

**Location**                      **Hadley Green Garage Victors Way Barnet EN5 5TZ**

**Reference:**                      **17/0653/FUL**                      Received: 3rd February 2017  
Accepted: 8th February 2017

Ward:                              High Barnet                      Expiry 5th April 2017

Applicant:                      Mr J Button

Proposal:                      Provision of a substation, and relocation of waste area to south-east of site with new 2.4m high palisade fence enclosure. Provision of car valeting area, relocation of cycle storage structure and installation of air condensers behind new wall-enclosure to north of site. New lighting details

**Recommendation:** Approve subject to conditions

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

Drawing No. 515C, 516B, 540, 537 and 539 (3 February 2017).  
Drawing 517 and EDS 07-0102.01 Sheets 1-3 of 3 (received 16 February 2017).  
Drawing 518 (received 22 February 2017).  
Lighting Column Drawing BH36 and BH58.  
JLR Barnet External Rev B dated 22.03.2017 (lighting design document).  
JLR Barnet External 16-06-15 Proposed external lighting Revision B dated 22-03-17 (received 28 March 2017).  
Specification of Air Conditioning unit PURY-P550YSLM-A1, PURY-P450YLM-A1, PURY-P500YLM-A1.  
Drawing No. 540 (with annotations of external condensor units).  
Drawing No. 541B (received 26 April 2017).

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      The car valet building and its associated equipment shall not be used before 08:00 or after 18:00 on weekdays, before 09:00 or after 15:00 on Saturdays, or at any time on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD.

- 4 a) Notwithstanding the submitted details, prior to the first use of the car valet building hereby approved a scheme of hard and soft landscaping for the area immediately to the rear of that building, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted 2016) and 7.21 of the London Plan 2015.

- 5 The level of noise emitted from the air conditioning units and pressure washing equipment hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

- 6 The lighting hereby permitted shall not be illuminated before 07:00 or after 20:00 on weekdays, before 08:00 or after 18:00 on Saturdays or before 10:00 or after 16:00 on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD.

- 7 The materials to be used in the external surfaces of the building shall match those set out in the application documents submitted.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD

(adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

**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. 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.

## **Officer's Assessment**

### **1. Site Description**

The application site is a plot of land approximately 0.7ha in area, located to the east of the Chipping Barnet Town Centre. The site contains a car dealership, and at present construction works are progressing in respect of planning permission 15/01638/FUL.

The site is accessed via Victors Way. The original front forecourt area of the site (making up the majority of the site) contained three buildings of approximately 1.5 storeys in height. The showroom to the north was approximately 5 metres high with a flat roof. The first showroom to the south was approximately 6.5 metres high, with the workshop beyond approximately 4 metres high. The second workshop, which was between Hadley House and No. 15 Park Road, and accessed via Park Road, was approximately 7 metres tall to the ridge of its pitched roof.

The site slopes down from front to rear (ie from west to east). The first part of the site has a gentle slope, but further rear slopes down considerably to a lower level some 5 metres below the main site level. The lower area was used generally for washing and parking of cars.

The site is bound by residential dwellings and some office space to the southern boundary (Park Road). To the east are four storey high residential apartment buildings. To the north are a mixture of residential and industrial buildings (at Moxon Street) and to the west are residential and office buildings fronting Victors Way.

### **2. Site History**

17/0919/S73: Variation of condition 1 (Approved Plans) of planning permission 15/01638/FUL dated 15/03/2015 for 'Demolition of existing buildings and erection of new three storey building (comprising lower ground, ground floor and first floor levels) to provide a new car showroom and workshop facilities, with provision of parking spaces to side and front forecourt. Associated refuse and recycle facilities, cycle storage and alterations to hard and soft landscaping.' Amendments include increase to building height, insertion of new external door, alterations to site levels. Application under consideration.

15/01638/FUL: Demolition of existing buildings and erection of new three storey building (comprising lower ground, ground floor and first floor levels) to provide a new car showroom and workshop facilities, with provision of parking spaces to side and front forecourt. Associated refuse and recycle facilities, cycle storage and alterations to hard and soft landscaping. Approved July 2016.

### **3. Proposal**

This application relates to the construction of an electricity substation, the relocation of the waste area to south-east of site with new 2.4m high palisade fence enclosure, the provision of car valeting area, relocation of the cycle storage structure and the installation of air condensers behind new wall-enclosure to north of site. It also includes new lighting details.

#### New substation, waste area and palisade fence

The proposed substation building would have a maximum height of 2.4 metres, and would measure 3m in width and depth. It would be located toward the end of the access drive from Park Road, adjacent to Hadley House and would be finished in a dark green colour.

The waste storage area would be located to the west of the approved location, but in generally the same part of the site - to the south close to the access road from Park Road. It would be to the rear of No. 15 Park Road.

