

MAYOR OF LONDON

Andrew Dillon

London Borough of Barnet
Development Management & Building Control Service
Building 4, North London Business Park
Oakleigh Road South
London
N11 1NP

Our ref: D&P/3701/02/JPC04

Your ref: 15/04039/FUL

Date: 6 November 2015

Dear Mr Dillon,

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008
Former Abbots and Winters Haulage Site, Oakleigh Road South,
London N11 1HJ
Local planning authority reference: 15/04005/FULL

I refer to your letter of 26 October 2015 informing the Mayor that Barnet Council is minded to grant planning permission for the above planning application. I refer you also to the notice that was issued on 3 November 2015 under the provisions of article 5(1)(b)(i) of the above Order.

The Mayor has delegated his planning powers to me and having now considered a report on this case (reference D&P/3701/02 copy enclosed), I am content to allow Barnet Council to determine the case itself, subject to any action that the Secretary of State may take, and do not therefore wish to direct refusal or to take over the application for my own determination.

Yours sincerely



Sir Edward Lister

Deputy Mayor and Chief of Staff

cc Andrew Dismore, London Assembly Constituency Member
 Nicky Gavron, Chair of London Assembly Planning Committee
 National Planning Casework Unit, DCLG
 Alex Williams, TfL

Former Abbots and Winters Haulage Site

in the London Borough of Barnet

planning application no.15/04005/FUL

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

The relocation of the waste management, highways and fleet maintenance facilities provided by London Borough of Barnet, currently based at the Mill Hill Depot at Bittacy Hill, to the site referred to as the Abbots Depot Site. The proposed scheme will provide the following facilities:

- a vehicle maintenance building;
- staff office and welfare building;
- a covered bulking facility for transferring dry recyclables and food waste to larger vehicles for processing outside the borough;
- a salt barn for winter gritting;
- parking for Barnet's refuse and recycling collection vehicles; and winter gritting fleet;
- a vehicle cleaning bay;
- fuel station and
- parking for employees.

The applicant

The applicant is **London Borough of Barnet (Street Scene Services)** and the agent is **Capita**.

Strategic issues

The proposal is welcomed as it will enable the continuation of intensification and regeneration of the Mill Hill area. It also supports London Plan policy 5.17 (waste); is of good design; and has the necessary conditions and informatives secured to mitigate against amenity issues together with drainage matters. Verification of energy savings and appropriate transport mitigation measures are also secured and no outstanding concerns are raised by TfL on the Crossrail 2 safeguarding at this site.

The Council's decision

In this instance Barnet Council has resolved to grant permission subject to an amended condition relating to a car parking management plan.

Recommendation

That Barnet Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct

refusal or direct that he is to be the local planning authority.

Context

1 On 17 July 2015 the Mayor of London received documents from Barnet Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 2B of the Schedule to the Order 2008: *"Waste development where the development occupies more than one hectare."*

2 On 25 August 2015, Sir Edward Lister, Deputy Mayor and Chief of Staff, acting under delegated authority considered planning report D&P/3701/01, and subsequently advised Barnet Council that the application did not comply with the London Plan, for the reasons set out in paragraph 55 of the above-mentioned report; but that the possible remedies also set out in that paragraph of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Deputy Mayor's concerns (see below). On 1 October 2015 Barnet Council decided that it was minded to grant planning permission, and on 28 October 2015 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Barnet Council under Article 6 to refuse the application or issue a direction to Barnet Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 10 November 2015 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA's website www.london.gov.uk.

Update

5 At the consultation stage Barnet Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 55 of the above-mentioned report; but that the possible remedies also set out in that paragraph of that report could address these deficiencies:

- **Design:** The proposals are broadly supported in strategic design terms, however the Council is encouraged to secure key details of facing materials to ensure a high quality appearance is built through.
- **Air quality:** Outstanding matters raised in this section of the report require further work before the case is referred back to the Mayor at stage 2. Attention is required to be given to other aspects of air quality, beyond the current transport assessment.
- **Noise:** It is recommended that a revised noise assessment be submitted to address the issues and observations set out above, whilst noting that this is also a local policy matter for which appropriate mitigation and conditions will be required.
- **Flood risk:** The applicant is advised to consider a rainwater harvesting system. Overall, given the nature and location of the proposals, the approach to sustainable drainage is considered to comply with London Plan Policy 5:13 and should be secured via an appropriate planning condition.

- **Energy:** The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified.

- **Transport:** The Council is advised to continue discussions with TfL on matters concerning the Crossrail 2 safeguarding direction at the site. As part of the proposal, the Council should provide travel plan and TMP. Clarification is sought on the number of cycle spaces and EVCPs to be provided. A fleet operators recognition scheme should also be included as part of the TMP.

