

Location **9 Plantagenet Road Barnet EN5 5JG**

Reference: **23/0298/FUL** Received: 24th January 2023
Accepted: 24th January 2023

Ward: Barnet Vale Expiry 25th April 2023

Case Officer: **Daniel Wieder**

Applicant: Mr Peter Boden

Proposal: Change of use from Light Industrial to Commercial Laundry (Sui Generis) including a single storey extension, and the addition of a new low-level front boundary wall [Amended Description/Plans]

OFFICER'S RECOMMENDATION

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 Chair (or in their absence the Vice-Chair) 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. - A Travel Plan Monitoring Contribution of £5,000
- A financial contribution towards off-setting building emissions of £15,741 in order to achieve 'air quality neutral' development.

- A Local Employment Agreement to be agreed in accordance with the Delivering Skills, Employment, Enterprise and Training SPD (Oct 2014).

RECOMMENDATION II:

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

084-050 Site Location Plan
084-1300 Existing Elevations
084-1002 Existing Ground Floor Plan
084-1003 Existing First Floor Plan
084-1301 Rev B Proposed Elevations
084-1000 Rev A Proposed Ground Floor Plan
084-1001 Proposed First Floor Plan
084-1005 Rev A Proposed Site Servicing Plan
2973-001 Swept Path Analysis
Design & Access Statement 9 Plantagenet Road, Barnet
Air Quality Neutral Assessment: 9 Plantagenet Road, Barnet. 7 July 2023 Ref: J10/14377A/10/1/F2
Air Quality Mitigation Proposals Letter for 9 Plantagenet Road, Barnet
Noise Assessment AEC REPORT: P4795/R01c/DMT Rev C 31 July 2023
Assessment of Noise Break-Out of Open Windows Ref: P4795/L02/DMT

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).

- 4 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.

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- 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 contractors 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 6 The roof of the extension 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).

- 7 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: In the interests of promoting cycling as a mode of transport 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.

- 8 Prior to occupation of the development details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to be designed in accordance with the Council's adoptable standards.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area 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.

- 9 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawing no. 084-1000 Rev. A submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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 hours of use hereby permitted shall not be before 7am or after 8pm on weekdays and 8am to 6pm on Saturdays and not at all on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 11 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday, before 8am or after 6 p.m. on any other day, or before 7am or after 8pm Monday to Friday.

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

- 12 The windows of the buildings, other than those indicated to be openable as shown on 084-1000 Rev A Proposed Ground Floor Plan, 084-1001 Proposed First Floor Plan, and in accordance with approved document 'Assessment of Noise Break-Out of Open Windows Ref: P4795/L02/DMT', shall be kept fixed shut at all times.

Reason: To prevent noise outbreak to neighbouring residents.

- 13 The measures approved under this condition, as set out in the Noise Assessment AEC REPORT: P4795/R01c/DMT Rev C 31 July 2023 by Acoustic & Engineering Consultants Limited 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 Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D14 of the London Plan 2021.

- 14 A post-completion acoustic report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use/first occupation of the development.
This report should confirm and demonstrate that all the mitigation measures as outlined in the report Noise Assessment AEC REPORT: P4795/R01c/DMT Rev C 31 July 2023 by Acoustic & Engineering Consultants Limited have been installed successfully. The post-completion report should clearly show clearly all the locations of all noise sources and noise mitigations measures. The sound reduction specifications for the new materials should be shown clearly.

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 D14 of the London Plan 2021.

- 15 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.
Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.
The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 16 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. 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 development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced 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 Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted September 2012) and Policy D14 of the London Plan 2021.

- 17 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D14 of the London Plan 2021.

- 18 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 ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

- 19 The measures contained within the approved air quality neutral assessment report (Air Quality Neutral Assessment: 9 Plantagenet Road, Barnet. 7 July 2023 Ref: J10/14377A/10/1/F2) shall be implemented in its entirety before any of the

development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy GG3 and SI1 of the London Plan 2021.

- 20 Prior to commencement of works, details of foundations must be submitted and approved to this authority that will minimise the harm to surrounding tree roots.

