

Location **34-36 Henry Road Barnet EN4 8BD**

Reference: **19/4282/FUL**

Received: 2nd August 2019

Accepted: 15th August 2019

Ward: East Barnet

Expiry 10th October 2019

Applicant: Longhold Investments Ltd

Proposal: Erection of five storey linked extension to the existing two storey building, including new staircase and lift, and the creation of two additional stories above the existing building to provide additional flexible Class B1 a-c floor space and external alterations to the existing building.

Recommendation: Approve subject to s106

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 his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Employment and Skills contribution - £9,345
Travel Plan monitoring - £10,000
Pedestrian safety improvements - £10,000

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

4767/PA/01 - Site Location Plan
4767/PA/02 - Site Photos
4767/PA/03 - Site Photos
4767/PA/10 - Existing Ground Floor and First Floor Plans
4767/PA/11 - Existing Elevations
4767/PA/12 - Existing Elevations
4767/PA/20a - Proposed Site Plan
4767/PA/21b - Proposed Plans
4767/PA/22a - Proposed Roof Plan
4767/PA/30a - Proposed Street Elevation
4767/PA/31a - Proposed Elevations
4767/PA/40 - 3D Aerial Views
4767/PA/41 - 3D Aerial Views
4767/PA/42 - 3D Street Views
4767/PA/50 - Details
Planning Statement, Rolfe Judd Planning
Design and Access Statement, gml architects, July 2019
Sustainability & Energy Statement, SRE Limited, Rev C 29.07.2019
Arboricultural Survey & Impact Assessment, Marcus Foster, 25th July 2019, AiA/MF/079/19
Sunlight Daylight Assessment, Anstey Horne, 26 July 2019, MC/JH/ROLOO276
Ventilation Strategy, SRE Limited, Rev B 30.07.2019.

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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

4 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a revised parking layout plan showing 5 proposed off-street parking spaces and closure and reinstatement of the southern crossover on Lancaster Road to footway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the off-street parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

5 The development hereby approved shall not be occupied until the southern crossover on Lancaster Road has been closed and the redundant crossover reinstated to footway and constructed in accordance with the plans submitted to and approved by the Local Planning Authority. The existing redundant crossover(s) is to be reinstated to footway level in accordance with the approved details by the Highway Authority at the applicant's expense.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

6 No development shall commence until a highway condition survey 50 metres either side of the development access has been carried out, and the details have been submitted to and approved in writing by the Local Planning Authority

In addition, the applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

Reason: To provide a record baseline assessment of the condition of the highway to ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

7 No site works including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractor's compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.
- xi. Provision of a competent banksman.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

8 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 7 long-stay and 2 short-stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of bicycles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

9 Within 3 months of occupation a work place Travel Plan that meets the requirements of the Transport for London document 'Travel planning' for new development in London' and is ATTrBuTE compliant shall be submitted and approved in writing by the Local Planning Authority. This should include the appointment of a Travel Plan Champion. The Travel plan should be reviewed in accordance with Transport for London's 'standardised approach to monitoring'.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

10 The level of noise emitted from 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 2015.

11 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the 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 2013) and Policy 7.15 of the London Plan 2015.

12 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.

13 a) Before the development hereby permitted is first occupied, details of privacy screens (including to the 3rd floor roof terrace) to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or 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 October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

14 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

15 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

16 The premises shall be used for B1 (a), (b) or (c) and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

17 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by

the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

18 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

19 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 41.19% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

20 Other than the third floor roof terrace shown on the approved drawing 4767/PA/21a, the roofs of the development hereby permitted 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).

RECOMMENDATION III:

1 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 12.01.2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

The proposed development does not provide a legal agreement to mitigate the impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.

The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the London Plan (2016), Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM04 of the Adopted Development Management Policies DPD.

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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. 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 Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

- 3 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW.
- 4 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 5 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, 4-6 weeks before the start of works on the public highways.
- 6 For any proposal for new crossovers or modification to the existing crossovers, a separate crossover/access application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

The applicant is advised that the permitted maximum width for a residential crossover is 4.2 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW.