6 Since then, the applicant has responded to the matters raised in the Stage One report as set out below. The application has also been amended as follows:

- Air quality assessment clarifications,
- additional acoustic survey undertaken, and
- additional conditions secured relating to the travel plan and Crossrail safeguarding

Design

7 As commented at Stage 1, the scheme is broadly supported in strategic urban design terms. Buildings are arranged on site so as to enable tree retention while resulting in a minimal impact on neighbouring residential amenity while also being scaled to respond to the immediate context. This is welcomed.

8 Where proposed buildings are visible, the applicant has implemented a refined palette of high quality facing materials that provide a contemporary industrial appearance, in keeping with the proposed use. It is noted that the Council has included a condition requesting details and samples of all facing materials. This is welcomed and will assist in securing the best possible build quality and ease of maintenance.

Air quality

9 The view from the air quality assessment finds that dust and air quality would be better than the existing use by Winters, due to sealed containers versus the current skips and an entirely modern fleet against the old vehicles. The air quality assessment submitted also concludes that the proposal would comply with relevant legislation and would represent an improvement over the existing use of the site. Air monitoring equipment is already installed close to the site in Oakleigh Road South allowing for on-going monitoring of air quality. The continuation of this monitoring is welcomed.

Noise

10 The issues raised at stage one were addressed in an additional acoustic survey. The layout of the site is designed to minimise noise disturbance to neighbouring properties with the noisiest uses i.e. the bulking facility and the salting barn being set in the middle of the site away from any residential properties. The noise reports submitted with the application indicate that the operation of these facilities would not be audible from neighbouring residential properties. This is in part due to the daytime nature of the use and existing noise sources including Oakleigh Road South, the railway and existing adjoining industrial uses.

11 Notwithstanding this, several conditions are attached to minimise noise including condition 6 relating to the construction of the depot, condition 7 regarding delivery and servicing to the depot, condition 23 requires details of all extraction and ventilation equipment, condition 24 requires details of acoustic barriers, condition 25 requires noise from plant to be at least 5db(A) (10 db(A) of tonal) below background level 1m from the window of any neighbouring residential property and condition 28 requires all vehicles which operate outside the hours of 7-7 Monday to Friday, 7-1pm on Saturday or on Sundays to only operate in accordance with a management plan designed to minimise noise nuisance. Further to this, the Council has advised that a requirement for vehicles to park in such a way that they can exit in a forward gear in the morning and not to leave engines running prior to departure. These measures are welcomed and address other amenity concerns collectively.

Drainage

12 The applicant has proposed to utilise a tanked attenuation system to meet the requirements of London Plan Policy 5:13. This has been proposed to achieve a run-off rate restricted to 7.5l/s. At Stage 1 it was recommended that a rainwater harvesting system was investigated as this could utilise attenuated water for use on site. Whilst the proposed SuDS techniques are lower down the hierarchy, the applicant will investigate the cost effectiveness of rainwater harvesting and the final drainage scheme will be approved by LB Barnet via Condition 20 on the draft decision notice. Therefore the proposals are acceptable in terms of London Plan Policy 5:13.

Energy

13 The applicant has provided further information to address overheating matters raised in the stage 1 report. The demand for cooling will be minimised through reducing internal gains through specifying energy efficient equipment. The applicant has also provided the BRUKL document which shows that the scheme will be below the Part L solar gains limits by a comfortable margin. No further information is required.

14 The applicant has demonstrated that the proposal will achieve the 35% reduction in regulated emissions, from both efficiency measures and renewables.

Transport for London's comments

15 At Stage 1, TfL's principal concern with this development was to ensure it complies with the Crossrail 2 safeguarding directive and the London Plan policies 6.2 and 6.4 that promote Crossrail 2 as important to London's future growth and economic prosperity. Barnet Council acknowledges the importance of Crossrail 2 to London; its decision to approve the development does not undermine the ability of the site to be redeveloped for a Crossrail 2 depot in the future and draft conditions provide sufficient safeguards in restricting permitted development rights and compliance with the approved plans. Therefore, TfL does not object to this application being approved.

16 In addition, TfL welcomes measures to promote sustainable transport choices for staff and manage movement of vehicles safely and therefore welcomes the provision of travel plan and traffic management plan (TMP) and therefore acknowledges the Council's draft condition that will regulate this aspect of the sites' operation, including during the construction phase.

Response to consultation

17 Barnet Council publicised the application by sending notifications to 1,669 local residents on 1 July 2015, as well as issuing site and press notices on 9 July 2015. The Council also made copies of the plans available online and in both North London Business Park and Barnet House Council offices.

18 A number of complaints were received by the Council that some of the plans were not immediately available for public viewing, and so a second letter was sent on the 24 July 2015 to 1,688 neighbouring residents (including additional persons who had made representations), extending the consultation period for responses to the 20 August 2015.

