



**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 existing extraction plant/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 ancillary showroom (as amended by revised plans).

**APPLICANT:** UKB Ltd

**CONTACT:** Mann Associates Ltd.

**PLAN NO'S:**  
See Condition 2

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## **BACKGROUND**

This application was deferred by Planning Committee on 11 December 2013. The decision by Members to defer was to allow for the application to be re-considered with an Officer from Environmental Health present at Committee.

Prior to this the application had been deferred from previous Committee's. The application timeline is summarised below:-

- Application deferred from Planning Committee on 18 September 2013 after it came to light a database error had occurred which meant that not all interested parties had been notified of the Committee arrangements. In these circumstances it was considered appropriate to defer the application to allow the Committee notification issue to be rectified before the application is considered.
- Prior to this the application had been deferred from the Planning Committee meeting of 13 February 2013 in order to allow Members request to undertake a site visit. The intention at that time was to report to the March Committee after the site visit had been carried out.
- Shortly before the Members site visit was due to take place in March 2013 Officers became aware a large piece of plant equipment had recently been erected to the rear of the building. Local residents had bought this to Officers attention. It has since been established that this is a wood burner, and it had been transferred from another site owned by the applicant in Alperton. The applicant was advised that the installation of this plant requires 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 its use. Revised details were requested so that the wood burner could also be considered. As this installation represents a material change to the original submission then it was deemed necessary to re-consult neighbouring properties on these amended proposals. So in light of the request for revised details and the need to re-consult Officers had to request that Members deferred the application. A Members site visit still took place as arranged on 9 March 2013, and the application was deferred from the March committee.

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

Discussion on the wood burner, its visual impact, what it is used for and the impact this has on local amenity is set out in the 'remarks' section (see paragraph's 13 - 19). Also in response to the re-consultation exercise further representations were received. These are also discussed in the 'consultation' section within the main body of the report.

### UPDATE FROM ENVIRONMENTAL HEALTH SINCE DEFERRAL IN DECEMBER 2013

Since deferral on 11 December 2013 a surprise site visit was carried out by EH, on 19/12/13. At this time the wood burner was in full operation, and no smoke was visible from the burner stack.

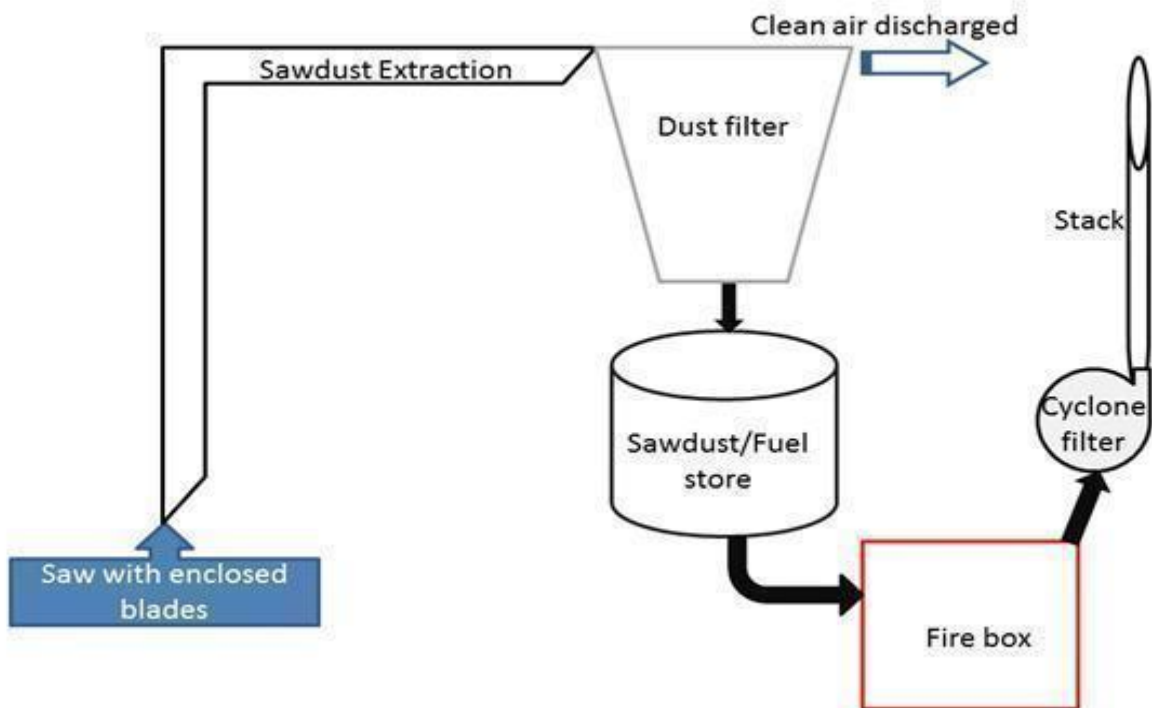
It was evident that a large amount of wood panels are stored on site for use. Checking of the storage areas by EH revealed the following materials; - medium density fibreboard, chipboard, melamine faced chipboard, solid wood and wood laminate. All of these materials are likely to be introduced into the burner.

