

Committee Report
Planning Committee on 18 September,
2013

Item No.

12

Case No.

12/3089



Planning Committee Map

Site address: SKL House, 18 Beresford Avenue, Wembley, HA0 1YP

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This map is indicative only.

RECEIVED: 20 November, 2012

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: SKL House, 18 Beresford Avenue, Wembley, HA0 1YP

PROPOSAL: Erection of first floor extension to front of building, alterations to the front forecourt layout, reduction in width to existing vehicle access, retention of extraction plant and wood burner installation to the rear and change of use from office (B1a) to a mixed use with B2 (general industrial), B8 (warehouse & distribution) with ancillary office and kitchen showroom (as amended by revised plans dated 22/01/13 and 16/04/2013).
N.B. This is a revised description.

APPLICANT: UKB Ltd

CONTACT: Mann Associates Ltd.

PLAN NO'S:
Dwg 01A
Dwg 02A

INTRODUCTION

This application was deferred from the Planning Committee meeting of 13 February 2013 in order to allow Members request to undertake a site visit before the matter is formally considered again at Committee.

Shortly before the arranged site visit Officer's became aware that a large piece of plant equipment had recently been erected to the rear of the building. Local resident's had bough this to Officer's attention. It has since been established that this is a wood burner, and it had been transferred from another site in Alperton. The applicant was advised that this equipment will require planning permission, and as it is critical to how the use of the building would operate on a day-to-day basis that it would need to be considered at the same time as proposals to extend the building and change it's use. Revised details were requested so that the wood burner could also be considered. As this represents a material change to the original submission then it was necessary to re-consult on the amended proposals. So in light of the request for revised details and the need to go out to consultation again Officer's had to request that Members deferred the application again. A Members site visit still took place as arranged on 9 March 2013, with the application deferred from March committee..

Revised details (including plans and specification) relating to the wood burner were received in April and further consultation was carried out on 14 May 2013.

There is a need for further discussion around the wood burner, its visual impact, what it is used for and the impact this has on local amenity. Also in response to the re-consultation further representations have been received. These will be discussed in the main body of the report.

RECOMMENDATION

Approve

EXISTING

The site is located on the southern side of Beresford Avenue within the Northfield's Industrial Estate which is designated as a Strategic Industrial Location. Surrounding uses here are a mixture of commercial and industrial on the southern side of Beresford Avenue, with residential properties along the northern side directly opposite.

The site is mostly taken up by a two storey 1950s era brick commercial building with clad elevations. Formerly a warehouse/industrial building it was converted to office use and subdivided into separate office suites sometime in the past. The building has laid vacant for a period before undergoing internal refurbishment and is now occupied by the current applicant's.

The site is not within a Conservation Area, nor does the application related to a Listed Building.

PROPOSAL

Erection of first floor extension to front of building, alterations to the front forecourt layout, reduction in width to existing vehicle access, retention of extraction plant and wood burner installation to the rear and change of use from office (B1a) to a mixed use with B2 (general industrial), B8 (warehouse & distribution) with ancillary office and kitchen showroom (as amended by revised plans dated 22/01/13 and 16/04/2013).

N.B. This is a revised description.

HISTORY

10/1604 – Refused – Appealed – Dismissed on Appeal

Retrospective application for change of use from offices (Use Class B1) to a college of further education (Use Class D1).

Reason for refusal:

The proposed change of use from offices (Use Class B1) to a college of further education (Use Class D1) is contrary to policies CP3, CP12 and CP20 of the Brent Core Strategy (adopted July 2010) and policy CF2 of Brent's Unitary Development Plan 2004, resulting in the loss of protected employment land.

06/0715 - Certificate of Lawful Development - Granted

Certificate of lawfulness for existing use for the use of the building as offices (Use Class B1(a)). This showed the building laid out internally into a number of self-contained office suites. It is now understood that this building has been gutted internally so this layout no longer exists.

POLICY CONSIDERATIONS

National Planning Policy Framework - 2012

London Plan 2011

Policy Considerations

Brent Unitary Development Plan 2004

BE2	<i>Townscape: Local Context & Character</i>
BE4	<i>Access for Disabled People</i>
BE9	<i>Architectural Quality</i>
EP2	<i>Noise & Vibration</i>
TRN3	<i>Environmental Impact of Traffic</i>
TRN22	<i>Parking standards – non-residential development</i>
TRN34	<i>Servicing in New Development</i>
PS6	<i>Parking Standards – 1 space per 150m² of floor area applies.</i>
PS19	<i>Servicing Standards</i>

Brent Core Strategy – July 2010

CP20 Strategic Industrial Locations

Main Considerations:-

Acceptability of the use of the building
Impact on neighbouring occupants/businesses
Impact on servicing and parking arrangements
Impact on local amenity
Size, scale and design of extensions & plant

CONSULTATION

CONSULTATION

First round of consultation:-

Letters were sent out to 21 properties on **6 December 2012**. Internally comments were sought from Brent's Transportation Unit.

