

Location **Millers Yard Long Lane London N3 2QG**

Reference: **18/5511/FUL**

Received: 11th September 2018

Accepted: 25th September 2018

Ward: West Finchley

Expiry 20th November 2018

Applicant: Miss Lisa Cheung

Proposal: Erection of single storey extension adjacent to units 9-18 following the demolition of existing garages numbered 24-28

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 her 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:

EX.01 (Location Plan & Block Plans)

EX.01 (Existing Plan)

EX.02 (Existing Elevations)

P.01 C (Proposed Plan)

P.02 C (Proposed Elevations)

Planning Statement

Planning Statement Addendum (dated 15/03/2019)

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 materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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).

- 4 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise dust, noise and vibration pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

5 Part 1

Before development commences other than for investigative work:

a) 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.

b) 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.

c) 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

d) 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 October 2016) and 5.21 of the London Plan 2016.

- 6 a) Prior to the installation of any extraction and ventilation equipment to be installed on the site, a report shall be submitted by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has 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 measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policy 7.15 of the London Plan 2016.

- 7 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the garage units; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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 mitigation measures as approved under 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 amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2016.

- 8 The level of noise emitted from the plant 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.

- 9 a) A scheme of hard and soft landscaping, 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 prior to the occupation of the hereby approved development.

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 October 2016) and 7.21 of the London Plan 2016.

Informative(s):

- 1 In accordance with paragraphs 38-57 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. 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 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 3 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;

- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

Officer's Assessment

1. Site Description

The application site, known as Millers Yard, is an existing commercial premises located behind the residential properties along Long Lane, Claverley Villas and Claverley Grove.

The site is in use as a vehicle repair and storage workshop. The site comprises of a variety of building types with a larger 1.5-storey, pitched roof building located centrally within the site. Around the rear and side boundaries of the site, there are blocks of single-storey garages.

The site is accessed via an existing entrance in Long Lane.

The site is located within the West Finchley Ward. The site does not fall within a conservation area.

2. Site History

Reference: F/02118/14

Address: Millers Yard, Long Lane, London, N3 2QG

Decision: Approved subject to conditions

Decision Date: 24.06.2014

Description: Demolition of Units 4-8 and 19-23. Front extension to Units 13-18 and increased height. Associated re-arrangement to parking layout, including additional parking.

Reference: F/01967/14

Address: Millers Yard, Long Lane, London, N3 2QG

Decision: Prior Approval Required and Approved

Decision Date: 23.05.2014

Description: Demolition of units 4-8 and 19-23.

Reference: F/04215/10

Address: Millers Yard, Long Lane, London, N3 2QG

Decision: Approved subject to conditions

Decision Date: 09.12.2010

Description: Raising the roof height by 1.5m to the front elevation of existing four garages.

Reference: F/00564/10

Address: Millers Yard, Long Lane, London, N3 2QG

Decision: Approved subject to conditions

Decision Date: 26.03.2010

Description: Raising of height of existing commercial single storey building to accommodate new first floor in roof space, with associated alterations to roof including rooflights to rear elevation.

3. Proposal

The application seeks the demolition of the detached existing block, comprising of units 24-28 on the eastern side of the site. It is proposed to erect a replacement block along the rear boundary of the site, adjoining to units 9-18.

The proposed block would have a monopitch roof which would be lower at the rear of the building, rising to the front. The block would be constructed in materials to match the existing buildings.

The proposed block would comprise of two elements:

- Provision of similar sized units adjacent to No.9 which would have a height of approx. 4m at the rear rising to approx. 4.6m. The building would be aligned within the existing units;
- Provision of a 14m in length building with a height of approx. 4m at the rear, rising to 5.5m.

The proposal was amended during the application to include the following changes:

- Reduction of the depth of the block and siting of proposed building 1m away from the neighbouring boundary with Claverley Grove;
- Provision of new landscaping along the eastern boundary with No.30 Long Lane.

Following the deferral of the application from the Finchley and Golders Green (FGG) Area Planning Committee on 12/02/2019, additional information has been provided to address the request of the committee members. The details submitted include:

- Clarification of existing and proposed floorplans;
- Schedule, size, density, height of proposed landscaping along the side boundary;
- Provision of management plan for the proposed use of the replacement building.

4. Public Consultation

The application was deferred at the FGG committee meeting on 12/02/2019 in order for clarification and additional information to be submitted.

Consultation letters were sent to 149 neighbouring properties.
13 responses have been received, comprising 14 letters of objection.

The objections received can be summarised as follows:

- Further intensification of the site and activities;
- Height of the building is larger than single storey;
- Increased noise and disturbance;
- Impact of air pollution;
- Loss of light to properties to the rear;
- Sense of enclosure;
- Commercial vans parked in residential spaces on the street;
- Increase volume of traffic;
- New turning area will result in more vehicles using the area;
- No benefit to community;
- Loss of trees

Following the submission of amended plans, the proposal was subject to a period of re-consultation. 10 responses have been received, comprising of 10 letters of objection.

