

Committee Report
Planning Committee on 30 June, 2010

Item No. 13
Case No. 10/0586

RECEIVED: 9 March, 2010

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 3 Kingswood Road, Wembley, HA9 8JR

PROPOSAL: Erection of a light-industrial building (Use Class B1c) comprising 3 smaller units, a loading/servicing area, 7 parking spaces, a cycle-storage area and associated landscaping.

APPLICANT: Logistics London (Edmonton) Ltd

CONTACT: Mark Baldwin Design

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

RECOMMENDATION

Approve

EXISTING

This application relates to a site on the northern side of Kingswood Road, which is a narrow adopted service road running along the back of commercial units fronting Wembley Park Drive. Kingswood Road is accessed from Elmside Road which is a cul-de-sac off Wembley Park Drive. The site is not within a Conservation Area. It backs onto the Wealdstone Brook, which runs across the northern side of the site. To the west side of the site, are the back gardens of 8-14 Elmside Road, the shortest being approximately 23m long. At the end of 11-12 Elmside Road is a garage block accessed from Kingswood Road.

PROPOSAL

Planning permission is sought for the erection of a light-industrial building (Use Class B1c) comprising 3 smaller units, a loading/servicing area, 7 parking spaces and a cycle-storage area. The proposal includes a significant 5 metre wide strip of landscaping between the rear gardens of properties in Elmside Gardens and the proposed building to be planted with trees and shrubs. An 8 metres landscaped strip is also located to the rear of the site alongside the Wealdstone Brook.

HISTORY

15/05/2009 Planning permission refused for the erection of a light-industrial building (Use Class B1) consisting of 5 smaller units, a loading area, 0 parking spaces and cycle-storage area to front and associated landscaping (Ref:09/0490).

08/03/2008 Enforcement notice served siting that without planning permission, the material change of use of the land to a public house, functions and entertainment centre and the erection of tents, marquees and palisade fencing, and the formation of a raised decide. Enforcement notice upheld following an appeal and direct action taken on to remove the unauthorised structures.

Two earlier applications for industrial/warehouse developments on this site were refused in 2002 and 1999.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE2 – Townscape Local Context & Character

BE5 – Urban Clarity & Safety

BE7 – Public Realm – Streetscape

BE9 – Architectural Quality

BE17 – Building-Services Equipment

EP2 – Noise & Vibration

EP12 – Flood Prevention

H22 – Protection of Residential Amenity

TRN3 – Environmental Impact of Traffic

TRN10 – Walkable Environments

TRN11 – The London Cycle Network

TRN22 – Parking Standards – non-residential developments

TRN34 – Servicing in New Development

TRN35 – Transport Access for Disabled People & others with Mobility difficulties

EMP15 – Location of B1 Business Development

OS14 – Wildlife Corridors

SPG17 - Design Guide for New Development

Considerations:

- Visual impact on local context
- Impact of proposed use on parking/ servicing/ access
- Impact on local residential amenities and adjoining businesses
- Noise and disturbance associated with the development
- Flood Risk
- Wildlife Corridor

CONSULTATION

Consultation letters dated 22/03/09 were sent to 104 properties.

3 letters of objection received raising the following issues:

- The proposal will alter the residential status of Elmside Road and have a negative impact on the character of the area.
- The proposal will increase traffic congestion as all vehicles to the site will have to pass through Elmside Road and this is already congested.
- This will lead to excessive noise on Kingswood Road.
- This will lead to parking problems on Kingswood Road.
- The development will lead to drainage and rodent problems.
- The introduction of this use will be detrimental to the occupiers of residential properties which adjoin the site.
- As the site lies within the flood plain of Wealdstone Brook it is liable to flooding.

Environment Agency – No objections in principle provided a landscape management plan condition is attached to any permission.

Brent Transportation Unit – No objection.

Landscape Design – Have confirmed that the approach in terms of landscaping is acceptable with the provision of a 5m wide landscaping to the rear of gardens in Elmside Road and an 8 metres buffer alongside the Wealdstone Brook. Recommend a condition to secure more details.

Environmental Health – Requested conditions concerning loading times for delivery vehicles, construction hours, limitations on noise-generating, acoustic details and a site investigation to consider the potential for any land contamination.

Further to this the applicant has confirmed the sound insulation details, that there is to be no air conditioning as passive ventilation and normal conventional ventilation such as trickle ventilation, and that no flood lighting is proposed only minimal security lighting on light sensors. On the basis of this Environmental Health Officer's have confirmed this to be ok and that no further issues need to be addressed,

Thames Water - Not formally consulted but their recommended informative in relation to application 09/2490 is applicable and has been attached.

