

LOCATION: Site Known As The Dixon's Site
South Of The Holiday Inn On Tempelhof Avenue, And To
The East Of The Brent Cross Retail Park.

REFERENCE: 17/4864/FUL **Received:** 26 July 2017
Accepted: 03 August 2017

WARD: Golders Green **Expiry:** 28 September 2017

APPLICANT: Mr Donoghue

PROPOSAL: Use of site as Class B8 (Storage and Distribution for the storage of lorries). Associated ancillary car, motorcycle parking and administration/security portacabin until May 2018.

1. APPLICATION SUMMARY

The application seeks to make temporary B8 (Storage and Distribution) use of this empty site until 31st May 2018.

The site would be used for the storage of up to 30 Lorries and 30 cars as well as roll on roll off containers carried by the lorries. The site would provide an ancillary location for the parking of vehicles associated with activities at the PB Donoghue Waste Management Company based out of its Claremont Road Site.

Accommodation would be provided on site in a Portacabin/Caravan to allow the presence of 24 hour security and a Foreman to manage activities on site.

Operations on site would take place from 06:30am to 6:00pm Monday to Friday and between 06:30am and 2:00pm on Saturdays. The site would not be active on Sundays.

2. RECOMMENDATION

This application is recommended for **APPROVAL** subject to the following conditions:

1. Approved Plans

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

ODS-CAP-00-XX-DR-C-0001 Rev:P03; and ODS-CAP-00-XX-DR-C-0003 Rev:01.

Reason: For the avoidance of doubt and in the interests of proper

planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2. Restricted Time Period

This permission shall be for a limited period only, expiring on 31st May 2018, when the use hereby permitted shall be discontinued and the Caravan/portacabin and any works carried out under this permission shall be removed and the land left in a secured manner.

Reason: To protect the amenities of the area and safeguard the delivery of the Brent Cross Cricklewood Regeneration Project in accordance with policy CS2.

3. Parking as on Drawing:

Before the use first commences the parking spaces shown on Drawing No. ODS-CAP-00-XX-DR-C-0001 Rev: P03; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

4. Condition: Boundary Treatments

The site shall not be brought into use or first occupied until the site shall have been enclosed in accordance with the Perimeter Hoarding or Secure Fencing and secure gate as shown on plan ODS-CAP-00-XX-DR-C-0001 Rev: P03 shall have been erected. Such Hoarding/secure fencing shall not exceed 3.25m in height.

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

5. Hours of Use

The site shall not be open for the use hereby permitted before 6:30am or after 6:00pm on weekdays and between 6:30am and 14:00 on Saturdays. The site shall not be in use on Sundays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties and the free flow of traffic on local roads.

6. Dropped Kerb

The site shall not be brought into use until such time as a dropped kerb at the site entrance shall have been installed in accordance with the vehicular entrance shown on drawing shown on Plan ODS-CAP-00-XX-DR-C-0001 Rev-P03.

Reason: To ensure the safe use of the carriageway when entering and exiting the site.

7. Existing Waste

The site shall not be brought into use until such time as the site as shown on the Site Location Plan shall have been cleared of all existing waste and laid out in accordance with the details shown on plan ODS-CAP-00-XX-DR-C-0001 Rev-P03.

Reason:

To safeguard the amenities of the local area.

8. Restriction of Peak Hour Movements

Vehicular movements to and from the site shall be restricted to a cumulated 34 movements during peak traffic periods of 8:00 am-9:00am and 5:00pm-6:00pm on a Week day. On a Saturday vehicular movements to and from the site shall be restricted to 20 cumulated movements per hour between the Hours of 11:00am and 2:00pm.

Reason: To ensure a limit upon the level of traffic generated by the proposed use during peak activity periods and maintain the freeflow of traffic.

9. Vehicular Routes

Vehicles using the site shall restrict their trips to and from the application site to the routes shown on plan ODS-CAP-00-XX-DR-C-

0003 Rev:P01 to access the wider road network.

Reason: To protect the amenities of residents of surrounding local streets.

10. Temporary caravan or portacabin.

The proposed Caravan or Portacabin shall be in exceedance of the following dimensions 20m in Length, 6.8m in width and 3.05m in height and shall be removed from site upon expiration of this approved use.

Reason:

To appropriately restrict the level of activity on site to that applied for under this application and to safeguard the appearance of the site.

11. Overnight Storage of Waste

The application site shall not be used for the storage of waste materials.

To control the extent of the proposed use of the site and safeguard amenities in the vicinity of the site.

3. BACKGROUND

3.1 Application Site

The 0.72 ha application site is located to the south of the Holiday Inn on Tempelhof Avenue and to the east of the Brent South Shopping Park (BSSP). Its eastern and southern boundaries are shared with Clarefield Park. Claremont Industrial Estate lies to the south west.