Three objections were received and a petition objecting to the proposal has been received from Heather Park Neighbourhood Watch, this is signed by 8 signatories. The reasons for objecting to the application have been summarised as:-

- The existing building works and associated vehicles are blocking traffic along Beresford Avenue.
- Existing refuse provision is inadequate.
- Parking is an existing problem on Beresford Avenue, workers and visitors to the proposed use will worsen the situation.
- Any reduction of off-street parking spaces on the application site will worsen the parking congestion on Beresford Avenue.
- Traffic is an existing problem on Beresford Avenue and this proposal will worsen the situation.
- Objection to the use of the building as an education facility (this is incorrect, there is no proposed change of use to a place of education).

Transportation & Highways:-

The site is currently served by up to 7 parking spaces, at the front of the site. These are accessed via an 8m wide crossover.

The application site is on the southern side of BA, a local distributor road. The site has moderate access, with a PTAL rating of level 3.

The proposed extensions will increase the total floor area of the building to 825sqm. This does not trigger an increase to the parking or servicing standards.

The existing depth between the front of building and back edge of highway is approximately 6m, and at present the building line is staggered which results in an area which projects further back than the rest. This is deep enough for an 8m long rigid vehicle to stand, which is required under servicing standard PS19 to stand clear of the highway.

As originally proposed the extension would have meant that it would no longer be possible for an 8m vehicle to stand clear of the highway without overhanging the footpath. The loss of this ability to service the building was objected to on transportation grounds. To address this objection the proposal has been amended, and the ground floor infill extension has been omitted from the scheme. So instead a recessed loading bay is proposed on the ground floor, with 8m depth maintained directly in front of this ensuring adequate servicing provision in line with PS19.

The front forecourt layout has also been amended, this proposes to rationalise the parking layout so that four spaces will be clearly marked out perpendicular to the highway. These will have better access, unlike the current forecourt parking layout which due to the width of the crossover results in vehicles having to illegally cross the footpath to access certain spaces. This rationalisation will accommodate a reduced number of four spaces, which is considered acceptable to Transportation as this represents 75% of the maximum parking standard for a unit of this size, which is 5 spaces. Furthermore the revised layout is considered to represent an improvement to pedestrian and highway safety, as vehicles will no longer need to illegally cross the footpath to access parking bays.

The existing 8.5m wide crossover is excessively large and the applicant has agreed to Transportations request to reduce its width. The alterations to the kerb radii as shown on the revised plan will reduce the length of crossover and act as further prevention to vehicles from illegally crossing the footpath. Furthermore a new dwarf wall is to be erected either side of the crossover, will run along the frontage and this will also help to prevent vehicles from crossing the footpath in the future. The reduction in crossover width, reinstatement of a section back to footway and these other measures are considered to represent an improvement to pedestrian and highway safety.

Details of refuse and recycling storage and collection arrangements have not been supplied at this stage, and are to be secured through planning condition. The same applies to cycle parking details, these too will be secured through condition.

Summary:-

Transportation confirmed that with the amendments that (i) see the retention of an adequate depth servicing bay on the frontage (ii) improved front parking layout (iii) and reduction in width to the existing vehicle crossover that they remove their initial objection. The proposal can now be supported on Transportation grounds.

Second round of consultation following the installation of the wood burner:-

Letters were sent to 23 addresses inviting further comments to the revised plans, these letters were dated 14 May 2013.

The Heather Park Neighbourhood Watch Group (HPBNW), Brent Transportation and Environmental Health have also been re-consulted on proposals.

Additional representation received:-

HPBNW objected again (letter dated 13 June 2013) and submit a petition with 23 signatories, all opposing the application. This follows a letter of objection from HPBNW, dated 4 February 2013 and a petition with 31 signatories on it. It should be noted that there is a degree of overlap with these two petitions.