REMARKS

Summary

Most recently the site has been used without planning permission as a public house, function and entertainment centre with the associated erection of tents, marquees and palisade fencing, and the formation of a raised decking area. Enforcement action eventually resulted in the cessation of this use and the removal of the unauthorised structures. A recent site visit confirmed that the use has ceased and that the unauthorised structures have all been removed. A similar application for the erection of a light industrial building consisting of five smaller units was refused last year because of its excessive size and overbearing relationship to adjoining houses, inadequate space for servicing and its encroachment into the 8 metre wide buffer required alongside the Wealdstone Brook which runs along the back of the site.

This current proposal overcomes these issues by reducing the size and height of the building and setting it in 5 metres from the boundary with neighbouring gardens, providing an 8 metre wide buffer to the brook which will be suitably landscaped to the Environment Agencies specification, reducing the number of individual units and increasing the size of the servicing area to the front of the units. Significant landscape improvements are offered, particularly along the brook and to the rear of adjoining gardens, sufficient parking is provided and officers are satisfied that with appropriate conditions to control mechanical plant, noise and hours of operation the revised scheme can be supported.

Proposal

The current application proposes the erection of a light industrial building (Use Class B1c) consisting of three smaller units and a loading area, 7 parking spaces and cycle storage area to front and associated landscaping to site.

The proposed building measures 6m high to the top of its pitch, with an eaves height of 3m and is 30.4m long on its western elevation (closest to the boundary with gardens of properties fronting Elmside Road.) and 13m along its eastern elevation. The building is set a minimum of 5m from the western boundary. The eastern elevation of the building is set in from the eastern boundary by 1m. At its eastern boundary, the side borders Kingswood Kitchens, a commercial building at 5 Kingswood Road.

The proposed unit is acutely angled at its northern end in order to provide an 8m building-free buffer zone to the Wealdstone Brook. The sloping roofed building is subdivided into 3 units (unit 1 is 171sqm, unit 2 is 130sqm and unit 3 is 58sqm).

It is noted that the proposal also incorporates high-level rooflights in either side of the building. Although these may be permitted in principle to provide light for the ground-floor a mezzanine floor would be resisted as unacceptable intensification of the site. However, the drawings do not detail a mezzanine, and this would in any event require a new application.

Members should be aware that the current proposal is a reduced form of development when compared to the previous scheme refused under application 09/0490. The proposed maximum height of 6.2m is less than the previous proposal for 7m. The scale of the building has been reduced, the western elevation previously proposed at 38m along the western elevation has been substantially reduced to 30.4m long and the building set away from the western boundary by a minimum 5m and maximum 6.4m, as opposed to the previous distance of 1m away from the boundary.

Design and Appearance

The revised building design includes a series of pitches, resulting in a traditional "saw tooth" design. The building is proposed to be constructed in facing dwarf brick wall with vertical timber board cladding above. These materials will soften the appearance of the building. The roof is to be colour coated profiled sheet roofing. The front elevation is to include 3 roller shutter doors, with high level windows. In any event a condition is recommended to require the submission and approval of all external materials.

Impact on adjoining residential amenities

The proposed building is to be within 5m of the back edge of gardens along Elmside Road, it spans the full width of gardens to No's 9 and 10 but these properties will be 26m away from the building. The proposal has been assessed against guidelines within SPG17. It comfortably meets the indicative 45 degree line 2m above the shared boundary adjoining the gardens. The siting of the building 5m from the boundary spanning a length of 30.4m is considered to be a marked improvement on the previous application which due to its siting within 1m and subsequent massing was considered unneighbourly and to relate poorly to neighbouring amenities in terms of loss of light and outlook. The proposed massing and siting in relation to the current application is considered to be of a size and scale that will not result in conditions detrimental to the amenities of adjoining residential properties. No conflict is found with policies BE2 and BE9 of Brent's Unitary Development Plan.

It was observed on site that there is an existing screen of trees which runs along the back edge of gardens in Elmside Road, this is outside the application site and should remain unaffected by the proposed development. In addition to this the proposal includes scope for a new screen of trees within the application site, to be planted within the 5m wide landscaping strip proposed along the western boundary. As well as providing a visual screen between the residential properties and contributing to the visual amenities of the area the proposed screen of trees will provide sound attenuation benefits. Further landscaping details will be the subject of a site wide landscaping condition but at this stage the plans demonstrate that the applicants are proposing 5 x Alder trees along this boundary and mature shrubs.

The nature of a proposed light industrial, B1c use is that in principle, such uses may co-exist with adjoining residential properties. However, in order to assess impact on the local area, hours of operation, sound insulation details both to attenuate externally and between units, as well as details of air conditioning/ plant/ machinery and lighting were needed. The applicant has submitted this information and Environmental Health confirm that they are satisfied with the proposed measures. In order to protect the amenities of nearby residents a condition is recommended to control the hours of use to 0800 -1800 (Mon-Fri) and 0800 - 1300 (Sat), with no use permitted on Sundays or Bank Holidays.

