

**Committee Report
Planning Committee on 7 June, 2011**

**Item No. 3/13
Case No. 11/0555**

RECEIVED: 17 March, 2011

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 3-7 Lincoln Parade, Preston Road, Wembley, HA9 8UA

PROPOSAL: Proposed change of use from offices to a mixed use Use Class A1 (retail) and Use Class A3 (cafe), including single storey rear extension, erection of rear extract duct, installation of new shopfront with external awning, formation of new front entrance and rear fire exit doors, along with the creation of an outside cafe seating area to the front surrounded by 1m high fence.

APPLICANT: t/a Oasis

CONTACT: Zachary Design

PLAN NO'S:
(See Condition 2 for the approved plans)

RECOMMENDATION

Approve

EXISTING

The subject premises is a part single, part two storey building on the corner of Carlton Avenue East and Preston Road. Currently vacant it has most recently been used as offices for a charitable organisation called 'Refugees Into Jobs'. The property lies just on the periphery of a designated secondary shopping frontage, properties immediately adjacent to and opposite fall within this designated parade.

PROPOSAL

Proposed change of use from offices to a mixed use retail (Use Class A1) and cafe (Use Class A3), including single storey rear extension, erection of rear extract duct, installation of new shopfront with external awning, formation of new front entrance and rear fire exit doors, along with the creation of an outside cafe seating area to the front surrounded by 1m high fence.

HISTORY

Planning applications of relevance to this application include the following;

11/0556 - Proposed installation of 3 internally illuminated fascia signs, and non-illuminated signage to be fixed to ground floor glazing panels. ***Current application recommended for approval.***

07/1927 - Demolition of 2 existing detached garages to rear of building and erection of single-storey building to be used as classroom. ***Granted on 26/09/07***

05/2466 - Renewal of temporary planning consent 03/3113 for the use of a portable building as temporary offices at the rear of the "Refugees Into Jobs" site. ***Granted on 13/10/05***

03/3113 - Erection of temporary portable building in the rear parking area for use as offices in conjunction with main building. **Granted on 15/01/04**

POLICY CONSIDERATIONS

Planning Policy Statement 6 - Planning for Town Centres (PPS6)

Brent Unitary Development Plan 2004

- **STR11** Protection and enhancement of the built and natural environment
- **STR29** Development should sustain and enhance the vitality and viability of the Borough's town and District Centres
- **BE2** Townscape local context and character
- **BE4** Access for Disabled People
- **BE6** Public Realm: Landscape Design
- **BE9** Architectural Quality
- **BE17** Building-Services Equipment
- **BE20** Advertisements on Buildings
- **EP2** Noise & Vibration
- **TRN3** Environmental Impact of Traffic
- **TRN11** The London Cycle Network
- **TRN22** Parking Standards Non-Residential Development
- **TRN25** Parking in Town Centres
- **TRN34** Servicing in New Development
- **TRN35** Transport Access for Disabled People
- **PS7** Parking – Shops (Use Class A1) less than 200m2.
- **PS9** Parking - Food & Drink Uses (Use Class A3)
- **PS16** Cycle Parking Standards
- **PS17** Servicing – Shops (Use Class A1)
- **PS20** Servicing - Food & Drink (Use Class A3)
- **EMP17** Reuse of Redundant Offices
- **SH1** Network of Town Centres
- **SH9** Secondary Shopping Frontages
- **SH10** Food & Drink (A3) Uses
- **SH11** Conditions for A3 Uses
- **SH18** Other Shopping Parades
- **SH19** Rear Servicing
- **SH21** Shopfront Design

Brent Core Strategy – July 2010

CP16 Town Centres and the Sequential Approach to Development

SPG12 'Access for Disabled People; Designing for Accessibility'

Main Policy Considerations;

Principle of A1/A3 uses

Transportation implications of use

Impact on neighbouring occupiers and surrounding area

Effect of proposal on streetscene and character of building

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

In total 25 neighbouring and surrounding properties were consulted on 18 March 2011 along with

Brent's Transportation Unit, Environmental Health Team, Property & Asset Management and Ward Councillors.

Two letters objecting to the change of use of have been received. The concerns raised in the objection letters are summarised as:-

- An additional café/restaurant will have a negative impact on the area.
- The use will increase levels of noise and disturbance
- There are already too many A3 uses in Preston Road which affects the business of existing A3 outlets.

Transportation supports the change of use subject to further details of a revised site plan demonstrating a minimum of 1 disabled parking space, 1 transit sized loading bay and cycle parking.

Environmental Health – No comments received.

Ward Councillors – No representations received.

REMARKS

Previous Applications

This property has previously been used as an office for a charitable organisation known as 'Refugees into Jobs', they have now vacated the premises. The site which is owned by Brent Council is on the market, as a leasehold premises.