The foundations must take account of trees growing in close proximity to the development.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

- 21 Prior to commencement of the development a Framework Travel Plan statement that meets the criteria of the current Transport for London Travel Plan guidance, currently 'Travel Planning for new development in London incorporating deliveries and servicing' and is ATTrBuTE compliant shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non car modes such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the SPD.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

RECOMMENDATION III:

- 0 RECOMMENDATION III
That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 25/04/2024, 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 provide a legal agreement to mitigate the impacts of the proposed development and it is therefore considered that it would fail to provide an air quality neutral development, fail to provide a Local Employment Agreement in accordance with the Delivering Skills, Employment, Enterprise and Training SPD (Oct 2014) and have a detrimental impact on the free flow of traffic and parking provision.

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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed

as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 4 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 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

Planning Conditions/Obligations/Contributions:

In accordance with Section 100ZA of the Town and Country Planning Act 1990, the agent has agreed to the pre-commencement conditions.

Recommended obligations are set out below -

The applicant and any other person having a requisite interest in the site are invited to enter into a section 106 Agreement to secure the following:

- The Council's legal and professional costs of preparing the agreement and any other enabling agreements.
- Meeting the Council's costs of monitoring the planning obligations.
- All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- A Travel Plan Monitoring Contribution of £5,000
- A financial contribution towards off-setting building emissions of £15,741 in order to achieve 'air quality neutral' development.
- A Local Employment Agreement to be agreed in accordance with the Delivering Skills, Employment, Enterprise and Training SPD (Oct 2014).

1. Site Description

This application site relates to a two-storey detached industrial site located on the western side of Plantagenet Road, within the ward of Barnet Vale.

To the south of the site, and directly opposite, comprise of two-storey residential dwellings. To the north of the site is a car garage and servicing centre. The application site itself has a two-storey gable ended building fronting the street, with a retail frontage at ground floor. At present the shopfront features a sign for accountancy services. Behind that and continuing to the rear of the site are a series of two storey industrial style buildings. At present the entire site is vacant.

There are no protected trees on site, or on adjacent land, nor does the application site lie within a conservation area or contain a locally or statutory listed building.

The application site has a PTAL of 3 and is located in flood risk zone 1 (low risk).

Officers undertook a site visit on the 15th of September 2022.

2. Site History

Reference: B/01831/13

Address: 9 Plantagenet Road, Barnet, EN5 5JG
Decision: Approved subject to conditions
Decision Date: 17 July 2013
Description: Proposed new shopfront to existing retail unit

Reference: B/00173/12
Address: 9 Plantagenet Road, Barnet, EN5 5JG
Decision: Refused
Decision Date: 30 April 2012
Description: Change of use from office to retail shop (Use Class A1).

Reference: N01671E/00
Address: 9 Plantagenet Road, Barnet, EN5 5JG
Decision: Approved subject to conditions
Decision Date: 20 September 2000
Description: Demolition of existing garage and erection of two storey replacement garage/workshop linking into existing building.

Reference: N01671F/01
Address: 9 Plantagenet Road, Barnet, EN5 5JG
Decision: Approved subject to conditions
Decision Date: 23 October 2001
Description: Demolition of existing garage and erection of two storey replacement garage/workshop linking into existing building

3. Proposal

This application seeks permission for the change of use from Light Industrial to Commercial Laundry (Sui Generis) including a single storey extension, and the addition of a new low-level front boundary wall.

The proposed development would result in the change of use of the mostly existing c1,100sqm of warehouse and office, from its B2 use classification to be used as a central hub for the dry-cleaning processes of all regional branches of Jeeves dry cleaners.

The proposed use is expected to employ approximately 33 full time employees, with 90% stationed at the site all day.

The single storey extension comprises a part flat roofed part pitched, c7m in depth and c8.5m in width; the eaves of the flat roof section would have a height of 3.5m and would be set off the rear boundary of No 42 Leicester Road by c1m. The ridge height of the dual pitched roof would reach a height of c5m, with a distance of c7.6m from the rear boundary of No 42 Leicester Road.