Formerly the land had been used for a petrol filling station which has been demolished, save for remaining hardstanding and underground fuel storage tanks.

Through lack of use the site has seen haphazard growth of vegetation. Fly tipping has taken place on site with significant areas of refuse having been dumped by Travellers at the end of 2016.

Currently the land is vacant and secured by hoarding. Access is possible from the BSSP Slip Road roundabout, though this will require the addition of a dropped kerb. Access to the BSSP slip road is restricted to the public with barriers being closed between 10:00pm and 7:00am each day.

The site falls within the Brent Cross Cricklewood (BXC) Regeneration Area and has been identified within the s.73 outline planning permission reference F/04687/13 (the 's.73 Permission') for residential, retail and Leisure uses. Reserved matters approvals under Phase 1A North of the BXC Development have resulted in detailed approval for elements of highways infrastructure within the site boundary. The site is required to facilitate the construction programme for BXC Development in June 2018. Therefore the temporary planning permission is sought until the 30th May only.

Since acquiring the site through private treaty as part of the CPO process in February 2016 the Council has experienced significant issues with securing the site with a number of breaches in this time.

4. PROPOSAL

4.1 Proposal

It is proposed to clear the site and make it suitable for the parking and manoeuvring of 30 lorries, and 30 cars, including 1 x disable car parking space. Two motorcycle spaces will also be provided. To the eastern corner of the site an area for the storage of 'roll on and roll off' containers would be located

The site will be secured with perimeter hoarding or secure fencing and a new entrance gate. The entrance is proposed to the east of the BSSP roundabout.

A portacabin or caravan is proposed for administration and overnight security purposes – there are no permanent buildings or structures proposed.

No new hardstanding or excavation is proposed as a part of this application. The site will be laid out in accordance with the Proposed Layout Plan.

Operating times will be 06:30 to 18:00 hours Monday to Friday and 06:30 to 14:00 hours on a Saturday. No activity will take place on the site on a Sunday. PB Donoghue will be provided with a key to the barrier to the slip road to allow access to the site prior to the public use of the slip road at 7:00 am.

Vehicular routes to and from the site for HGV's have been shown on Plan ODS-CAP-00-XX-DR-C-0003 Rev: P01 and include no residential roads. A condition is attached requiring lorries and cars using this site to only use these routes.

4.2 Existing Donoghues Site and Business

The existing PB Donoghues Site on Claremont Road operates a waste management and skip hire business from the Donoghue Business Park. This existing site is close to residential uses and has generated complaints due to amenity issues related to noise, dust, lorry movements and hours of use.

The current application would provide a temporary site for the parking of vehicles in association with PB Donoghue's activities. None of the waste management activities currently taking place on the Claremont Road site would be carried out on the application site.

The application does not relate to the existing Donoghues site and therefore activities and impacts as a result of the existing business on Claremont Road cannot be subject to controls within this planning application. This application therefore addresses the planning policy and material considerations associated with the temporary use of the former Dixons site for the parking of lorries, cars and containers only.

5. MATERIAL CONSIDERATIONS

5.1 Key Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (published March 2016) and the development plan documents in the Barnet Local Plan (namely the Core Strategy DPD and Development Management DPD both adopted September 2012).

The Saved UDP Policies GCRICK and C1-C11, which apply to the application site and are supplemented by the Cricklewood, Brent Cross and West

Hendon Regeneration Area Development Framework (2005) are relevant in so much as the Proposal is situated on a site within the Brent Cross Cricklewood Area. However the temporary nature of the use, which will cease prior to commencement of the BXC Regeneration, is a relevant consideration in relation to the saved policies. The Council's development Management Policies should also be turned to to determine the acceptability of the proposal.

Consideration of the application against key London Plan and London Borough of Barnet policies is included within the main body of the report.

National Planning Policy Framework

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

Paragraph 32 of the NPPF states that All developments that generate significant amounts of movement should be supported by a Transport Statement, it goes on to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.2 Public Consultations and Views Expressed

Public Consultation

65 local addresses were consulted by letter and a site notice was put up in the vicinity of the site on 10 August 2017. The consultation letters allowed a 4 week period to respond with the consultation period expiring on 04 September 2017.

7 Letters of objection were received in response to this consultation including one request to speak.

The following issues were raised in relation to the proposed development:

- The use of the site for lorries associated with P.B. Donoghue activities will directly impact upon residents living in the vicinity of the company's Claremont Road Site by allowing more vehicular trips to and from the site resulting in additional dust pollution, noise, road damage and generally escalating the health hazard.
- The Activity that takes Place at the P.B. Donoghue site should be removed from its current largely residential location to an industrial area.
- Parking on site and access arrangements are not adequate for the

intended use.