The waste storage area would be enclosed by 2.4m high palisade fencing, painted silver. The storage area would contain two flat roofed structures. One would measure 5m by 4m and 2.2m high. The second would be for hazardous waste and would measure 2.1m by 3.2m, and 2.2m high. Both structures would be finished with a vertical hardwood cladding. The applicant has confirmed that the hazardous waste store would contain old car batteries, and empty oil/lubricant containers. It would be emptied once a week.

#### Car valeting area

The car valeting area would be located to the north of the site, to the rear of the gardens to Nos. 36, 38 and 40 Moxon Street. It would measure 14.4 metres in width by 7 metres in depth. It would have a maximum height of 3.5 metres, and would be sited on a raised platform up to 1m in height. It would be 1.5 metres from the boundary with the garden of the Moxon Street properties at its closest point, and have a height of 3.5 metres at this point. The valeting area would be sited on a concrete base, and would be clad in metal cladding panels, metallic silver in colour.

#### Relocated cycle store

The cycle shelter would be adjacent to the ramp to/from the basement level. It would measure 5.5m by 3m and would have a height of 2.3m.

#### Installation of air condensers

The air condenser units would be installed in two locations. Three of the units would be constructed against a new brick wall (between 1.7m and 2.2m high), to the north-eastern part of the site (adjacent to the boundary with the commercial building at 50 Moxon Street). The fourth would be located to the south-eastern part of the site, close to the boundary with Hadley House, Park Road. Those to the north would be enclosed with an acoustic enclosure.

#### New lighting details

This application includes details of lighting for the entire site. To the sides and rear of the building, lighting is proposed in the form of wall-mounted lights. They are mounted approximately 2m from the ground level immediately outside the building, and include integral shields to ensure the light emitted is directed down toward the footpath rather than a wider spread. This lighting is low level, and intended to illuminate the emergency exit routes rather than provide specific directional illumination.

Within the car park area, a total of 17 lighting columns are proposed.

The submitted drawings detail three different lighting types for the columns. The applicant has confirmed that type BH58 P1 has an output of 11260 luminaire, whilst PH58 P3 has an output of 13100 luminaire. The brighter light would be used to the main display parking area, with the lower brightness used closer to the perimeter of the site. The lights would be mounted on 6m high columns.

## **4. Public Consultation**

Consultation letters were sent to 175 neighbouring properties. A site notice was also displayed. 11 responses have been received, comprising 10 letters of objection and one representation.

The objections received can be summarised as follows:

- The new position of the waste area has done nothing to solve concerns with vehicles manoeuvring to the collection area.
- Waste collection area would increase noise and pollution to neighbouring residential units.
- Proximity of substation to hazardous and general waste is of concern as collection of both will be in front of substation.
- Valeting area would be 1m from the boundary of private gardens to numbers 36-40 Moxon Street, and it is unclear how high this structure will be relative to the existing fencing. It may overshadow south facing private gardens.
- High pressure water hoses at the valeting area will produce considerable noise disturbance and fumes
- Location of valeting area is where a copse of mature trees were removed, and replacements should be provided.
- Neighbours have already lost privacy, natural light, tranquillity and views from the on-going works.
- Proposed lighting would cause light pollution

The representation received can be summarised as follows:

- Archaeological works should be carried out in line with the previously approved scheme.

#### Environmental Health - Scientific Services

Initially, the Scientific Services team advised that insufficient information had been submitted with the application in respect of background noise levels and how the proposal would impact on neighbouring residential properties. It was recommended that a noise report be submitted. Following receipt of this feedback, the applicant commissioned a Noise Assessment. The content of this has been reviewed by the Scientific Services team and they advise that it demonstrates the resultant noise levels arising from the car valet area, air-conditioning units and substation would be acceptable.

## **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 2016

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 2031. 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, CS8 and CS9.
- Relevant Development Management Policies: DM01, DM02, DM04, DM14 and DM17.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

- 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**

#### Background to this application

Planning permission 15/01638/FUL related to the redevelopment of the existing site, comprising the demolition of all buildings and the construction of one replacement building. The approved replacement building would contain three floors of accommodation. The basement level would have contained 20 service bays, one MOT bay, storage for tools and parts, and an area for washing, drying and preparing vehicles. The ground floor would have contained a showroom and offices, and the first floor would also have contained offices. The building would measure approximately 45 metres in width, 29.8 metres in depth, 7.2 metres high when measured from the front and 13.8 metres high from the rear.

The approved building would be sited approximately 13.3 metres from Clementine Court and approximately 22.5 metres from Hornbeam Court to the east, 28.5 metres from Hadley House and over 35 metres from Nos. 11 and 15 Park Road to the south, over 60 metres from the nearest neighbouring residential buildings fronting Victors Way and over 41 metres from the nearest residential properties at Moxon Street (No. 46 and 48).

As noted in the proposals section above, this current application seeks planning permission for other alterations within the application site, not directly related to or impacting upon the approved building. The impact of each will be assessed in the appraisal below.