4 car parking spaces, with electric vehicle charging points, and a turning head, would be provided on site. The proposed 6no. cycle rack and refuse store would be located within part of the extension structure.

The proposed materials of the extension will be comparable to the existing industrial unit and will match the existing cladding panels.

At the front of the site, a low lying 0.75m wall is proposed to demarcate the forecourt of the site, adjacent to the pavement, in order to prevent unlawful parking and secure the area for the placement of refuse bins on collection day.

4. Public Consultation

A Major Development site notice was posted on the 16th of February 2023 and an advertisement posted in the Barnet Press on the 21st of February 2023.

Community Involvement

A resident 'open information evening' was held at the site by the applicant on the evening of the 27th of July 2023 (it should be noted that officers had no direct involvement with this event and did not attend).

Consultation letters were sent to 258 neighbouring properties, for a consultation period running from the 25th of January 2023 until the 22nd of February 2023.

22 responses were received, comprising 22 objections.

The objection comments have been summarised below:

- The Air Quality report submitted with this application shows emissions from the building primarily these boilers- to be 148 times higher than permitted levels. This is an unacceptable level of air pollution to the local neighbourhood and a risk to people and children nearby.
- It is absolutely shocking to think that this could be allowed in a tightly packed residential area full of families with children not to mention the elderly and people already living with breathing related health issues.
- The proposers might be able to financially offset the emissions, but they will tangibly worsen the day-to-day quality of life of this community.
- Given the Government's aim of preventing all new gas boiler installations and the London Mayor's expansion of the low emission zone to Barnet, it seems wrong that this could even be considered.
- There is a nursery and primary school within 200m of the site that will be harmed by the air pollution and increased traffic.
- The number of staff on site, 34, is far too many.
- Significant objections regarding the environmental and air pollution impact of the development, and the impact it will have on the health of surrounding residents and children
- Significant concerns regarding the increased noise and disturbance from the building
- Significant concerns regarding the increased deliveries, traffic and associated impact on road safety

It should be noted that Rt. Hon. Theresa Villiers MP submitted an objection, stating: "As you will see, my constituents are very worried about the emission levels from the building and believes that such a business should not operate in a dense residential area and, not least, the proximity of a nursery and primary school. I would be grateful if their comments, and those of my other constituents, can be taken into account before a decision is taken."

Further to the submission of revised information, a shortened 14-day neighbour reconsultation was carried out from the 1st of August 2023 until the 15th of August 2023. Consultation letters were sent to 258 neighbouring properties, as well as to the local ward councillors.

10 responses were received, comprising 9 objections and 1 comment of support from a previous objector.

The objection comments have been summarised below:

- Concerns that the development, the extension and first floor windows would result in loss of privacy, be intrusive and block view from rear gardens of Leicester Road
- The environmental impact on residents will be significant and far beyond acceptable levels. This is a residential area with family homes and schools, it is entirely unsuitable for a commercial laundry.
- There can be no acceptable mitigation to the damaging impact on air quality this would cause.
- The proposed chimneys and vents would be unsightly and lead to dangerous exposure directly into people's gardens.
- Concerns of noise and traffic in this residential area. I can't imagine why this proposal is even being considered as it is totally unsuitable for a residential area and of absolutely no benefit to the local community - only detriment.
- The site is in close proximity to a primary school and 3 nurseries. The introduction of industrial gas fired boilers is going to increase emissions of NOx significantly. This proposal goes against the Governments ambition to ban gas boilers and against the mayor of London's clean air campaign.
- offsetting the excess emissions does not go any way to make up for the impact on residents physical and mental health and our reasonable right of use and enjoyment of our properties and gardens. Surely the building and location is more suited for "lighter" use.

The supporting comments have been summarised below:

- Whilst any new additional air pollution in the area is not welcome, following the Timpson's open evening, on balance I now support this application. My only caveat would be that the air emissions as now presented are based on only 2 boilers working on limited hours, with a 3rd boiler simply as stand by. Timpson's management assured me that this will always be the case and I have no reason to disbelieve them. However, personnel can change and should their business expand, a future team may want to run boilers on longer frequency or, indeed, all 3 boilers.

