

**Location**                      **North Land Of Garrick Estate Garrick Industrial Centre Irving Way  
London NW9 6AQ**

**Reference:**                      **15/04144/FUL**                      Received: 3rd July 2015

Accepted: 6th July 2015

Ward:                              Colindale                              Expiry 5th October 2015

Applicant:                      Ropemaker Properties Limited

Proposal:                      Erection of 2 no. two storey B1 (Business), B2 (General Industrial) and B8  
(Storage and Distribution) units, including 45 no. new parking spaces, cycle  
storage and associated works

**Recommendation:** Approve subject to s106

#### RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. 3. A requirement that the applicant shall enter into a Strategic Travel Plan that seeks to reduce reliance on the use of the private car, promote sustainable means of transport and include the appointment of an appropriately qualified Travel Plan Champion.

4. A contribution of £25,000 towards the monitoring of the Travel Plans for the development.

5. Secure a Stopping Up of the existing public highway within the site under TCPA Section 247.

6. The applicant to provide commitment to construct a new turning head to replace the existing being replaced by the proposed development to adoptable standards and to offer newly constructed turning head for adoption under S38 of the Highways Act.

7. Associated works on public highway to further the development to be carried out under S278 of the Highways Act.

8. A contribution of £1500 towards the monitoring of the S106 agreement.

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

05369\_MP\_00\_0000 Existing Site Location Plan  
05369\_MP\_00\_0200 Proposed Site Location Plan  
05693\_MP\_00\_0201 Proposed Site Plan  
05369\_B1\_02\_2200 Proposed Ground Floor Plan Unit 25  
05369\_B1\_02\_2201 Proposed First Floor Plan Unit 25  
05369\_B1\_02\_2202 Proposed Roof Plan Unit 25  
05369\_B1\_04\_2200 Proposed East Elevation Unit 25  
05369\_B1\_04\_2201 Proposed West Elevation Unit 25  
05369\_B1\_04\_2202 Proposed North Elevation Unit 25  
05369\_B2\_02\_2200 Proposed Ground Floor Plan Unit 26  
05369\_B2\_02\_2201 Proposed First Floor Plan Unit 26  
05369\_B2\_02\_2202 Proposed Roof Plan Unit 26  
05369\_B2\_04\_2200 Proposed West Elevation Unit 26  
05369\_B2\_04\_2201 Proposed North Elevation Unit 26  
05369\_B2\_04\_2202 Proposed South Elevation Unit 26  
05369\_B2\_04\_2203 Proposed East Elevation Unit 26  
05369\_B1\_05\_2200 Existing/Proposed Section BB Unit 25  
05369\_B2\_05\_2200 Existing/Proposed Section CC Unit 26  
05369\_B2\_05\_2201 Proposed Section DD Unit 26  
Design and Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety

and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

5 a) No development other than demolition works shall take place until details of the proposed green walls have been submitted to and approved in writing by the Local Planning Authority.

b) The green walls shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of

the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

## 7 Part 1

Before development commences other than for investigative work:

A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

8 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning

Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

9 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

## 10 Part 1

Before development commences other than for investigative work:

A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained

from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

11 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with a revised parking layout drawing to be submitted following resolution of Stopping Up of existing public highway and provision of new turning head to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

12 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include for the provision of 20% active and 10% passive parking spaces with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and maintained thereafter.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

13 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 which in turn refers to London Plan Parking Standards.

14 Prior to occupation of the development shower facilities shall be provided to encourage the use of cycling as an alternative mode of transport in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

15 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

16 Before the permitted development is occupied a full Delivery and Service Management Plan (DSMP) including details of the routing of the service vehicles shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

17 Prior to the commencement of the development hereby approved, details of the existing public highways affected by the proposed development to be stopped Up under

Section 247 of the Town and Country Planning Act shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that adequate public access is provided throughout the development.