The following equipment was noted on site as being ducted to the burner; - 1 x beam saw/1 x panel saw/1 x CNC (computer controlled router)/1 x small CNC and 1 x chipper (used for larger offcuts and trimmings from wood laminate).

#### Process description and burner specification:

The burner installed is a high specification unit that is integrated with dust control on the large saws and planes used. Working parts of the saws and planes are enclosed and saw dust produced is sucked through a system of ducts into a filter. Clean air is separated from the dust and discharged through the stack. The saw dust is dropped, through an enclosed system, directly into a storage hopper. From here saw dust is fed automatically via an enclosed archimedes screw, into the fire box when the unit is on. Fly ash is cleaned out using a cyclone filter and the remaining air is discharged through a high level stack.

The diagram below has been provided to help illustrate the burner process described.



The burner system installed is a Ranheat WA500. This was government approved for use in a smoke control area under Statutory Instrument SI 1996/1108.

In order to be an 'approved' appliance a burner has to pass a strict set of lab tests, undertaken by an independent body, to demonstrate that it will not produce smoke when burning the fuels it is designed to use. In the case of the Ranheat WA500 the approval specifies that it may be used to burn only the following fuels; - chipboard, fibre board, melamine coated chipboard, wood offcuts and softwood or hardwood shavings or dust (N.B fibre board includes particle board and MDF).

#### Particulate emissions & impact assessment:

The Ranheat WA500 has a rated thermal input of 125kW, which is at the smaller end of what could be considered a viable industrial application. To put this in context a domestic Aga has a rated input of 12 - 15kW, has no pollution controls, and can be installed without the need for any form of approval or permit.

With a small scale burner such as the one at SKL House, that is approved for use in a smoke control area it is not common practice to ask for an Air Quality Impact Assessment as the worst case emissions are usually too small to be of concern and are guaranteed by the government approval process.

EH have modelled the impact of this burner using the following information;-

1. The as installed height and diameter of the stack.
2. Particulate concentrations at the highest limit allowed by the smoke control approval tests.
3. The burner operating 24/7 (which is significantly more intensive than the actual on-site use)
4. A full years operation using real meteorological data.

Note that points 2 and 3 represent significantly more intense emissions and usage than the actual burner at SKL House, but have been chosen to represent the worst possible case.

The model used has calculated the average impact over a whole year, and uses real weather conditions to ensure an even spread of conditions over the course of a typical year, as weather conditions have an impact on particulate dispersion. The model has been run to calculate the impact of the burner every hour, as if it was being operated 24/7 for a whole year. The results produced show that annual average impacts were too small to have a meaningful impact. The worst single hour figures were not significantly greater, and are discussed below..

The units of air quality measurement are  $\mu\text{g}/\text{m}^3$  where 1  $\mu\text{g}$  (microgram) = 0.000001 grammes. The highest impact calculated by the model, based on a worst case scenario was 0.038  $\mu\text{g}/\text{m}^3$ . To put these figures into context;-

- The European Air Quality Standards for particulate are an annual average of 40  $\mu\text{g}/\text{m}^3$  or a daily average of 50  $\mu\text{g}/\text{m}^3$  (i.e. approximately 1000 times higher than the worst single hour impact modelled from the burner at SKL House).

#### Potential for pollution from emissions and toxins:

DEFRA has issued guidance setting out necessary control techniques that are required for any wood burning process, this is to limit the potential for pollution.