The previous users had sought permission for the erection of temporary structures within the rear service yard. The first of these approved in 2003 was to be used as offices ancillary to the main use of the building. This was initially granted a temporary consent that was renewed in 2005, but this permission has now expired. Following the grant of these planning permissions for a single storey classroom within the service yard was granted on a temporary 5 year consent (due to expire in 2012). As this classroom was directly linked to 'Refugees into Jobs' it is no longer required.

Any consent permitting a change of use will apply to the main building only, and not the detached single storey temporary portacabin structures. These are restricted in terms of their use by previous consents and any intended use of these in the future will need to be the subject of an application for planning permission. Both portacabins were only granted temporary planning permission, one has already expired and the other expires in 2012. The Council's Property Services have been contacted to resolve the future of these temporary buildings.

Policy Context and Principle of Change of Use to A1/A3;

The borough's main network of town centres, consisting of Major Town, Main District and Other District Centres, is generally formed through the designation of Primary and Secondary Shopping Frontages. Within these designated frontages the Council's planning policies, set out in the adopted Unitary Development Plan 2004 (UDP), seek to promote a diverse and appropriate mix of both retail and non-retail uses which can add vitality to the town centre.

The premises in question are situated on the periphery of a Secondary Frontage, with 3-7 Lincoln Parade being the first property outside of this designated frontage. Given its proximity to the frontage it is considered appropriate to apply policies relating to Secondary Shopping Frontages to determine the appropriateness of the proposed A1/A3 uses as it could not be described as an isolated unit. Retail uses are preferred in such frontages, however Policy SH9 of Brent's Unitary Development Plan, 2004 sets out the criteria upon which a proposed non-retail use will be considered within a secondary frontage. The policy does not consider the concentration of

non-retail uses within the frontage, nor does it consider the proportion of non-retail uses within the entire frontage. Rather the policy says that the non-retail use should provide a service to visiting members of the public and that the use is subject to residential amenity, highway and traffic considerations.

Policy SH10 is specific to A3 uses and states that such uses should not result in the creation of traffic congestion, car parking problems or a reduction in highway safety in surrounding areas and not adversely affect the amenity of residential occupiers.

Overall it is considered that, in principle, the proposed change of use would comply with the policy SH9 contained in the UDP in terms of the appropriateness of the use. However, before the proposed change of use can be considered acceptable in all respects the other, more direct, impacts of the proposed development must first be considered.

The change of use covers an existing office building which is vacant. UDP Policy supports the use of redundant offices where these lie outside of Strategic and Borough Employment Areas. Given the site is located within Preston Road Centre with Secondary Frontages immediately adjacent to and opposite the site, the introduction of a mixed A1/A3 use is considered to be an appropriate alternative use and in principle there is no objection. It is considered the proposed use will complement the function of Preston Road Centre.

Impacts of the Proposed Use on Surrounding Area

Policy SH10 of the UDP sets out the specific issues associated with food and drink (Use Class A3) uses which must be considered if the proposal is to be considered acceptable. These issues generally include the impact of the proposal on residential amenity and local highway conditions. Policy SH11 suggests that conditions may be imposed on any new A3 use to ensure a satisfactory standard of development.

There are no residential units located above the building, nor are there any immediately adjacent to the premises. The closest residential units would be further to the north above 180 Preston Road, and directly opposite above No's 1-4 Carlton Parade. There are also residential properties towards the rear of the site, along Elmstead Avenue but these are considered to be less directly affected by the proposals due to the size and depth of the rear service yard which is approximately 30m deep, and the rear gardens which back on to this being in excess of 20m deep. This means the premises are over 50m away from the backs of the nearest houses in Elmstead Avenue, this distance is significant and should mitigate the impacts from noise and disturbance.

Extract Duct/Customer Seating Area & Impact on Surrounding Amenity;

The proposed kitchen/flue duct is to be fixed to the rear elevation and will rise vertically up against the rear façade, terminating 1m above the ridge of the roof. This is not adjacent to any residential units so should not result in harm to surrounding residential amenities. However as no details of the equipment specification have been submitted for assessment then it is recommended that a condition requiring further technical details of the extract system should be attached to any permission to ensure that the proposed duct would not cause unreasonable noise, vibration or odours.

The subject site is located on the edge of a busy frontage, and is close to a busy London Distributor Road and therefore some level of disturbance arising from the general activities of commercial operations is to be expected. Given the concerns raised by objectors about late night noise and disturbance, and the need to preserve the residential amenities it is important to ensure that any disturbance is kept to a reasonable minimum. It is therefore recommended a condition restricting the hours of use of the A3 element be applied, from 0800-2300 on Monday to Saturday and 0800-2230 on Sundays and Bank Holidays.