18 Prior to the commencement of the development, details of the revised public highway to provide turning head for commercial vehicles to replace the existing turning head junction(s) between the proposed service/access road(s) and the highway shall be submitted to and approved in writing by the local planning authority; and the development hereby approved shall not be occupied until the turning head has been constructed in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

19 Prior to the units being brought into use in accordance with the hereby approved plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be maintained as such.

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and 5.3 of the London Plan.

20 a.) Prior to the units being brought into use as a commercial bakery (unrestricted operation hours) in accordance with the hereby approved plans, a Delivery Management Plan expanding upon the principles as outlined in the draft Delivery Management Plan, to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and reviewed after a 3 month period. The applicant shall submit a statement for review after 3 months of implementation for assessment.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

21 The units shall be used for any other use within B1/B8 Use Class and should not operate at any time on Sundays, Bank or Public Holidays, or before 5am or after 11pm on any other day.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.



22 a) The non-residential development is required to meet the BREEAM very good; level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

23 a.) Prior to the commencement of the development details comprising a scheme of mitigation measures to protect the biodiversity and ecology at and adjacent to the site expanding upon the principles outlined in the Phase 1 habitat survey shall be submitted the Local Planning Authority and approved in writing.

b.) The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

24 a.) Prior to the commencement of the development details comprising a scheme of measures to enhance and promote biodiversity at the site expanding upon the principles outlined in the Phase 1 habitat survey shall be submitted the Local Planning Authority and approved in writing.

b.) The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

25 a.) Prior to the commencement of the development details comprising a scheme of the removal of the Japanese Knotweed shall be submitted the Local Planning Authority and approved in writing.

b.) The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

26 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation of unit 26 or unit 26 facing the rear of 2-36 Colin Drive or the side elevation of 178 Colin Gardens.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

### RECOMMENDATION III:

#### 0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 04/03/2016 , unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to produce a full Travel Plan and meet the associated monitoring costs of the travel plan. The proposal would therefore not address the highways impacts of the development, contrary to Policy DM17 of the Development Management Plan Policies (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

2. The proposed development does not include a formal undertaking to undertake necessary highways works. The proposal would therefore not address the highways impacts of the development, contrary to Policy DM17 of the Development Management Plan Policies (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 The applicant is advised that Wilberforce Road is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00am-9.30am & 4.30pm-6.30pm Mon-Fri. Careful consideration must also be given to the optimum route(s) for construction traffic. Please contact Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555 for further advice.
- 4 The applicant is advised that any alterations if required to the existing waiting and loading restrictions on public highway as a result of the proposed development will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.
- 5 The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Control Team for approval. Any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that a Joint photographic survey shall be carried out prior to commencement of any works affecting public highway.

To receive a copy of our Guidelines for Developers and an application form please contact: Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.

- 6 The applicant is advised that prior to carrying out any construction works on public highway trial holes must be carried out in order to locate and to identify the cover depth of all existing services affected by the proposed highway works. Prior to excavating the trial holes the applicant is advised to contact the highway's Development Control Section in order to arrange a site meeting and agree the location of the proposed trial holes and to ensure that a Council's Highway Engineer is present to witness the trial holes and record the cover depths of all services exposed. The application for the proposed highway works will only be registered for processing once the trial holes have been carried out on site in the presence of a Highway Engineer. The applicant will require a work permit licence from the Council prior to carrying out any trial holes on public highway. The address and contact details for the Development Control Team is as follows.

Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.

- 7 The applicant is advised that if the development is carried out, where possible, the applicant should seek to improve the existing pedestrian visibility splays at either side of the vehicular access in accordance with the Manual for Streets.

- 8 Please note that aside from planning permission, any works within 8m of the watercourse may also require consent for works under the Water Resources Act 1991 and the Thames Land Drainage Byelaws 1981. For further information the applicant should contact a Flood Risk Officer on 01707 632419.

## **Officer's Assessment**

### **1. Site Description**

Garrick Industrial Centre and Connaught Business Centre which is identified in Barnet's Development Management Plan Policies as a Locally Significant Industrial Site which is a total of 2.3 hectares in area.

The industrial estate is located to the west of Hendon town centre. It is accessed via Irving Way and Garrick Road, which directly connects with the A5 (Edgware Road/West Hendon Broadway).