For any fuel store the control technique is for this to enclosed. The fuel store at SKL House is a fully enclosed silo, with additional dust filters on the air vents.

In terms of flue gas, where the fuel is plywood, chipboard, fibreboard or melamine faced wood then particulate matter, carbon monoxide, oxides of nitrogen, formaldehyde, hydrogen cyanide and volatile organic compounds can be present. But with effective control techniques in place that accord with DEFRA guidance the impacts and potential for harm can be minimised.

At SKL House;-

- Cyclones are used to control particulate matter in flue gases. This is one of DEFRA's effective control techniques.
- Good combustion, another control technique is ensured by the design of the burner, which has temperature and oxygen sensors that feedback to the fuel and mechanical air supply. A system that has good combustion minimises the production of emissions nitrogen oxides, volatile compounds, carbon monoxide, particulate matter and hydrogen cyanide.
- Only a small amount of melamine is burnt, but combined with the good combustion conditions associated with the burner this would provide effective control.
- Painted or coated materials are not allowed to be burnt, except for wood laminate and a very small amount of melamine. These materials used on site do not contain any chlorine, so do not lead to the production of any hydrogen chloride.
- EH advise that formaldehyde is no longer a common component of wood glues and is not present in most MDF or fibreboard products any longer. If any trace of this are present it will be burned to produce CO<sub>2</sub> and water, this is due to the good combustion associated with the burner. So through this process any formaldehyde is destroyed.
- Carbon monoxide production is prevented by the use of a mechanical air supply (linked to the computer controls).

- Hydrogen cyanide is very unlikely to be formed due to the good combustion conditions associated with the burner, and due to the very small amounts of melamine (if any) in the fuel.

EH Officer's are satisfied that the high specification burner that has been installed, and the control techniques that are incorporated (in line with DEFRA guidance) are effective in ensuring no harmful pollutants are discharged through the stack.

Dust issues/soiling of vehicles:

Resident's have concerns that the burner is responsible for dust soiling of vehicles. EH Officer's are satisfied that the burner at SKL House is not responsible for this as only filtered air is discharged through the stack.

Possible sources of this dust soiling have been identified. Firstly the operator has recently identified that some of the contractor's who are supplied at SKL House have been shaking out dust sheets when parked outside the building. Since early December 2013 the operator has taken action to stop this practice.

Secondly, following a separate complaint, received in November 2013 EH have identified a large pile of rubble being stored on a site on Wycombe Road (to the rear of SKL House). EH Officer's are working with the site owner to arrange for removal of the material as soon as possible. However as dust soiling is not considered to be a statutory nuisance EH have limited powers to enforce the removal.

Thirdly a second site on Wycombe Road has been identified, this is used as a plant hire depot and generates dust. EH are working with the operator to ensure better housekeeping in the future to eradicate the dust problem.

Both these sites are between 50 and 100 metres from the residential properties on Beresford Avenue.

In summary EH are confident both sites on Wycombe Road can be brought up to a satisfactory standard, and that the operator at SKL House will enforce better behaviour in respect of the issue with dust sheets. The dust soiling issue that has been reported by residents should be addressed by these actions.

Draft Environmental Permit:

Draft permit SR/02865/13, issued by Environmental Health on 26/06/13 allows the operation of plant for the incineration of wood. This has been issued in accordance with the Pollution Prevention and Control Act 1990, and Environmental Permitting (England and Wales) Regulations 2010. There are a number of conditions attached to the permit which the operator has to obey by, failure to do so is enforceable.

One of the permit condition requires further clarification. Condition 12 (as it currently stands) of the draft permit prohibits the burning of melamine treated wood, and EH Officer's advise that this is a standard condition that is not applicable in all cases, and in this case needs to be amended before any final permit is issued.

As discussed above some of the wood that is burnt on site is melamine treated, EH Officer's are fully aware of this practice and have witnessed this on site. They are comfortable in allowing the burning of some melamine treated wood on site on the basis that only a small amount of the wood used by the operator is melamine treated, and after the cutting process an even smaller amount will be contained within the saw dust. But critically the burner at SKL House is actually designed to take melamine treated wood. This is noted in the Clean Air Act Order that allows the burner's use within a smoke control area.