A small outdoor seating area is proposed along the Carlton Avenue East frontage which would also provide an outside area for smokers. This area is modest in size, and for this reason is unlikely to attract large numbers of people at any one time. This area is not directly adjacent to any residential accommodation and is therefore not expected to impact adversely on neighbouring amenities, but as it is overlooked by residential units above 1-4 Carlton Parade immediately opposite the site a condition is recommended to control the hours of use of the outside seating area.

Proposed Alterations to the Building & Impact on Character of Area:

To assist with the proposed mix of uses alterations to the frontage of the building are proposed to make it more conducive to the intended uses.

It is proposed to remove the existing sash windows and install a new predominantly glazed façade at ground floor along the length of the building. Full height glazing is proposed, with panels and opening broken up by pilasters. This approach is considered to be acceptable and will complement the intended A1/A3 uses, providing a more attractive, active shopfront which would meet the intentions of UDP policies BE2, BE9 and SH21.

The proposed installation of retractable awnings is considered to be an appropriate addition that will complement the intended use of the outside seating area, so too is the erection of 1m high fencing around the edge. Further details of the materials will be required as a condition of any approval.

The proposed extract duct will be sited to the rear of the building and will have minimal impact on the surrounding area.

The proposed single storey rear extension is modest in size with dimensions 8.8m deep, 3.7m wide and 2.2m high. This extension is proposed with a flat roof. It is small in scale in comparison to the host building and will not be visible from the public realm.

The new front entrance is in keeping with the approach to the rest of the front façade, new double width, sliding opening doors are proposed with a level access to make this accessible to wheelchair users.

Parking & Traffic:

The application site is located close to the junction of Preston Road with Carlton Avenue East, it has a large rear service yard that provides 24 car parking spaces. There is direct vehicular access to this from Carlton Avenue East.

The site has moderate access to public transport, with a PTAL Level 3. There are pay and display on-street parking bays on either side of Carlton Avenue East, close to the Preston Road junction. These bays are effective from Mon-Sat, between the hours of 8am and 6.30pm. On event days these same bays are effective from 8am to midnight.

The parking allowance for the current use is 1 space per 150 square metres, so with the existing floor area the parking allowance for the use would be two spaces. The parking provision for the building is significantly in excess of this.

The maximum parking allowance for the proposed A1 use is 1 space as the floor area does not exceed 400 square metres. The parking allowance for the A3 element would also be in the order of 1 space. As such there is not a significant increase in the parking standard for the site.

It is acceptable for customer parking to take place on-street as there are pay and display bays on both sides of Carlton Avenue East, and time limited parking bays on Preston Road. The revised

site plan demonstrates that a disabled parking space will be provided to the rear to meet the standard.

The servicing requirement for the A1/A3 uses is a reduced standard, and the requirement is for a loading area for a transit sized vehicle. The loading area should measure 3m by 6m, and this has been demonstrated on the revised site plan.

Transportation has advised that the refuse store should be re-sited close to the entrance for collection purposes. However the applicant has explained that this is the existing location for it and that it is shared by other properties along this parade so moving this would be problematic in terms of accessibility for other users.

Cycle parking provision has not been demonstrated. The cycle parking standard would require a minimum of four spaces. Ten spaces have been mentioned on the submitted application form, however as these have not been demonstrated than a condition is recommended to submit further details of cycle parking. Subject to this condition then there would be no objection to the proposal on transport grounds.

In summary the council's parking standards and servicing standards for an A1/A3 use are met, no change in current standards is triggered. Also it is considered the proposal will not result in detrimental impacts on traffic, parking or highway safety, it is within an area where similar uses are found so it could not be refused on transportation/parking grounds.

Proposed A1/A3 Uses

The gross internal floor area of the ground floor is 338 square metres, of this 300 square metres will be retail, with 38 square metres to be used for the A3 element. This amounts to 89% of the floor area being used for retail, with the remainder (11%) being in the A3 use class. A planning condition is recommended to ensure that the proportion of uses do not deviate from the proposed plans, this is in order to control the size and scale of any A3 use and to control any future intensification.

It is proposed that the A1 element will be used as a food and grocery store, while the A3 element will be used as a café with fresh baking carried out on site, customer seating for this is to be provided internally and externally.

Response to Objections:

Concerns have been raised that the use proposed would have a negative impact on the area. There is no evidence to support this, officers find the proposed A1/A3 uses to be acceptable in policy terms. These uses will provide further choice and variety, complimenting Preston Road District Centre. Furthermore this would make good use of a vacant building.