The existing Estate currently provides a total of 291 marked car park bays, including 2 disabled parking spaces.

The site falls outside of the West Hendon Regeneration Area. There has been a historic application for a sub-station to serve the regeneration area within the application site, however, this is not considered to be necessary any longer.

### **2. Site History**

Reference: H/01508/08

Address: Unit 21, Garrick Industrial Centre, Irving Way, London, NW9 6AQ

Decision: Approved subject to conditions

Decision Date: 7 August 2008

Description: New loading canopy to rear of unit with acoustic screen. Ventilation louvre in side elevation. Fire exit door in side elevation. Variation of conditions 6 and 7 of planning permission W01406DJ/08 dated 28/03/08 to allow 24 hour usage of the site (AMENDED DESCRIPTION)

W16162/07 - 'Erection of a new primary sub-station and compound' - approved April 2008; and

H/01185/11 - 'Extension to the time limit for implementing planning permission W16162/07 dated 09/04/08 for "Erection of new primary sub-station and compound" - approved May 2011.

### **3. Proposal**

The application relates to the erection of 2 no. two storey B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) units, including 45 no. new parking spaces, cycle storage and associated works.

The application is for the creation of two new commercial units on Land to the North of the existing Estate which will create an additional 3,020 sqms GIA floorspace within flexible B1, B2 (food processing) and B8 uses. This will create new units as follows:

- Unit 25 - 1,604 sqms GIA; -
- Unit 26 - 1,416 sqms GIA. A stand-alone B1 / B2 / B8 unit within the Estate

The Bread Factory located on the site currently occupies six units on the Estate and has interest in occupying the new unit 25. However, at this stage this has not been confirmed and as such the applicant does not wish to have a specific user listed.

Should the Bread Factory take on one or both of the units it is proposed that in order to accommodate The Bread Factory's business model, the Units would need to be operational on a 24 hour basis consistent with its operations elsewhere on the Estate.

#### **4. Public Consultation**

Consultation letters were sent to 97 neighbouring properties.

12 responses have been received, comprising 11 letters of objection, 1 letter of support and 0 letters of comment.

The objections received can be summarised as follows:

Environmental impact on neighbouring properties: increased noise, air pollution, increased dust, general disturbance, odour.

Noise from associated working including clattering of trolleys, general noise from operations, vehicle noise, stereos being played.

Loss of amenity of neighbouring properties - loss of privacy, overbearing development.

Impact of the new buildings and associated high wall on the aesthetic environment of surrounding residential properties.

Noise levels are already high when workers are working late. The proposal will aggravate the situation.

Wall can only lower the noise level not remove/prevent interference.

Impact of lighting on neighbouring properties.

Loss of trees will result in the loss of the buffer zone. Loss of trees will also result in the loss of green views and soft landscaping.

Increased traffic.

Increased chance of vermin due to location of waste storage.

Disturbance to sleep pattern.

Impact on peaceful use of gardens.

Workers converse very loudly and using obscene language almost shouting without having any consideration for the nearby residents whether this is during the day or night the noise levels are

Clean Air Act 1956 which introduced the Smoke Control Areas which Barnet is part of, currently the Garrick estate has the Bakery in which the level of smell and pollution constitutes a big hazard for our properties making the air smelly and polluted, the proposed car park will be right at the back of our property this will involve trucks and lorries coming in and out not to mention the normal cars, this will be very polluted with the car fumes and emission also from our experience with the bakery the lorries and trucks leave their engines running throughout the night while loading and unloading, this will be very detrimental to our health inhaling those fumes all day and night as well.

The commercial units are not in scale with the residential properties.

Overlooking.

Does not comply with the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.

Loss of light - lighting assessment recognises there will be an impact.

Increased fire hazard.

Japanese knotweed is an existing problem.

Increased security risk

Local overcrowding.

Impact on property prices.

Commercial gain should not outweigh impact on neighbouring residents.

Trees along railway were cut a while ago which left properties more vulnerable to noise and pollution from M1 and railway.