Further, DEFRA guidelines concerning the burning of melamine treated wood is that this can be carried out provided operator's have effective control techniques in place. The effective control recommended by DEFRA is a system with good combustion, as this will ensure any melamine present is burnt to produce CO<sub>2</sub> and water. The Ranheat WA500 is of high specification, and will provide good combustion, thus minimising any harmful emissions.

For these reasons EH do not have any cause to be concerned with the types of wood that are being fed through the burner.

**Other than the additional information discussed above the main body of the report below does not change from the previous Committee.**

**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 of the street.

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

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 ancillary showroom (as amended by revised plans).

## **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

<i>BE2</i>	<i>Townscape: Local Context &amp; Character</i>
<i>BE4</i>	<i>Access for Disabled People</i>
<i>BE9</i>	<i>Architectural Quality</i>
<i>EP2</i>	<i>Noise &amp; Vibration</i>
<i>EP3</i>	<i>Local Air Quality Management</i>
<i>EP4</i>	<i>Potentially Polluting Development</i>
<i>TRN3</i>	<i>Environmental Impact of Traffic</i>
<i>TRN22</i>	<i>Parking standards – non-residential development</i>
<i>TRN34</i>	<i>Servicing in New Development</i>
<i>PS6</i>	<i>Parking Standards – 1 space per 150m<sup>2</sup> of floor area applies.</i>
<i>PS19</i>	<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 properties  
 Impact on servicing and parking arrangements  
 Impact on local amenity  
 Size, scale and design of extensions & plant

## CONSULTATION

### First round of consultation (Dec 2012):-

Letters were sent out to 21 properties on **6 December 2012**.

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 below:-

<b>Grounds for Objection</b>	<b>Response</b>
<i>The existing building works and associated vehicles are blocking traffic along Beresford Avenue</i>	Any disruption caused during building works, and vehicles associated with the construction period would be for a temporary period only. This would not be sufficient to justify a refusal, and it should be noted there is no Transport objection.
<i>Existing refuse provision is inadequate</i>	It is sought to improve this situation, and Condition No 10A requires the submission and approval of further details for this.
<i>Traffic and parking is an existing problem on Beresford Avenue, workers and visitors to the proposed use will worsen the situation</i>	Existing parking problems are likely to be caused by any number of nearby businesses within the Northfields Industrial Estate. There is no CPZ in place to restrict on-street parking along BA and there may be a case for introducing on-street parking controls, subject to funding and subject to a consultation process with residents and businesses in the area. As demonstrated within this report the scheme (as amended) meets adopted UDP parking and servicing standards for a building of this size and there are no objections on Transport grounds.
<i>Any reduction of off-street parking spaces on the application site will worsen the parking congestion on Beresford Avenue</i>	Presently there is capacity for up to 7 spaces to park on the frontage, though this is problematic as spaces are not formally laid out and the layout is neither safe or well designed. It is proposed to alter and formalise the front layout to provide 4 spaces. The UDP standard for a building of this size is for a maximum of 5 parking spaces, and Transportation will support 75% of the maximum standard being provided off-street. As such the provision of 4 parking spaces is acceptable as this represents 80% of the standard and the alterations to the front layout welcomed, as this provides the opportunity to formalise the layout to the benefit of pedestrian and highway safety.
<i>Objection to the use of the building as an education facility</i>	This is incorrect, there is no proposed change of use to a place of education
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### *Transportation & Highways comments:-*

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 increase 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 is recessed and projects further back than the rest. This recess is deep enough for an 8m long rigid vehicle to stand clear of the highway, which is required by UDP servicing standard PS19.

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 revised 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 remains.

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 building 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 wide 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, this 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 8m deep servicing bay on the frontage (ii) improved front parking layout (iii) and reduction in width to the existing vehicle crossover and erection of dwarf wall 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; (May 2013)-**

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 the revised proposals.

**Additional representation received;-**

An additional objection has been received from a resident on Beresford Avenue. HPBNW objected again to the revised scheme (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 as some of the same signatories do appear on both.

