

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

6 April, 2016  
07  
15/3398

## SITE INFORMATION

**RECEIVED:** 6 August, 2015

**WARD:** Dudden Hill

**PLANNING AREA:** Brent Connects Willesden

**LOCATION:** 342 Neasden Lane, London, NW10 0AD

**PROPOSAL:** Temporary permission for the part change of use of existing retail shop (Use class A1) to provide a radio controlled mini-cab office (Use class Sui Generis)

**APPLICANT:** Mr DOST

**CONTACT:** XEVA LTD

**PLAN NO'S:** 101 Existing/Proposed Plan  
103 Proposed Elevations  
105 Proposed Site Plan

### LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

**When viewing this on an Electronic Device**

Please click on the link below to view **ALL** document associated to case

[https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR\\_123450](https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_123450)

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Please use the following steps

1. Please go to [pa.brent.gov.uk](https://pa.brent.gov.uk)
2. Select Planning and conduct a search tying "15/3398" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

## SITE MAP



### Planning Committee Map

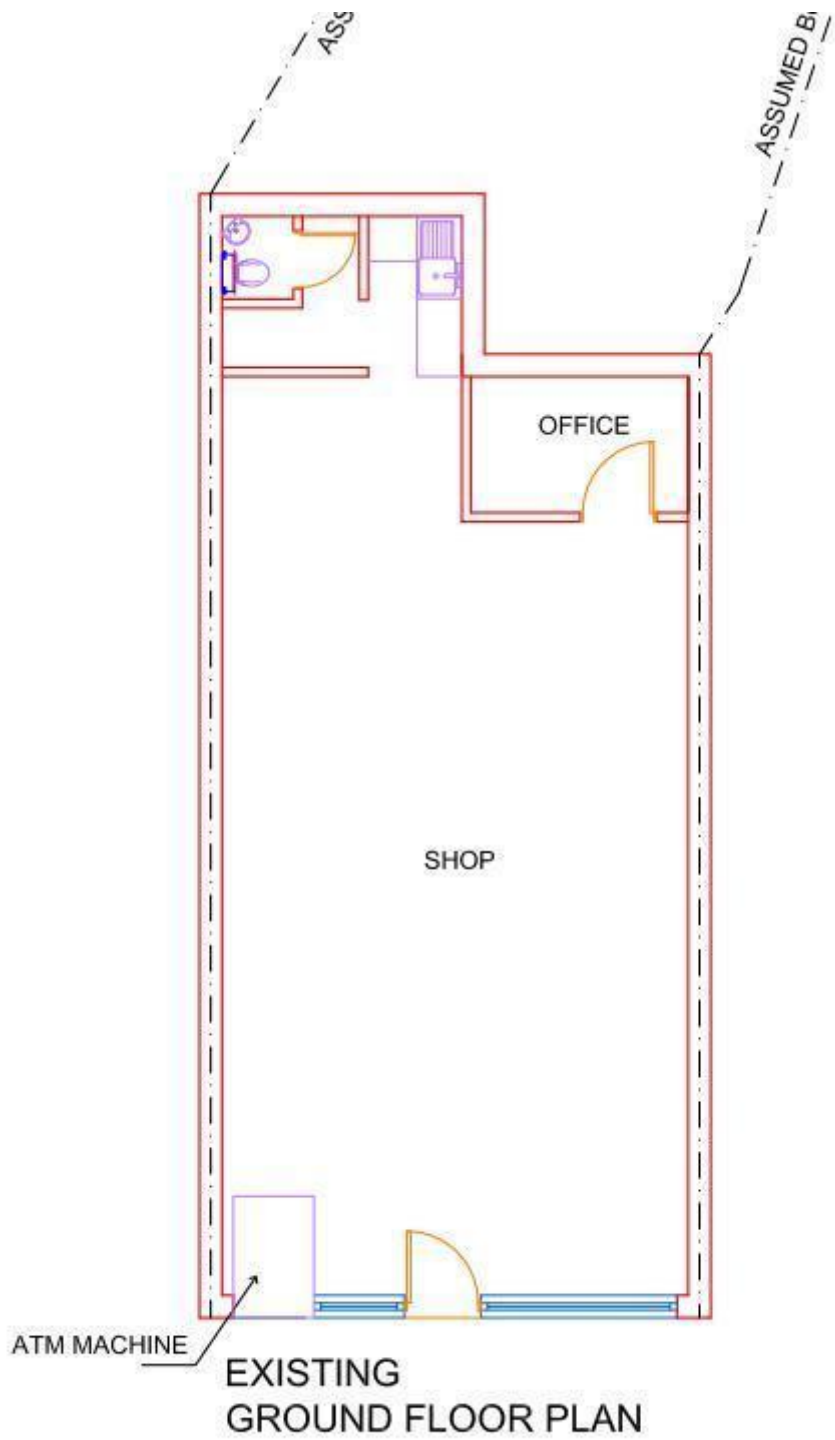
Site address: 342 Neasden Lane, London, NW10 0AD