- 7 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the

development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 8 Surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 9 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 is located at the corner of Henry Road and Lancaster Road, on the southern boundary of the Lancaster Road Industrial Estate which is designated within the Local Plan as a Locally Significant Industrial Site (LSIS).

The site currently comprises a vacant two-storey flat roofed office building (B1c Use Class) which is located within the southern part of the site and a surface level car park sited within the northern part.

The area surrounding the application site is mixed with two-storey residential dwellings to the south along Henry Road and Lancaster Road; industrial uses predominantly to the north, west and east and a single-storey Baptist Chapel located immediately to the east of the site.

The site is not located within a conservation area and no buildings within the site are statutory or locally listed. There are no trees subject to a Tree Preservation Order within the curtilage of the application site. The application site falls within Flood Zone 1.

2. Site History

Reference: 18/2583/PNL

Address: 34 Henry Road, Barnet, EN4 8BD

Description: Change of use from Use Class B1C (Light Industrial) to Use Class C3 (residential) to provide 3 units (amended)

Decision: Prior Approval Required and Refused. Appeal dismissed.

Decision Date: 18 June 2018. Appeal dismissed 8 March 2019.

Reference: 17/6455/PNL

Address: 34 Henry Road, Barnet, EN4 8BD

Description: Change of use from Use Class B1C (Light Industrial) to Use Class C3 (residential) to provide (8 Unit)

Decision: Prior Approval Required and Refused

Decision Date: 22 December 2017

Reference: 16/8190/FUL

Address: 34 Henry Road, Barnet, EN4 8BD

Description: Installation of new windows to rear elevation

Decision: Approved subject to conditions

Decision Date: 28 February 2017

Reference: 16/8221/PNO

Address: 34 Henry Road, Barnet, EN4 8BD

Description: Change of use from Class B1 (Office) to Class C3 (Residential) (08 Unit)

Decision: Withdrawn

Decision Date: 14 February 2017

3. Proposal

The application seeks permission for:

"Erection of five storey linked extension to the existing two storey building, including new staircase and lift, and the creation of two additional stories above the existing building to provide additional flexible Class B1 a-c floor space and external alterations to the existing building."

The existing building comprises 440 sq m GIA of B1(c) floor space.

The development will provide 849 sq m GIA of additional flexible B1 employment space in the form of a side extension and a roof extension above the existing building.

The side extension will comprise 4 floors of accommodation constructed of pre-fabricated containers with undercroft parking, cycle parking and bin storage below at street level.

The roof extension will be part one, part two-storeys with a communal roof terrace at the third floor. The roof extension will be constructed using more traditional build methods with full height glazing on all elevations.

The proposal does not seek to change the use of the existing building; however, the external appearance of the existing building will be enhanced through amendments to the fenestration and detailing, including the installation of larger windows, vertical timber louvres and painting of the existing brickwork.

Five (5) off street car parking spaces are proposed within the undercroft beneath the prefabricated side extension. Refuse storage will also be within the undercroft area. Bicycle parking will be to the front of the building (Henry Road).

Amendments

On 3rd October 2019, the following amended drawings were received:

- 4767/PA/20a (proposed site plan)
- 4767/PA/21a (proposed plans)
- 4767/PA/22a (proposed roof plan)
- 4767/PA/30a (proposed street elevation)
- 4767/PA/31a (proposed elevations)

The amendments shown on the drawings are as follows:

- Off street car parking spaces increased from 3 no. to 5 no.
- Bicycle storage relocated to front of building
- Changes to the indicative soft landscaping layout.

On 11th October 2019, the description of development was amended to also refer to 'external alterations to existing building' and neighbours were re-consulted for 14 days (amended description and plans).

4. Public Consultation

Consultation letters were sent to 65 neighbouring properties.

10 responses have been received, comprising 8 objections, 1 letter of support and 1 neutral comment.

