



Planning Committee Map

Site address: Land rear of 270 to 288, Neasden Lane, London

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This map is indicative only.

RECEIVED: 29 October, 2013

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: Land rear of 270 to 288, Neasden Lane, London

PROPOSAL: Redevelopment of vacant land to form single storey office unit (use class B1a) with four associated parking spaces to land off Cairnfield Avenue, NW2 and to the rear of Neasden Lane

APPLICANT: Pinkrose Limited

CONTACT: Marc Rawcliffe - arc7

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

Grant Consent

CIL DETAILS

This application is liable pay the Community Infrastructure Levy (CIL). The total amount is £12,126.56 of which £6,400 is Brent CIL and £5,725.56 is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The application site comprises a triangular piece of land located next to the rear service road behind Nos. 270 to 288 Neasden Lane. It abuts the rear gardens of Nos. 47 to 59 Chartley Avenue. The site is accessed via Cairnfield Avenue.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain
assembly and leisure	0		0	0	
businesses / research and development	0		0	0	
businesses and light industry	0		0	0	
businesses and offices	0		0	160	
drinking establishments (2004)	0		0	0	
financial and professional services	0		0	0	
general industrial	0		0	0	
hot food take away (2004)	0		0	0	
hotels	0		0	0	
non-residential institutions	0		0	0	
residential institutions	0		0	0	
restaurants and cafes	0		0	0	
shops	0		0	0	
storage and distribution	0		0	0	

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0		0	160	

Monitoring Residential Breakdown

Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
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Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
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PROPOSAL

Redevelopment of vacant land to form single storey office unit (use class B1a) with one off street parking space and one servicing bay to land off Cairnfield Avenue, NW2 and to the rear of Neasden Lane

HISTORY

4. Planning history

12/1443: Full Planning Permission sought for redevelopment and part change of use of vacant land (parking area) off Cairnfield Avenue, NW2 and to the rear of Neasden Lane to create new single storey B1 light industrial unit with associated improvements to existing parking and access roadway - **Dismissed on Appeal, 27/08/2013.**

312 - 314 Neasden Lane

13/2865: Removal of condition 3 (parking spaces to the rear of Cairnfield court) of planning permission 90/2038 granted 13/03/1991 for conversion to 6 self contained flats and managers accommodation (as accompanied by letter from Apcar Smith Planning dated 9 September 2013) - **Granted, 21/11/2013.**

POLICY CONSIDERATIONS

Brent's UDP 2004

BE3: Urban Structure - Space & Movement
BE4: Access for Disabled People
BE5: Urban Clarity & Safety
BE9: Architectural Quality
BE17: Building-Services Equipment
EP2: Noise & Vibration
EP3: Local Air Quality Management
EMP2: Small and Medium Sized Enterprises
TRN3: Environmental Impact of Traffic
TRN22: Parking Standards - Non Residential Developments
TRN34: Servicing in New Development

Supplementary Planning Guidance

SPG17 "Design Guide for New Development"

CONSULTATION

Consultation Period: 07/11/2013 - 28/11/2013

99 neighbours consulted

One petition with 9 signatures received raising the following objections to the proposal:

Objection	Officer Comment
Land used for parking without interruption for in excess of 25 years by business owners, staff and residents of 27-288 Neasden Lane and Cairnfield Court;	The lawful use of the land is as car parking for 312 to 314 Neasden Lane. This formed part of condition 3 of planning permission reference: 90/2038. An application was recently granted to remove this condition - LPA Ref: 13/2865.
Alley gating scheme - proposed to bring back into use as parking	See comments above.
Service road vital for loading and unloading	A servicing bay will be provided - See comments on servicing within the remarks section below.
Construction would impact on use of service road	A Construction Method Statement is recommended to be conditioned as part of any forthcoming planning consent that will require information to minimise the impact on the use of the service road during construction.
Land should be compulsory purchased by the Council	This falls outside the remit of the planning application site.
No turning, parking, space for loading, pedestrians	A servicing bay and car parking space will be provided - see comments in remarks section below.

Internal Consultation

Transportation - objections raised to the original car park layout proposing four off street parking spaces and no servicing facility on the following grounds:

- the building as shown is incapable of providing adequate servicing facilities contrary to Policy TRN34 of the UDP-2004
- provides excessive levels of car parking, which also does not comply with standard dimensions to the detriment of highway safety and contrary to Policy TRN22 of the UDP-2004
- poor pedestrian access to the site fails to comply with Policy TRN10 of the UDP-2004

Environmental Health - No objections subject to conditions in relation to air quality and construction and noise.

REMARKS

Existing

1. The application site comprises a triangular piece of land located next to the rear service road behind Nos. 270 to 288 Neasden Lane. It abuts the rear gardens of Nos. 47 to 59 Chartley Avenue. The site is accessed via Cairnfield Avenue.

