

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

**Item No. 18  
Case No. 10/2087**

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**RECEIVED:** 2 August, 2010

**WARD:** Northwick Park

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 86 East Lane, Wembley, HA0 3NJ

**PROPOSAL:** Replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of building

**APPLICANT:** Tesco Stores Ltd

**CONTACT:** CgMs Consulting

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

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**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 replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of 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.**

**10/2085** - Installation of plant equipment and associated brick enclosure to side of existing 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

**SH21** – Shopfront Design

### **SPG**

**SPG 7** – Shopfront and Shop Signs

**SPG12** – Access for Disabled People

### *Considerations;*

Impact on highway safety

Impact on character of area

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

75 individual properties were notified by letter (dated 07/09/10).

Ward Councillor's were consulted and Transportation Unit. No objections received from either.

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 & POLICY CONTEXT**

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

This application proposes physical alterations to the building to improve access 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. 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.

The existing parade does have three convenience stores that are likely to be in competition with the new Tesco store. However even if the Council did have control over the change of use it cannot use competition between rival businesses as a reason for refusing an application.

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

### **PROPOSED ALTERATIONS**

The entrance door on the front elevation is to be replaced with new automatic bi-folding doors, and the opening is to be widened to allow for this new 1850mm wide door. This will have a level threshold to allow access for wheelchair users. An existing door in the northern elevation is also to be widened by 150mm. The platform directly outside of the entrance will also be extended in area and hand rails installed to improve access. The minor nature of these proposed works will not harm the character and appearance of the original building, and will satisfy policies BE2 and BE9.

Directly in front of the main entrance door it is proposed to erect 2 x security bollards to act as deterrents to 'ram raiding'. This satisfies policy BE5 which seeks to ensure that development should be designed to be reduce the opportunities for crime, incorporating the aims and objectives of 'Secure by Design' and 'Designing out crime'.

In response to the public consultation an internal representation has been received, this is from Transportation. As the proposed works are minor in nature there is no significant transportation impact.

Landscaping improvements are to be made to 'soften' the frontage environment. 3 x new trees will be planted along the back edge of pavement to the East Lane frontage, and 2 x new trees along the Peel Road frontage. In addition small ornamental trees will be provided in planters around the edges of the building. This will go some way to meeting the intention of policies BE6 and BE7.

#### **OTHER ISSUES**

As far as the future Servicing of the site is concerned, the Transportation Engineer has not considered if this 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. This servicing arrangement has been confirmed with TESCO.

#### **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, BE5, BE9 and SH21 of Brent's Unitary Development Plan 2004 and SPG 12 *Access for Disabled People*. As such, this application does not present any material harm to the existing building 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  
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 location plan (1:1250)  
9914-01,revA (1:100)  
9914-05,revB (1:100)  
9914-20,revF (1:100)  
9914-21,revD (1:100)

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

- (3) No additional windows, replacement of existing windows, doors or other openings (other than any shown in the approved drawings) shall be constructed in the building, without the prior written consent of the Local Planning Authority.

Reason: To preserve the architectural integrity of the existing building.

- (4) The landscape works and planting shown on the approved plans shall be carried out:-

(a) prior to the occupation of any part of the development;

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the area.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

London Borough of Brent, UDP 2004  
SPG12 'Access for Disabled People'

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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