Could you please place a condition on the planning approval that boiler operation is as presented and any future change to this will require a new planning application.

- At a broader level I am supportive since the premises could be used for much more unpleasant activities under the existing light industrial classification.
- Since the premises have been empty for some time, if this application does not go through, there is a good chance that eventually someone will apply for brownfield residential development on this site, with much wider impact on the neighbourhood.

Internal Consultees:

Traffic & Development and Environmental Health officers have been consulted throughout the lifetime of the application and their comments have been incorporated in the report below.

The Lead Local Flood Authority, London Fire Brigade, and ward councillors were all also consulted throughout the lifetime of the application. No comments have been received.

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 first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019, 20 July 2021 and 5 September 2023. 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 2021

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 new London Plan which sets out the mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd of March 2021 and supersedes the previous Plan.

- Relevant London Plan Policies: D1, D4, D13, D14, E2, E4, E7, E11, G3, G7, SI1, SI7, T5, T6, T7

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, CS4, CS5, CS9, CS14
- Relevant Development Management Policies: DM01, DM02, DM04, DM12, DM14, DM17

Supplementary Planning Documents

- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)

- Delivering Skills, Employment, Enterprise and Training from Development through S106 (adopted October 2014)
(Note that details of all local policies listed above are available at www.barnet.gov.uk)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- i The principle of the development in this location
- ii. The impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- v. Parking and highways
- vi. Refuse and recycling storage
- vii. Environmental Health, Sustainability, Biodiversity & Trees and any other Material Consideration's

5.3 Assessment of proposals

The principle of development

The proposal relates to the change of use of the site to be used as a Dry Cleaners (Sui Generis). The proposed use of the site would utilise the c865 sqm of warehouse space, and c236sqm of associated office and staff facilities space.

As existing, the site comprises a series of two storey warehouse style buildings, with a two-storey gable fronted office style building and shopfront fronting Plantagenet Road. The site is currently vacant.

Previous planning applications (ref: B/00173/12, B/01831/13 have referred to the lawful use of the site as Class B1 office (now Class E(g)), although it is unclear as to what part of the site that was referring to and is likely to have been referring to just the front building.

An online search of the site's history indicates that the land was used by 'Sapphire Balustrades' from at least the year 2000, as can be seen from the pictures on the company website, indicating heavy metal works were present. Google historic Streetview shows the fascia sign of the company on the front of the building in a 2008 image. The company website says the Barnet factory was moved in 2010.

A Google Historic Streetview image from 2014 shows a fascia sign of the 'Barnet Window Company' whilst an image from 2018 shows a fascia sign of an Accountancy office, a sign which remains till the present day. In correspondence with the Barnet Window Company, they confirmed that they only ever rented the front building of the site as an office, leaving in 2018 when it was taken over by the accountant. They did also confirm however that the back warehousing part of the site was in use 'industrially' by a curtain/upholstery company which was still going when they left in 2018. Online company records show that 'Albert E Chapman Ltd' was liquidated in July 2001, with their registered office: 9 Plantagenet Road, Barnet, EN5 5JG, Nature of Business: Upholstery and soft furnishings.

Though the exact historic use class of the site has not been established, it is apparent that the majority of the site has been in B2 General Industrial use for most of the last 20 years and likely longer, with potentially an ancillary or at times self-contained office use contained within the small building fronting Plantagenet Road.

The proposed use of the site as a central, intensive dry-cleaning hub, is considered to fall within the Sui Generis use class.

In regard to the principle of the proposal, and the conversion of the existing Class B2/B1 use to Sui Generis dry cleaner, officers have regard to Policy DM14 of Barnet's Development Management Policies.

Policy DM14 states:

Existing employment space:

- i. Proposals which result in a redevelopment or change of use of a Locally Significant Industrial Site, Industrial Business Park or Business Location as shown on the Proposals Map to a non-B Class use will not be permitted.
- ii. Outside these locations' loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.
- iii. Office space (Class B1) should be retained in town centres and edge of centre locations. Loss of office space (Class B1) will only be permitted in town centres and edge of centre locations where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken. Where this can be demonstrated the proposal will be expected to provide appropriate mixed-use re-development which provides some re-provision of employment use, residential and community use.
- iv. Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.
- v. Where appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training.