Another of the concerns that have been raised is that the use will increase levels of noise and disturbance in the surrounding area. The subject site is located on the edge of a busy frontage, and is close to a busy Local Distributor Road and therefore some level of disturbance arising from the general activities of commercial operations is to be expected. Given the concerns raised by objectors about late night noise and disturbance, and the need to preserve the residential amenities it is important to ensure that any disturbance is kept to a reasonable minimum. It is therefore recommended a condition restricting the hours of use of the A3 element and the customer seating area be applied.

Concerns that have been raised on the grounds of increased competition cannot be taken as material planning considerations. Officers have assessed the uses against the Council's Town Centre & Shopping policies chapter and have found that these uses are acceptable in principle in this location

Conclusion

The proposed change of use is acceptable in policy terms, is considered to an appropriate use on the edge of Preston Road Primary Frontage that will make use of a vacant building, and will not have an unacceptable impact on the general amenities of the area. Approval is accordingly recommended with conditions attached.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Central Government 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
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
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):

0591-001-A (1:200)
0591-002 (1:100)
0591-003-A (1:100)
0591-102-A (1:100)
0591-103-B (1:100)
Site Location Plan (1:1250)

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

- (3) All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (4) All amplified sound equipment shall have noise-limiters fitted in order to ensure that no music, public-address system or any other amplified sound shall be audible outside the premises above normal hourly background levels.

Reason: To safeguard the amenities of the adjoining occupiers.

- (5) Access and other facilities for disabled people shall be provided prior to occupation of the premises for A1/A3 purposes and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory facilities for disabled people.

- (6) The emergency exit doors shall be used only in genuine emergencies, and at all other times shall be kept shut. The front entrance door(s) shall be made self-closing to minimise emission of odours and/or noise to the neighbouring area.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (7) The A3 element of the premises shall only be open and used for the preparation or sale of hot food on the premises, and accept deliveries to the premises between the hours of:

0800 to 2300 Monday to Saturday (Excluding Bank Holidays)
0800 to 2230 Sundays & Bank Holidays

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (8) The ground floor of the premises shall only be used as a sit-down restaurant/cafe, in accordance with the provision of Class A3 of the Schedule attached to the Town and Country Planning Use Classes (Amendment) Order 2005, or in accordance with any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. The premises shall not be used as a hot-food take-away, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: In the interest of general highway safety and the free flow of traffic in the locality of this site fronting a well-trafficked route and a London Distributor Road and in close proximity to the junction of Harrow Road with Wembley High Road and Wembley Hill Road.

- (9) The rear service yard of the premises shall not be used as an area for outside storage or as a customer seating area in connection with the uses, hereby approved, unless prior written approval is first obtained from the Local Planning Authority.

Reason: In the interests of residential amenity

- (10) The internal layout of the building and the areas designated for each purpose therein on the approved plan(s) shall not be altered or modified nor any part of the building(s) sub-divided or otherwise altered without the prior approval of the Local Planning Authority.

Reason: To ensure that no separate use commences and that no aspect of the approved use is inappropriately intensified without the approval of the Local Planning Authority.

- (11) The customer seating area shall only be used between the hours of 0800 and 2200 on Mondays to Sundays.

Reason: To protect and preserve the amenity of surrounding occupiers

- (12) (a) Details of any plant/extraction equipment to be installed (including manufacturer's specification) together with any associated ducting and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to development commencing and thereafter shall be installed in accordance with the approved details. Ducts should outlet at least 1m above eaves level, unless otherwise agreed in writing.

(b) The noise level from any plant (e.g. refrigeration, air-conditioning), together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".

(c) Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: In order to ensure adequate insulation and noise-mitigation measures to safeguard the amenities of adjoining occupiers.

- (13) Details of the provision of a minimum of 4 secure cycle-parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle-parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (14) Notwithstanding the approved plans further details (including samples) of the barrier/perimeter fence around the customer seating area, to prevent patrons from congregating on the public highway and to prevent obstruction of the entrance to the A1 unit shall be submitted to and approved in writing by the local planning authority. The outdoor seating area is to be laid out fully in accordance with the approved details prior to the commencement of the approved use and shall be retained thereafter.

Reason; To ensure an acceptable standard of development and to prevent obstruction of the public highway and other parts of the building.

INFORMATIVES:

- (1) The applicant is advised that this grant of planning consent for a change of use to A1/A3 does not extend to the use of Portacabin 1 or Portacabin 2 (as shown on dwg no 0591-001-A). Both of these structures benefit from temporary planning permission only, for a purpose ancillary to the previous occupiers of the building '*Refugees into Jobs*'. An application for planning permission will need to be made for the continued use of either which will be assessed on its merits.

REFERENCE DOCUMENTS:

London Borough of Brent, UDP 2004
Brent Core Strategy - July 2010

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: 3-7 Lincoln Parade, Preston Road, Wembley, HA9 8UA

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This map is indicative only.