19 The extension consultation was consequently re-advertised in the local press and by site notices on site on 30 July 2015. The letters stated that copies of the plans were made available online and in both North London Business Park and Barnet House.

20 The Council received 86 responses, including 84 objections and 1 response which neither supports nor opposes the application and 1 letter of support. A petition was also received signed by 693 people objecting to the proposal. The objector numbers above include a residents group (Coppies Grove Residents Association) and a campaign group (Residents against Abbots Depot RAAD).

21 The Council received seven requests from objectors to speak at the committee meeting from Andrew Dismore (London Assembly Member), Cllr Kathy Levine (Councillor), Residents Against Abbots Depot (RAAD) and the Coppies Grove Residents Association and 4 members of the public.

22 A re-consultation was undertaken on 10 September 2015 for fourteen days, by letters being sent to neighbouring residents so to allow them to consider the additional information that has been submitted or amended following the initial application submission.

23 The comments received have been summarised below beneath relevant headings:

Consultation and procedural aspects

- Not all documents initially online;
- consultation over the summer means many people not able to comment;
- not all letters received by persons on consultation list;
- the consultation period was formally extended due to all documents not being online initially;
- start of the initial consultation was three weeks before the start of the school holidays; and
- concerns about the land deal connected with the application.

Principle of development

- site is unsuitable for use as a waste facility being surrounded by residential properties;
- existing use of part of the site by Winters should not act as a precedent as the expansion of Winters into part of the former Abbots site is unauthorised;
- proposed site is constrained with steep embankments and restricted access;
- the site will be needed for Crossrail 2 at some stage in the future and as such will not be a long term solution and will have to be relocated;
- developing this site for a limited period will be a waste of money and result in unnecessary disturbance to neighbouring residents; and
- given Crossrail 2 an alternative use of the site should be considered which is of benefit to neighbouring properties and will improve their amenity.

Design and Layout

- Visual impact of buildings which are taller and closer to site boundaries than existing structures on the site. This is exacerbated by elevated position of the site in comparison to surrounding buildings;

- buildings particularly Salt Barn is too high;
- the proposed layout should be amended to provide staff office on southern boundary and bulking plant moved nearer to entrance to minimise vehicular movements; and
- Landscape Impact Assessment views and photomontages are misleading with some instances of views being obstructed by fences or trees.

Environmental Health, Amenity and Safety

- Noise and general disturbance impact from operation of plant and vehicles;
- existing use already noisy;
- achieving the same noise disturbance as the existing use would still adversely affect neighbouring amenity;
- lorries and staff cars will start arriving and leaving early in the morning which is earlier than Winters and will result in disturbance to neighbouring properties;
- noise disturbance from lorries travelling along Oakleigh Road as houses currently shake when heavy lorries go past;
- air pollution from operation of plant and machinery, dust and vehicles exacerbating health problems of local residents and children at schools and the park;
- In the event of an approval air monitoring equipment should be installed in the gardens of neighbouring residential properties to ensure that pollution levels are within acceptable levels;
- chemicals used for cleaning lorries and buildings may lead to pollution of water course and surrounding residential properties;
- fire/ explosion risk in connection with the storage of fuel on the site, particularly given close proximity to residential properties;
- danger of unexploded ordinance (UXO's) being disturbed as a result of earth works;
- smell from food waste;
- food waste will encourage rats, seagulls and other vermin; and
- light pollution from proposed lights, which will operate at early hours in the morning and in the case of the salt barn throughout the night

Transport

- traffic along Oakleigh Road is busy and is also a major bus route. The road is often blocked at the entrance to the site, proposal will exacerbate this with larger vehicles entering and exiting the site and could obstructed buses or emergency vehicles;
- measures to reduce congestion problems i.e. parking restrictions will harm adjoining businesses and users of the adjoining park;
- traffic along road rarely comply with the speed limit, increasing the danger of accidents;
- the site is in close proximity and is within the walking routes of several schools and nurseries in the area, as well as users of the local path.
- the proposed use involving heavy vehicles would affect their safety while travelling in proximity to this site;
- traffic is also congested around the roundabout, where lorries will have to pass through;
- the underpass adjoining the site should be improved;
- increased number of large vehicles will be dangerous to cyclists;
- errors on transport survey over exacerbated existing use by Winters and does not measure all vehicles travelling along this road. Residents group has conducted own survey which shows no improvement over the existing operation;
- If Winters stops operating, other skip hire companies i.e. GBN will increase their business resulting in no improvement;
- insufficient car parking has been provided for staff resulting in parking pressure on adjoining residential roads; and

- refuse lorries will be larger than existing Winters vehicles.

Energy, Sustainability & Resources

- Additional vehicles would not accord with environmental legislation which seeks to reduce car use

Landscape and Biodiversity

- Tree loss including three mature oak trees on Oakleigh Road; and
- bats and other wildlife utilise the site. The submitted bat survey is inadequate and failed to physically inspect trees which are likely to be used by bats.

