

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

**Reference:**                **17/5782/FUL**                    Received: 11th September 2017  
Accepted: 20th September 2017

Ward:                        High Barnet                        Expiry 15th November 2017

Applicant:                 JLR Barnet

Proposal:                    Installation of flue and extraction system to rear (north east) elevation

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 552, 554, 141H, 145E, 146G.

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 level of noise emitted from the flue 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 2016.

- 4 The flue and associated equipment hereby approved shall not operate before 07:30 or after 19:00 on weekdays, before 08:00 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.

- 5 The flue and extract system hereby approved shall be installed only in accordance with the approved plans, and shall include the mitigation measures set out in the Noise Assessment dated 8 August 2017 and shall be permanently retained as such thereafter.

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.
- 2 The applicant is reminded that the existing flue installed at the site does not benefit from planning permission. The existing flue should be removed from the site and the building made good within 1 month of the implementation of this planning permission. Any failure to remove the existing flue may result in enforcement action.

## **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, housed within a new building approved under planning permission 15/01638/FUL.

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 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 and alterations to site levels. Approved July 2017.

17/0653/FUL: 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. Approved May 2017.

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 seeks planning permission for the insertion of an extractor flue to the rear (north east) elevation. The flue is to provide ventilation from the basement workshop area. It would have a maximum height of 4.2 metres, and project approximately 1 metre above the height of the retaining fencing to the car parking area.

### **4. Public Consultation**

Consultation letters were sent to 224 neighbouring properties. A site notice was also displayed. Five responses have been received, comprising five letters of objection.

The objections received can be summarised as follows:

- Have heard the noise emanating from this development and feel strongly that noise levels are unacceptable.
- There are already increased levels of air pollution in the street from cars using the site and the adjacent car park plus never ending stream of cars driving up and down looking for a space to park.

- The flue will add to pollution.
- Previous planning permission and conditions have not been adhered to.
- Car horns are constantly used which causes disturbance, and flue would add to the noise.

#### Environmental Health - Scientific Services

The submitted noise assessment is adequate, and shows the predicted noise levels will be acceptable subject to the relocation of the flue from its existing location to the proposed location, and the installation of three acoustic attenuators between the internal extraction fan and the external atmospheric termination.

In respect of air quality, the cowl on the flue is a vertical discharge cowl which uses a mechanical exhaust system to provide upward/vertical discharge of fumes, and to protect from rain. No dark smoke was observed from a site visit of the flue in use and there was no evidence of significant amounts of fumes being ejected to the atmosphere from the flue. Cars have less emissions now due to the presence of catalytic converters and filters, so the emissions would be limited.

## **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.

## 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**

It is noted that a flue has been installed at the site, to provide ventilation from the basement workshop. However that flue does not benefit from planning permission. The current application involves the installation of a replacement flue in a different location.

The applicant's agent has confirmed that the flue would serve the basement level workshop. The extraction fan itself is mounted at ceiling height within the workshop, and the fan assembly is housed in an acoustic enclosure. The emissions from the flue will comprise both petrol and diesel fumes from cars in the workshop, and would be transferred via internal ducting to the flue.

The flue structure would be relatively small in size, and read against the context and massing of the approved 12 metre high garage. It is not considered that the flue would appear as an overly prominent or dominant feature on the host building, and the flue would not harm the character or appearance of the locality.

The noise attenuators would be internally installed and the submitted noise report predicts that these will ensure no statutory nuisance to neighbours from the noise. In order to ensure this, conditions are attached requiring the new flue to be installed in accordance with the submitted acoustic assessment, and requiring the flue and associated extraction system to be switched off outside of the operational hours of the workshop. Subject to this, the environmental health team have advised that the flue would not have an adverse impact on the amenities of neighbours as a result of any noise or disturbance.

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

The majority of the comments received do not relate to the current flue but relate to previous applications and developments at the site. The merits of the proposed flue are discussed in detail above.

## **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.

