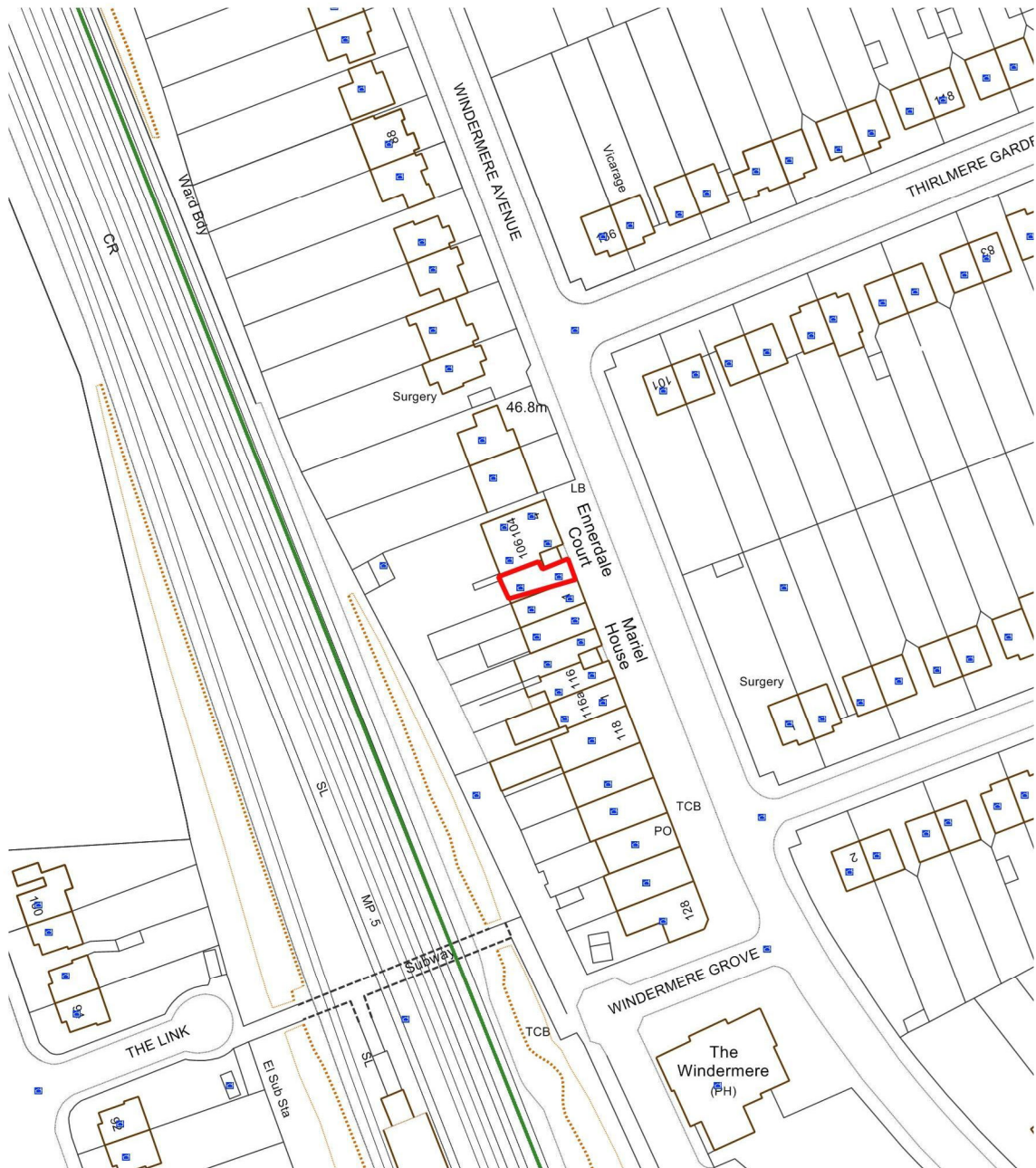
 **Planning Committee Map**
Site address: 108 Windermere Avenue, Wembley, HA9 8RB
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This map is indicative only.

RECEIVED: 9 May, 2011

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 108 Windermere Avenue, Wembley, HA9 8RB

PROPOSAL: Change of use of premises from Use Class A2 to a mini-cab office (sui-generis)

APPLICANT: Mini Cab Office

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION
Grant planning permission

EXISTING

The subject site comprises the ground floor of a mid-terraced, three storey building situated on the western Windermere Avenue. The ground floor units in this terrace are in commercial/retail with residential units occupying upper floors. Beyond the terrace, to the north, uses are predominantly residential. The site is not situated within a conservation area nor is it a listed building.

PROPOSAL

Change of use of premises from Use Class A2 to a mini-cab office (sui-generis)

HISTORY

History for 108 Windermere Avenue:

05/0582 - Change of use of retail shop to travel agents (Use Class A1) and estate agents (Use Class A2)
Granted - 24/05/2005

04/3822 - Installation of replacement shopfronts and door
Granted - 28/01/2005

01/2116 - Change of use from retail (Use Class A1) to wine bar (Use Class A3) including demolition of wooden shed and erection of a single-storey rear extension
Refused - 13/11/2001

00/2124 - Conversion of existing retail units into 2 no. self-contained flats.
Refused - 14/11/2000

98/1023 - Use of ground floor as private members' club (Use Class Sui Generis) single storey rear extension and new shopfront
Refused - 20/07/1998

Relevant History for Existing Use at 128 Windermere Avenue:

98/0223 - Use of ground floor as a radio-controlled mini-cab office
Granted - 08/04/1998

99/0862 - Renewal of full planning permission reference 98/0223 dated 08/04/98 for continued use of ground floor as a radio-controlled minicab office
Granted - 07/06/1999

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

SH14 - Mini-cab offices

SH16 - Local Centres

TRN22 - Parking Standards: Non-residential developments

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 11 May 2011 and 01 June 2011 in which 37 properties were notified. Ward Councillors have also been notified regarding the change of use.

Three letters of objection have been received in response to this exercise although only two are from the local area. The following concerns are raised:

- Parking arising from this property is already a problem partly due to lack of adequate parking spaces for all the parked mini-cabs but also due to a lack of consideration or thought for other residents so this would add to our problems.
- Object to new mini-cab office as there is already one on the street. A further business would bring extra traffic to an already congested street. Very little parking exists already and congestion is a huge issue once the bus tries to pass, slowing up traffic and a hazard for pedestrians as people swing in and out between parked cars.
- Existing problem for parking in area due to 110 & 114 Windermere Avenue using streets as a car compound in addition to the service road area to the rear of the premises. This, together with commuter parking makes parking in the area very difficult. Use to the rear has also resulted in issues regarding refuse collection and a rat infestation due to unhygienic practices of 108/110 Windermere Avenue.

Consultees

Transportation - No objections due to the availability of off-street parking within the rear yard. (See Remarks for fuller discussion of Transportation comments)

REMARKS

Background

This application proposes a change of use from Use Class A2 to a mini-cab office (Use Class Sui Generis). This is in order to facilitate the relocation of an existing business from number 128 Windermere Avenue which is the corner unit situated at the southern end of the parade. Number 128 has also been the subject of a change of use application seeking to locate a D1 use at these premises (ref: 11/0409). This application was refused planning permission on 19/05/2011 however a further application has been received but is not yet valid.

Principle of the Use

The existing premises do not fall within the A1 use class having previously been used as a car-hire office (Use Class A2). As such, no change to the composition of the existing local centre would arise from the change of use as policy SH16 seeks merely to safeguard retail uses rather than professional service uses (A2 uses). Furthermore the existing and proposed plan shows that a shop window would be retained maintaining an active frontage within the parade. Accordingly, there is no objection in principle to the change of use proposed.

Impact on neighbouring residential amenity

As the new location for mini-cab office is below residential units and a 24 hour a day use is proposed, measures must be considered to prevent excessive transfer of noise to the first floor unit above. Accordingly a condition is recommended to secure noise insulation measures which prevent the transfer of noise to the upper floor prior to the commencement of the use.

Transportation Implications

As no development is proposed, the other main consideration in relation to this application is the transportation implications of the use. The objections raised are noted and conversations with Streetcare officers have revealed that inconsiderate parking has previously led to refuse collection vehicles being unable to access the area which has led to problems with rat infestations. It is also noted that 110 has previously been operated as a car repair business without planning permission resulting in storage of scrap vehicles in the area (see Enforcement Record E/05/0888) however the enforcement investigation was closed in 2008 due to a lack of evidence and this use does now appear to have ceased as 110 Windermere Avenue appears to be in use as an office. Research into the use of 114 Windermere Avenue, a unit also identified as a problem to local residents, has revealed that no planning permission has ever been sought for the car hire use currently operating there. This matter has been referred to Planning Enforcement Officers for further investigation.

In terms of considering this application, no objection has been raised by Transportation Officers in relation to the use. The location of the premises in close proximity to South Kenton Station would mean there is a demand for a licensed mini-cab office where customers can wait for drivers to collect them and it is likely that this is a significant proportion of the income generated by the existing business.

Transportation officers have noted that there is parking available within the back yard of the premises together with on-street parking being available within the area. It is noted from a site visit that daytime parking levels are high in the area however this appears to be largely due to commuter parking as there are a lack of on-street restrictions preventing such parking from occurring within the area. As a result, night-time parking levels, when a mini-cab office is likely to be busiest and numbers of drivers working are likely to be highest, would be lower providing capacity for drivers on-street.

Furthermore it should also be noted that the application involves the relocation of an existing business rather than the formation of a new business. Whilst the existing premises could still potentially operate as a mini-cab office, the resubmission of a new application for a D1 use suggests this is not the intention. Your officers therefore consider that the proposed change of use is unlikely to exacerbate existing parking pressures within the area.

On this basis, despite the objections received, the impact of the proposed change of use on the free and safe flow of traffic and on existing parking pressures is not considered to be significantly worse to warrant a refusal of this application on these grounds alone.

Summary

With reference to council policies, the proposal is considered to comply with policies SH14, SH16 and TRN22 of Brent's Unitary Development Plan 2004. Accordingly, it is recommended that planning permission be **granted, subject to conditions**.

REASONS FOR CONDITIONS

n/a

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:-

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):

Existing floor plan

Location Plan - 563/TAN/01

548SAE/04

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

- (3) Prior to the commencement of the use hereby approved, details of noise insulation demonstrating that "reasonable" resting levels will be maintained within the residential unit above the premises shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of neighbouring residential amenity

INFORMATIVES:

- (1) The applicant is advised that any new signage associated with the use hereby approved would need to be subject to an application for advertisement consent. If in

doubt, please contact the West Area Planning Team on 020 8937 5240 for further assistance.

- (2) The applicant is reminded that any vehicles associated with the mini-cab office hereby approved should be parked within the site or within marked parking bays within the area so as to avoid obstructing vehicle accesses belonging to local residents.

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004

Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234