

LOCATION: Unit 2, Silk Bridge Retail Park, The Hyde, London, NW9 7TH

REFERENCE: H/00954/13

Received: 07 March 2013

Accepted: 07 March 2013

WARD(S): West Hendon

Expiry: 02 May 2013

Final Revisions:

APPLICANT: Lothbury Property Trust Company Limited and Wickes Building Supplies Ltd

PROPOSAL: Creation of a mezzanine floor and associated external alterations

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Retail Statement, Flood Risk assessment, F1A-P01(P3), F1A-P02(P2), F1A-P03(P3), F1A-P04(P2), F1A-P05(P3), F1A-P06(P5), F1A-P07(P8), F1A-P08(P2), F1A-P09(P6).

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (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 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8.00am or after 7.00pm Monday to Friday or before 9.00am or after 5.00pm on Saturday.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 4 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan F1A-P06(P5) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD

(2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS5

Development Management Policies (Adopted) 2012: DM01, DM02, DM11, DM17

ii) The proposal is acceptable for the following reason(s): - The proposals are considered to have an acceptable impact on neighbouring amenity, the vitality and viability of local town centres and highway safety.

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

iv) In this case, formal pre-application advice was sought prior to submission of the application.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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 Government's 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 July 2011

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.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM11, DM17

Supplementary Planning Documents and Guidance

The Council adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction" (June 2007), following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

The Council is currently consulting on the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (consultation draft November 2012) and Sustainable Design and Construction SPD (consultation draft November 2012) are now material considerations.

Relevant Planning History:

Site Address:	Unit 3, Silk Bridge Retail Park, The Hyde, London, NW9 7TH
Application Number:	04327/09
Application Type:	Section 192
Decision:	Lawful Development
Decision Date:	20/01/2010
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Proposed use of part of retail warehouse for pet care and treatment facility.
Case Officer:	Matthew Corcoran

Site Address:	LD ADJ HENDON COURT HOUSE, NORTH WEST OF SILK BRIDGE THE HYDE LONDON NW9
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Application Number: W04703C
Application Type: Full Application
Decision: Refuse
Decision Date: 26/11/1984
Appeal Decision: Allow
Appeal Decision Date: 26/11/1984
Proposal: **Erection of Retail Warehouse for Home Improvement Centre with ancillary offices and car parking and construction of footbridge over Silk Stream.**

Case Officer:

Site Address: LD FRONTING THE HYDE/EDGWARE ROAD NORTH WEST OF SILK BRIDGE NW9

Application Number: W04703D
Application Type: Outline Application
Decision: Withdrawn
Decision Date: 29/10/1984
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of industrial/warehouse building with ancillary office accommodation, the provision of car parking spaces and the formation of vehicular ingress and egress roads**

Case Officer:

Site Address: LD ADJ TO HENDON COURT HOUSE NORTH-WEST OF SILK BRIDGE THE HYDE LONDON NW9

Application Number: W04703F
Application Type: Full Application
Decision: Approve
Decision Date: 25/10/1985
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of retail warehouse (Home Improvement Centre) with ancillary offices**

Case Officer:

Site Address: TEXAS BULK LAND ADJACENT TO HENDON COURT HOUS The Hyde LONDON NW9

Application Number: W04703H
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/02/1987
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Sub-division of retail warehouse into two units, one occupied by Texas Bulk and the other by Power City together with associated car parking without complying with Condition 10 of planning permission ref.W4703C d**

Case Officer:

Site Address: TEXAS BULK The Hyde LONDON NW9

Application Number: W04703M
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 21/10/1987
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Continued use of southern unit for retail purposes without complying with condition 3and of northern unit for retail purposes without**

complying with condition 4 of planning permission W04703H dated 25.2.87

Case Officer:

Site Address: Retail Park, Silkbridge The Hyde LONDON NW9
Application Number: W04703Q
Application Type: Material Minor Amendment/Vary Condition
Decision: Approve with conditions
Decision Date: 16/03/1994
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Removal of conditions 2 and 3 (restricting the goods that can be sold on the premises) of permission W04703M dated 21.10.87.**

Case Officer:

Site Address: Silk Bridge Retail Park The Hyde London NW9
Application Number: W04703U/01
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 31/05/2002
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Refurbishment of building, including new cladding on front and side elevations, revised carparking layout, landscaping and erection of detached signage gantry directly in front of the building.**

Case Officer: Martin Cowie

Site Address: Silk Bridge Retail Park, The Hyde, London, NW9 7TH
Application Number: H/04590/12
Application Type: Section 191
Decision: Lawful Development
Decision Date: 16/01/2013
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of change of use to unrestricted class A1 use**
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 80 Replies: 10
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

1~ Gadsbury Close is a modern development with small gardens which are in very close proximity to the Silk Bridge Retail Park. The addition of 3 extra car parking spaces where no car parking is allowed at present will increase the noise disturbance which is at present intolerable. Wickes who are the intended occupants are a large commercial venture which will increase the volume and size of deliveries seven days a week, not to mention the noise disturbance from customers accessing and egressing from the site from their vehicles.