New employment space:

- i. All proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites.
- ii. New industrial/warehousing space will be expected to locate in Locally Significant Industrial sites. Warehousing uses or uses which generate high levels of movement should be located in close proximity to tier one and two roads as set out in Policy DM17 Travel Impact and Parking Standards and minimise impact on residential areas.
- iii. Proposals for new employment space will be expected to provide onsite servicing for the intended use and include space for waiting for goods vehicles.

The proposed site is not located in a Locally Significant Industrial Site, Industrial Business Park or Business Location, nor is it located in a town centre.

Policy DM14 states that any loss of a Class B use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Strictly speaking the proposed change of use is a loss of B Class use into Sui Generis.

However, the existing industrial nature of the site and the proposed use is not dissimilar to the existing Class B2 designation and nature of activity. The proposal will bring the currently vacant site back into employment use, providing employment for approximately 33 staff within the borough, which is a factor given significant weight in the planning balance.

In accordance with the Supplementary Planning Document: Delivering Skills, Employment, Enterprise and Training from Development through S106 (adopted Oct 2014), any non-residential use dev. generating 20 FTE jobs+ for its end use would be required to enter into a Local Employment Agreement to support "the Council's commitment to creating an environment for growth in the local economy; improving skills and employment opportunities; and engaging with businesses to understand and best meet their needs." This could take the form of a financial contribution or provision of jobs, apprenticeships and work experience. The applicant has welcomed this possibility and noted in the Design & Access Statement "it is anticipated that future staffing needs can be met locally." These obligations will be negotiated and secured via a S106 legal agreement, subject to approval.

Overall, whilst the proposed conversion would technically be a loss of B2 Class use, and is not located in a Town Centre or Locally Significant Industrial Site, on the balance of matters, considering the industrial site is existing and has historically been used as such, and the proposed use is not of a dissimilar nature, as well as the benefit of bringing a vacant site into use and supporting employment within the borough, officers would in principle consider the change of use to be acceptable and appropriate, subject to further material considerations.

The impact on the appearance and character of the area

Policy DM01 sets out that 'proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed extension would be single storey with a depth of 7m and width of 8.5m; a total area of c60sqm. The extension would be to an inset corner of the warehouse, to provide additional storage and loading space to the facility and will be constructed in a comparable fashion to the existing industrial unit, to match the existing cladding panel as much as possible.

The extension would be distanced 1.2m from the side boundary, with half its width supporting a flat roof with a height of 3.5m and the remaining width, closest to the existing warehouse, supporting a dual pitched roof with a ridge height of 5m.

Overall, the proposed extension is considered to be an appropriately scaled and design addition to the existing warehouse, in keeping with its surroundings and character of the site.

At the front of the site, the proposal includes a new low level brick wall, extending 1.59m out from the front of the building, across its width of 3.64m, with a height of 0.75m. This will form a clear holding area for the bins, protect the entrance to the site, and prevent cars from parking in this space illegally. Officers note that a similar styled wall is in situ in front of the neighbouring garage site, and given its small scale, it is considered to be an appropriate addition with no harm to the established character of the streetscene.

As such, it is found that the established character and appearance of the area would be affected, should this proposal receive approval; therefore, in this regard, it is not in compliance with Policy DM01, of Barnet's Development Management Policies DPD.

The impact on the amenities of neighbouring occupiers

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. The Residential Design Guidance SPD states that proposals should be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight.

With regard to the proposed extension, the key concern is whether the proposal would result in any degree of overlooking to neighbouring sites and if overshadowing, loss of outlook and loss of light would occur as a result of the development.

The proposed extension would be distanced 1.2m from the side boundary, and following amendments throughout the lifetime of the application, half its width closest to the boundary would have a flat roof with a height of 3.5m and the remaining width, closest to the existing warehouse, would have a dual pitched roof with a ridge height of 5m.