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

<b>Grounds for Objection</b>	<b>Response</b>
<i>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.</i>	This is likely to have been the case with previous uses of the building as there is no formal layout in place. The frontage is constrained but the proposed layout is seen to be an improvement and has the support of Transportation Officer's.
<i>Again there is no provision for refuse bins, and it</i>	Further details for the storage of refuse bins will be



<i>is likely these would be positioned on the frontage and would result in the loss of further parking spaces below the 4 shown.</i>	secured through Condition 10A, and this will give the Council sufficient control over their location, so as not to obstruct parking spaces.
<i>The operation of the business involves manufacturing which is contrary to the supporting details set out in the initial submission.</i>	This has been recognised and since its initial submission the development description amended to take this into account. It now refers to a B2 use. This revised development description was set out in the second round of consultation letters that went out in May 2013.
<i>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.</i>	This has been recognised and the development description amended to include this installation. Details of the wood burner have been submitted and assessed by Environmental Health Officer's, who have carried out a number of site visits since the use of the burner was reported. As discussed below and in the 'remarks' section EH Officer's have assessed this thoroughly and are satisfied that the plant can operate without unduly harming amenity. They have issued a draft Environmental Permit to operate, no further complaints have been received since and they are minded to issue the operator with the necessary permit (subject to robust conditions and regular inspections being carried out).
<i>The current operator's have shown complete disregard to the Council by failing to meet its requirements and to local resident's.</i>	It is regrettable that the applicant has carried out works before having the necessary authorisation however this is not a reason to refuse the application.

*Transportation & Highways Comments;-*

As previously stated, Transportation re-confirm that the proposed change of use and increase in floorspace does not trigger an increase to the parking or servicing requirements. Under UDP standard PS6 a building of this size would require 5 spaces, and with 75% of the parking standard to be met on the site frontage this is considered to be an acceptable arrangement. 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 now. 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 to meet the servicing demands.

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 parking 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 Comments;-*

As a direct response to resident's reporting the installation and operation of the wood burner Environmental Health Officer's visited the premises, initially in April 2013. A number of follow up site visits have taken place in April, May and June 2013. On only one of these occasion's was the burner in operation. 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 E.H Officer's recommend that an hours of operation 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 ( which is issued by Environmental Health) to operate this equipment. It is also confirmed that an application for this permit has been received, and on the basis of the information received and in light of several site visits to the premises 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 EH Officer's have advised that conditions would be attached to the permit 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 going forward.

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. Permit conditions are enforceable either 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 showroom will also be provided on the ground floor. Following Member's request for greater clarity on this showroom a floor plan has been submitted to confirm its size. The combined showroom and reception area is to 63sqm, this represents less than 10% of the floorspace of building which has an existing floor area of approximately 775sqm. Due to its size this is considered to be ancillary to the main use of the building. In any event this showroom will be restricted by condition for use by trade customers only and is not permitted for general visitors and members of the public (see Condition.No.8).
2. It has been confirmed that the day-to-day activities 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 installed on site.
3. Officer's consider that the type of operation here will include a mixture of B2 and B8 processes, with ancillary office space and ancillary showroom, and that it is not appropriate to describe the use as B1(c) light industrial, which the applicants had done initially when submitting their application. In any event, in policy terms this is an appropriate, policy compliant use within designated Strategic Industrial Land, 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 revised 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, ancillary office space.
5. The extensions are proposed to support the 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 (now omitted). As discussed above in the 'consultation' section concerns were initially raised on servicing grounds, and to the vehicle access arrangements. In response to these concerns the infill extension has since been removed from the plans, this enables an 8m long servicing vehicle to stand.
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 by formalising the layout, four parking spaces are proposed. The maximum standard, when 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 in accordance with drg 02C and this is welcomed by Transportation. This should also 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 site frontage. This will prevent vehicles from illegally crossing the footpath in the future, at the moment there is no deterrent to doing this.

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

8. The premises are bordered either side (and to the rear) by industrial and commercial premises. The proposed extension and associated works would not impact directly on these neighbours.
9. A material consideration is the impact of this proposal on highways safety. However this matter has now 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. Their concerns are related to traffic and parking, with concerns being raised that this use will worsen traffic conditions on Beresford Avenue, and add to the local parking congestion that exists. Their other concern is related to the impact the use and the wood burner extraction system will have on local residential amenity in terms of increased noise and pollution.
11. In response to these concerns 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 as such uses are directed to designated SIL. The proposed extension to the building 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, front parking layout and the vehicle access arrangements, all of which are welcomed by Transportation.
12. 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 about this element.
14. Further details of the plant have been provided and it is understood that the plant is required to extract wood dust from the various cutting machines used in the furniture manufacturing and assembly processes. This wood waste, a mixture of chipboard, MDF and solid timber then undergoes a burning process. It is submitted that the plant equipment will burn 3200kg of waste wood over the course of a typical week. The actual piece of equipment installed has been transferred from a site used by the applicant's 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 the opposite side of Beresford Avenue. Accordingly the impacts of the wood burner have been assessed by Environmental Health Officer's. 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 since, and 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 by EH Officer's to restrict the hours of operation to no later than 6pm, this is recommended in light of the proximity of the site to residential properties.