2. The site is currently vacant and is subject to fly tipping. It previous lawful use was as a car park for six flats at Nos. 312 to 314 Neasden Lane and managers accommodation. It formed part of the 1991 planning permission (LPA Ref: 90/2038) and was restricted as car parking to be used only by 312 to 314 Neasden Lane by a planning condition to the 1991 planning permission. This condition has recently been removed as part of application ref: 13/2865. It is noted from aerial photographs taken between 2005 and 2008 that this site had fencing around the perimeter.

Relevant planning history

3. Planning permission was refused on 01/08/2012 for the redevelopment and part change of use of vacant land (parking area) off Cairnfield Avenue, NW2 and to the rear of Neasden Lane to create new single storey B1 light industrial unit with associated improvements to existing parking and access roadway (12/1443). The reasons for refusal include:

The proposed change of use of the site from residential parking to B1 use class with erection of a commercial unit will cause the loss of dedicated parking required for flats provided at 312-314 Neasden Lane and as such the proposal will have an unacceptable impact to on-street parking in the locality contrary to UDP(2004)

policies TRN23, TRN27 and PS14.

The siting of the proposed B1 unit with its access footpath placed on the service road and its provision of four non-standard parking spaces and no disabled space will result in a reduction of road width for the servicing of existing shops and residences along 270-288 Neasden Lane and a loss of openness in character of this section of service road with a blurring of urban clarity in relation to walkability and safety, and lack of detail regarding refuse storage and collection considered detrimental to pedestrian and highway safety contrary to policies UDP(2004) policies BE2, BE3, BE4, BE5, TRN3, TRN10, TRN22 and TRN34

The proposed B1 unit by reason of its excessive size and scale and proximity to site boundaries would be detrimental to the amenities of the adjoining residents particularly nos. 51, 53, 55 and 57 Chartley Avenue and would have a detrimental impact to the enjoyment of the dedicated amenity space for residents at Cairnfield Court located adjacent to the proposed unit. As such, the proposal is contrary to policies BE9 and principles set out in Supplementary Planning Guidance 17 (SPG17).

4. The application was dismissed on appeal on 27/08/2013. The grounds for dismissing the appeal relate to access and servicing.

Proposal

5. This application proposes the same building as per the previous scheme but is now to be used as a B1(a) office rather than general B1 use. In principle the use is acceptable and complies with EMP2 which supports small scale enterprises.

Design of the building and impact upon neighbouring amenity

6. The building is of the same footprint and height as the previous application and is located in the same location within the site. The only difference to the elevations is that the shutter doors which face onto the service road have been removed and replaced with two windows. Whilst the previous application included a reason for refusal in relation to the building having a detrimental impact upon the amenities of adjoining residential occupiers, when considered at appeal the Inspector took the following view:

"The single storey flat-roofed building would not look substantially out of place in the context of existing local built development when viewed against the rear of adjacent buildings of mixed architectural style. Nor would it stand so close to the windows of dwellings in Chartley Avenue and Cairnfield Court to damage their outlook or appear overbearing, given the intervening distances and the presence of boundary fences and vegetation. The proposed development would strictly infringe Council's SPG17 with respect to the 45 degree principle. However, the evidence of the appellant, based on the accepted methodology of the BRE, is that, in practice, there would not be significant reduction in natural light reasoning neighbouring residential buildings". A Daylight and Sunlight assessment has also been included as part of this application.

7. Given that the building is no larger than the one considered on appeal, it is considered to not have an adverse impact upon the amenities of neighbouring occupiers through loss of outlook or light.

8. The Inspector also considered that the impact of the use of the building upon neighbouring amenity and states that neither is it likely that the proposed Class B1 use would give rise to a need for special noise insulation measures. The use still falls within use class B1, and as such special noise insulation measures for the building is not required.

9. However consideration needs to be given to servicing equipment such as air conditioning units which will be externally mounted and does have the potential to be harmful to neighbouring amenity through noise nuisance. To overcome this, it is recommended that a condition is attached to any forthcoming planning consent requiring details of all equipment to include a noise assessment which demonstrates that when in use the equipment will be 10dA below background noise level.

Car parking, servicing and access arrangements

- Car parking

10. The previous application was refused on the grounds of loss of parking for 312 to 314 Neasden Lane and the impact of overspill parking. The requirement for parking at 312-314 Neasden Lane within the site has since been removed, based on the findings of the appeal decision.

11. The main consideration of this application relates to the servicing and parking for the B1(a) use and impact upon highway and pedestrian safety.

12. The proposed B1 (a) unit car parking standards are set out in PS6 of the UDP-2004 where 1 car space can be permitted per 300sqm floor area, in major town centres where PTAL ratings are good. The site is located in Neasden Town Centre and PTAL4; the proposed unit has a floor area of 160sqm therefore one car space would be acceptable. Officers in Transportation raised concerns with the original layout which proposed four off street parking spaces due to the insufficient size and excessive number of parking spaces. They advised that cars overhanging spaces of insufficient size or struggling to manoeuvre into and out of spaces would lead to obstruction of the service road, to the detriment of highway and pedestrian safety.