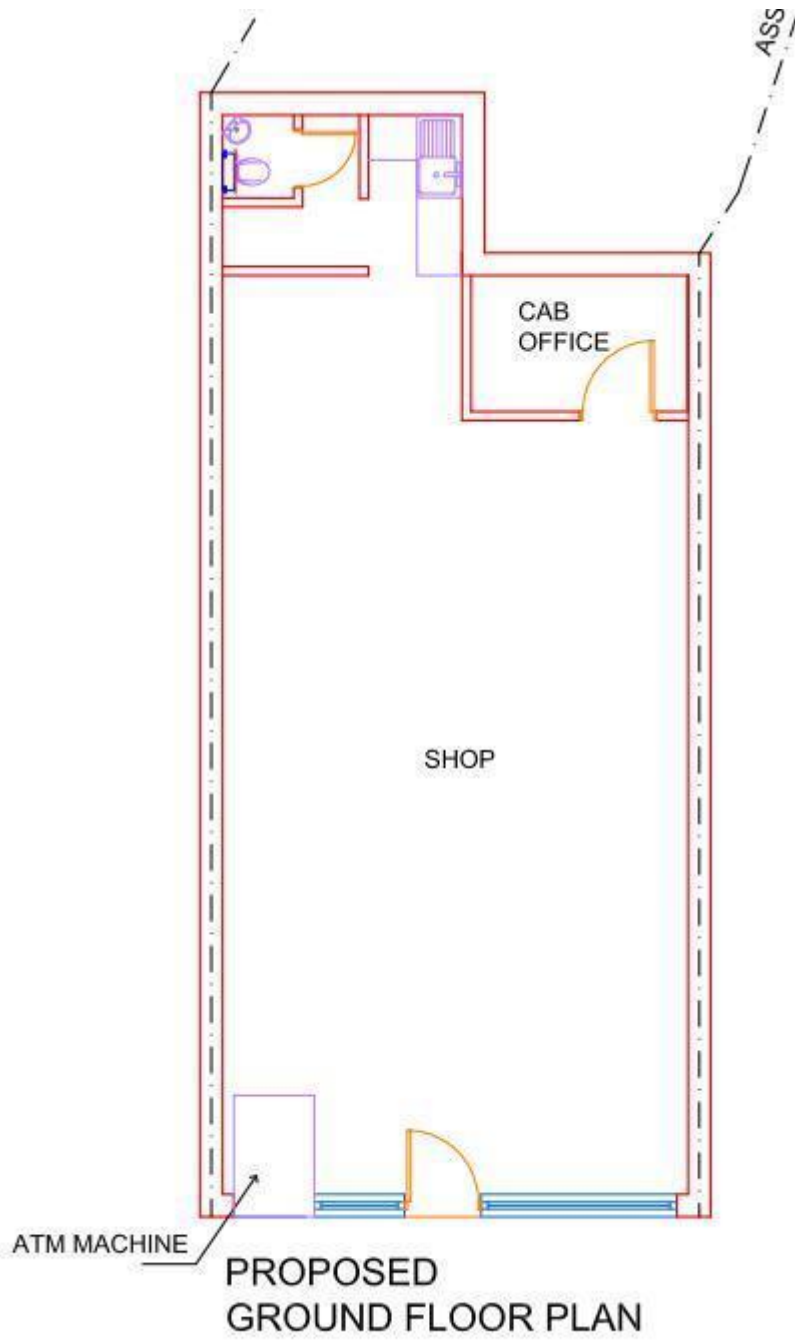
© Crown copyright and database rights 2011 Ordnance Survey 100025260