- Lorries heavily loaded with waste equipment are a danger to vulnerable road users making the highway unsafe.
- The additional vehicular movements that would result from the existing proposal would have an unacceptable impact upon Traffic Generation in the local area.
- Heavy vehicle use in the early hours of the morning would disturb residents and prevent the enjoyment of their properties.
- Bricks and other building materials including asbestos have been reported to fall off lorries using the P.B. Donoghue site. Allowing this to continue and encouraging the growth of this use will increase risk for the local community.
- Smells and dust from the waste site and from lorries visiting the site will increase significantly as a result of this additional site.
- The proposal would not present a solution to the longstanding health and traffic impacts that result from activities at the Donoghue site.
- Claremont Road is already a bottleneck with existing levels of traffic. The proposed development would only worsen this.
- The application presents objections to the existing activities at the Claremont Road Site as Historical when they are a live issue.
- More vehicles in a short drive of the Claremont site will only lead to more vehicles accessing the waste transfer site with lorries full of waste to be transferred.
- Our communities have had, and continue to have, a great deal of trouble with enforcement of the terms of Donoghue's lease. I have no confidence an additional site operated by the same company will do anything less than build their capacity to transfer yet more waste on Claremont Road.
- Residents want Donoghue to be moved from the Claremont Road site.

The consultation process carried out for this application is considered to be appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and the Council's own adopted policy.

Internal Consultation responses

Environmental Health:

The land is council owned land which was recently illegally encamped/squatted and the Council's Public Health team carried out enforcement action to remove them.

As the land is to be used for the Brent Cross development in the medium term, in the short term it is likely to be a target again for squatters.

A temporary earth bund has been built on the site to reduce the ease of access to the site.

I understand the applicant will clear the site of putrescible refuse if the application is successful, which will reduce the harbourage for pests.

The area has close access to the A406 so has a high noise background and therefore the noise of lorries would not impact residents who are not very close to the site.

The neighbouring areas are a park and the shopping area.

The site is well located to not cause residents disturbance from Lorry movements.

The main PB Donoghue site in Claremont Road has many complaints due to HGV vehicle movements and dust/debris issues and residents are genuinely concerned about more vehicle movements in the area.

If an agreement from Donoghues is reached that they will use this site for unrestricted early morning vehicle movement of empty lorries, then residents' situation could be improved by taking away such movements from the PB Donoghue Claremont Road site.

The Donoghues lorry fleet is generally quite new (i.e with efficient and low emission diesel engines) which reduces air quality concerns for Barnet.

Given the short term use of the site it is not considered to be reasonable to require an air quality assessment condition to explain the emissions of the lorries using the site.

There are no direct contaminated land concerns from this use, as the area is tarmacked and this is not a sensitive use.

I would advise the Borough draws up a contract with Donoghues to ensure no special or putrescible waste is stored on the site and there is some regard to regular pest control as lorries can transport rodents within the waste.

Green Spaces:

Green Space officers have no objection to the application.

6. PLANNING CONSIDERATIONS

6.1 Principle of Development

The use of the application site for the Class B8 (Storage and Distribution) for the storage of lorries, cars and roll on roll off containers is considered acceptable use at this unused former petrol station site.

The location is well placed for access to the wider road network and is not a neighbour to sensitive receptors that would be unacceptably impacted by the use.

No restrictions exist on this site which would prevent the use from taking place and the temporary nature of the proposal would ensure that the site remained available in a timescale which would not impact upon the BXC Regeneration programme.

6.3 Impacts upon Neighbouring Amenities

The proposed use has the potential to create noise, and dust impacts. Such activities will be taking place from 6:30am and therefore careful consideration of the likely impacts upon neighbouring amenities are necessary.

The application site is located upwards of 95m from the nearest residential properties at the Whitefield Estate to the north east and is a similar distance from the Rosa Freedman Centre to the south east. The Holiday Inn is located 40m to the north of the site.

To the west existing industrial uses are not considered to be sensitive uses.

The Rosa Freedman Centre is no longer in use and will be demolished as a part of the BXC Regeneration scheme.

Residents at the Whitefield Estate are considered to be far enough from the site for their amenities not to be significantly impacted by noise, dust or air quality issues arising from the proposed use. As well as being some distance from the site to the rear of these properties a wooded area presents a physical barrier to such impacts. Further the prevailing wind in this area comes from the east further lessening the likelihood of dust and noise from the site impacting upon existing residents.

Whilst in a closer location to the site the Holiday Inn is in even closer proximity to the A406. This is a significantly greater source of noise and air pollution. The Holiday Inn has existing noise insulation and air quality controls which would prevent impacts from the proposed development.

