

**Committee Report
Planning Committee on 14 April, 2010**

**Item No. 14
Case No. 10/0063**

RECEIVED: 15 January, 2010

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 2 NCR Business Centre, Great Central Way, London, NW10 0AB

PROPOSAL: Erection of a storage silo to front of premises, installation of three extraction flues to roof and installation of a plant area on the western elevation facing the North Circular Road and air-conditioning units on the eastern elevation (as amended)

APPLICANT: Milky's (UK) Limited

CONTACT: Adex Interiors Limited

PLAN NO'S:
Please see condition 2

RECOMMENDATION

Approve subject to conditions

EXISTING

The subject site contains a two storey building that is part of a terrace of 6 units within the NCR Business Centre, previously known as Propeller Park, or 400 NCR. In 2008 planning permission granted a change of use consent for these 6 units from B8 to (warehouse and distribution) to Use Class B1(c) (light industrial), B2 (general industrial) or B8 (warehouse and distribution) including up to 15% of the floor area of each unit for ancillary trade counters. The rest of the units on the estate remain in B1 use class. The site backs onto the North Circular Road and is part of a small business park accessed off Great Central Way. The site is situated within the Strategic Employment Area within the Unitary Development Plan.

PROPOSAL

Erection of a storage silo to front of premises, installation of three extraction flues to roof and installation of a plant area on the western elevation facing the North Circular Road and air-conditioning units on the eastern elevation (as amended)

HISTORY

The site has a complex planning history that includes a number of recent applications for the display of directional advertisements and unit signage not particularly relevant to the determination of this application. The most relevant planning are set out below:

08/3033- 12/01/09 – Granted

Change of use of Units 1 to 6 at NCR Business Centre from solely Use Class B8 (warehouse and distribution) to Use Class B1(c) (light industrial), B2 (general industrial) or B8 (warehouse and distribution) including up to 15% of the floor area of each unit for ancillary trade counters

28/04/2006 - 06/2654 - Granted

Full planning permission sought for the redevelopment of the existing site and erection of a two storey building containing 6x B8 units, with 4 wind turbines, backing on to the North Circular Road, and 2 two-storey buildings, linked by an electricity substation, containing 13 B1 units, backing onto the rear south east boundary, erection of an advertising mast structure and services enclosure, provision of 42 parking spaces including 2 disabled bays, cycle and bin stores, site landscaping, erection of boundary fence and new access road with alterations to vehicular access onto Great Central Way.

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

BE6 – Public Realm: Landscape Design

BE9 – Architectural Quality

EP2 – Noise and Vibration

EP4 – Potentially Polluting Development

EMP8 – Protection of Strategic and Borough Employment Areas

EMP10 – The Environmental Impact of Employment Development

EMP12 – Public Realm Enhancement in Employment areas

EMP18 – General Industrial Developments

TRN22 – Parking Standards – Non-residential developments

TRN34 – Servicing in New development

Considerations

- Appropriateness of proposed alterations
- Impact on neighbouring units and local area
- Transportation Implications

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

The proposal has been amended by the inclusion of a plant area to the rear and air conditioning units to the front of the unit. This has entailed a reconsultation of neighbouring properties on 23/03/10, this reconsultation period ends on 06/04/10. It is not anticipated that these amendments will alter the officers recommendation.

Two objection letters has been received since this reconsultation, objecting to a clad silo., the impact of the silo on the area, possible precedent of the loss of parking, factory flues on grounds of noise and odour concerns and air condensers to the front of the building, on visual impact grounds

Standard three week consultation period carried out originally on 08/02/10 in which 19 properties were notified.

5 objection letters have been received from 4 separate units. The objection letters raise the following issues:

- The structure is as high as the bay doors, and would appear ghastly
- The silo is too large
- The proposal will compromise the aesthetics of the modern industrial estate
- Business vessels should be stored internally within the unit, which is what other unit holders do
- This is a business park and not an industrial park. It will create a factory environment.
- The silo takes up a disabled car parking space. It will encourage other tenants to do the same, reducing overall parking
- The proposed flues are not appropriate for an environmentally friendly business park with

- propellers. The flues will lead to air pollution and noise
- Air conditioning units should be at the rear of the building
- The silo is sited on parking land- under communal ownership
- The estate operates a locked gate policy at the moment, and the security could be compromised
- The volume of traffic would increase

Transportation – the proposed parking/ servicing arrangement is satisfactory

Environmental Health - query whether the applicants have sought validation for the proposal from the Environment Agency with associated bunding/ spillage management system? Question whether the applicants have applied for a trade effluent consent, and require further details of the extract ventilation system and odour control equipment (now received)