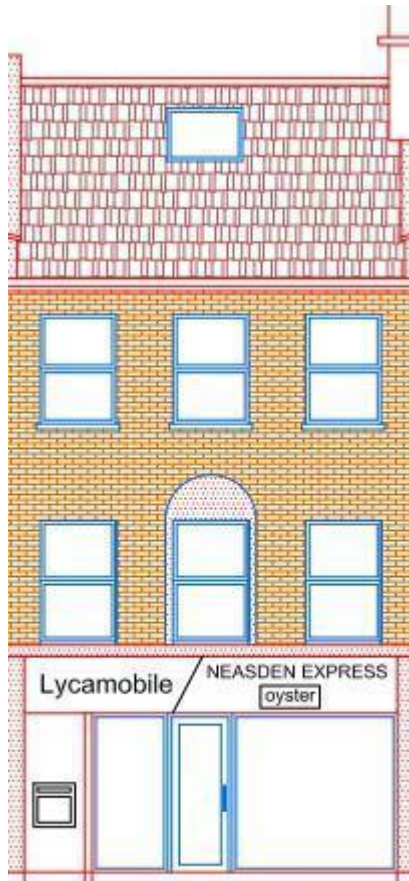
This map is indicative only.

# SELECTED SITE PLANS

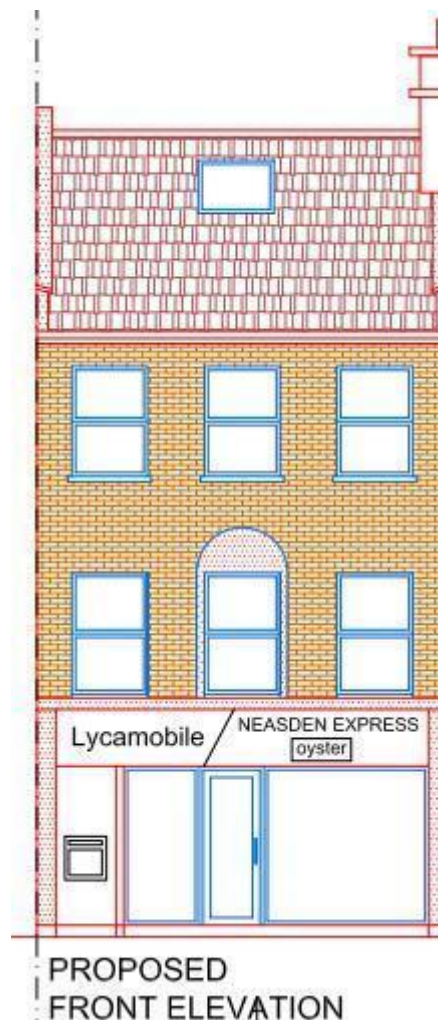
## SELECTED SITE PLANS







EXISTING  
FRONT ELEVATION



## RECOMMENDATIONS

**Approval**, subject to the conditions set out in the Draft Decision Notice.

### A) PROPOSAL

As described

### B) EXISTING

A ground floor retail unit within a 3 storey shopping parade located on the northern side of Neasden Lane, within the designated Primary Shopping Frontage. The 1st and 2nd floors are residential whilst the ground floor is currently within A1 use. The site is not within a conservation area nor is it a listed building.