The submitted drawings indicate that the proposed external cladding will be sound-proofed and the Local Planning Authority would need details of the anticipated noise levels generated by the proposed uses, and existing background noise levels in order to ensure that the proposed development does not generate noise levels within 10dB below the existing background noise level, (which is when noise nuisance is anticipated,) otherwise the proposal will fail Unitary Development Plan Policy EP2. A condition will be attached to ensure acceptable noise levels are observed.

Parking/ servicing / access

Kingswood Road is a 6m wide adopted highway. Double-yellow markings are found along the northern edge of this road along part of it and directly in front of the application site. The remainder of the northern edge of Kingswood Road is dedicated to vehicle parking, which is restricted to permit holders only on Wembley Event Days.

When commenting on the previous application 09/0490 highways had raised objections to the proposed layout as it had not been demonstrated that vehicles could adequately service the proposed buildings due to the lack of space for the turning and standing of servicing vehicles within the site. The revised layout is now more conducive to servicing within the site, and a loading area, 16m deep to the front of the buildings will allow the units to be serviced by an 8m rigid vehicle. This shared servicing area is of sufficient depth to achieve this, and also provides enough space to ensure vehicles can turn within the site, even in the event of each of the loading bays being occupied. The layout now satisfies policy PS19, and in doing so overcomes transportations previous objections in relation to the earlier scheme.

The site has PTAL 4- good access to public transport. If the proposal is considered on the basis of 3 separate units, the Unitary Development Plan policy TRN22 and PS6 permits up to 3 parking spaces, one for each of the proposed units, and one additional space for disabled parking, to satisfy policy PS15. The proposed 7 parking spaces represent over provision in parking terms, and Transportation advice is that the number of spaces be reduced to 4 (inc 1 disabled bay). The site is not within a CPZ, and the Local Planning Authority would seek to ensure that the proposal does not result in overspill parking spaces on the narrow access road, which is highly constrained.

Your Officer's have taken into account Transportation advice to reduce parking numbers from 7 to 4, but have set aside this request. Kingswood Road is a narrow road, which is quite heavily parked and under pressure for parking from existing uses along Wembley Hill Road. Given the parking conditions and concerns raised by residents that there will be further on-street parking pressures and overspill parking from the use it would be reasonable to have additional parking given the restrictions of Kingswood Road. Officers' are recommending that an overprovision in parking be supported. The extra three spaces would provide extra visitor parking within the site, meaning there is less likelihood of overspill parking on surrounding roads.

In terms of servicing, each of the 3 units will have access to a loading bay capable of servicing by an 8m rigid vehicle, whilst the site should have capacity for a refuse truck of up to 8m long to manoeuvre without obstructing the narrow highway outside the site. The 16m deep loading area is sufficient to enable vehicles to negotiate and turn.

Refuse storage is proposed in two locations within the front yard area. This would be serviced by a commercial company rather than Brent.

The proposed cycle store exceeds Unitary Development Plan guidelines, PS16 which requires at least 2 spaces, however this overprovision is supported.

The proposed layout depicts access to the site from Kingswood Road by way of an 8m wide access, with a 6m wide gate set back 3m from Kingswood Road. Tracking drawings have been provided which demonstrate the access is sufficient in width to accommodate turning into and out of the site. There is a minor transportation concern in terms of vehicles emerging from the site due to the lack of any footway, however this is an existing situation. A separate pedestrian access and route is proposed around the edge of the front parking area and this is welcomed.

Proximity to Wealdstone Brook

Pre-application advice from the Environment Agency was that a full flood risk assessment (FRA) would not be required as the site falls outside of Flood Zones 2 and 3. It is recommended that the finished floor levels of the building are a minimum of 300mm above the 1 in 100 year flood level for the Wealdstone Brook, adjacent to the site, or that flood proofing measures are considered.

This application demonstrates an 8m buffer to the Wealdstone Brook, and details that gravel and landscaping is proposed for this area. The Environment Agency has indicated that further details of this area and its management could be dealt with by condition. In any event a side wide landscaping condition will require further approval.

Consideration of objections

Concerns relating to the impact on traffic and parking, and surrounding residential amenities have been discussed in detail in the above report.

Concerns have been raised that the use proposed would have a negative impact on the character of the area. Whilst acknowledging the concerns of the objector, Officers consider this area is already mixed in character, at present. Wembley Park Local Centre has a range of shops and services, and close by on roads such as Elmside Road traditional suburban housing is found. The application site is to the rear of residential and commercial properties and not visible from adjoining roads, it is therefore not considered the introduction of the proposed building and B1c uses would significantly alter or harm the character of what is already an area containing a mix of uses.