Environment Agency - No objections. The plans show that access to the watercourse will be available following the development. It is imperative that this access is maintained for future inspections and maintenance.

Thames Water - No objections. Applicant is advised that separate consent would be required from Thames Water for works close to the public sewerage. The applicant is advised to contact Thames Water directly.

Traffic and development - No objections subject to conditions and S106 agreement

Environmental health - No objections subject to condition, in particular relating to a management plan for any proposal that will involve an expansion of the 24 hour operation of the site.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

## **5.3 Assessment of proposals**

### Principle of use

Policy DM14 of the Development Management Plan Policies indicates that new industrial/warehousing space will be expected to locate in Locally Significant Industrial sites. Warehousing uses or uses which generate high levels of movement should be located in close proximity to tier one and two roads as set out in Policy DM17 Travel Impact and Parking Standards and minimise impact on residential areas. Proposals for new employment space will be expected to provide on site servicing for the intended use and include space for waiting for goods vehicles.

The existing Garrick Industrial site is an established warehouse site and as such the principle of the use is considered to be acceptable and would comply with the policy requirements of CS1 of the Core Strategy and DM14 Development Management Plan Policies. The provision of B1, B2 and B8 uses in this location is therefore considered appropriate.

### Principle of new units

### Character and appearance



The site is currently an industrial estate with large industrial units covering the associated with associated hardstanding to provide parking for the users of the site. The proposed units in terms of design, bulk, height and scale are considered to be comparable in regards to the existing units and is considered to be appropriate within its context.

The proposal will in part build on an existing strip of greenspace that currently exists between the industrial estate and the residential properties. It is not considered that the loss of some green space in this location, which is not publically accessible, will be detrimental to the character of the area.

#### Amenity of neighbouring residential properties

Two new industrial units are proposed to the north of the site adjacent to Colin Drive referred to as Unit 25 and Unit 26 both new units will be connected to existing units on the site.

Unit 25 will be sited to adjoin Unit 21 which is currently occupied by The Bread Factory. Unit 25 will be sited closest to 2 - 10 Colin Drive and the side elevation of 178 Colin Gardens. The proposed unit is sited approximately 19.3m from the existing boundary at the rear of Colin Drive. A distance of approximately 2.5m is maintained between the existing boundary of the residential units and the new acoustic fence. A distance of approximately 34.5m is proposed between the ground floor projection of 2 Colin Drive and the new unit.

A distance of approximately 20m is provided between the side elevation of 178 Colin Gardens and unit 25 is maintained.

The existing landscaping bund will be excavated so the building will be built on a lower ground level than currently exists between the site and Colin Drive. The eaves height of the unit will be approximately the same as the eaves height of the residential properties. Given the distance maintained and the overall height

Unit 26 will be sited closest to properties 16-32 Colin Drive which back on to the site. The unit (26) is sited approximately 31m from the main rear building line of the properties that back on to the site and approximately 9.5m from the existing rear boundary treatment in the form of a metal fence. Both units will be two storeys in height with a shallow pitched roof. As existing there is an existing landscaping bund which separates the application site to the rear gardens of the residential properties. As part of the development this bund will be removed and the levels will be excavated to set the proposed buildings lower into the application site. The eaves of the new building will align approximately with the eaves level of the residential properties. Given the distance maintained between the residential properties, the distance between the gardens and the lowering of the ground levels, it is considered that the proposed unit is acceptable in terms of the impact on the residential amenities of the neighbouring properties.

No windows in the elevations facing towards Colin Drive and Colin Gardens are proposed, this will be maintained as such and secured by way of condition.

A green wall system has been proposed to provide a softer view of the new unit and to mitigate against the loss of the trees currently forming part of the boundary between the application site and residential street.

An acoustic fence is to be incorporated to mitigate against noise disturbance to the residential properties backing on to the site. This will be set approximately 1.6m from the existing fence which is being maintained. The acoustic fence is to be of a similar height to the existing boundary behind the residential properties. As such the fence itself is not considered to result in a visually obtrusive or overbearing feature when considered from the residential units and the associated rear gardens.