The existing A1 shop has a glass frontage of approx. 5.4m which includes a cash point machine. Policies relating to primary shopping frontages aim to retain as much A1 frontage as possible, particularly within a designated primary shopping parade in order to maintain active frontages. Non-retail uses, in particular A3 and A5 uses can have closed (dead) frontages considered detrimental to the vitality of a shopping parade. Policy for primary shopping frontages requires the change of use of premises to not increase the proportion of non-retail uses to over 35% unless a vacancy rate of over 10% is present. The proportion of A1 to non-A1 is assessed by the length of shop frontage in metres from which the percentage of A1 to non-A1 is calculated.

Neighbouring properties: To the east of the application site is no. 340 Neasden Lane, the ground floor of which is a hot food takeaway, Neasden Fish Bar with the use class A5, with residential at 1st and 2nd floor. To the west of the application site is no. 344 Neasden Lane; the ground floor of which is a nail bar, Nail World with use class Sui Generis. The 1st and 2nd floors are residential.

## C) AMENDMENTS SINCE SUBMISSION

There have been no amendments since the original submission.

## D) SUMMARY OF KEY ISSUES

The key issues for this application are

1. *Whether the proposal will have an impact to primary shopping frontage*
2. *Whether the proposal will have an impact to transportation and highways*
3. *Whether the proposal will have an impact to neighbouring amenity*
4. *Whether the proposal will have an impact to character & appearance*

## RELEVANT SITE HISTORY

**15/1887**- Refused 15/06/2015

Certificate of lawfulness for proposed change of use of existing A1 use to mixed-use (A1 & Sui Generis) to incorporate a radio controlled mini-cab/taxi office

**14/5006**- Refused 12/03/2015

Ancillary use of rear of shop as a radio controlled mini cab office (Use class Sui Generis) to existing ground floor A1 shop unit

**14/3363** - *Refused*, 16/12/2014

Use of mini cab office (Sui Generis) ancillary to existing A1 shop

**08/0326** - *Granted*, 27/03/2008

Retention of internally illuminated ATM signage to shop;

**08/0325** - *Granted*, 27/03/2008

Retention of ATM to front of shop

**99/2383** - *Dismissed*, 09/08/2000,

Change of use from retail (Use Class A1) to restaurant (Use Class A3);

## CONSULTATIONS

The application was consulted on in 15/12/2015. There was a limited response from this initial consultation so in February 2016, a reconsultation was done, including e-mails sent to the objectors to the previous applications.

There have been 7 x objections which have been summarised in the below table. The relevant points are responded to within the main section of the report.

The area is congested with limited parking which has become a major issue and roads being blocked by waiting cab drivers	See point 1.3 and 3.4
Increase in flow of the vehicles to the site.	See point 3.4
The Council should promote alternative and unique business to the community	See point 2.1 and 2.2
There are no details on the operation time of the mini-cab office	See point 4.1
The mini cab office will not be run as a radio controlled one	See point 3.1

## POLICY CONSIDERATIONS

### Policy Considerations

### National Planning Policy Framework (2012)

All development has a presumption in favour of sustainable development. Brent's planning policies are found to be compliant with the NPPF

### London Plan (2011)

For the purposes of Section 38 (2) of the Planning and Compulsory Purchase Act 2004, the statutory spatial development strategy for the area is the London Plan, which was formally adopted in 2011.

The following policies within the London Plan are relevant to this decision:

*Policy 7.1 Building London's neighbourhoods and communities* - Buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area.

### Local Policy

For the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the statutory development plan for the area is the Unitary Development Plan (UDP), which was formally adopted in 2004, and the Core Strategy, adopted in 2010.

#### *Brent Core Strategy – July 2010*

CP16 – Town Centres & Sequential Approach to Development

#### *Brent UDP 2004*

BE2 – Townscape: Local Context & Character

BE17 – Building Services Equipment

SH6 -Non-retail uses appropriate to primary shopping frontages

SH7 - Change of use from retail to non-retail

TRN16 – The London Road Network

TRN22 – Parking Standards Non-Residential Developments

TRN34 – Servicing in New Development

PS9 – Parking standard

PS15 – Disabled parking standard

PS16 – Cycle parking standard

PS20 – Servicing standard

## **DETAILED CONSIDERATIONS**

### **1. Background & Context:**

1.1. The applicant has had two x planning applications and one x Certificate of Lawfulness refused in the past two years.

