the premises by a retail store of this kind. Whilst Officers can appreciate some of the points raised by third parties and understand the concerns that have been made, the fact is that the use of the building is not for consideration at this time, for the reasons set out above. Consequently, discussions must only focus on what it is that is being applied for.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance

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
Housing: in terms of protecting residential amenities and guiding new development

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 location (1:1250)

9914-01,revA (1:100)

9914-05,revB (1:100)

9914-40 (1:50 & 1:100)

9914-40,revC (1:50 & 1:100)

KR Associates Noise Impact Assessment dated 2nd September 2010

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent UDP 2004

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: 86 East Lane, Wembley, HA0 3NJ

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