The objections received can be summarised as follows:

- 5 storey building not in line with surrounding dwellings. No need for new buildings
- Area is already overdeveloped
- Height is excessive - will be tallest building in area
- Will block light to the front of my house
- Will exacerbate existing parking problems in the area
- If approved, I suspect the next application will be for residential
- Will overlook back gardens and rooms of nearby flats
- Overshadowing and loss of light to neighbouring buildings
- Insufficient parking provided

The comments in support can be summarised as follows:

- Will improve the appearance of the current building and the neighbourhood
- Will create jobs locally

The neutral comments received can be summarised as follows:

- Scale and massing acceptable but too much glazing
- What evidence is there that the use will be successful here?
- Can there be a guarantee that this development will remain in employment use and not converted to residential? If so I would support the scheme subject to suitable conditions relating to construction management and working hours.

Councillor Felix Byers objected to the application on the basis that the proposal is an overdevelopment of the site, that the height scale and massing of the proposed development is inconsistent with the surrounding area and that it would worsen the existing highways situation.

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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 relevant planning policies are: Policies 4.2; 4.4; 5.2; 5.3; 5.15; 5.16; 6.9; 6.13; 7.4; 7.6; 7.15.

Draft London Plan 2017

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 beyond examination towards adoption, applications should continue to be determined in accordance with the 2016 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, CS8, CS9, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM14, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

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:

- Principle of development
- Character and appearance
- Residential amenity
- Highways considerations
- Environmental Health considerations
- Trees and Landscaping
- Employment and Skills
- Sustainability
- Refuse and recycling
- Legal Agreement

5.3 Assessment of proposals

Principle of development

The application site is located within the Lancaster Road Industrial Site which is designated within the Local Plan as a Locally Significant Industrial Site (LSIS). This designation restricts the uses allowed within the LSIS to employment (B Class).

The proposed development seeks to retain the B1c use within the existing building and to have a flexible B1a-c use within the new elements of the scheme.

Following discussion with the Council's Policy Team, it is considered that the proposed uses would broadly align with the objectives outlined within Policy DM14, which addresses new and existing employment space within the Borough, and would serve to strengthen the quality of employment space within the highlighted LSIS.

Therefore, subject to design, amenity and highways considerations, Officers have no in-principle objection to the proposed development from a land use perspective. Given the existing employment use onsite, a sequential test to justify the provision of new employment space is not required.

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development. As the proposed scheme may result in more than 20FTE jobs for the end use, the Council will seek a financial contribution, secured through a section 106 agreement for employment and skills training within the Borough in accordance with the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD.

Character and appearance

Proposal:

The proposed side extension will be constructed of pre-fabricated containers. At third floor the central container will be recessed to provide a small terrace area facing onto Lancaster Road. There will be six containers per floor, with the front five containers perpendicular to the highway and the fifth container extending along the back of the site, separated by a corridor providing access to all of the containers.

At present, the first floor is accessed internally from within the south of the building and via an external staircase on the north of the building; the proposal will retain the internal southern staircase but also include a new central internal staircase and lift which will serve both the existing building and proposed extensions and will be fully accessible for wheelchair users.

Below the pre-fabricated containers, five off street vehicle parking spaces will be provided at street level, along with refuse storage. One accessible parking space is proposed. The southern existing vehicular access from Lancaster Road will be retained and utilised for parking and servicing.

The proposed lightweight roof extension will provide two additional floors of accommodation, each set back from the south elevation of the existing building. At second floor, a small terrace will be provided on the west elevation to provide amenity space for users of the building. At third floor, a communal roof terrace will be provided along with a communal internal area to provide 'break out' space for the users of the building. The second floor will be set back from the existing south elevation by approximately 7.8 metres with the third floor set back a further 12 metres.