16. Following the installation of the wood burner at the rear it has since been confirmed by E.H Officer's that the applicant requires an Environmental Permit to operate the wood burner. This permit is issued by Environmental Health. It has been confirmed that permit application has been duly made by the operator's, further information was requested initially 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 an Environmental 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 that may be issued is independent of any planning permission required. But it has been agreed by E.H Officer's that the operator can operate the burner on a trial basis for now so that they can assess their ability to comply with the permit conditions and monitor any effect they may have on neighbouring amenity. The wood burner has been operating since the temporary permit was issued and since this time it is understood that Environmental Health have not received further noise, smoke or odour complaints relating to the use here. The site was visited by EH Officer's on the 30th August in order to assess compliance with the permit conditions and they found the site to be well run and largely in compliance with the draft permit conditions. Consequently they are minded to formally grant the Environmental Permit for the operation of the wood burner.
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 conditions should ensure its operation does not result in pollution, harm to local air quality or residential amenity going forward.
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 robust permit conditions in place it is considered that the wood burner will not be harmful to air quality or residential amenity. Environmental Health raise no concerns to it being granted permission to remain.

Summary:-

20. There is no objection in principle to extending the premises and the use proposed is acceptable in planning policy terms as the site is designated Strategic Industrial Land. Objections to the scheme have been duly considered. 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 and associated alterations to the access arrangements 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 have carried out a number of site visits, and have advised on the operator's requirement to be granted an Environmental Permit to operate the plant equipment. It is also confirmed 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 the use of this plant equipment can be supported.
21. On balance it is considered that the operation will not result in undue harm to amenity or unacceptable transport impacts and it is recommended that planning permission be granted, subject to the attached conditions.

**SUPPLEMENTARY REPORT TO PLANNING COMMITTEE on 11 December 2013**  
(The following text has been extracted directly from the previous Supplementary report)

Councillor's Brown and Chohan both expressed an interest in the application and asked for progress updates on the application. Both Councillor's were notified of this being reported to Committee, and no further comments have been received.

**FURTHER REPRESENTATIONS RECEIVED**

**MP letter dated 6 Dec 2013:-**

Barry Gardiner MP has sent a letter on behalf of his constituent David Stock, Chair of the Heather Park Branch Neighbourhood Watch Group (HPBNW), who have objected to the application. Mr Gardiner has intervened on behalf of his constituent because of concerns Mr Stock has expressed with the planning and consultation process.

**1. The first point that is raised is in relation to the development description being revised during the course of the application to include the "wood burner".**

**Response:** To re-confirm, Officer's became aware that the wood burner had been installed in early March 2013. Following this further details of the burner were requested. On receipt of these details the application was amended and the Council considered it necessary to re-consult. On 14/05/13 the Council re-consulted on the amendments to the application. Acolaid confirms these letters were despatched.

**2. It is questioned why the wood burner was allowed to continue to operate with the Council's knowledge, and why no Enforcement Notice was issued.**

**Response:** Environmental Health have received complaints from Mr Stock about the operation of the burner, the last of these being on 31/05/13. These complaints were acted on at that time and a number of site visits were made by Environmental Health Officer's. On these occasions the burner was not witnessed in operation. So as no statutory nuisance has ever been established at the site Environmental Health have not issued a notice.

**3. The HPBNW group advised Environmental Health on 07/05/13 that they would cease reporting the unauthorised use of the burner to the Council unless assurances were given that these concerns would be acted upon.**

**Response:** Environmental Health are able to confirm that in fact two further complaints were received from Mr Stock on the 28th and 31st May this year reporting the operation of the burner. Upon receipt of the complaint of the 31st May a site visit was carried out and EH Officer's again found no evidence of the burner being operated, but advised Mr Stock that they would continue to actively pursue any further complaints received. To date no further complaints have been received.