The flat roof section of the extension would be approximately at the same height as the existing outbuilding at the rear boundary of No 40 Leicester Road. The proposed extension would sit directly alongside the rear boundary of No 42 Leicester Road. There is a large tree and significant degree of foliage that sits alongside this rear boundary which provides a degree of screening. The height of the section of the extension closest to the boundary has been reduced and considering that it will be set against the existing two storey warehouse, officers do not consider that the extension will give rise to a harmful overbearing or visual impact, any more severe than that exists already, to the neighbouring occupiers.

Noise & Disturbance

Due to the intensive commercial nature of the site, there is the significant potential for neighbours to experience noise nuisance, both internally: noise from multiple plant within building with limited sound insulation and openings to the outside (vents/flues/windows/doors) including cleaning, dry cleaning machines, boilers, people working, and externally: noise emanating from building (increased if windows/ doors kept open) , opening and closing of shutter doors, deliveries, people working, increased boiler plant and condensers in new extension; noise from workers arriving and leaving.

The applicant has submitted a Noise Impact Assessment (AEC REPORT: P4795/R01c/DMT Rev C) which has been reviewed by the councils Environmental Health officers. It is also noted that the site has historically been used for industrial processes so a degree of noise would have been inevitably always present, though no information is available to be used as a benchmark. Following discussions and substantial amendments to the proposed noise mitigation strategy, Environmental Health officers have advised that the revised strategy is considered to be acceptable, subject to a number of conditions.

This includes restrictions on hours of deliveries, opening, submission of a pre-occupation acoustic report, and a number of mitigation measures such as ensuring all windows are kept fixed shut at all times to prevent noise escaping (aside from certain windows, serving offices and the like, as annotated on 084-1000 Rev A Proposed Ground Floor Plan, 084-1001 Proposed First Floor Plan, and in accordance with approved document 'Assessment of Noise Break-Out of Open Windows Ref: P4795/L02/DMT')

With the implementation of the submitted mitigation measures, and conditions imposed, Environmental Health officers are satisfied that the proposed use will not cause an unacceptable degree of noise and disturbance to neighbouring occupiers. It is also noted that the site has historically been used for industrial processes so a degree of noise would inevitably have been historically present, though no information is available to be used as a benchmark.

In assessment, officers are satisfied that the development is not considered to prejudice the residential amenities of neighbouring properties in terms of loss of light, outlook and privacy, nor noise and disturbance, therefore, in this regard, it is in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

Parking and Highways

Throughout the lifetime of the application, Highways officers have been consulted whom have commented as follows.

The site lies within a PTAL 3 zone, which means that there is average public transport accessibility to and from the site. The applicant is proposing to provide 4x off-streetcar parking spaces, 1 of which would be a designated accessible space. The bays have been marked as manager parking and holding. These are for holding vehicles waiting to use the loading area in case traffic delays etc cause a backlog of arrivals to site. Electric vehicle charging points will also be provided to service 4no. vehicles at any one time in accordance with sustainability measures proposed in the plan.

In the Design Access Statement, the applicant has confirmed that the approximately 33 staff are expected to use public transportation to access the site. The applicant has confirmed the below transportation methods available around the site:

BUS - Plantagenet Road itself is served by buses (No. 184, 383 and 626). Linking to Chipping Barnet and North Finchley. Additional buses call at New Barnet station (a short walk from site) connecting to Edgware. The bus stops are located immediately in front of the application site. TUBE - The nearest underground stop is High Barnet, which is 1mile away (20 mins walk). High Barnet is a terminus station for the Northern Line, linking into London. RAIL - The site is close to New Barnet Station (0.4 miles / 10 min walk). Rail links are available to Welwyn Garden City and Moorgate Station.

Highways officers have advised that the proposal is acceptable in principle, though the submission of a Travel Plan would be required to support sustainable travel methods, which will be imposed as a pre-occupation condition. This will encourage, facilitate and monitor sustainable transport solutions for the site's employees.

Vehicular Access:

The site is accessed via an access road to the side of the existing residential properties. This is to remain the same. The applicant has submitted a Swept Path Analysis which has been reviewed by highways officers and is deemed to be acceptable on Highways grounds.