REMARKS

The proposed alterations

The subject unit has planning permission to operate as Use Class B1(c) (light industrial), B2 (general industrial) or B8 (warehouse and distribution.) It is one of 6 units that may operate in this way. The 13 other units that constitute the rest of the Business Centre are within B1 use. The proposed cheese production facility is considered a B2 use class and is therefore within the permitted use classes for the unit. This application relates solely to the proposed external changes to the unit as a result of its occupation as a cheese processing facility, namely the erection of an external silo and 3 flues to the building in addition to plant: air conditioning units within the servicing bay to the eastern (front) elevation and an external plant area to the rear (western) elevation facing north circular road.

Flues and plant

The proposed flues are at least 1m above the roof ridge, but are overall small in size and are not considered sufficiently visually harmful to warrant result on visual impact. Such features are common within Strategic Employment Areas and are not out of scale with the building. Accordingly the proposal is considered to comply with policy BE9.

The nearest residential properties are in excess of 50m away in Beacon House. Environmental Health have assessed the ventilation drawing supplied and advised that they do not consider the proposed flues and processes associated with the business to create odour that gives rise to nuisance to adjacent properties/ units. However, they advise the use of a condition relating to this to ensure compliance with policies EMP10 and EP4 and that the flue height should be maintained.

The application also proposes air conditioning units. Four units are to be sited within the servicing bay on the eastern elevation. It is questionable whether these strictly require planning permission as they are undercover. Nevertheless they are to be assessed as part of this application. Although they were not visible on your officer's site visit it is understood that they have now been installed on site. They are visible from the front of the site, but as they are in a recessed bay they are not considered intrusive to the character of the building. Their positioning has been assessed and sufficient width and height clearance is retained within the bay to allow servicing by articulated vehicles and milk tankers as required.

The application also proposes a rear plant area external to the building. The building is sited at a lower level to the North Circular Road to the west, with a steep bank up to the highway. This means that the land levels will partly obscure the plant area. It will be visible to the pavement, but is unlikely to be seen by road users because of the extra distance and level changes. The applicants have initially proposed to erect a palisade fence around the plant area, but have indicated that they will introduce a further visual screen, which will be conditioned.

The proposed business and associated machinery/ plant is not expected to give rise to noise nuisance for adjacent occupiers, as assessed by Environmental Health. In order to ensure that this is the case, a condition will be applied that requires that any machinery/ plant be maintained at least 10dB below the background noise levels.

Silo

Siting and appearance

The applicant has commented that it is not possible to accommodate the silo and the rest of the equipment required for the cheese processing plant within the envelope of the building. The silo is required in order for the unit occupiers to meet BRC (food) standards and so that the milk tank vehicle supply does not have to enter the building, maintaining cleanliness within the unit.

Officers originally raised concerns regarding the external and forward siting of the milk tank, which is in a prominent position and had potential to harm the character and appearance of the industrial park as it is set in front of the building.

Revised drawings have been received that propose to partly clad the milk tank in panels that match the original building. This results in a structure that will be 3.85m deep, which physically abuts the front of the main building. The tank itself will be visible above the cladding section. The introduction of cladding visually links the tanker to the main building whilst maintaining the integrity of the structure. The tank itself will be higher than the existing roller shutter doors but lower than the first floor windows within the unit. The structure will interrupt the openness of the yard/ parking area. Nevertheless it is considered that the partial use of an identical cladding panel system to the original structure will help to assimilate the addition. This includes Microrib cladding panel, RAL 7012 [darker grey finish] and Wave cladding panel RAL 9006 [lighter grey finish]. The use of these materials will be conditioned. Further, the cladding addition's reduced height and width will mean that it appears subservient to the main building. It is not uncommon within a Strategic Employment Area for industrial units to require ancillary equipment externally to the buildings. However, the objectors rightly point out that it is important that any additional structures do not harm the overall appearance of the estate.

The Local Planning Authority is mindful that there are a number of empty units in the estate. The NCR is a modern development and therefore has not been significantly altered at this time. It is considered that the milk tank as clad will not be sufficiently harmful to the industrial estate to warrant refusal on visual amenity grounds. The applicant has demonstrated that the silo is a requirement for the unit to operate successfully. The proposed B2 use is appropriate within a Strategic Employment Area and therefore on balance officers are minded to support the proposal on the basis that it is an absolute requirement to the functioning of the business. Officers therefore recommend a condition that the permission is personal to the applicant, thereby requiring that the structure be removed if/ when the applicant no-longer occupies the unit.