The objections can be summarised as follows:

- Loss of Privacy;
- New landscaping will not provide any benefit;

- Impact on highway safety;
- Additional noise and disturbance;
- Loss of residential amenity;
- Impact of building height

Since the deferral from the previous committee, there has been 1 letter of objection received.

The objection can be summarised as follows:

- Concern that areas of both the existing building and the proposed building were only approximate; true figures are 113.12sqm of the existing building and proposed building measures 143.61sqm. Increase of 30.49sqm.

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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

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, CS9, CS13, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM14, DM17

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 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; and
- Highways matters.

5.3 Assessment of proposals

Impact on the character and appearance of the existing site and surrounding area

The site is an established commercial use for vehicle repair and storage. The proposal is to demolish an existing tired block and erect a new block to continue the existing use and services currently offered. The applicant states that the proposal seeks to improve the existing cramped layout of the site and improve the movement within the site. The proposal will allow the applicant to undertake work on larger vehicles, including vans, more efficiently and effectively.

The measurements of the existing building are: 118.7sqm GEA and 107sqm GIA.
The measurements of the proposed building are: 143.6sqm GEA and 129sqm GIA.

The increase is therefore 24.9sqm (20.9%) in Gross External Area and 22sqm (20.5%) in Gross Internal Area.

The proposed demolition of the existing building is considered to be acceptable. The replacement block is considered to be of a scale and design which is reflective of the existing buildings on-site. The height of the proposed block is comparable to those on site and is not considered to be out of scale with the surrounding area. Overall, this increase is not considered to be significant.

Impact on the living conditions of neighbouring residents

As already stated, this is an existing use, where the proposed replacement building will represent a fairly small increase in the built form. The applicant states that there will be no material change to the use of the site or the services offered. By reconfiguring this part of the site, the applicant states that movement within the site will be much easier, resulting in the reduced need for multiple movements within and in / out of the site.

The Council's Environment Health service has reviewed the proposal and raises no objection subject to the imposition of conditions relating to land contamination, demolition and construction, air quality and noise.

The applicant has provided details of a management plan as to how the proposed use of the building would be operated. The hours of use would remain as per the current operating hours:

08:00 to 18:00 Monday to Friday and 08:00 to 14:30 on Saturdays.

The proposed nature of works to be carried out within the existing site are the same as what is currently carried out on site. The replacement building will allow for more room to carry out work, especially on larger vehicles which can be done more easily. However, work on larger vehicles is already undertaken on site, but with more difficulty due to the siting of the existing building. The majority of works are to be carried out inside the building and the garage doors will be closed when work is being done inside the new building.

Concerns have been raised in relation to the position and size of the buildings and impact on privacy, light and enclosure of the surrounding properties. Along the rear boundary, the proposal would be no higher than the existing buildings along the boundary and revised plans have been submitted to move the new building 1m off the immediate boundary. This amendment and the design and shape of the roof is considered to be satisfactory and is not considered to detrimentally harm the amenity of neighbouring properties to the rear along Claverley Grove.

The letters of objection had also raised concerns that the re-arrangement of the site, and opening-up the site further, would result in increased pollution and noise transferring along to the properties in Long Lane to the east. These matters would be considered in the reports requested by Environmental Health and the applicant would have to consider the air quality and noise generated by the activities on site. These reports would need to be assessed by the EH Officer and formally approved in writing. In order to help mitigate these areas, a new landscape buffer between the site and No.30 Long Lane is proposed. Whilst the current plans illustrate this projecting along the length of the new building, Officers consider that this could be appropriately extended along the side boundary towards the entrance of the site. The applicant has provided further details of the type of landscaping to be planted along the boundary to include fast growing plants which will have heights of 3-4.5m and will provide soft screening of the proposed building.

Matters relating to hours of use of the site, excessive noise, alarms and air quality arising from the existing site are noted but the use itself is not the subject of this application. Some of the matters can be controlled under separate legislation. It is considered that the use of the site following the erection of the replacement building would not have a significantly greater impact on neighbouring amenity than the existing.

Highways Matters

The Council's Traffic and Development service has reviewed the proposal and taking into account the modest increase in size and the continuation of use and operators, it is not considered that the proposal represents an intensification in use and the level of trip generation and vehicular movements that would result in a perceived increase. The Highway's Officer notes the concerns relating to the increase in size of the development, but the operational space increase is marginal.

The location of the new blocks will not impact on the operational space of the development and vehicles will be able to enter and exit the site in a forward gear. The proposed layout of the development will provide a larger area for manoeuvring or parking within the site.

Overall, the proposal is not considered to generate a significant negative impact on the performance and safety of the surrounding highway network or its users. The Highways Officer raises no objection to the application.

5.4 Response to Public Consultation

The concerns raised with the letters of objection have been addressed within the report.

The proposal is not considered to have a harmful effect on existing trees.

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. The modest increase of operational space is not considered to result in significant highway impacts. This application is therefore recommended for approval.