13. To overcome the above concern, a revised car parking layout has been submitted which proposes one on site car parking space. This space measures 2.4m wide by 4.8m deep which is the size of a standard car parking space. Officers in Transportation had raised concerns with the limited width of the service road and difficulties for vehicles manoeuvring into and out of space; to overcome this concern an area of hatching is proposed which will increase the width for maneuvering to 4.1m , allowing more space to ensure the vehicle can park safely.

- *Servicing*

14. Servicing requirements for the building are set out in standard PS19 of the Unitary Development Plan 2004. This requires that units between 100m² and 280m² gross floor area to have loading bays that can accommodate an 8m rigid vehicle (i.e. a Luton Van or box van). The original proposal provided no service bay. The lack of servicing was of concern for officers in Transportation due to vehicles blocking the service yard. This was also raised by the Planning Inspector as part of the previous appeal. To overcome this concern a servicing bay has been provided on site (measuring 8m by 2.8m) which can accommodate a transit sized vehicle. It is considered that a transit sized vehicle is sufficient to service an office use which is likely to have smaller deliveries such as paper and other office equipment. As part of any forthcoming consent it is recommended that the use is restricted to use class B1(a).

- *Pedestrian access*

15. The service road is lit and is currently used to access the flats above the shops on Neasden Lane. It is also overlooked by windows within Cairnfield Court. Windows within the front elevation of the proposed building will also increase surveillance of the service road.

16. The main pedestrian access is via a recessed entrance on the front of the building next to the service road. Whilst visibility will be restricted due to the building being sited up to the service road, it should be noted that the service road is lit and vehicles travelling down the service road are restricted as there are alley gates to the service road.

Cycle parking and refuse facilities

17. The revised plans do include an area for refuse and recycling storage, and these details are acceptable. The storage area is at the eastern side of the building, and will be within carry-distances for both office workers and waste collection staff.

18. B1 units are required under PS16 of the UDP-2004 to provide cycle parking at a rate of 1 space per 125sqm, and with a minimum of two spaces. The Design & Access statement offers options for internal or external storage which are welcomed but this would need to be shown within the submitted plans. This could however be resolved via condition as part of any forthcoming planning consent.

Other matters

19. The site is located within an Air Quality Management Area. Environmental Health have requested that a Construction Method Statement is submitted. This can be conditioned to any forthcoming planning consent

Conclusion

In conclusion, the proposal will bring a vacant site that has been subject to fly tipping back into use. The building is not considered to have an adverse impact on the amenities of neighbouring occupiers and provides an acceptable level of on site servicing and car parking.

Approval is accordingly recommended subject to the conditions as set out in the decision notice.

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:-

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):

3.001 - OS Site Location Plan
3.004 - Proposed Ground Floor and Roof Plans
3.005 - Proposed Elevations

IC/166/02/11
IC/166/02/12
IC/166/02/13
IC/166/02/14

Supporting Documents

Proposed daylight and sunlight effects of proposed commercial development, Neasden, London (Prepared by BRE)

Addendum - Sunlight to Gardens around proposed commercial development, Neasden (Prepared by BRE)

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

- (3) The premises shall be used only for purposes within Use Class B1(a) defined in the Town and Country Planning (Use Classes) Order 1987 as amended, unless otherwise agreed in writing by the Local Planning Authority.

Reason: No separate use should commence without the prior approval of the Local Planning Authority in order to ensure that use of the premises does not prejudice the amenity of the

area.

- (4) The car parking space and hatchings and loading bay which shall include "loading bay" marked on the floor in addition to the sign shall be marked out prior to first occupation of the development hereby approved and thereafter permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety.

- (5) Details of materials for all external work, including samples to be prearranged to be viewed on site, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (6) Prior to commencement of the development a Construction Method Statement shall be submitted to and approved by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The Statement shall also include information to minimise the impact on the use of the service road during construction.

Reason: To safeguard the amenity of the neighbouring occupiers by minimising impacts of the development that would otherwise give rise to nuisance.

- (7) Prior to the installation of any plant equipment such as air conditioning units, a noise assessment shall be submitted providing details of the noise level from any plant equipment together with any associated ducting, to be 10dB(A) or greater below the measured background noise level at the nearest noise sensitive premises. The method of assessment shall be carried out in accordance with BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'. In the event that the predicted noise levels of the plant exceed 10dB(A), a scheme of insulation works to mitigate the noise shall be submitted to and approved by the Local Planning Authority prior to commencement of the use of the plant.

Reason: In the interests of the amenities of neighbouring residential occupiers.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Victoria McDonagh, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5337