1.2. The latest application 14/5006 was refused for the following reasons.

1. *.In the absence of sufficient off street parking spaces to support the parking, waiting and collection points for taxi cabs in relation to the proposed new business, the proposal is likely to result in an increased obstruction and congestion of vehicular traffic along a busy section of Neasden Lane that is in close proximity to the North Circular Road slip road. As such, the proposal is considered detrimental to pedestrian and highway safety and contrary to policies TRN3, TRN12 and SH14 of the London Borough of Brent Unitary Development Plan 2004*
2. *The applicant has failed to demonstrate that the proposed change of use, and the operation of the waiting room including the entrance, exit and collection of customers, would not have an unacceptable impact on residential amenity, as a result of potential increases in noise and disturbance created by customers and vehicles. As such, the proposal is considered contrary to policies BE5 and SH14 of the adopted Brent Unitary Development Plan 2004.*

1.3. The current application has sought to overcome the reasons for refusal and points made in the officers report for 14/5006. Pre-application advice was also provided to the applicant including a copy of the Transportation comments and officer report were also provided to the applicant to help with a resubmission.



#### 1.4. There are several differences between previously refused cases and this application

There is no waiting room proposed with the scheme;  
There is no 'hatch' to the frontage;  
The applicant has agreed the following conditions;

(a) The business shall be restricted to radio-controlled communication between the dispatcher and the drivers of mini-cab vehicles

(b) No waiting area for drivers or customers shall be provided at the premises

(c) Drivers shall not wait at the premises for fares or wait to pick up fares from Neasden Lane or to the rear of Neasden Lane

(d) Drivers shall only attend the premises on the rare occasion for administration purposes; no facilities are to be provided

(e) The applicants shall maintain a list of registration plates for all mini cabs registered to the mini cab office. This shall be available at the office for inspection at any time by Government officers.

(f) There shall be no advertisements relating to the mini-cab use mounted on the exterior of the building or within the premises.

1.4. The applicant has expressed his desire for a permanent permission however Transportation have requested that, in accordance with policy SH14, the permission is temporary for an initial period of 1 year.

1.5. The **key considerations** to this proposal are:

1. *Whether the proposal will have an impact to primary shopping frontage*
2. *Whether the proposal will have an impact to transportation and highways*
3. *Whether the proposal will have an impact to neighbouring amenity*
4. *Whether the proposal will have an impact to character & appearance*

## 2. Impact to primary shopping frontage

2.1. In relation to the primary shopping frontage, the Sui Generis use for a mini-cab office will be to the rear of the shop and as such will not affect the length of frontage to the designated primary shopping frontage. As such, an ancillary use can be considered acceptable with a condition that it be solely to the rear of the shop.

2.2. In terms of size, the mini cab office would take up approximately 3.7sqm of the total of 52sqm of the retail shop. There is currently a segregated area to the rear and there would be no external alterations and the internal alterations would only be very minor.

2.3. As such, your officers are satisfied that there would be no impact on the primary shopping frontage as a result of this proposal.

## 3. Impact on Transportation

3.1. The site is located within a controlled parking zone between 8am - 6.30pm and there are waiting restrictions along the road along with double yellow lines. The surrounding streets on Cairnfield Avenue and Chartley Avenue are heavily parked.

3.2. The Council's planning requirements for mini cab offices are set out in Policy SH14 on page 181 of the adopted Unitary Development Plan 2004. This states that "*minicab offices and similar operations will be permitted only if traffic safety problems would not be caused .... If sufficient off-street parking cannot be provided then consent may be granted for radio-controlled operation only, on a temporary basis so this can be monitored.*"

3.3. The previous proposal of having a waiting room to the rear of the shop suggests customers will be picked up from the rear of the shop. There is no access to this rear and it has already been considered unsafe to do so in previous applications.