2 ~ The restrictive conditions and the environmental protection provisions currently in place are not working e.g. deliveries at the retail park and are routinely ignored by

the occupants of the retail park. We have deliveries regularly from 10pm at night to 4am in the morning from articulated lorries and fork lift vehicles seven days a week in the loading bay. It has to be borne in mind that Gadsbury Close houses mainly elderly residents and has a large sheltered housing block too.

3 ~ The current proposals should be amended so that the loading bay is moved so it is not adjacent in such close proximity to residential housing and should be cited on the other side of the retail park next to where Halfords are housed on the retail park. Alternatively, it can be cited at the front of the retail park away from the residential housing.

4 ~ There is no residential housing nearby on that side of the retail park and a large space of fallow land on that side of the retail park. This would allow the residents of Gadsbury close quiet enjoyment of their abodes.

5 ~ There is not adequate provision for additional screening, for instance, the extension or raising of the party wall between of Gadsbury Close or any additional landscaping for privacy or noise protection.

6 ~ Our view is that the area that the developers want to use as additional parking spaces should be used to plant mature trees to provide a visual screen and noise protection for the residents. It should not be allowed to be used for parking given the close proximity to residential housing and the loss of privacy.

7~ The party wall with Gadsbury close should be extended at least to the end of the gardens of the Close adjacent to the retail park and up to the entrance of the retail park with the Hyde. Mature trees can then be planted along border with the car park of Hendon magistrates' court up to the entrance of the retail park with the Hyde to ensure the residents' privacy.

8~ In our view this is an opportunity to rectify the issues that had not been adequately addressed to the satisfaction of the residents.

9~ There should be more stringent conditions on deliveries so that the residents can have quiet enjoyment of their properties.

Internal /Other Consultations:

- Environment Agency - No objection

Date of Site Notice: 28 March 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is unit 2 at Silkbridge retail park, sited on the West side of the Hyde.

The site was formerly operated by Comet.

Proposal:

The proposals are for the installation of a mezzanine floor and associated external alterations.

The proposed mezzanine would be used for retail purposes and would be 400 square metres in area.

The proposals also involve changes to the existing car parking layout, to create three additional parking spaces on the north-west boundary adjacent Gadsbury Close, and creating disabled and van spaces outside the unit itself.

Planning Considerations:

Whether the proposals would harm the vitality and viability of neighbouring town centres

It should be noted that there has been a mezzanine floor previously used for storage of greater than 400 square metres at the existing Comet store. Therefore in effect there is a loss of floorspace, albeit floorspace not used for retail purposes.

The proposed use of the store by Wickes would be lawful and would not require planning permission.

A sequential assessment accompanies the application in accordance with the National Planning Policy Framework.

It should also be noted that two separate mezzanines totalling 400 square metres could be installed without planning permission. Also, the existing mezzanine could be converted to retail use without planning permission.

It is considered that the proposals would not harm the vitality or viability of neighbouring shopping centres.

Whether the proposals would harm highway and pedestrian safety

The proposals involve the creation of 3 parking spaces on the north side of the car park, close to the boundary with Gadsbury Close. There are existing parking spaces in this location. Also, existing spaces would be remodelled in front of the store to allow parking for vans.

It is considered that the mezzanine floor would be unlikely to generate significant additional car parking demand that cannot be met by other spaces existing and proposed.

Whether the proposals would have an acceptable impact on neighbouring amenity.

It should be noted that the site can lawfully be used for retail (A1) purposes. The fact that Wickes would be operating the store as opposed to Comet is not a change of use that would require permission. Therefore the Local Planning Authority can only assess whether the installation of a 400 square metres of mezzanine floor would result in a harmful impact on neighbouring residents.

Objections have been received from residents relating to hours of delivery at anti-social hours to the other retail units. However, whether or not the mezzanine floor is approved has little implication for whether deliveries could take place. In any case, a condition is proposed to restrict delivery hours, as in previous permissions.

