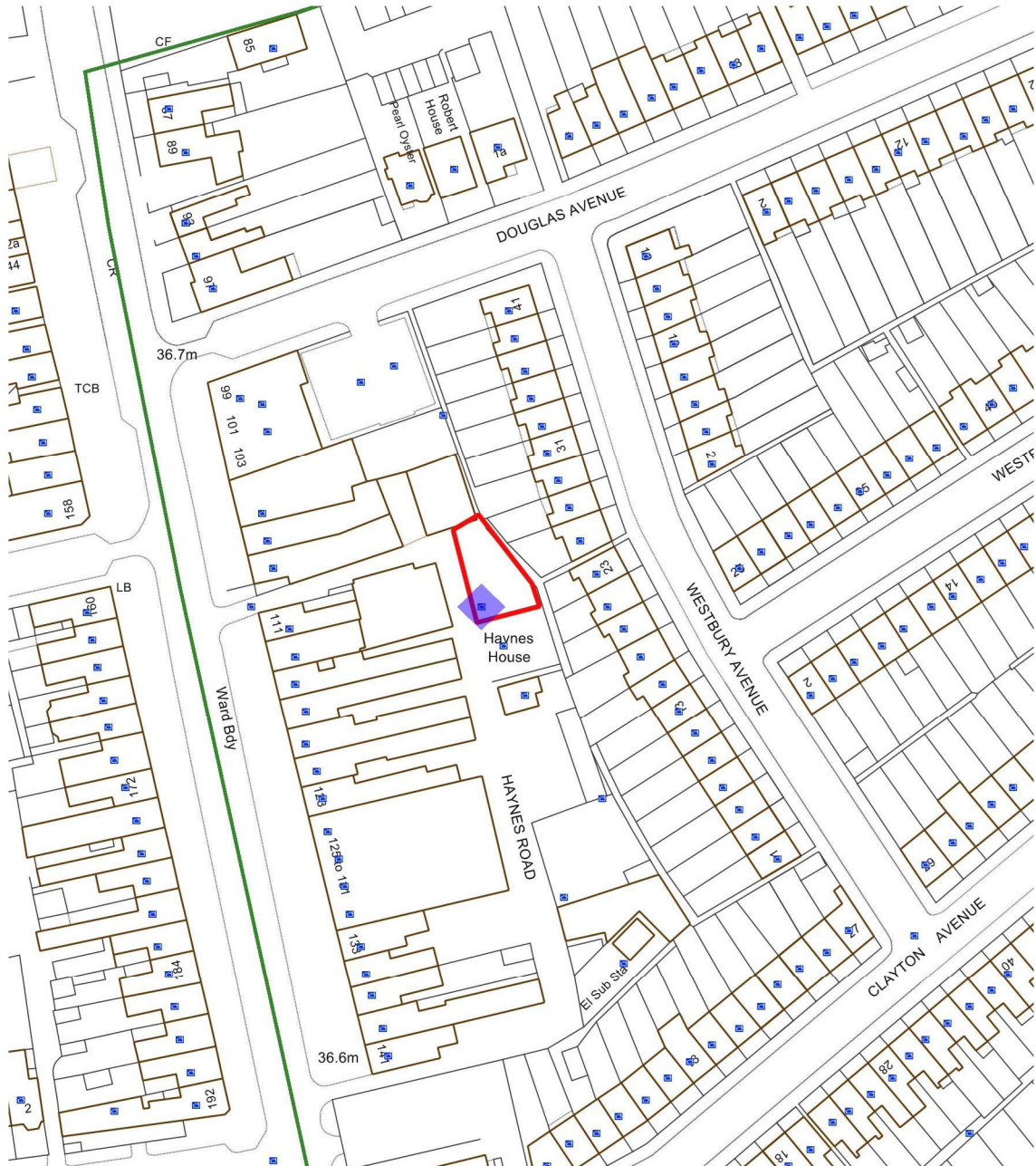




Planning Committee Map

Site address: Service Yard, Haynes Road, Wembley, HA0 4BW

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This map is indicative only.