The proposed external alterations to the existing building will comprise enlarging the existing windows with full height glazing and vertical timber louvres. The existing brickwork will be retained but painted. A new entrance to the building will be provided on the west elevation with a projecting canopy to signify the main entrance and create a point of visual interest. Roller shutters will be built into the cills to provide security for the units.

Height and Scale and Massing:

Officers are supportive of the proposed increase in building scale towards the north of the site. It is considered that the location of the additional scale would be located further into the LSIS and therefore would respond more to the mixed industrial character of the LSIS, rather than the residential character further south along Lancaster Road and Henry Road.

It is not considered that the proposed increase in scale to the north of the application site would significantly harm the established residential character to the south of the site. Furthermore, it is considered that the proposed redevelopment of the application site would serve to strengthen the employment offering within the LSIS and improve the visual aesthetic of the application site and the wider LSIS, which is mixed and generally of a poor visual appearance.

It is noted that adjacent to the LSIS and immediately to the west of Lancaster Road are three-storey residential flats accessed via Clarence Close. Given their siting on notably higher ground than at the application site, they have the appearance when viewed from Lancaster Road of being four to five storeys in height. Therefore, there is an existing example of a building which exceeds two-storeys which impacts the visual character of Lancaster Road and the LSIS to the north of the application site.

In the south part of the site, the two storey extension above the existing two storey building (ground and first) would be set back from the existing south elevation by approximately 7.8 metres at second floor with the third floor set back a further 12 metres.

These significant set backs, would provide a suitable spatial transition moving south towards the existing neighbouring two storey residential properties on Henry Road and

Lancaster Road and will also serve to reduce the visual prominence of the proposed development when viewed from these neighbouring properties.

The set backs in the southern part of the development are also consistent with the development opposite at 30 Lancaster Road which now proposes a second floor extension which is set back by 10m from the front of the existing building in order to respect the predominantly 2 storey character of the area moving south from the junction of Henry Road and Lancaster Road.

Design and Appearance:

Officers have no in-principle objection to the proposed building design subject to agreement on the material palette to be used. It is considered that the design provides an acceptable visual transition between the varying building scales proposed onsite and the formal office building element of the scheme and the stacked storage containers. The design detailing including vertical louvres, fins and mullions are supported and serve to add complimentary visual articulation to the proposed building mass.

Final material details will be subject of a planning condition, but Officers would like to ensure that the colour of the brick and the frame used for the new structures, softens the visual transition between the residential and industrial characters on Henry Road. The exact colour of the storage containers would also be agreed by way of condition.

Summary:

It is considered that the scheme would improve the visual appearance of the existing office building, reinforce the industrial character of the application site through the stacked storage containers and enhance the overall design and functionality of the site. It is hoped that together this will strengthen the employment use offering within the LSIS.

The proposed development is therefore considered to be acceptable in character and appearance terms.

Residential amenity

The application proposes fenestration alterations to the existing building's southern elevation facing the existing houses on Henry Road. Full height glazing is proposed within the set back extensions above the existing building. The distance between houses on Henry Road and the existing southern elevation (ground and first floors) is approximately 17m. The distance to the proposed second floor would be approximately 25m and 37m to the proposed third floor.

As the 17m distance between the existing building and the houses is existing and the proposed second and third floor would be in excess of 21m it is not considered that the proposed development would have a harmful impact on the houses on Henry Road in terms of overlooking/loss of privacy.

In terms of the relationship between the proposed development and the existing and proposed flats at 30 Lancaster Road. The existing distance between the west elevation of the subject building and the front elevation of 30 Lancaster Road is approximately 20m. Whilst full height glazed windows are proposed on the west elevation of the proposed development it is considered that the 20m separation distance along with the proposed

timber louvres at lower levels will ensure that no harmful overlooking or loss of privacy will occur to the occupier of flats at 30 Lancaster Road.

The windows proposed to the eastern elevation of the existing building will overlook the car park of the neighbouring 32 Henry Road Industrial Unit and as such no harmful impact will arise from the insertion of these windows.