Staff parking is proposed along the boundary of the site, however, this will be set below the height of the existing fence and proposed acoustic fence and as such there will not be an visual amenity issue of vehicles parking along this boundary. The noise impact of the parking spaces is covered in the next section of the report.

#### Environmental health considerations

An acoustic fence is proposed to mitigate against noise and disturbance generated by the proposal. The acoustic fence will measure 2.5m but will be set on higher land than the ground level of the new unit. From the ground level of the new unit the built up land and associated acoustic fence will have a height of 4m to attenuate noise omitted from vehicles in this part of the site. Following discussions with the agent it has been confirmed that in the event the units are occupied by The Bread Factory that most of the vehicles which will serve the proposed Units are non-refrigerated light luton vans (e.g. light good vehicles of 2.5 tonnes) and although rare, the largest vehicle anticipated to be used would be a 16.5m vehicle (3.87m high) (and to be clear, this is not a HGV but is the maximum size of an LGV). Aecom (noise consultants) has subsequently confirmed that the height of the acoustic barrier at 2.5m (approximately 4.07m including the raised ground) will effectively mitigate noise generated by vehicle engines (which are located at a height of approximately 1m and represent the main source of noise in the case of non-refrigerated vehicles).

The fence will be of similar height to the existing boundary fence that runs along the rear of Colin Drive, as such the introduction of this is considered to help minimise the impact of noise from the expansion of the existing industrial site.

The end users of the new units has yet to be confirmed, on the basis that the bread factory wish to occupy either of both of the units a draft delivery management plan has been submitted to control the 24 hour operation of the site. This will be secured by way of condition and assessed after a 3 month period to allow for the council to monitor and amend the operation of the units if and when required to protect the amenities of the neighbouring residential occupiers.

As part of the delivery management plan the use of the proposed parking spaces which line the rear boundary with Colin Drive will be monitored and reviewed after a 3 month period. Also suggested within the Delivery Management Plan is that these uses will be kept to a minimum between 9pm - 7am this will be reviewed to consider whether further measures to prevent parking of vehicles in these spaces is required.

Deliveries to unit 25 will be predominately carried out through the existing unit 21, deliveries between 9pm and 7am will be carried out by light vehicles only. Further details will be provided in the full delivery management plan to be submitted and required by way of condition.

The environmental health team have not raised any issues in regards to air pollution or odour control for the site.

## Traffic and parking

The applicant has confirmed that currently, the following staffs are employed at the exiting unit over the course of a typical weekday:

- o Morning shift: 15 employees working from 0500 - 1300 hours
- o Mid shift: 15 employees working 1300 - 2100 hours
- o Night shift: 15 employees working 1700 - 0100 hours

The extension of the unit is likely to result in the following additional number of staff being employed over the course of a typical weekday:

- o Morning shift: 18 employees working from 0600 - 1600 hours
- o Night shift: 22 employees working 1600 - 0300 hours

Therefore the consultants have stated in the Transport Assessment that the proposed extended unit is not expected to generate any additional arrivals or departures during the typical Weekday AM and PM peak hours, 0800 - 0900 hours and 1700 - 1800 hours respectively.

Notwithstanding the above, it is recognised that the proposed extended unit is predicted to generate an additional 18 employees departing the site between 1600 - 1700 hours. Therefore, the analysis has been based on a Weekday PM Peak hour of 1600 - 1700 hours.

The proposed development is divided in two distinct areas. The first area is situated to the north of existing units and includes part of the existing car park as well as a low quality landscape bund beyond. The second area, situated between Units 17 and 18 to the south of Unit 18, has been identified for additional parking provision to serve the Estate.

### Parking Provision:

It is proposed that any loss of existing parking provision will be replaced in addition to the parking proposed for the new units.

With the proposed development in place, a total of 336 marked car park bays will be provided at the Estate including the additional 45 parking spaces.