RECEIVED: 20 June, 2011

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Service Yard, Haynes Road, Wembley, HA0 4BW

PROPOSAL: Demolition of existing outbuilding and erection of a proposed replacement storage and refrigeration building at the rear of 111-113 Ealing Road (adjoining 23-25 Westbury Avenue,) as revised with associated landscaping and acoustic fence

APPLICANT: Fruity Fresh (Western) Ltd

CONTACT: Millar Management

PLAN NO'S:
Please refer to condition 2

RECOMMENDATION

Grant consent subject to conditions

EXISTING

The application site is to the rear of retail units (currently occupied by Fruity Fresh,) with flats on upper floors. The shops to the front are located on the eastern side of Ealing Road within a primary shopping frontage in Ealing Road Town Centre. The site is located to the east of the service road, which is known as Haynes Road. To the east of the site are short back gardens serving properties that front onto Westbury Avenue.

PROPOSAL

Demolition of existing outbuilding and erection of a proposed replacement storage and refrigeration building at the rear of 113 Ealing Road adjoining 23-25 Westbury Avenue, as revised with associated landscaping and acoustic fence

HISTORY

The most relevant history is as follows, other history on aco laid:

E/09/0394 - Enforcement record

Without planning permission the erection of a structure with blue tarpaulin covering at rear of premises

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

- *STR11* Protect quality and character of the Borough's built environment
- *BE2* Local Context & Character
- *BE9* Architectural Quality
- *TRN3* Environmental Impact of Traffic
- *TRN22* Parking standards – non-residential developments
- *TRN34* Servicing in new Development

- SH19 *Rear servicing*
- SH32 *Public Parking/ rear servicing in Ealing Road*

Brent's Core Strategy 2010

- CP17 *Protecting and Enhancing the suburban character of Brent*

SPG17 – Design Guide for New Development

Issues

- Impact of outbuilding upon neighbouring amenities, and character of the area
- Impact of proposals on parking/ servicing and service road

CONSULTATION

Internal

Landscape- *the proposed permeable paving and trees are acceptable as revised*

Highways- *No objections to revised drawings subject to the car parking bays, servicing bays and building maintaining a 6m wide clearance for Haynes Road, all bays being fully marked out and resurfacing/ drainage improvement works*

Environmental Health – *No objections to revised repositioned air conditioning unit and acoustic fence*

External

10 letters sent to neighbouring occupiers of the shops, residential units above the shops, and dwellings adjoining. These properties have been notified on 20/06/11. 3 objection letters received raising the following issues:

- The existing building is bad enough, we do not wish for a replacement to extend onto a dumping ground area.
- If the business cannot keep the existing area clean, then they should not be allowed a new building.
- The area currently attracts vermin as it is left dirty, which is unpleasant for adjoining gardens
- The forklifting makes a considerable noise and can start as early as 4am (Officer note – noise nuisance referred to Environmental Health Nuisance Team)
- Object due to the disruptions already received from the site day and night, including arguments and shouting early morning and at midnight when people are trying to sleep (Officer note – noise nuisance referred to Environmental Health Nuisance Team)
- The site currently has dust and noise issues
- The applicants do not consider neighbours

REMARKS

The application proposes to demolish an existing outbuilding and erect a proposed replacement storage and refrigeration building at the rear of 113 Ealing Road adjoining 23-25 Westbury Avenue, as revised with associated landscaping and acoustic fence.

Impact of proposal upon neighbouring amenities, and character of the area

Outbuilding – visual impact

The site (a servicing area to the rear of existing shop and flats fronting Ealing Road,) currently has an existing solid outbuilding at the south-eastern extent of the site, which does not benefit from planning permission but according to aerial photos has been on site since 2003 and is therefore immune from enforcement. Attached to the enclosed outbuilding, to the west is currently a walled structure enclosed on 3 sides only, and covered with blue tarpaulin to provide some degree of weather proofing. This part of the structure is less than 4 years old, and is currently under investigation by planning enforcement.

The current application seeks to demolish the existing linked outbuilding structures, (up to 3.1m high situated 1m from the eastern boundary with gardens serving Westbury Avenue properties,) and to build a new outbuilding. The new outbuilding is to be set 1.8m from the boundary, an additional 0.8m from the existing structure and is proposed with a flat roof 3.693m high. The proposal is therefore higher than the existing building but set further from the boundary. Brent's SPG17 provides guidelines on new development in relation to existing gardens. The proposal complies with this guideline as its height is set under the 45 degree line at a height of 2m, which demonstrates a satisfactory relationship to the boundary and the amenities of neighbouring occupiers, compared with the existing situation. The applicants have, within the revised proposal incorporated 3 new trees in-between the new building and the eastern boundary with neighbouring dwellings. The trees proposed are betula pendula fastigata, 3 narrow-canopied birch trees, girth 14-16cm girth within tree pits, which follows recommendations from the Council's Landscape Designer. The trees are also considered to assist assimilation of the proposal and to soften its appearance from neighbouring dwellings to the east, particularly as the nearest rear garden is less than 7m long. The species and planting methodology is anticipated to be possible to plant without harm to any proximate build-forms.

Outbuilding – use

The proposed outbuilding is to be split into 3 sections, each with a roller shutter access. These provide dry, cold and general storage areas. The existing building on site provides some degree of storage facilities for the units 111-113 currently occupied by Fruity Fresh. Therefore no new use, or change of use is proposed. The cold storage element will entail the use of a chiller, (air conditioning unit,) mounted externally to the store. The Council's Environmental Health officers have assessed the model proposed and consider that the noise levels arising from the use of the proposed plant unit are not sufficient to harm the amenities of adjoining occupiers. Given that neighbours raise objections to the existing use of the site, officers have also requested an acoustic fence, and the applicants have within revised plans detailed a 2m high acoustic fence for all sections of the eastern boundary that are not currently occupied by outbuilding structures. Environmental Health officers consider that this fence will help the development to reduce impacts on the amenities of neighbouring occupiers to a satisfactory level.

External works to yard area

Neighbours have complained about noise arising from site as existing. As this is a designated servicing area to the Ealing Road retail/ commercial units, some degree of noise is inevitable, and as the area has been an established use for years, the current residents would have been aware of the presence of a servicing area at the time they committed to occupying their properties, certainly those flats situated above the shops would have been aware of this too. Nevertheless the back gardens for the flats/ houses serving Westbury Avenue are short along the length of the site, the shortest garden is less than 7m long. The use of the outside area for excessively long periods of time, causing noise disturbances by voices/ shouting/ forklift truck movements (raised by the objectors,) has been referred to the Environmental Health Noise Nuisance team for monitoring as there are no hours of use restrictions on the service road, nor would this be reasonable as a result of the proposed development within a commercial area. Furthermore, the use of the proposed acoustic boundary fence is expected to improve the relationship of this area to the adjoining gardens, reducing sound levels received.

The applicants have proposed as revised to re-surface the yard from the pot-holed concrete surfacing to a new permeable paving, such as Marshalls priora ML45. This is in response to officer's concerns about the existing drainage problems along the nearest stretch of the service road. The proposed material is considered to visually enhance the area and prevent additional flood risk/ water pooling from surface water flows.

Impact of proposals on parking/ servicing and service road

The yard area is currently used in a way that is not currently demarcated and entails a mixture of bin storage, pallet stacking and ad-hoc parking. This can lead to obstructions of the service road

and a poor appearance of the yard area. The proposal includes 3 car parking spaces and one servicing bay capable of accommodating a transit-sized vehicle. Following Highway Engineer feedback the provision of these spaces shall be marked out and maintained clear from obstructions and the external storage of materials, allowing the free-flow of vehicles and effective servicing of the commercial units. A dedicated bin storage area is also shown, which complies with policy TRN34.

The proposal as revised now ensures that Haynes Road, (the service road) has a width of at least 6m alongside the length of the site in accordance with policies SH19 and SH32. This satisfies the Council's Highway Engineers and will be conditioned.

Conclusions

The neighbours' objections have been carefully considered. Officers anticipate that the improvements arising to the site as a result of the revised proposal, will enable the area to be tidied up, with improved drainage, less opportunities for noise nuisance, (through the use of an acoustic boundary fence,) and the fact that the proposed replacement outbuilding will be set further from the boundary than the existing outbuilding with tree screening in-between. The proposal as revised is therefore considered to comply with planning policies and is recommended for approval subject to conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-
Brent's Core Strategy 2010
Brent's Unitary Development Plan 2004
SPG17- Design Guide for New Development

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):
3717-01
3717-02-C- received 26/09/11
Design & Access Statement
HZS Hubbard Zenith Scroll Range

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

- (3) No external plant or machinery shall be installed on site except the one approved HZS Hubbard Zenith Scroll Range unit without the prior written approval of the Local Planning Authority

Reason: To safeguard the amenity of adjoining occupants

- (4) Within 6 months of commencement of development and prior to the use of the outbuilding hereby approved, whichever is the sooner, the 3 car parking spaces and 1 transit-sized servicing bay (“Yard area”) indicated on the approved plan 3717-02-C should be marked out and permanently maintained. The servicing area shall be maintained free from obstruction and available for servicing vehicles and not used for storage purposes (whether temporary or permanent). The proposed bin storage area shall only be confined to the area shown on the approved plan and in the transit servicing bay “yard area” shall not impinge/ overhang onto the 6m parking space clearance required for the transit vehicle. Furthermore, at no time shall any vehicles, bins or products impinge on the 6m wide service road shown on the approved plan unless the prior written approval has been obtained from the Local Planning Authority.

Reason: To ensure that vehicles being loaded or unloaded are parked in the designated loading areas so as not to interfere with the free passage of vehicles or pedestrians along the designated service road

- (5) The roller shutter doors serving the proposed outbuilding shall be closed whenever personnel are not within/ actively accessing the outbuilding to minimise emission of noise to the neighbouring area and no such use of the outbuilding shall take place at any time the said devices are rendered inoperable by reason of the doors being fixed open or for any other reason. No other openings to the outbuilding other than the 3 roller-shutter doors may be created unless otherwise agreed in writing by a further submission to the Local Planning Authority

Reason: To safeguard the amenities of the adjoining occupiers.

- (6) Within 6 months of commencement of development and prior to the use of the outbuilding hereby approved, whichever is the sooner, the 2m high “jakoustic” acoustic fence shall be erected in the positions shown on approved plan 3717-02-C and thereafter maintained unless a further submission is made and approved by the Local Planning Authority

Reason: In order to ensure adequate noise mitigation measures and to safeguard the amenities of adjoining occupiers

- (7) Within 6 months of commencement of development and prior to the use of the outbuilding hereby approved, whichever is the sooner, the approved hard / soft landscaping scheme shall be completed. This includes:
- a.) The proposed 3 birch (*betula pendula fastigiata*) trees shall be planted with a 14-16cm girth at planting in accordance with the approved drawings, (with the 800 cubic millimetre tree pits filled with topsoil, and the surface treatment to be gravel on a geotextile surface with black weedstop,) unless otherwise agreed in writing by the Local Planning Authority, and any planted trees should be regularly watered until they become established
 - b.) The proposed new hardsurfacing to be installed shall be Marshall’s priora ML45 permeable paving as shown on the approved plan 3717-02-C unless a further submission is approved in writing by the Local Planning Authority and thereafter the approved permeable hardsurfacing shall be implemented and maintained

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 in the same

positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, and to ensure no flood risk arising from the development

- (8) No development shall commence unless details of external materials for the outbuilding, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall thereafter be carried out in accordance with the approved details.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Core Strategy 2010
Brent's Unitary Development Plan 2004
SPG17- Design Guide for New Development

Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222