#### New substation, waste area and palisade fence

In its previous site layout prior to the implementation of the recent planning permission, the garage included a workshop to the rear of Nos. 15 and 17 (Hadley House), Park Road. There were no specific planning restrictions on the use of this workshop. The approved scheme included the demolition of the workshop, and the use of this part of the site to store refuse and recycling containers.

The current application seeks to formalise the location of those containers, and provide for a substation. The structures to contain the waste containers are detailed in the Proposal section above. The structures are considered to be appropriate in scale and design relative to their intended function. The stores would be close to neighbouring buildings but in the location of approved stores, and in the location previously occupied by a workshop. They would be enclosed by a fence, and would be set far enough back from Park Road that they are not considered to be detrimental to the character and appearance of the street scene or wider area.

The new substation is required to provide the power for the electric car charging points. Those are a requirement of the previous planning permission, and it is recognised that due to an increase in availability of electric cars such points would have wider uses. The substation would be finished in GRP (Glass-reinforced plastic) and would be functional in design, and dark green in colour. It would not sit within the fenced enclosure, as access is required by the utility provider.

17 Park Road (Hadley House) contains office accommodation, whilst 13 and 15 are residential properties. Having regard to the previous use and approved use of this part of the site, and the size of the proposed structures relative to the boundary fence, it is not considered that this part of the proposal would result in any harm to the amenities of occupants of the neighbouring properties.

#### Car valeting area

Prior to the redevelopment works, the original garage on the site included a car washing and valeting area to the eastern, and lowest part of the site. It was close to the boundary with the properties at Laburnham Close. The area included tents, within which the valeting activities took place. That part of the site is now part of the new showroom building, and the current application proposes the construction of a valet building area to the north of the site, beyond the rear gardens of Nos. 36-46 Moxon Street.

The proposed building would be a single storey structure, constructed on a concrete base. It would contain pressure washing equipment and would be used to clean and prepare cars.

The use of a building for cleaning operations rather than a tent or other open structure would be beneficial acoustically, as the structure of the building would contain more noise than would otherwise be contained by a tent. The content of the submitted acoustic report is noted, and the council's scientific services team confirm that the resultant noise levels would be acceptable.

Notwithstanding this, the LPA considers it reasonable and necessary to restrict the hours of use of the car washing area, to ensure the amenities of neighbouring residents are protected. A condition is therefore attached restricting the use of the washing area to enable it to be used only between 8am and 6pm Monday to Friday, 9am to 3pm Saturdays and not at all on Sundays, or Bank or Public holidays. Subject to this, it is not considered that the building would result in demonstrable harm to the amenities of neighbours as a result of noise and disturbance.

In terms of the visual impact of the valet building on the amenities of neighbours, since this application was submitted, the roof to the building has been reversed to ensure the lowest part of the roof is closest to the neighbouring dwellings



In addition, the applicant has proposed to include additional soft planting along the rear of the building. This planting, along with the amendments to the building's roof form, would act to reduce the visual impact of the proposed building when viewed from the neighbouring properties fronting Moxon Street. It is considered that the proposed building would have an acceptable visual impact when viewed from these properties, and due to its height and distance from these properties would not appear overbearing or visually intrusive. The proposed planting would be secured by condition.

#### Relocated cycle store

The cycle shelter is located to the north of the approved showroom building, adjacent to the entrance ramp to the basement level. The shelter is small in size and scale, set well within the site confines, and is not considered to cause any harm to the character or appearance of the locality or amenities of neighbours.

#### Installation of air condensers

Three air conditioning condenser units have been installed to the north of the site, between the main showroom building and the boundary with the commercial building at 50 Moxon Street. As a result of the site's topography, the units are at a lower level to the neighbouring building. In addition, they do not project above the boundary fence. Given this siting, the three units to the north are not considered to be detrimental to the character or appearance of the locality. Given their distance from neighbouring properties, these are not considered to be harmful to the visual amenities of neighbours, or likely to cause levels of noise harmful to the wider amenity of neighbouring occupiers.

One unit is installed to the south of the site, close to the boundary with Hadley House, Park Road. The unit is small in size and scale, set back from and below the height of the boundary fence, and is not considered to result in any harm to the character and appearance of the locality or the amenities of neighbours.

#### Lighting

The application is accompanied by a lighting design report. This acknowledges that some light from the columns would spill onto the neighbouring gardens. However the levels of light spillage would be low, with the lights directed within the site toward the ground and primarily illuminating the ground around them. The hours of illumination will be controlled by condition, to limit the impact on the surrounding area and subject to this it is considered that the lighting details are acceptable.

The lighting to the building has been designed to reduce any outward-glare, and will focus the lighting downward toward the flank walls and pathways. Its purpose is to illuminate the emergency exit routes. The lighting is installed approximately 2m above the finished floor level, and would be well-screened by the site boundary treatments.

### **5.4 Response to Public Consultation**

The objections raised have been responded to within the main body of this report above. In respect of the archaeological works, the application site was subject of an archaeological condition when the full redevelopment was approved, and the requirements of that condition have been approved in conjunction with advice from Historic England.

### **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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