Layout

The milk silo will be accessed via double doors that open onto the servicing bay. The supply milk tank will provide milk on a daily basis, when the business is operational, 5 days a week. The tank will supply the unit at 5.30am each morning.

The proposed silo is located on an existing disabled parking space. This results in the relocation of an existing disabled parking bay, the net loss of one standard sized car parking space and the loss of one landscaped strip to enable the re-provision of the width required for an accessible space. Generally the loss of established landscaping is resisted. On your officers site visit it appeared that the strip in question had already been removed. The soft landscaping is considered to contribute to the character and appearance of the area, and policies BE6 and EMP12 support landscaping provision. However, at your officer's request, the applicants will improve the quality of the remaining landscaping strip by introducing a tree. The proposed tree will be a *malus tschonuski*, in accordance with recommendations from the Council's Landscape Designer.

Surface water implications

In accordance with Pollution Prevention Guidelines the applicants should minimise the risk of water pollution from milk spillage. The applicants have considered this but do not consider that they need to install anything else at the present time. They have until recently operated from other premises so they are aware of operational requirements. The silo will operate a self-cleaning system once a day, when empty, which vents to the foul sewer. They do not need a trade effluent consent from Thames Water, as their waste water only has a small salt percentage. Waste water disposal is governed by other legislative bodies including the Environment Agency and sewerage company, in this case Thames Water. Planning does not have jurisdiction over this, but the applicants have demonstrated that they have considered other legislation. An informative will advise the applicants that should they wish to install milk spillage limitation features in the future, they should confirm whether a further planning permission is required.

Highway Implications

Brent's Unitary Development Plan guides that for a unit of the application size, (511sqm) a maximum of 3 parking spaces should be provided. The unit currently has 4 parking spaces, (with one accessible space incorporated within this.) The proposal results in the net loss of one standard parking space, this will still result in 3 spaces, which is the maximum permissible for this use class. The scheme therefore complies with policy TRN22 on parking standards. The unit will retain a servicing bay capable of accommodating a full-sized servicing vehicle including a tanker, in accordance with Policy TRN34.

Response to third parties

Officers have set out above that on balance the partly clad silo, creating a small front addition to the unit and air conditioning units are acceptable despite their visual impact. In addition, the loss of a parking space can also be justified, as the unit will still provide the maximum number of permissible parking spaces for this type of unit in compliance with local planning policies. The unit is not anticipated to create any worse traffic than any of the other B1c/ B2/ B8 units. The flues and plant is not anticipated to give rise to noise or odour pollution and conditions will safeguard adjoining units. It is unclear how the operation of a cheese processing plant will compromise estate security.

Summary

With reference to the Council's policies, the proposal to install flues and a silo surrounded in cladding is considered to be in accordance with the relevant saved policies in Brent's UDP. The site is located in one of the borough's Strategic Employment Areas as such the Council welcomes the new employment opportunities provided by this application. The scheme has been amended in order that the proposed silo compliments as far as is practically possible the design of the existing unit and the wider estate. The proposal meets the relevant servicing standards.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-
Brent Unitary Development Plan 2004

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):

Location Plan

1395-10 Site Plan- as existing

1395-121 Existing roof plan

1395-12 Existing elevations

1395-01 RevA received 25/02/10

1395-03 RevA received 25/02/10

3678/01 Rev D received 15/03/10

Milkys (UK) Revised statement;

Method and Access Statement

Milkys141209 received 26/03/10 – plant area layouts

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

- (3) The proposed tree shall be planted in accordance with the approved drawings prior to the commencement of the use of the unit, or within 3 months of the date of this decision notice, whichever is the sooner unless otherwise agreed in writing by the Local Planning Authority

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, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (4) a) The noise level from any plant/ machinery together with any associated ducting, shall be maintained at a level 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".
b) Should the predicted noise 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: In order to ensure adequate insulation and noise mitigation measures and to safeguard the amenities of adjoining occupiers and future occupiers

- (5) The fume extraction and odour control equipment shown on the approved drawings including any external ducting and flues at the heights detailed, shall be installed in their entirety within 3 months of the date of this decision notice or before the commencement of the use of the unit unless otherwise agreed in writing by the Local Planning Authority. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when extraction is undertaken unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbouring occupiers

- (6) The silo shall be clad in the specified Wave cladding panel RAL 9006 [lighter grey finish] prior to the commencement of the use of the silo unless otherwise agreed in writing by the Local Planning Authority so that 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.