Refuse and recycling storage

The applicant has made provision for 7 x 1100 litre refuse bins, to be contained in an internalised refuse store within the proposed extension area.

The applicant has confirmed that there is a commercial bin collection service in place, and the bins will be taken from the internalised refuse store to the forecourt of the site on collection days.

Following amendments to the proposals, a low lying wall has been proposed around this forecourt area to prevent the illegal parking of cars, which would otherwise have forced the refuse bins to be left in the street and obstruct pedestrians.

As there are differing collection days for general refuse and recycling, there will not likely be more than 2/3 bins at any one time contained within the forecourt, though the proposed site servicing plan demonstrates that there is capacity for up to 4 bins to be contained within the demarcated area.

The proposed refuse store and arrangements are considered to be acceptable in principle.

Cycle Storage

Policy T5 of the London Plan (2021) seeks for new development to secure, integrated, convenient and accessible cycle parking facilities.

6 no. cycle spaces are to be provided, via 3 racks, within the enclosed proposed extension. Highways officers have confirmed that the cycle store is deemed acceptable.

Other Material Considerations

Trees

The proposed extension is sited c1.2m from the neighbouring rear boundary with No 42 Leicester Road, which has two trees in close proximity to the rear boundary.

The foundations for the proposed extension would likely have a severe impact on the root area of these trees, which although are not protected by a TPO, and would not likely merit one, still serve an important purpose in screening the site and should be retained in accordance with DM01 and DM16.

Barnet's Tree officers have reviewed the proposals and confirmed that, considering the lightweight structure, low impact steel or concrete pile foundations, or other such alternative, could successfully be utilised to minimise impacts on the tree roots.

The applicant has agreed to a pre-commencement condition requiring the submission of foundation details which will be applied.

Environmental Health - Air Quality

The London Plan 2021 Policy SI 1 Improving Air Quality states: "Development proposals should not: a) lead to further deterioration of existing poor air quality b) create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits c) create unacceptable risk of high levels of exposure to poor air quality. In order to meet the requirements in Part 1, as a minimum: a) development proposals must be at least Air Quality Neutral b) development proposals should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures c) major development

proposals must be submitted with an Air Quality Assessment. Air quality assessments should show how the development will meet the requirements of B1 d) development proposals in Air Quality Focus Areas or that are likely to be used by large numbers of people particularly vulnerable to poor air quality, such as children or older people should demonstrate that design measures have been used to minimise exposure".

Part E of Policy SI 1 states the following regarding mitigation and offsetting of emissions: "Development proposals should ensure that where emissions need to be reduced to meet the requirements of Air Quality Neutral or to make the impact of development on local air quality acceptable, this is done on-site. Where it can be demonstrated that emissions cannot be further reduced by on-site measures, off-site measures to improve local air quality may be acceptable, provided that equivalent air quality benefits can be demonstrated within the area affected by the development".

Policy DM04 of the DPD (dealing with Environmental Consideration for Developments) states: "i. where there is a localised source of air pollution, buildings should be designed and sited to reduce exposure to air pollutants. ii. development proposals will ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate."

The Supplementary Planning Document (SPD) dealing with Sustainable Design and Construction (2016), states that: "Developers are to design their schemes so that they meet the Air Quality Neutral emission benchmarks for Buildings and Transport as set out in appendix 5 and appendix 6 of the Mayor of London's Sustainable Design and Construction SPG".

During the public consultation a considerable number of objections have been received, largely concerned with the emissions that will be coming from the gas boilers, and the harmful impact the development would have on air quality to surroundings residents, elderly and children in nearby schools. These comments are a material consideration in the planning balance.

An Air Quality Neutral Assessment has been submitted and reviewed by Environmental Health officers. Throughout the lifetime of the application the Air Quality Neutral Assessment has been revised to correct errors and reflect the working hours of the industrial site and boilers. There would be 3 gas powered boilers, though the applicant states usually only one or two will be running at a time. The only significant local air quality pollutant from the boilers is NO_x (oxides of nitrogen). Based on the operational hours of the boilers the calculated total NO_x emission from the boilers will be 46.12 kg/annum which exceeds the total BEB NO_x Emission of 1.18kg/annum.

