



- 2 The use of the workshop hereby approved shall not commence until the applicant's use of Intec House, Moxon Street for vehicle servicing and repairs has permanently ceased at that premises.

Reason: In the interests of the amenities of the occupants of neighbouring properties (Policy DM01 of the Development Management Policies DPD) and in the interests of Highway Safety (Policy DM17 of the Development Management Policies DPD) as the submitted Transport Assessment states the current proposal is acceptable in transportation terms subject to the use at Intec House ceasing.

- 3 The materials to be used in the external surfaces of the building(s) shall be as approved by application 16/3452/CON in the LPA's decision dated 21/7/16.

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 The development works shall be implemented only in accordance with the Construction Method Statement approved by application 16/7455/CON in the LPA's decision dated 27/1/17.

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 April 2013) and Policy 5.21 of the London Plan (2015).

- 5 The enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be implemented as approved by application 16/0579/CON at 11/3/16 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 policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 6 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 before the development hereby permitted is commenced.

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 April 2013) and 7.21 of the London Plan 2015.

- 7 The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved by application 16/4132/CON in the LPA's decision notice dated 11/8/16 have been implemented in their entirety and permanently retained in accordance with the details as approved.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2016.

- 8 The cycle storage facilities as approved by application 16/0579/CON in the LPA's decision dated 11/3/16 shall be installed in accordance with the approved details before the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2016) and the Sustainable Design and Construction SPD (adopted April 2016).

- 9 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 545C shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development. The disabled parking space shall be provided in accordance with the London Plan parking standards and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

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 Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 10 The details approved by application 17/1846/CON in the LPAs decision dated 23/3/17 in respect of acoustic walls and fencing shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and permanently 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 2016.

- 11 Before the building hereby permitted is first occupied the proposed windows serving the basement level in the rear elevation facing east shall be fixed shut and permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012).

- 12 The external lighting approved by application 16/1500/CON in the LPA's decision dated 20/4/16 shall be installed in accordance with the details approved under the above application and permanently retained as such thereafter.

Reason: In order to protect the character and appearance of the site, and the amenities of the occupants of neighbouring properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 13 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 (2011).

- 14 The level of noise emitted from any plant or machinery 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 2011.

- 15 The flat roof over the basement level on the rear (east) elevation shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 16 The development hereby permitted shall be implemented in accordance with the levels as shown on Drawing Nos. 145B, 146D and 547C 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 2016.

- 17 The use hereby permitted shall not be open to members of the public, and vehicular movements of vehicles for sale or service shall not take place 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.

- 18 The workshop shall not operate and no machinery, including the extraction equipment and associated flue shall be operated on the premises 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.

- 19 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday, or before 05:00 am or after 17:00 Monday to Saturdays. All deliveries taking place between 05:00 and 08:00 shall be to the Parts Delivery and Cage Store area identified on the approved drawings, in accordance with the agent's email dated 22 June 2015.

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

#### **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.
- 2 The applicant is advised that the exhaust fumes extraction flue to the south elevation of the approved building is not covered by this planning application and does not benefit from planning permission. The applicant is reminded that planning permission is required for the flue, and if a planning application is not lodged within 21 days of the date of this decision, this matter will be passed to the Planning Enforcement team.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has been assessed at this time as liable for payment under both CIL charges. Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

## **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 bounded 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**

17/0653/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 to vary condition 1 attached to the original grant of planning permission for this building (application reference 15/01638/FUL), to substitute the originally approved plans with an amended set of plans to reflect the minor material amendments made under this application as follows:

Increase to building height

- The overall height of the building has been increased by 50mm

Insertion of new external door

- New staff entrance door to south elevation.

Alterations to site levels

- Minor alterations are proposed to the site levels, to improve drainage

It is noted that these works have already been completed on site and therefore this application seeks retrospective permission for the completed works.

Addition of extractor flue

- A flue has been installed to the side elevation facing Park Road. This application proposes the relocation of that flue to the rear elevation of the building, to extract air (including fumes) from the lower ground floor level workshop. The flue has a total height of 4 metres, and would project approximately 750mm above the acoustic fence to the car park.

### **4. Public Consultation**

Consultation letters were sent to 467 neighbouring properties. A site notice was also displayed. 10 responses have been received, comprising 9 letters of objection and one representation.

The objections received can be summarised as follows:

- Would like to continue the use of garden throughout the year without buildings blocking sunlight.
- Fully against any increase in height of the building, it already blocks light to my first floor flat in the evening/afternoon. If another floor is added we will have no view of the sky whatsoever.
- The noise from building works have been disruptive. Additional work will be unacceptable.
- The approved building is too large.
- Existing structure is larger than had been anticipated and an increase would further obstruct the natural light that properties in flats off Victors Way currently receive.
- Concerns regarding subsequent impact on property prices.
- Building works have cause noise and dust generation.
- New parking spaces are being installed.
- Proposal to add extractor flue near to residential properties is unacceptable.
- Building blocks views of distant hills.

London Borough of Barnet Environmental Health (Scientific Services): The vertical discharge would ensure good wind dispersal. There are over 20 bays but filtration would not normally be required as the discharge is high enough to get the wind to disperse.



## **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).

### Proposed Amendments

The overall height of the building has been increased by 50mm. The applicant has advised that this is due to the size of the cladding panels which have been used. It is not considered that the increase of 50mm would be particularly noticeable from neighbouring properties in the context of the massing of the development as a whole. Therefore, it is considered that the increased height would not harm the character of the area or the amenities of neighbours.

The new external door would represent a minor change that would not harm the character of the building, or the amenities of neighbours.

The alterations to the site levels do not change the external appearance or topography of the site in a substantial way. They have been designed to improve drainage and accessibility throughout the site. The changes are not considered to harm the character of the area or the amenities of neighbours.

Overall, the proposed amendments are considered to be material but minor, and as a result can be dealt with via the current application. Furthermore, the amendments are considered to be acceptable, and would not harm the character of the area or the amenities of neighbours.

It is noted that this application as originally submitted, also sought planning permission for the flue which has been constructed to the south side of the application building. However, the applicant has since proposed to relocate this flue to the rear of the building. The flue would ensure air circulation within the lower ground floor level workshop, and would extract fumes from the workshop. It is noted that the operating hours of the workshop are restricted by condition, and there are only a relatively low number of bays within the workshop. Having regard to this, and to the height of the flue which has been designed to maximise the dispersal of fumes by the wind, it is not considered that the flue would be harmful to the character or appearance of the building, or the amenities of the occupants of any neighbouring property.

In terms of planning conditions, this application is subject to the same conditions and restrictions as applied to the original grant of planning permission. However as the application is retrospective, and given all the works proposed as part of this application have already been implemented the time limit condition is not required in this instance.

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

- The buildings on-site already benefit from planning permission and the additional 50mm (5cm) in height is not considered to cause any impact on the amenities of neighbours.

- The hours of building/construction works are restricted by planning condition where possible. However, it should be noted that the works subject to this application have already been implemented and therefore no further building works would be necessary under this application. The proposal is not considered to result in any additional works that would impact the neighbouring residents.

## 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.