Other relevant material planning considerations

- Impact to utilities including electricity, Water and telephone and particular sewerage system given recent episodes when this has burst.
- Objections have been made to previous applications by GBN, which were ignored and a previous application for soil grading by Winters was refused due to concerns regarding residential amenity.

Non Material Planning Matters

- Impact to property prices

Response in support of the proposal

- One response was received supporting the scheme on the grounds that the proposed depot be very much better than the existing skip lorries and the articulated lorries using the site currently and the current use being seen as a menace.

Consultation responses from statutory bodies and other persons/bodies

- **Councillor Levine** - objected to the proposal stating that it is in a residential area and will have a major impact on the quality of life, health and safety of local residents. Further stating that the Council has only considered it now because a new base for its waste depot is required having sold the previous site. Mention made of community engagement should not just be a tick box exercise and raising many of the above cited objections concerning noise and odour, light pollution, air quality, vermin, ecology, impact of vehicles using the site and traffic, parking, road safety and concern that mitigation of some of these matters does not mean the application should be pushed through.
- **Andrew Dismore (GLA Assembly Member)** – raised concerns about the additional vehicle movements, additional traffic to the areas, consequent pollution- adding to the already poor air quality in the area. HGV will be left to idle to warm up (for 5-10 minutes) and the engines will add to air pollution and noise in the morning. The proposal will cause parking problems and lead to the loss of mature trees, impact bats and owls detected by RAAD, cause foul odours, noise, light pollution, and increase traffic on small residential roads.
- **Natural England** -raised no objection advising that the proposal is unlikely to affect any statutorily protected sites or landscapes and neither would it affect protected species. It does advise however that a licence be obtained from Natural England to translocate Slow Worms which have been recorded as being present on the site, and that no works should commence until such consents have been received.
- **The Environment Agency (EA)** – raised no objection but stated that an environmental permit would be required unless a waste exemption applies and thus recommended an informative.

- **Thames Water** – raised no objection in regard to the sewage infrastructure capacity, however recommended surface water drainage be regulated; trade effluent consent be sought by application to Thames Water or Waste Water Quality. Enforcement of effective use of petrol/oil interceptors to prevent oil polluted discharges entering water courses. Conditions and informatives are recommended to address these matters.
- **Enfield Council** – issued a holding objection on the grounds that a number of figures are missing from the available documents. This additional information was provided to Enfield Council by Barnet Council officers.

24 By the time of the Council committee meeting, four additional objections were received by the Council which included three from previous respondents. These objections raised the matters detailed above and in addition also raised the following matters:

- the documents were difficult to read online, use of abbreviated term harzard IPV's queried (impact protection vehicles);
- what guarantees vehicles will be cleaned correctly?;
- on-going monitoring- what guarantee that this will be correctly monitored?
- No guarantee landscaping or subway will be maintained post approval.

25 Comments from Residents Against Abbots Depot (RAAD) raised concerns relating to bats being detected at the site, the felling of trees knowing of their presence, that this is unlawful as per NPPF and ODPM 06/2005.

Representations made to the Mayor of London

26 The GLA has received 32 objections. These include objection letters from Cllrs Levine and Loannidis and from Andrew Dismore (GLA Assembly Member). These mirror the nature of objections received by the Council, in particular identifying concerns about traffic, parking, noise, light pollution, child drop off time and HGV blocking the road, safety of the activities etc.

27 Andrew Dismore also met with GLA officers to raise objection to this proposal in July 2015 to voice the concerns of his constituents.

28 Strategic matters relating to the principle of development, design, air quality, noise, energy, drainage and transport (including Crossrail safeguarding) have been addressed in this report and the previous stage I report. Local matters have been considered in the Council's committee report. Conditions have been imposed, where appropriate.

Article 7: Direction that the Mayor is to be the local planning authority

29 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions (if applicable) and a planning obligation, (amend as appropriate if a dual recommendation) which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

30 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application (the next four words are optional) and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

31 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

32 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

33 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

34 The principle of waste use on this safeguarded waste and industrial site is supported and in line with London Plan policy 5.17 since it would be a continuation of waste use/storage. The proposal will also facilitate the ongoing regeneration at Mill Hill. The necessary mitigation measures and conditions/informatives imposed at the site, as part of this proposal, address the stage 1 concerns. Therefore the principle of a Council depot, with the associated operations, would be acceptable in this location and is supported in strategic planning terms.

for further information, contact GLA Planning Unit (Development & Projects Team):

Colin Wilson, Senior Manager – Development & Projects

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk

Sukhpreet Khull, Case Officer

020 7983 4806 email sukhpreet.khull@london.gov.uk