- (7) The development hereby permitted shall be used by Milkys UK Limited and shall be removed when the premises are no longer occupied by Milkys UK Limited unless otherwise agreed in writing by the Local Planning Authority

Reason: Personal permission is given because of the special circumstances put forward by the applicant in this instance and in order to safeguard local amenity

- (8) Notwithstanding the submitted drawings, within 3 months of the date of this decision further details of the screening mechanism for the western plant area shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details within 6 months of the date of this decision unless otherwise agreed in writing by the Local Planning Authority .

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004

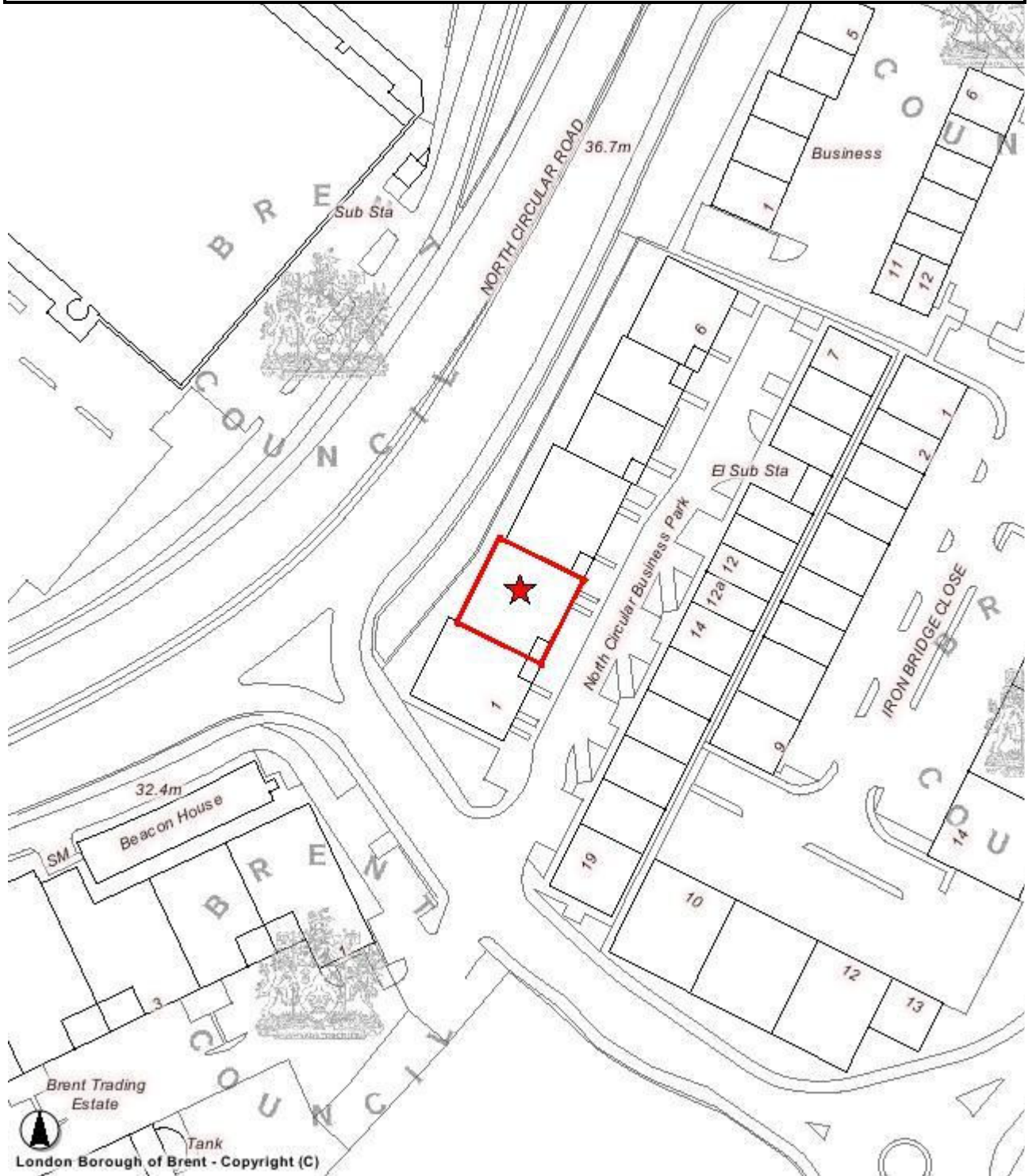
Any person wishing to inspect the above papers should contact Amy Collins, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



Planning Committee Map

Site address: 2 NCR Business Centre, Great Central Way, London, NW10 0AB

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