The proposed additional 45 car park spaces includes the provision of 5 disabled spaces, 5 enlarged standard spaces to cater for potential future provision of disabled spaces and 10 electric vehicle charging bays. The disabled and enlarged standard spaces are located in areas convenient to the building entrances.

### Cycle Parking Provision:

18 cycle parking spaces are proposed.

### Vehicular Access:

The vehicular access to the various units on the Estate is from Irving Way from several access junctions, each serving separate areas of car parking.

Irving Way effectively forms the spine road within the Estate and forms the minor arm of a simple three-arm priority junction with Garrick Road / Wilberforce Road.

The proposed alteration to the existing highway is likely to require Stopping Up of the existing public Highway under the TCPA section 247.

The applicant also needs to make alternative provision for the turning head for vehicles including the HGVs. The turning head will need to be constructed in accordance with the Council's adoptable standards and to be offered for adoption under S38 of the Highways Act.

Electrical Vehicle Charging points:

10 Electric Vehicle Charging points (EVCP's) are proposed for the proposed development.

A condition will be applied to secure the provision of EVCPs.

Public Transport Accessibility Levels (PTAL):

The Public Transport Accessibility Levels (PTAL) which are graded from 1 for poor accessibility to 5/6 for excellent accessibility. The PTAL assessment of the site is shown as 2 which considered as medium to poor.

Public Transport:

The site is served by bus routes 32, 83, 142, 183, N5 and N16 within the walking distance of the site. The site is also served by school buses 632 and 683.

Underground Train Station:

The nearest Underground Station to the development site is Hendon Central Station and is located at a distance of approximately 1.8km.

National Railway Network:

The nearest railway service to the development site is from Hendon Railway Station and is located approximately 750m south of the proposed units.

Transport Assessment (TA):

The consultants Mayer Brown were appointed to provide advice of Transport Assessment.

Trip Generation:

Existing Trips:

A Travel Questionnaire (TQ) was issued to the staff at the existing Bread Factory units to ascertain the travel modes of the staff as part of the proposed Travel Plan.

The following Mode Split for Travel was identified from the survey:

- o Car driver on your own - 20%
- o Car share with other staff - 6%
- o Car share with someone else / drop off (not staff) - 1%
- o Bus - 40%

- o Walk - 11%
- o Cycle - 3%
- o Motorbike - 1%
- o Train - 11%
- o Underground - 7%
- o Taxi - 0%
- o Other - 0%

The consultants have considered it reasonable to assume that the new employees at the unit will travel to work will have similar modal split as the existing staff. However, in order to provide a robust assessment they have assumed that all 22 night shift staff working 1600 - 0300 hours would travel by car. Therefore, the modal splits shown above have only been applied to the proposed 18 new staff working 0600 - 1600 hours.

#### Predicted Trips:

The consultants have confirmed that the extended unit is expected to generate only very few (if any) traffic movements associated with visitors. Additionally, as advised earlier in this TA, the extended unit is not expected to generate any additional service vehicle movements.

The predicted additional vehicle movements associated with the proposed extended unit is likely to generate a total of 171 additional two-way daily vehicle movements. During the Weekday AM (0800 - 0900 hours) and PM (1600 - 1700 hours) peak hours, the proposed development is predicted to generate a total of 12 and 18 additional two-way vehicle movements respectively which equate to one additional vehicle approximately every five and three minutes during the Weekday AM and PM peak hours respectively and therefore is unlikely to have any additional impact on the local highway network.

However, the development is predicted to generate a total of 33 two-way trips between 1500 - 1600 hours. Whilst this represents the development peak hour, it is outside of typical network and assessment peak hours therefore has no material impact on the highway network.

#### Car Park Utilisation:

The consultant have demonstrated that the maximum utilisation of the car park with 45 parking spaces occurs for only a single hourly period with the use of 40 spaces at around 15.00 hrs and that throughout the course of the majority of the day, car park utilisations associated with the development are expected to be in the general range of 20 - 25 spaces. The parking provision of 45 parking spaces is acceptable as the parking requirements for the proposed development can be accommodated within the proposed development.