In addition to the objections already summarised above HPBNW raise the following:-

- The proposed reduction in parking numbers and the parking arrangement shown mean that access to spaces will be impractical when commercial vehicles visit the site.
- Again there is no provision for refuse bins, and it is likely these would be positioned on the frontage and would result in the loss of further parking spaces below the 4 shown.
- The operation of the business involves manufacturing which is contrary to the supporting details set out in the initial submission.
- The wood burner was installed without planning permission, or a permit from Environmental Health. This is in breach of Environmental Health regulations and it may be detrimental to local resident's. Furthermore operation of this wood burner has continued in spite of the fact the operator's do not have all the necessary permissions to do so. Use of it was reported over the May bank holiday.
- The current operator's have shown complete disregard to the Council by failing to meet its requirements and to local resident's.

Brent Transportation:-

As previously stated, Transportation re-confirm that the proposed change of use or increase in floorspace do not trigger an increase of the parking or servicing requirements. Under standard PS6 a building of this size would require 5 spaces, and with 75% of the standard to be met on the frontage this is acceptable. In terms of servicing then it is clear that the building was originally used as a form of factory/warehouse (Use Class B2/B8) without a 16.5m long bay suitable for articulated lorries, this was before it was converted into offices. So this proposal would see it reverting to its original use and on this basis it would be unreasonable to insist that a 16.5m loading bay be provided. As an absolute minimum though an 8m length bay must be retained.

Revised plans received show that an 8m length loading area will be maintained on the frontage so this is sufficient.

The same revised plans also propose the reduction in crossover width already discussed. This will be reduced to 4.5m which Transportation view as acceptable, along with the revisions to the car park layout and provision of 4 spaces. This is all as agreed previously.

No transportation objections to the revised plans subject to planning conditions being secured to submit further details of refuse and recycling storage arrangements and a minimum of 2 cycle spaces.

Environmental Health:-

As a direct response to resident's reporting the installation and operation of the wood burner Environmental Health Officer's visited the premises on ????, with further visits on ???. Officer's have also confirmed that they have received a small number of noise complaints about the operations on this site, particularly in respect of operations late in the evening and on Bank Holiday Monday's. However to date Nuisance Officer's have not established that a statutory nuisance has been caused in relation to these complaints, and have therefore not taken any formal action.

Due to the premises being located within an Air Quality Management Area (AQMA) and close to residential properties further details of the proposed extraction system were requested in order to establish that its emissions do not have a detrimental impact on air quality, or that it will not cause nuisance to nearby residents in terms of noise and odour.

In order to protect local residential amenity Officer's recommend that an hours condition be attached to any planning permission if granted. It is recommended that such a condition only allows the operation of the site equipment and other nuisance causing activities between the hours of 08:00 - 18:00 Monday to Friday and 08:00 - 13:00 on Saturday's and at no time on Sunday or Bank Holiday's unless otherwise agreed in writing by the LPA.

With regards to the extraction plant and wood burner E.H Officer's have confirmed that the operator's require a Environmental Permit (issued by EH) to operate. It is also confirmed that an application for this permit has been received, and on the basis of the information received and several site visits EH Officer's are minded to issue a permit for this.

If granted, the Environmental Permit will contain conditions designed to ensure that any potential for air pollution is minimised. In this case conditions that would include prohibition of any smoke from the burner, controls on the containment and handling of sawdust and wood waste, controls on ash handling and controls on what material can be burned. In addition the permit will contain management conditions designed to ensure proper control and maintenance of the equipment.

In the event that a permit is granted the site would be subject to regular inspections from EH Officer's to ensure compliance with the permit conditions. It is pointed out that permit conditions are enforceable wither directly by EH Officer's, or ultimately through the courts and can carry significantly higher penalties than statutory nuisance offences. EH Officer's are satisfied that the permitting scheme will provide a good level of continuous control over potential pollution from these premises.

REMARKS

Principle of development:-

1. This proposal is to extend the existing building for use by a company who are in the business of kitchen furniture production, assembly, packaging and distribution. An ancillary kitchen showroom will also be included, this will be conditioned for trade customers only and is not permitted for general visitors.

2 It has been confirmed that the day-to-day activity on site involves cutting and assembly of pre-manufactured wood, for kitchen furniture production. A wood burner is required on site to extract fine dust from wood cuttings and an internally located spray booth is used to absorb smells. This plant has already been erected to the rear of the premises.

3 Officer's consider that the type of operation will include a mixture of B2 and B8, with ancillary office space and kitchen showroom, and that it is not appropriate to describe the use as B1(c) light industrial, which the applicants had done initially. In any event, in policy terms this is an appropriate use within Strategic Industrial Land, and it will bring back into use a vacant building, and will provide an economic benefit to the area.

Size, scale & design of extension:-

4. The ground floor infill extension has been omitted from the proposal now and it is proposed to maintain a loading bay in this area (with roller shutter access). On the first floor it is proposed to extend the front building across, eastwards. The additional floor space at first floor level will provide additional office space.