A roof terrace is proposed at third floor level as part of the two storey extension above the existing building. The terrace is set in from the sides of the building below and these set backs along with suitable privacy screening surrounding it will ensure that any potential noise or overlooking impacts are mitigated.

A Daylight Sunlight Report has been submitted with the application. This confirms that there will be harmful loss of daylight or sunlight to the rooms of neighbouring buildings.

Highways considerations

Vehicular access to the site is from Lancaster Road approximately 20 metres from the junction with Henry Road.

East Barnet Road which is served by several bus routes can be reached on foot within 3 minutes. The site is not in a CPZ and has a PTAL rating of 3 (average) on a scale of 1b to 6 where 1 is poor and 6 is excellent. This represents a reasonable level of accessibility to public transport. Footway parking is allowed on the south side of Henry Road and on both sides of Lancaster Road. There are yellow lines at the junction of Henry Road and in sections of Lancaster Road.

The proposed development comprises a linked extension to two existing buildings to create 849 sqm of office space with 5 parking spaces, refuse storage and cycle parking facilities. There are two existing crossovers which provide vehicle access to a loading area and a car park from Lancaster Road. The latter will be retained but the former will become redundant. Highways would request that the redundant crossover is reinstated to footway. Hence, the applicant will need to obtain a s184 licence for this and any other works on the public highway.

The proposed office building is expected to accommodate 70 employees. The London Plan parking standards for B1 office use in outer London specify one parking space per 100-600sqm. This equates to a maximum of between 2 - 8 spaces. The PTAL rating of the site is 3, on a scale of 1-6, hence pro-rata 5 spaces are required for this development.

Cycle parking is proposed to the front of the proposed development.

The proposed office development is expected to accommodate 70 employees and so Highways would recommend that a work place travel plan is prepared for the site. The travel plan must be secured via a s106 agreement and a s106 contribution of £10k is requested towards travel plan monitoring.

The proposal is unlikely to generate a substantial number of vehicle trips and thus it is not anticipated that the development will have a significant impact on the local highway network. However, the development could generate over 200 person trips daily and increase potential pedestrian/ vehicle conflicts at key crossing/junctions. A contribution of 10K towards pedestrian safety improvements and footway renewal in the vicinity of the site is requested.

The construction works needs to be managed carefully and thus Highways would recommend a construction management and logistics plan condition.

Highways raise no objection to the proposal subject to a s106 contribution of £10k towards travel plan monitoring and £10k towards pedestrian safety improvements as well conditions.

5 no. car parking spaces are proposed which is in accordance with London Plan standards.

The applicant has agreed to pay the requested £20k financial contribution towards Travel Plan monitoring and highway safety improvements.

The proposal is therefore considered to be acceptable in terms of Highway safety and parking.

Environmental Health considerations

The Council's Environmental Health department reviewed the application and has no objection to the proposal subject to conditions relating to Noise mitigation.

Trees and Landscaping

A soft landscaping scheme is proposed including a tree to the front of the building (Henry Road). A detailed landscaping scheme will be secured by way of planning condition.

Employment and Skills

An LEA financial contribution of £9,345 has been requested, to be secured through a section 106 agreement, for skills, employment and training within the Borough in accordance with the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD.

The applicant has agreed to make this contribution.

Sustainability

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate

compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

The application is accompanied by a Sustainability Statement which sets out how the development accords to the London Plan energy hierarchy.

A 'Lean, Clean, Green' strategy has been adopted and the development achieves an overall improvement (DER/TER) in regulated emissions at over 41.19% above Part L 2013 standard through a variety of measures.

A solar PV array is proposed on top of the northern part of the proposed development. Details will be secured by condition.

Refuse and Recycling

Refuse and recycling storage is proposed in the northern part of the site. Details will be secured by planning condition.