#### Servicing:

The applicant has confirmed that the existing Bread Factory units typically receive approximately 4 to 5 deliveries during the busiest hourly period and that the proposed extended unit will not directly generate any additional servicing movements.

However, the consultants were advised by the applicant that the largest anticipated vehicle that could be used to serve both the extended and the new unit is a 16.5m long articulated lorry.

The consultants undertook an Autotrack assessment for the 16.5m articulated vehicle as part of TA which demonstrated that the vehicle can access and egress the proposed new units satisfactorily.

#### Junction Capacity Analysis:

The consultants have confirmed that on-site observations undertaken during the Weekday PM peak hour suggest that there the existing Garrick Road / Irving Way / Wilberforce Road junction operates within capacity with no notable queuing issues. The predicted traffic flows associated with the proposed development will not materially affect the operation of this junction.

#### Personal Injury Accident Analysis (PIA):

Consultants obtained the latest five year personal injury accident data covering a period up to October 2014 from TfL for the Garrick Road / Wilberforce Road / Irving Way three-arm priority junction. The data covers a distance of approximately 100m along each arm.

5 slight PIA accidents were recorded during this period. The analysis of the accidents carried out by the consultants concluded that the proposed development is not expected to adversely affect the accident record on the local highway network.

#### Travel Plan:

A Strategic Travel Plan will need to be provided. A contribution of £25,000 will be required towards the monitoring of the Travel plan.

#### Loss of trees, green buffer and impact on ecology

The green wall facing the properties on Colin Drive have been proposed to mitigate against the loss of the trees in terms of the aesthetic outlook from the rear windows and garden areas from the residential units. This is considered to help minimise the visual impact of the proposed units.

A phase 1 survey has been carried out of the application site. This did not identify any protected species on site. The site offers little scope to provide a habitat for protected species, however, details of enhancement measures to promote biodiversity on the site, to expand on the principles and recommendations contained within the phase 1 habitat will be secured by way of condition.

The Environment Agency have not raised any concerns relating to flood risk or impact on the Silk Stream.

## **5.4 Response to Public Consultation**

All planning related matters are considered to be covered in the above appraisal. Further to discussions between the Local Planning Authority and the applicants further mitigation measures have been proposed. A delivery management plan will be submitted for any proposal seeking to expand the 24 hour use of the site. This will be reviewed to ensure

that the proposal does not cause disturbance to the neighbouring residential occupiers. The delivery management plan will also consider the frequency and type of vehicle movements. The document will also outline A 3 month review of the parking arrangements on site will also be undertaken to assess the implications of the new parking spaces on the neighbouring residents. An acoustic fence is also proposed to help minimise any noise disturbance as a result of the new units and associated use.

A green wall is proposed to the side of the new units facing Colin Drive and Colin Gardens to help maintain a sense of green when viewed from the windows of the residential units.

The Environmental Health team have reviewed the application and have not raised any concerns regarding air pollution or odour control.

The application is accompanied by an ecology report which outlines a number of mitigation measures and also suggests a number of enhancement measures. These are to be secured by way of condition.

Concerns have been raised that as part of the original consent an open green strip was to be maintained to provide a buffer between the residential units and the industrial estate. This application must be assessed on its own merits as a standalone proposal. The loss of some greenspace is accepted as it is not considered to change the character of the area and the way it functions to an unacceptable degree. The proposal has been designed to minimise the impact of the loss of this area including providing a living green wall to help maintain a green visual aspect. It is also suggested that trees could be planted within the proposed parking area to provide a level of soft landscaping to the site.

To prevent potential for overlooking no windows are proposed in the side elevation of either unit facing towards the residential properties, this will be maintained and secured by way of condition.

A daylight/sunlight report has been submitted with the application this indicates that the proposal will comply with BRE guidelines 2011 in respect of the impact of daylight/sunlight to the neighbouring residential units.

The traffic and development team have reviewed the application and consider that with the necessary S106 terms being complied with and on the basis of a full Travel Plan being submitted the proposal would not result in harm to the public highways and sufficient parking is provided on site.

## **6. Equality and Diversity Issues**

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