5. The extensions are proposed to support the intended use of the building., and materials to be used will match those found on the existing building and the visual impact of the proposed extension is acceptable.

Transportation impacts:-

6. Officer's from Highways and Transport Delivery were initially concerned about the implications of the ground floor infill extension. As discussed above in the 'consultation' section concerns were initially raised on servicing grounds, and to the vehicle access arrangements. In response this infill extension has since been removed from the plans.

7. The scheme as amended now addresses each of the concerns raised, how this has been achieved is briefly set out below:-

- An 8m deep loading/servicing bay is to be maintained on the frontage. This will comply with UDP standard PS19.
- The front parking layout is to be improved, four parking spaces are proposed. The maximum standard, applying standard PS6, is for five parking spaces. However Transportation will accept 75% of this standard being provided off-street, and they have confirmed this level of parking to be acceptable.
- The existing vehicle crossover is excessively wide at 8.5m. The applicant has agreed to reduce the crossover width to 4.5m in accordance with drg 02B and this is welcomed. This should prevent vehicles from illegally crossing the footway to access spaces in the future.
- A new dwarf wall is to be erected to the eastern side of the access, along the frontage. This will prevent

vehicles from illegally crossing the footpath.

Impact on surrounding area, local air quality and residential amenity:-

8. The premises are bordered on either side by industrial and commercial premises. The proposed extension would not impact directly on these neighbours.

9. A material consideration is the impact of this proposal on highways safety. However this matter has been addressed to Officer's satisfaction, the revised plans proposing servicing and off-street parking have the support of Transportation Officer's.

10. Local residents and the HPBNW have objected to the proposal on these grounds. Their main concerns are related to traffic and parking, with concerns being raised that this will worsen traffic conditions on Beresford Avenue, and add to local parking congestion. The other main concern is the impact the use and the wood burner extraction system will have on local amenity in terms of increased noise and pollution.

11. In response to this Officer's consider that the use of the building is appropriate in planning policy terms for a site situated within designated Strategic Industrial Land, this is in compliance with Core Strategy policy CP19, and London Plan policy. The proposed extension does not trigger an increase in the parking or servicing standards either. The application instead provides the opportunity to secure improvements to the servicing arrangements, parking layout and the access arrangements, all of which are welcomed by Transportation.

12. The objectors refer to existing parking problems locally that are associated with nearby businesses parking vehicles along Beresford Avenue. However if other businesses locally are operating in a manner that is inconsiderate this on its own is not a reason to resist this proposal. It is appropriate to assess this application on its own merits, and Officer's are satisfied that it has been demonstrated that suitable parking and servicing arrangements will be provided off-street, in accordance with adopted UDP standards.

13. As previously discussed the application has been amended since its initial submission, one of the main reasons for this is to consider the wood burner that has been installed to the rear. Further consultation has taken place giving local residents and statutory consultees the opportunity to make further representation.

14. Further details of the plant have been provided and it is understood that the plant is required to extract all wood dust from the various cutting machines used in the furniture manufacturing and assembly process. This wood waste, a mixture of chipboard, MDF and solid timber then undergoes a burning process. It is submitted that the plant will burn 3200kg of waste wood over the course of a typical week. The actual piece of equipment has been transferred from applicant's other site on Athlon Road, where it was subject to regular inspections by Environmental Health for safety and compliance.

15. The site is located within an Air Quality Management Area (AQMA) and close to residential properties on Beresford Avenue. Accordingly the impacts of the wood burner on both of these have been assessed by Environmental Health. Since the wood burner was installed on site Environmental Health Officer's have made a number of visits to the site, the first of these was on 18/04/13. Noise Officer's have visited on a number of different occasions, but to date have not established that a statutory nuisance has been caused, therefore they have not followed this up with any formal action. As a safeguard measure a condition is recommended to restrict the hours of operation to no later than 6pm, this is recommended in light of the proximity of the site to residential.

16. Following the installation of the burner it has since been confirmed by E.H Officer's that the wood burner requires an Environmental Permit to operate. This is issued by Environmental Health. It is confirmed that permit application has been made by the operator's, further information was requested but E.H Officer's now advise that on the basis of the information received and in the light of several site visits to the property to inspect the premises they are minded to issue a permit to operate. So a draft permit was issued on 26/06/13, whereby Environmental Health agreed to the operation of the burner on a test basis. It should be noted that any Environmental Permit is independent of any planning permission. But it has been agreed by E.H that the operator can operate the burner on a trial basis so that they can assess their ability to comply with the permit conditions and any effect they may have on neighbouring amenity. The wood burner has been operating since the temporary permit was issued and since then Environmental Health have not received any noise, smoke or odour complaints relating to the use. The EH Officer visited the site on the 30th August in order to assess compliance with the permit conditions and found the site to be well run and largely in compliance with the proposed permit conditions. They are minded to grant the Environmental Permit for the operation, subject to planning permission being granted.