**4. Why were resident's not informed that Environmental Health had issued a draft Environmental Permit for the burner to operate?**

**Response:** Environmental Health advise that unlike a planning application there is no legislative requirement for the Council to consult on Environmental Permit applications, and that it is standard Council protocol to not consult.

**5. The re-consultation letter of the 14 May 2013 wasn't received by local resident's.**

**Response:** Acolaid confirms that letters to notify resident's and the HPBNW of the amended application were despatched on 14/05/13. In fact an objection was received on 28/05/13 from 65A Beresford Avenue and this specifically objects to "*reduction in width of the existing crossover*" and "*alterations to the front forecourt layout*". Both of these elements are referred to in the revised development description only, strongly suggesting that the re-consultation letter was received.

**6. It is reported that there are differences in copies of revised consultation letters that the HPBNW are in receipt of. The letter sent to Councillor's has a different address.**

**Response:** The reason for this has been explained to Mr Stock previously. The letter addressed to Councillors on 15/05/13 contained the Planning Department's old Wembley High Road address within the letterhead. This letterhead would have been on all neighbour consultation letters sent at that time. Mr Stock recently asked for a copy of this revised consultation letter to be sent to him. A copy of the May letter was produced as requested but it now appears on a different letterhead, listing the Council's new address on Engineer's Way, which is the difference Mr Stock is referring to. Acolaid which is the database used does not have the facility to store text relating to re-consultation letters, so when asked at a later date to re-produce a copy of a re-consultation letter the system will automatically generate this letter on a letterhead applicable at that point in time. This is why the letter emailed to Mr Stock last week on 05/12/13 appears on the new letterhead, with Engineer's Way as the Council address.

#### **7. Mr Stock is unhappy with some information set out in the Committee Report.**

**Response:** It was initially understood that the applicant's were re-locating from a site outside the Borough. It has since been established that this was not the case and that they had operated out of a site on Athlon Road, so the report was amended to reflect this.

#### **8. The Committee Report does not address health problems raised by resident's, nor are there any attempts to monitor pollution levels around the site.**

**Response:** Health complaints have been raised by Mr Stock on behalf of others. If these complaints had been made by the people directly affected (which has not happened) EH would normally, in the first instance, refer them to a medical professional. If there is a clear pattern or a referral from a doctor stating that the symptoms are related to exposure to industrial pollution urgent action would be taken against an operator. It is also the case that any unusual clusters would be referred to the HPA who would take appropriate action and/or require the Council to take relevant steps.

In their professional opinion E.H Officers advise that the burner that has been installed is a high performing piece of plant equipment that has been rigorously tested and approved for use within a Smoke Control Zone. Approval for use in a smoke controlled zone is based on the ability of the plant to operate without the emission of smoke, particles or grit. The testing is independently done in a government approved laboratory and the results confirmed by DEFRA prior to approval being granted.

On the issue of monitoring EH Officers advise that the process controls for any permitted installation are considered to be sufficient to ensure that operation in compliance with the permit conditions will ensure that there are not unacceptable impacts on the local environment. It is therefore not necessary or proportionate to proceed with a complex and costly programme of monitoring, when ensuring compliance with the permit will achieve better results.

#### **9. Does Brent's Air Quality Policy prevent burning processes from occurring?**

**Response:** Brent's Air Quality policies do not forbid the burning of material. All of Brent is within a 'smoke control area' which forbids the emission of dark smoke from trade premises, but does not forbid burning. The site is located within an Air Quality Management Area (AQMA), aimed primarily at reducing traffic pollution levels. Environmental Health firmly believes that pro-active approach under permitting legislation, and the robust controls that can be introduced by condition of any Environmental Permit give the Council a better level of control over potentially harmful processes.

#### **Additional neighbour objection received:-**

57 Beresford Avenue objects to the application. This is on the grounds of noise and burning pollution affecting people using a nearby park, particular if users are from the nearby primary school. There is a concern that hazardous mdf plastics are being burned and that the applicant disregards health and safety regulations.