Environmental Health officers have reviewed the Air Quality Neutral Report and confirmed that the report has been thorough, using the most up to date guidance as sent out February 2023. The consultants used to compile the report and assess the proposals are also noted to be highly reputable and competent.

EH officers have advised that though the air quality report shows the site is not air quality neutral, it does not automatically mean that the proposed pollution level is severe enough to be overly harmful. When considering the broader context and the potential use of the site, were the site to be converted to a residential block of flats, for example, there would be likely much more air pollution and similarly if converted to a hotel significantly more. The pollution payment is derived from benchmark values in the air quality neutral guidance, and these are more lenient with other forms of building usage [hence the reason for the pollution exceeding the benchmark by a significant amount]. The pollution assessed is Nitrogen Oxides, made by burning fossil fuels. In this case gas boilers, which are

relatively clean, but obviously not carbon neutral. If the building were to be converted into a typically sized apartment block, then the resultant pollution from the gas boilers installed would be likely to be much greater (with arguably many more vehicle journeys and deliveries.)

The report concludes: "The air quality neutral assessment showed that the proposed development exceeds building emission benchmarks, and an offsetting payment calculation should be undertaken if mitigation is not able to reduce the emissions to meet the benchmark. As such, this has been undertaken using the methodology detailed within section 5.2 of the guidance (GLA, 2023). The total offsetting payment is £15,741."

Taking into account the advice from the Councils Environmental Health officers, officers would consider the proposed development to be acceptable in this regard, and compliant with the relevant policy, subject to an offsetting payment. This offsetting payment has been agreed by the LPA and will be secured via a S106 legal agreement prior to the approval of the application.

Skills, Employment, Enterprise and Training from Development

The applicant should also make note of the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014). This document sets out the Council's commitment to creating an environment for growth in the local economy; improving skills and employment opportunities; and engaging with businesses to understand and best meet their needs. It states that, subject to viability, any non-residential use development generating 20 FTE jobs+ for its end use, would require a Local Employment Agreement via a Section 106 Legal Agreement. The actual nature of the agreement varies from providing jobs, apprenticeship opportunities etc. to commuted payments in lieu of the above. Details can be found at: SPD; Delivering Skills, Employment, Enterprise and Training (SEET), October 2014 (barnet.gov.uk)

As noted earlier in the report, the applicant has agreed to enter into a S106 agreement to secure a contribution in this regard.

5.4 Response to Public Consultation

- The main planning considerations have been addressed within the body of the report.
- Principle of commercial use - the site has historically been used for industrial purposes, and the proposed use is considered to be of a similar nature and acceptable and appropriate for the site.
- Traffic - Highways officers have reviewed the parking and access arrangements, as well as Swept Path Analysis and have deemed the proposal acceptable.
- Noise & Disturbance/Deliveries - Environmental Health officers have reviewed the submitted reports and sought appropriate mitigation measures. Conditions will be imposed to control hours of use and deliveries. Subject to these conditions EH officers have recommended approval.
- Environmental Impact - The Councils Environmental Health officers have reviewed the proposal, and Air Quality Neutral Assessment. Subject to an offsetting payment as secured by the legal agreement the proposal is considered to comply with the relevant policies in this regard and on the balance of matters is considered to be acceptable.

5.5 Conditions:

In accordance with Section 100ZA of the Town and Country Planning Act 1990, the agent has agreed to the pre-commencement conditions.

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

The industrial use of the site will inevitably give rise to a degree of noise and air pollution that is not currently present as vacant. Considering however the sites historic use as an industrial site, and that the harm arising, with the associated mitigation measures and conditions, is not considered to be of a degree such that would warrant refusal, as well as considering the benefits of bringing this vacant employment site back into use within the borough, on the balance of matters the benefits of the proposals is considered to outweigh the limited harm.

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and obligations to be secured by Section 106, the proposed development is considered to be acceptable and is therefore recommended for approval.

Site Plan:

