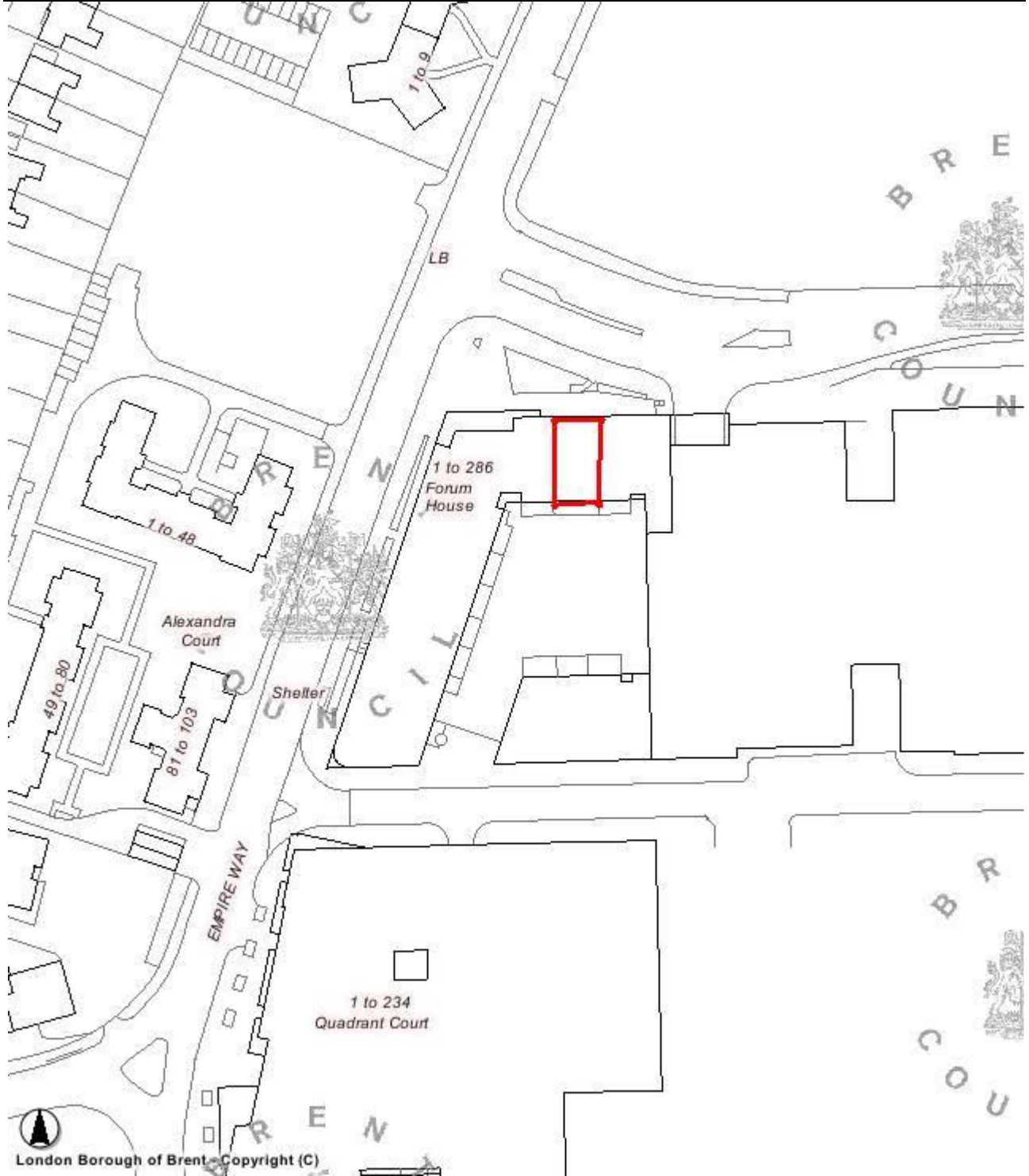
 **Planning Committee Map**
Site address: Unit 7, Forum House, Empire Way, Wembley, HA9 0AB
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This map is indicative only.

RECEIVED: 18 February, 2011

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Unit 7, Forum House, Empire Way, Wembley, HA9 0AB

PROPOSAL: Change of use of part of ground-floor unit 7, a live-work unit (Use Class Sui generis) from office (Use class B1a) to flexible financial and professional services/Office (Use Class A2/B1a)

APPLICANT: Mr Nilesh Shah

CONTACT: Gurusinghe & Co

PLAN NO'S:

"Official Copy of title plan" relating to Title number AGL201957
Land registry, copy of register of title for title number AGL201957

RECOMMENDATION

That planning permission is granted.

EXISTING

This application relates to a ground floor "Live-work" unit within Forum House that fronts Engineers Way. Forum House was constructed as part of the Quintain "Stage 1" development and was completed in 2007. Live work units are Sui Generis. However, the use of the "work" element of this unit was approved as Use Class B1(a) (offices) floorspace.

Servicing bays for the "Live-work" units are provided within the basement and accessed via communal lifts. The "live" elements of the units face the internal courtyard whilst the "work" elements front the surrounding highways (Engineers Way or Empire Way).

PROPOSAL

This application seeks to allow the ground floor employment element of this live work unit to be used for A2 use (financial and professional services) as well as the B1a (office) use that the live work units in Forum House were originally restricted to.

HISTORY

05/2949 – Approved 12/01/2006 (Reserved Matters Application)

The erection of an 8-storey building arranged around a central courtyard with basement comprising of 286 residential units (19 x three-bedroom flats, 100 x two-bedroom flats, 156 x one-bedroom flats and 11 x studio flats (of which 22 x two-bedroom flats and 64 x one-bedroom flats are for 'intermediate' housing, and 9 x three-bedroom flats, 23 x two-bedroom flats, 23 x one-bedroom flats are for 'social rent')), inclusive of 8 x composite residential/business units, retail unit, an employment agency, and a crèche, with basement parking for 132 cars with access provided from Engineers Way and 286 cycle parking spaces with associated landscape works, on the corner of Empire Way and Engineers Way (Site of the former Bingo Hall) forming part of the Quintain Stage 1 permission (ref: 03/3200) - Plot W01

03/3200 – Granted 29/09/2004

Outline planning application for:
Works for the re-orientation of Wembley Arena

Class A1 (Retail) comprising up to 14,200m² designer retail outlet, 11,800m² sports retailing
Class A1/A2 shops/financial and professional services up to 8,000m² (including up to 2,000m² supermarket)

Class A1 (Retail) comprising up to 400 square metres of hotel boutique retail

Class A3 (Food and Drink), up to 12,700m²

Class B1 (a) (b) and (c) Business, up to 63,000m²

Class C1 (Hotel), up to 25,400m²

Class C1/Sui Generis (Hotel apartments), up to 26,700m²

Class C2 (Residential institutions) up to 5,000m²

Class C3 (dwellings) up to 277,000m², (up to 3,727 dwellings)

Student accommodation (Sui Generis), up to 16,600m²

Class D1 (Non-residential institutions), up to 8,200m²

Class D2 (Assembly and Leisure), up to 28,500m² (including the existing Arena of 13,700m²) together with associated open space, public market area (Class A1), hard and soft landscaping, highway and engineering works, electricity sub-station, other utility requirements, other parking and servicing, and improvements to Olympic Way;

AND;

Reserved matters relating to siting, design, external appearance and means of access for the 3-storey structure to provide car and coach parking

Other related applications

11/0238 – Also being considered by the Planning Committee, recommended for approval

Change of use of part of ground-floor unit 8, a live-work unit (Use Class Sui generis) from office (Use class B1a) to flexible financial and professional services/Office (Use Class A2/B1a)

POLICY CONSIDERATIONS

NATIONAL

Draft National Planning Policy Framework

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

REGIONAL

The Mayor of London: The London Plan 2011

LOCAL

Brent Local Development Framework Core Strategy 2010

CP 1 Spatial Development Strategy

CP 7 Wembley Growth Area

CP 16 Town Centres and the Sequential Approach to Development

Brent Unitary Development Plan 2004

Policies

TRN22 Parking Standards – non-residential developments

TRN34 Servicing in new developments

Appendix TRN2 Parking and Servicing Standards

SH2 Major Town Centres

SH19 Rear servicing

WEM27 Opportunity Sites at the junction of Olympic Way and Engineers Way

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Consultation letters sent: 16 March 2011

Site Notice erected:

18 March 2011

Letters were sent to 292 flats/units within Forum House.

Letters of objection were received from one resident noting the following issues:

- Increase in noise, smell, dust;
- Loss of privacy for residents close to the unit, particularly those on the first floor;
- On event days, people/fans occupy pavements and walkways in and around retail stores before and after events. Reference is made to the Tesco store within Quadrant Court. This results in litter, smell of alcohol, etc.
- Increase in anti-social behaviour around the use;

Letters of objection were received from three other residents in relation to application 11/0238 and your officers consider it appropriate to discuss these letters in this application due to the identical nature of applications and the proximity of the two units. These letters added the following issues to the list above:

- Would jeopardise the character of the area around Forum House and would defeat the meaning of "Luxury Residential Housing" that Forum House is supposed to provide;
- Should maintain a good balance and distinction between residential and retail areas within Wembley City, with a plethora of retail opportunities offered by ongoing developments in the area.
- Will reduce the value of flats in the area;

Internal Consultees

Transportation:

Objection to the initial proposal on the basis that the servicing arrangements for Forum House as approved are not sufficient for a retail use which is likely to have a significantly greater intensity of servicing than an office (Use Class B1(a)) unit. Transport also objected to the way that the shared servicing bays in the basement have been marked out.

Transport subsequently removed their objection following:

- amendments to the proposal, changing it to flexible Use Class A1 (retail) and A2 (financial and professional services) to flexible Use Class A2 and B1(a) use;
- The erection of signage adjacent to the basement servicing bays which clearly sets out their use (Servicing for the "Live-work" units) and timeframes for the use (maximum stay 30 minutes).

Policy:

No objection to the proposal.

Consultation letters were sent to Ward Councillors. No responses were received.

External

No external comments were received.

REMARKS

The proposal involves the change of use of the "work" element of this "Live-work" unit and no external alterations are proposed. Two applications have been submitted for changes of use of the "work" element of "live-work" unit, relating to Units 7 and 8 within the ground floor of Forum House, fronting Engineers Way.

For the sake of simplicity, the reports for these two applications are identical, save for the following references:

- The unit number in the proposal;

- The “other related application” within the Planning History;
- The size of the work element of the unit within the remarks section (78 square metres for Unit 8 and 83 square metres for unit 7);
- The number of bedrooms in the associated flat (1-bedroom for Unit 8 and 2-bedrooms for Unit 7).

Use

The applicants initially proposed the flexible use of the “work” element of the unit for purposes within Use Classes A1 or A2. This would mean that this part of the unit could switch between uses within these two use classes without the need for further planning consent.

Following the receipt of objections from Transportation to the use of the unit for Retail (Use Class A1) purposes (discussed below), the applicant amended the application to propose flexible Use Class A2 (financial and professional services) or B1(a) (Offices) use. The latter reflects the current authorised use of the unit and the proposal, if approved, would accordingly allow the use to change between uses within Uses Class A2 or B1(a) without the need for further consent.

The proposal would constitute the provision of “out of centre” Use Class A2 floorspace. However, the provision of small “town centre” units (Retail etc) to meet local demand has been accepted within the Quintain Stage “Stage 1” site (which includes the application site) and was considered to be in accordance with UDP policy WEM27 and would be in accordance with CP 7 of the LDF Core Strategy. Furthermore, the floorspace of the “work” element of the unit is only 83 square metres (approximately) and accordingly is unlikely to have a significant impact on the existing designated town centres and also would not be considered to be “major” new town centre floorspace which is the focus of Policy CP16 of the LDF Core Strategy.

An application for flexible Use Class A2/B1(a) use within the adjoining “live-work” unit (Unit 8) is also being considered. The floorspace of the “work” element of this unit is approximately 78 square metres. When considered cumulatively, it is also considered that the proposed Use Class A2 floorspace is unlikely to have a significant impact on the vitality and viability of the existing centres.

The applicant has specified that the premises is still to be used as “live-work” unit and has not applied to separate the dwelling from the commercial element of the unit. The two-bedroom residential flat meets the Council’s guidance levels for internal floorspace whilst the work unit can be accessed from the Engineers Way frontage. However, planning permission would be required to change the unit to a separate commercial unit and residential dwelling.

Use – summary

The approval of the application would allow the use of the work element of this unit for purposes within Use Class A2 and B1(a) (Financial and Professional Services and Office). When considered independently or cumulative with application 11/0238, the principle of the proposed uses are considered acceptable and appropriate in this location and are unlikely to have a significant detrimental impact on town centre vitality or viability. The use of the unit as a whole would remain Sui Generis and this application relates solely to the use of the “work” element of the unit.

Residential Amenity

The “live-work” units within Forum House were constructed for office usage and as such, were always intended for commercial purposes.

Objections have been received regarding the noise, privacy and other disturbances associated with retail use. However, retail (Use Class A1) use is no longer proposed and the application now only relates to Use Class A2 (Financial and Professional Services) and B1(a) (Offices, as existing). The potential impacts with regard to Residential Amenity associated with the majority of uses within Use Class A2 are very similar to those associated with office use as Use Class A2 includes

uses such as *banks and building societies, professional services (other than health and medical services) including estate and employment agencies* (from Planning Portal web site). Your officers consider that these uses are unlikely to result in a significant increase in the levels of noise and disturbance.

Use Class A2 also includes Betting Offices / betting shops. Such uses are considerably more likely to result in people loitering outside the premises. As discussed above, there is minimal separation between the forecourt space and the residential units above and your officers consider that such use is likely to result in significantly higher levels of noise and disturbance from the casual use of the forecourt in front of the units. Your officers accordingly consider it necessary and appropriate to attach a condition which prevents the use of the unit as a betting shop / betting office within Use Class A2.

Transportation

The site has very good public transport accessibility and a PTAL of 5.

The proposed change from Use Class B1(a) to flexible B1(a) or A2 usage would not alter the Parking Standards or the Cycle Parking standards for the unit. With no alterations proposed to the parking provision within the site (which is provided at a restrained level and backed up by a car-free agreement for the Wembley Stadium event day CPZ and any future extension to weekly CPZ's), standards would continue to be complied with for the building as a whole.

The limited size of the retail unit means that it is unlikely to have a significant impact on parking demand in the area, which is itself tightly constrained by waiting and loading restrictions at the Engineers Way/Empire Way junction.

The proposed change also would not change the servicing standards as applied to the site which require the unit to be serviced by transit sized vans. The application for Forum House made provisions for servicing the live-work units through the use of two shared servicing bays within the basement. However, during the Transportation site visit, it was noted that these bays were not clearly marked and were subject to abuse. Furthermore, the applicant initially also proposed the use of the "work" element of the unit for retail (Use Class A1) purposes. Whilst this would not change the servicing standards for the unit, it is likely to result in a significant increase in the intensity of servicing. Whilst the servicing provisions for the "live-work" units were considered acceptable for Office use (Use Class B1(a)), they are somewhat convoluted and not considered acceptable for uses with a greater servicing intensity such as retail. Transportation considered it likely that the retail use that was initially proposed is likely to result in servicing vehicles stopping in inappropriate locations on the highway to the detriment of highway free flow and safety.

The applicants subsequently amended the proposal so that it no longer included Use Class A1.

In order to address the issues associated with the marking out of the servicing bays within the basement, the applicant approached the building owners, Quintain, who subsequently arranged for signage to be erected which clearly sets out that the bays are for servicing purposes with a maximum duration of 30 minutes. Your officers consider that this addresses the concerns mentioned above.

Transportation Summary

The proposal does not result in a change to the parking, cycle parking or servicing standards. However, the existing signage for the communal servicing bays within the basement was considered to unacceptable whilst the retail floorspace that was initially proposed was considered likely to result in a significant increase in servicing intensity and the existing servicing provisions were no longer considered acceptable. Signage has been erected to address the first issue whilst the proposal has been amended to exclude Use Class A1 and the proposal is considered acceptable on Transport grounds.

Other matters raised by objectors

The matters relating to noise, disturbance, privacy and anti-social behaviour have been discussed above.

Objectors also raised concern regarding litter associated with retail uses. The proposal no longer includes retail use and the potential impacts on Use Class A2 use (excluding betting shops) are not considered to be significantly different from office use.

Objectors have also raised concern regarding the character of the area, the balance of uses within the area, and the distinction between residential and retail areas.

The proposal does not change the external appearance of the units and as such, the change to visual character is not significant. Forum House was the first new building within the Quintain Stage 1 site, a high density mixed use environment. By definition, this involves the provision of commercial premises within the same building as residential units. The Stage 1 consent area contrasts significantly with the suburban environment found in other areas such as nearby Wembley Hill in terms of the scale and nature of the buildings and uses.

Nevertheless, your officers still considered it necessary and appropriate to consider the relationship between uses and spaces and the potential impact on residential units and this has led to the recommended condition prohibiting the use of the unit as a betting shops / betting office.

The value of properties is also raised within a letter of objections. However, this cannot be considered within a planning application.

Other matters

The submitted plans for 10/0239 refer to "Unit G8" (hand written) and "Flat 7" (copy of title) whilst the submitted plans for 10/0238 refer to "Unit G9" (hand written) and "Flat 8" (copy of title). The property database only includes live-work units 1 to 8 and the application has been set up and advertised on this basis. The unit numbers for the "work" elements of the "live-work" units are not externally visible and in the Land Registry plans that have been submitted make it very clear to officers and others viewing the application (e.g. local residents) which unit this application relates to.

Conclusions

Use: Following the removal of Use Class A1 (retail) from the application, the proposed flexible A2 (Professional and Financial Services) and B1(a) (Office) use of the "work element of this unit is considered to be acceptable subject to the exclusion of the use as a betting shop / betting office discussed below. This is due to the small scale and siting of the use (within an area where such use has been considered appropriate previously) and the limited potential for impact on existing centres.

Residential amenity: The proposed site is mixed use in character and the potential impacts associated with a Use Class A2 premises are not considered likely to be significantly different from the office use that is currently permissible. However, the use as a betting office is considered likely to result in significant external noise and other disturbances and it is considered that this should be excluded through condition.

Transportation: The parking standards do not change with the proposed uses. However, concern was initially raised due to the increase in servicing intensity associated with retail (Use Class A1) floorspace and due to the poor signage for the existing servicing bays in the basement. This was addressed through the removal of Use Class A1 from the proposal, and through the erection of signage in the basement adjacent to the servicing bays.

Your officers consider the proposal to be acceptable and recommend that planning permission is granted for the flexible use of the site for purposes within Use Class A2 and B1(a), but excluding use as a betting shop / betting office. This relates solely to the "work" element of the unit, as the use of the unit as a whole is Sui Generis.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Local Development Framework Core Strategy 2010
Brent Unitary Development Plan 2004
The London Plan 2011
Central Government Guidance

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) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the use hereby permitted shall only be for purposes within Use Class A2 or B2(a) with the exception of the use of the premises as a Betting Office for which purpose the unit shall not be used without prior written approval from the Local Planning Authority.

Reason: To ensure a satisfactory development that does not result in an unduly detrimental impact on the residential amenities of adjoining and nearby residents.

INFORMATIVES:

- (1) For the avoidance of doubt, this consent relates to the area shown outlined in red on the "Official Copy of title plan" relating to Title number AGL201957 as submitted.
- (2) For the avoidance of doubt, the use of this "live-work" unit remains Sui Generis. However, the "work" element of the unit may be used for purposes within Use Class A2 or B1(a) with the exception of the use as a Betting Office which is prohibited by Condition No. 2.

Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344