Legal agreement

A legal agreement will be required in order to secure the following financial contributions:

- Employment and Skills contribution - £9,345
- Travel Plan monitoring - £10,000
- Pedestrian safety improvements - £10,000

5.4 Response to Public Consultation

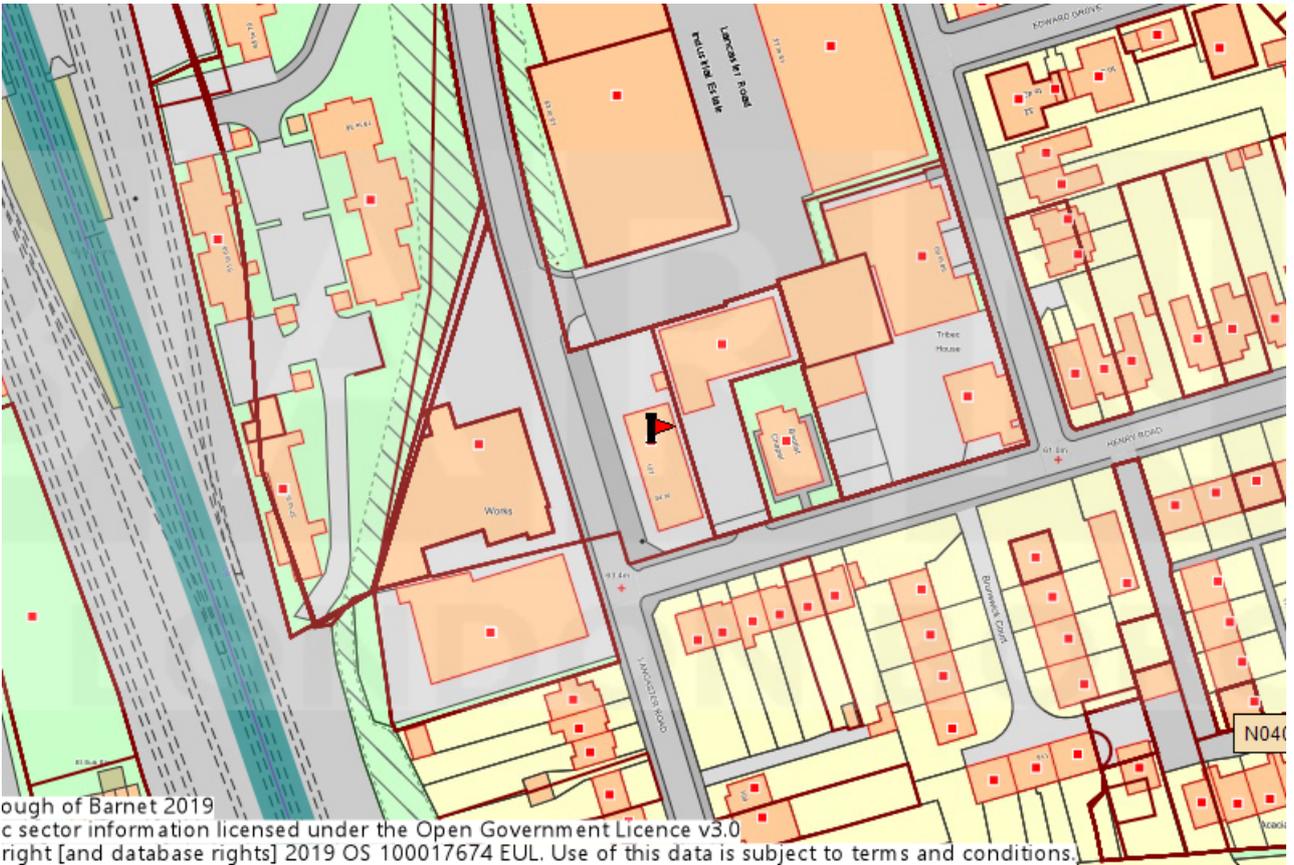
Addressed elsewhere in this report.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Recommended for approval.



ough of Barnet 2019
c sector information licensed under the Open Government Licence v3.0
right [and database rights] 2019 OS 100017674 EUL. Use of this data is subject to terms and conditions.