**Response:** Despite a number of site visits to the premises by EH Officer's a statutory nuisance has not been established. The draft permit issued to operate the burner on a trial basis has conditions attached which are intended to ensure that its use does not result in unacceptable impacts on the local environment. The permit specifically forbids the burning of plastics and the operator had to have procedures in place to prevent this prior to the draft permit being granted. Environmental Health has gained no evidence of the operator burning items that are a breach of the draft permit conditions.

#### **Further objections from Heather Park Branch Neighbourhood Watch:-**

Since the Committee report was published HPBNW have made further representation objecting to the application because of concerns about the transport implications this will have and on the grounds that the use of the wood burner will have health implications. The Council's consultation process has also been questioned further.

<b>HPBNW Objection</b>	<b>Comment</b>
It is requested that the case be deferred as insufficient notice of the Committee had been provided.	Notification was sent by email and letter on 29/11/13 of the meeting on the 11/12/13. This gives 9 working days, exceeding the minimum requirement for 5 days notice.
Why were resident's not informed about the issuing of a draft environmental permit to operate the burner?	As advised above there is no legislative requirement for the Council to consult on environmental permits. Standard Council procedure is not to consult.
A copy of the draft environmental permit is requested.	This is sent to Mr Stock by email.
Why did the Council not re-consult when EH advised on 07/05/13 this would happen?	The Council re-consulted on the amended planning application on 14/05/13.
The report states that no complaints have been received since the draft permit was issued on 26/06/13 - but how could residents complain if they were not notified of this?	To be absolutely clear the report advises Environmental Health have not received any complaints about the burner being operated, since the applicant was granted a draft permit to operate.
Why was the burner allowed to be re-located from a site on Athlon Road?	The applicant did not notify the Council of his intention to do so. Once the burner was reported by HPBNW in early March 2013 the Council sought further details and duly amended the application.
It is inappropriate to have a wood burner in this location when Brent has air quality policies that prohibit items from being burnt.	EH Officer's are comfortable with the burner in this location. It is a high performing piece of plant equipment that has been rigorously tested and approved for use within a Smoke Control Zone.
	As covered above the burning of items is not forbidden by a blanket rule.
The 8m length loading bay is insufficient as full sized articulated vehicles visit. Photo's have been provided of one occasion when this happened.	Adopted standard PS19 would normally seek a 16.5m loading bay. Transportation Officer's do fully support the use with an 8m bay. In doing so there is acknowledgement of the fact the building was historically used for B2/B8 uses without a 16.5m loading bay, so it is reverting back to it's original use. On this basis it would be hard to justify insistence on providing a new 16.5m loading bay.
	Photos provided by HPBNW were taken some time in March 2013 and submitted with one of their objections, these show an articulated truck servicing directly from Beresford Avenue. No further incidents like this have been reported since. This may support the applicant's view that articulated vehicles do not normally visit, and that

servicing is typically carried out by smaller vehicles for which the 8m loading bay will be suitable.

If a Controlled Parking Zone, with waiting and loading restrictions were to be introduced along Beresford Avenue it could help to manage this.

Where are traders vehicles to park?

It is anticipated that these would use the loading bay when available.

HPBNW have queried the consultation process in respect of the re-consultation.

On 14/05/13 the Council re-consulted on the changes to the application. Acolaid confirms the revised consultation notifications were despatched.

HPBNW state the Committee Report is incorrect as no objection was received after 14/05/13.

This is not the case. The Council received an objection on 28/05/13 from 65a Beresford Avenue.

The application is "flawed" as the application form doesn't contain details of the burner.

The burner did not form part of the original submission. Officer's became aware of it being installed in March 2013. The application was duly amended at that time, revised details submitted and further consultation carried out with the revised description making specific reference to the wood burner.

The burner is causing health problems and for dust/particles to settle on cars nearby.

E.H Officer's understand the dust soiling may be connected to other site's in the vicinity. The burner installed at SKL House is a high performance plant that has been through rigorous testing. There is no evidence they operating in breach of the draft permit conditions.

Consultation letters sent in May 2013 are inconsistent?

See explanation above.

**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  
Environmental Protection  
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 02C (dated Nov 2013)  
Dwg 03A (dated April 2013)  
Dwg 04A (dated Nov 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, as shown on drawing 02C (dated Nov 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 permanently 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 dwarf 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 laid out 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) The showroom floorspace shall be used/visited by trade customers only, and not by visiting members of the public for general retail sales, 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 plant and 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 nearby 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 an 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, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5227