It should be noted that there has been a mezzanine floor previously used for storage of greater than 400 square metres at the existing Comet store. Therefore in effect there is a loss of floorspace.

It is noted that the proposals involve changes to the car parking layout and include three additional car parking spaces adjacent to the boundary with Gadsbury Close. Given that there are existing parking spaces in a similar location it is not considered that the impact on neighbouring amenity would be harmful.

It is considered that the proposals would not materially harm neighbouring amenity.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in main report.

The restrictive conditions and the environmental protection provisions currently in place are not working e.g. deliveries at the retail park and are routinely ignored by the occupants of the retail park. We have deliveries regularly from 10pm at night to 4am in the morning from articulated lorries and fork lift vehicles seven days a week in the loading bay. It has to be borne in mind that Gadsbury Close houses mainly elderly residents and has a large sheltered housing block too. - *It is noted that permission W04703U/01 restricts deliveries: "No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8.00am or after 7.00pm Monday to Friday or before 9.00am or after 5.00pm on Saturday." It should be noted that the alleged deliveries outside these hours are not in relation to this unit for which permission is sought. The breach of condition in relation to the other units is being investigated.*

The current proposals should be amended so that the loading bay is moved so it is not adjacent in such close proximity to residential housing and should be cited on the other side of the retail park next to where Halfords are housed on the retail park. Alternatively, it can be cited at the front of the retail park away from the residential housing.- *The existing access is located to the side of the property nearest Gadsbury Close, this would be unchanged, and the mezzanine is not considered to affect this.*

In our view this is an opportunity to rectify the issues that had not been adequately

addressed to the satisfaction of the residents. - *The Council can only assess the proposals before it, and to try to control the existing lawful use beyond existing safeguards is considered unreasonable.*

There should be more stringent conditions on deliveries so that the residents can have quiet enjoyment of their properties. - *It would be unreasonable for the council to try to control this more strictly when the application is only for a mezzanine floor and external alterations. The applicant has been reminded of the existing conditions and will need to adhere to these.*

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

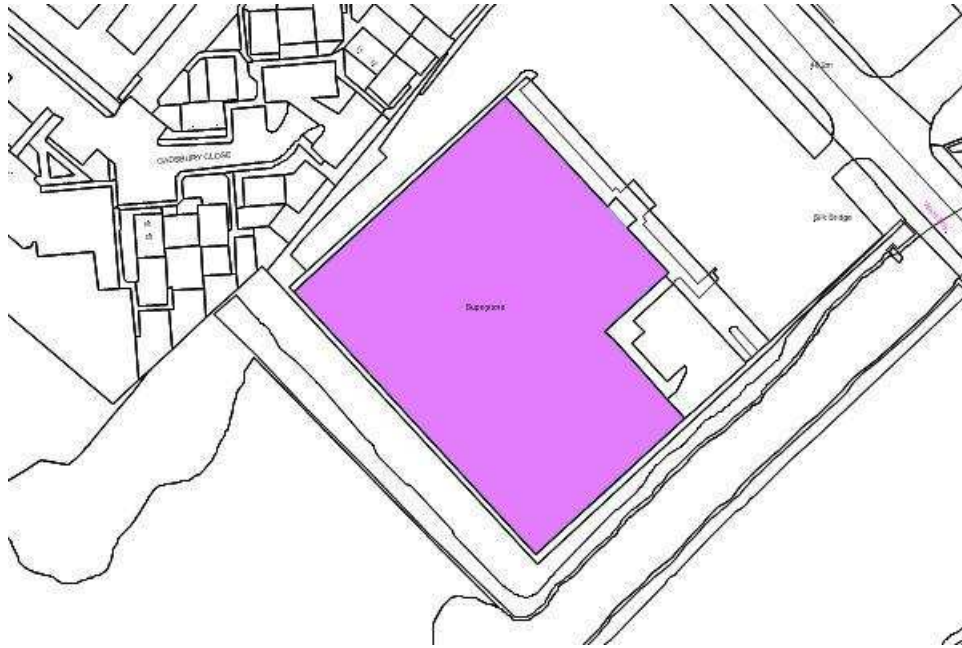
The application is recommended for **APPROVAL**.

SITE LOCATION PLAN:
London, NW9 7TH

Unit 2, Silk Bridge Retail Park, The Hyde,

REFERENCE:

H/00954/13



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