3.4. Sufficient off street parking spaces have not been provided for the proposed mini cab office and the proposal again fails to comply with SH14 of the UDP-2004. To mitigate against this, and the only way to make this acceptable to the Local Planning Authority, is for a radio controlled operations only for a period of 1 year so the LPA can monitor the conditions.

3.5. In addition, the applicant has agreed to a condition which states that no waiting area for drivers or customers shall be provided at the premises and drivers shall not wait at the premises for fares or wait to pick up fares from Neasden Lane or to the rear of Neasden Lane.

3.6. It is considered that the proposal, as a radio controlled operations with appropriate conditions, will not give rise to unacceptable traffic impacts associated with the change of use.

#### **4. Impact to neighbouring amenity**

4.1. The proposed hours of use is 24 hours. As no customers will be diverted to the shop via signage and no pick ups will be allowed on Neasden Lane or surrounding streets, Officers consider that the likely impact on neighbouring amenity will be low.

#### **5. Impact to character & appearance**

5.1. The external appearance of the property will not change and therefore the proposal cannot be considered to impact on the character or appearance of the area.

#### **6. Summary**

6.1. Your Officers have considered that the proposal to convert a small section of the rear of A1 premises into a radio controlled mini-cab office to be acceptable as it broadly complies with policies BE2, BE9, TRN3 and SH14 of the adopted UDP 2004.

**DRAFT DECISION NOTICE**



**Brent**

**DRAFT NOTICE**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 15/3398

To: XEVA LTD  
STUDIO 21  
497 SUNLEIGH ROAD  
WEMBLEY  
HA0 4LY

I refer to your application dated 06/08/2015 proposing the following:  
Temporary permission for the part change of use of existing retail shop (Use class A1) to provide a radio controlled mini-cab office (Use class Sui Generis)  
and accompanied by plans or documents listed here:  
101 Existing/Proposed Plan  
103 Proposed Elevations  
105 Proposed Site Plan  
at 342 Neasden Lane, London, NW10 0AD

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:

Signature:

Head of Planning, Planning and Regeneration

**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 proposal is considered to have overcome the previous reasons for refusal and the proposal forms an acceptable usage of the premises, satisfies highways subject to conditions and has an acceptable impact on the amenities of neighbours. The proposal would therefore comply with saved policies BE2, TRN3, TRN23, SH6, SH14 and SH16 of the Brent Unitary Development Plan (2004) and Core Strategy (2010) policy CP17.

1 The operation of the Mini-Cab Office shall be for a limited period of 1 year only expiring 12 months from the date of this decision notice when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) the use hereby approved shall be discontinued.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use on the local highway network and traffic safety, due to the lack of off-street parking.

2 The mini-cab business shall operate under the following restrictions:

(a) The business shall be restricted to radio-controlled communication between the dispatcher and the drivers of mini-cab vehicles

(b) No waiting area for drivers or customers shall be provided at the premises

(c) Drivers shall not wait at the premises for fares or wait to pick up fares from Neasden Lane or to the rear of Neasden Lane, Birse Crescent, Cairnfield Avenue or Chartley Avenue

(d) Drivers shall only attend the premises on the rare occasion for administration purposes; no communal facilities are to be provided

(e) The applicants shall maintain a list of registration plates for all mini cabs registered to the mini cab office. This shall be available at the office for inspection at any time by Government officers.

(f) There shall be no advertisements relating to the mini-cab use mounted on the exterior of the building or within the premises.

Reason: To accord with the terms of the application and ensure that vehicles and customers do not visit or congregate at the premises, in the interests of the free flow of traffic on the neighbouring highway and the amenities of occupiers of neighbouring properties, consistent with policy SH14 of the Brent Unitary Development Plan 2004.

Any person wishing to inspect the above papers should contact Robert Reeds, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 6726