17. The Environmental Permit will contain conditions designed to ensure that any potential for air pollution is minimised. In this case E.H Officer's confirm these conditions will prohibit any smoke from the burner, place controls on the handling of sawdust and wood waste, controls on ash handling and controls on what material can be burned. In addition the permit will contain management conditions designed to ensure proper control and maintenance of the equipment. These should ensure its operation does not result in pollution, harm to local air quality or residential amenity.

18. As this would be classed as a 'permitted installation' the site would be the subject of regular inspections to ensure compliance with the permit conditions. Any failure to comply with the conditions of the permit are enforceable by Environmental Health. However in their experience E.H Officer's advise that the permitting regime provides a good level of continuous control over potential pollution.

19. On the basis of the above advice, and with the permit conditions in place it is considered that the wood burner will not be harmful to air quality or residential amenity.

Summary:-

20. There is no objection in principle to extending the premises and the use proposed is acceptable in planning policy terms. The revised plans which omit the ground floor 'infill' extension, in order to retain a suitably sized servicing/loading area on the frontage are considered to be acceptable and with the revised parking layout the scheme is assessed as being acceptable on transportation grounds. The impact of the wood burner on local air quality and residential amenity have both been duly considered. E.H Officer's confirm that as a 'permitted installation' then any such permit would be subject to a number of conditions to ensure that any potential for air pollution is minimised. With this safeguard in place then its use can be supported.

21. It is accordingly recommended that planning permission be granted, subject to the attached conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

National Planning Policy Framework 2012
LDF Core Strategy 2010
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
Employment: in terms of maintaining and sustaining a range of employment opportunities
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):

Dwg 01A
Dwg 02B (dated 22/01/13)
Dwg 03A (dated April 2013)

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) The existing vehicle access shall be altered in width fully in accordance with the details hereby approved and as shown on drawing 02B (dated 22 Jan 2013), and such works shall be fully completed within 3 months of the date of decision.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- (5) The front forecourt area shown on the approved plans shall be retained and shall be used only for the purposes of parking and loading/unloading in association with the approved use of the building.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways and to maintain specified servicing area.

- (6) (a) Details including loading bays and accesses

All parking spaces, loading bays, access works and front boundary wall works shall be constructed and permanently marked out no later than 3 months from the date of decision.

(B) Parking spaces 2.4m x 4.8m

All parking spaces shall be constructed with minimum dimensions 2.4m x 4.8m.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety within the site and along the neighbouring highway.

- (7) The office floorspace hereby approved shall be used only in conjunction with and ancillary to the main approved use of the building and for no other purpose.

Reason: To ensure that no separate use commences without the prior approval of the Local Planning Authority and to ensure that any subsequent use complies with the Council's adopted policies for the area.

- (8) Any kitchen showroom floorspace shall be used by trade customers only, and not by visiting members of the public, and shall not be separately occupied from the main premises, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the building is not occupied by a stand alone A1 retail use in Strategic Industrial Land and an out of centre location, in accordance with policies EMP8 and SH5 of Brent's Unitary Development Plan 2004.

- (9) The operation of site equipment generating noise audible at the site boundaries shall only be carried out between the hours of 0800 - 1800 (Mon-Fri), 0800-1300 Saturday's and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason; To protect the amenity of neighbouring residents.

- (10) (a) Details of adequate arrangements for the storage and disposal of refuse and recyclable material shall be submitted within 1 month of the date of decision for approval, and implemented fully within 2 months of the date of approval in writing of the Local Planning Authority.

(b) Details of the provision of a minimum of 3 secure cycle parking spaces shall be submitted

within 1 month of the date of decision for approval, and implemented fully within 2 months of the date of approval in writing of the Local Planning Authority and these facilities shall be fully retained thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure satisfactory facilities for cyclists

INFORMATIVES:

- (1) If the development is carried out it will be necessary for alterations to be made to the existing crossing over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Should Application for such works should be made to the Council's Safer Streets Department, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 020 8937 5050. The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.
- (2) Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
 - (a) illuminated fascia signs
 - (b) projecting box signs
 - (c) advertising signs
 - (d) hoardings

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