An objector has also stated that excessive noise would cause a problem. Environmental Health have assessed the proposal and do not object, however they recommend a range of conditions concerning hours of use, noise-generating equipment should be limited, and acoustic details. These measures should ensure noise disturbance does not become a problem for surrounding properties. Furthermore the permission is restricted to B1c uses only and this can generally co-exist where it adjoins residential properties without causing harm. General Industrial uses (Use Class B2) are not permitted for the site.

An objector has concerns with the proposal as the site is liable to flooding. Whilst acknowledging this concern the Council has consulted with the Environment Agency, who have responded to confirm they have no objection and that the site is outside of Flood Risk Zone 2 or 3, and therefore a full Flood Risk Assessment would not be required.

Objectors concerns that the use will cause drainage problems and increase the presence of rodents in the area are not material planning considerations to take into account in the determination of the proposal.

Summary

On balance, the proposal as submitted has addressed reasons for refusing the previous application concerning impact on residential amenities, traffic and parking and the relationship to the Wealdstone Brook. The revised proposal is a reduced form of development, moved further away from the back gardens of properties along Elmside Road (5m). The revised layout will allow sufficient space for the establishment of shrubs and alder trees within the site, which would be suited to the location, and help to reduce the visual massing of any proposed building. Accordingly the building is considered to have an acceptable relationship that will not unduly harm neighbouring residential amenities. The revised layout also demonstrates that the proposed units can be adequately serviced by vehicles. And finally the 8m buffer zone which is to be landscaped in accordance with Environment Agency guidelines will ensure protection of wildlife, secure opportunities for enhancing nature conservation value and appropriate flood mitigation.

The application falls below the threshold of 500 square metres of new floor space that would trigger a requirement for a s106 contribution.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-
Brent Unitary Development Plan 2004
Council's Supplementary Planning 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
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
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):

Site Location Plan (1:1250)
MB/1675/1, RevC (1:200)
Design & Access Statement

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

- (3) The areas approved by the Local Planning Authority for car parking, loading, unloading and parking of service vehicles; vehicle turning space; and parking and access provision for disabled persons shall be used only for those purposes.

Reasons: To ensure that these areas are permanently retained for these uses in compliance with the Council's parking and servicing standards, in the interests of the general amenities of the locality and in the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways.

- (4) The premises shall not be used except between the hours of 0800 and 1800 Mondays to Fridays, 0800 and 1300 Saturdays and at no time on Sundays or Bank Holidays without the written consent of the Local Planning Authority.

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

- (5) Any extract ventilation fan shall be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any plant (e.g., refrigeration, air-conditioning), together with any

associated ducting, shall be 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". Should the predicted 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: To safeguard the amenities of the adjoining occupiers.

- (6) The internal layout of the building(s) 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.

- (7) The premises shall be used only for the purpose of B1c and for no other purpose (including any other purpose in Use Class B1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority.

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

- (8) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;

(b) proposed walls and fences indicating materials and heights;

(c) screen planting along the western boundary;

(d) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;

(e) areas of hard landscape works and proposed materials;

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- (9) All parking spaces (turning areas, loading bays, and footways) shall be constructed and permanently marked out prior to commencement of use of any part of the approved development approved by the Local Planning Authority.

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.

- (10) Details of materials for all external work, including samples, 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.

- (11) Prior to the commencement of building works hereby approved, a site investigation shall be carried out by a person approved by the Local Planning Authority to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to an approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found. The results of the investigation shall be submitted to the Local Planning Authority and any remediation measures required by the Local Planning Authority shall be carried out in full.

Reason; To ensure the safe development and secure occupancy of the site.

- (12) A verification report shall be provided to the Local Planning Authority stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Local Planning Authority has previously confirmed that no remediation measures are required).

Reason; To ensure the safe development and secure occupancy of the site.

- (13) Prior to the commencement of development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried thereafter as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason; To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

- (14) Prior to development commencing the site should be surveyed for non-native species such as Japanese Knotweed and Giant Hogweed. Should either of these be found then a method statement for the lawful elimination of these species on site shall be submitted to and approved in writing by the Local Planning Authority and thereafter the works shall be undertaken in accordance with these approved details

Reason: Japanese Knotweed is an invasive non-native plant, which is restricted under s14 of the Wildlife and Countryside Act 1981. It is regarded as controlled waste.

INFORMATIVES:

- (1) In relation to Condition 13, the Environment Agency advises that new planting should consist of locally native shrubs and grasses. In this location trees such as Hazel, Hawthorn and Mountain Ash would be appropriate.

The 8m buffer zone should be without structures, hard standing, footpaths, fences or overhanging development and should not include formal landscaping

- (2) With regard to surface-water drainage, it is the responsibility of a developer to make proper provision for drainage to ground-water courses or surface-water sewer, to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on- or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

REFERENCE DOCUMENTS:

London Borough of Brent, UDP 2004
SPG17 'Design Guide for New Development'

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 Kingswood Road, Wembley, HA9 8JR

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



This map is indicative only.