Concerns have been raised that the proposed development would result in increased activity at the existing Claremont Road Site resulting in further impacts to the residents in this area. It is clear from the application and from a subsequent statement by the Applicant that this site is intended for the parking of existing vehicles already associated with the existing P.B. Donoghue site. The Applicant has confirmed that the proposal is not intended to allow an expansion of the activities on the existing Claremont Road site. Given the temporary period proposed (up to the end of May 2018), after which time the parking would not be available, it is not considered that the proposal will lead to an increase in activity at the existing facility. Therefore it is not expected that the use of this site would lead to any further detrimental impacts upon the amenities of residents in proximity to the existing Claremont Road site. By removing the parking of these vehicles to the application site the proposal should ensure that early morning activities are removed from Claremont Road site and that as a result the amenities of local residents are improved.

Existing controls of the Claremont Road Site will continue to be enforced by the Local Planning Authority where appropriate.

It is therefore considered that the site is acceptable in terms of amenity impacts to local residents.

6.4 Transport, highways and parking

The proposed development relates to the relocation of lorries from the existing P.B. Donoghue yard on Claremont Road, located 1.3km away until May 2018.

The indicative layout shows that sufficient parking can be accommodated within the site to ensure that no on-street parking is generated. Furthermore, the site is large enough to allow HGVs to manoeuvre and permit all vehicles to enter and exit the site in forward gear.

Car parking and lorry parking will be separated on either side of the site access with parking managed by the foreman.

Swept paths analysis for a heavy goods vehicle has been illustrated to demonstrate access is feasible from Tilling Road these have been based on a 10.2m large tipper truck with four axles, the largest vehicle which will use the site.

With 30 lorries proposed to be parked at the site, a maximum of 30 arrivals and 30 departures in a peak hour, resulting in a total of 60 movements ties into the observed maximum flows of 60 vehicle movements at the existing P.B. Donoghue Yard between 13:15-14:15 hours.

The proposals are not expected to generate new trips to the highway network, but instead will reassign existing HGV and car trips currently focused at the Claremont Road P.B. Donoghue site 1.3km away, the temporary nature of the use provides assurance that the proposal is not seeking to expand existing activities.

The Application site is well located in terms of its access to the wider Road Network.

The proposed development will not generate an increase in traffic numbers, but simply reassign existing traffic on the highway network to more appropriate roads. Permission of the temporary use of the proposed site for lorries will enable existing HGV movements to be relocated from the adjacent residential area. Therefore, the proposals should result in reduced noise and air pollution for residents of Claremont Road as well as preventing fly tipping and traveller occupation of the site.

A maximum of 60 vehicle movements are predicted in the development peak hour and these can be accommodated on the access roundabout to the

proposed site, where no existing queuing has been observed. Observed trip generation in the network peak periods is only 16-34 vehicle trips.

Sufficient parking can be accommodated within the site to ensure that no on-street parking is generated. Furthermore, there is suitable space within the internal layout to allow HGVs to manoeuvre and permit all vehicles to enter and exit the site in forward gear.

A review of personal injury accidents in the area indicates no existing problems or trends adjacent to the proposed site.

As the proposed development will not generate any additional traffic on the highway network; will provide a temporary benefit to local residents and can be accommodated within the site, it is the overall conclusion of this Transport Statement that there are no transportation effects or impacts arising from the development proposals that would prevent approval of the planning application.

6.5 Safety and Security

The proposed scheme would result in the active securing and monitoring of the site. Opportunities for trespassing and fly tipping would be curtailed thereby increasing the safety of the site and lessening the adverse amenity impacts on neighbours in this regard, in accordance with adopted Policies CS5, CS12, and DM01.

6.9 Impact upon the Regeneration of the Brent Cross Cricklewood Regeneration Area

Outline planning consent was granted for the Brent Cross Cricklewood Regeneration Area in October 2010 (LBB ref: C/17559/08). This consent was subsequently amended via a minor material amendment approved in July 2014 to allow for changes to conditions and approved drawings (LBB ref: F/04687/13).

Reserved Matters Applications have been approved against Consent F/04687/13 for Phase 1A (North) and are currently under consideration for Phase 1B (North). These sub phases relate to the 'Northern' part of the Brent Cross Cricklewood Regeneration Scheme including the enlargement of the Shopping Centre and Critical Highways infrastructure necessary to support the resulting Northern Town Centre and to facilitate the wider regeneration to the south of the A406.

The majority of this site is identified by the s.73 Outline Permission as falling within the footprint of Plot 18 which is expected to include Residential Retail and Leisure uses as part of the 'Southern' part of BXC. Buildings on this Plot are identified for delivery in Phase 1C of the regeneration scheme, however, the land is needed as part of the construction compound and associated activities related to the delivery of Phase 1A (North) infrastructure including for the Tempelhof Bridge replacement which was consented on 10 April 2017.

(LBB ref: 15/06571/RMA). The subject land is currently timetabled to be required by Hammerson/Standard Life for the commencement of their formal construction programme in June 2018.

7. EQUALITY AND DIVERSITY ISSUES

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under this important legislation.

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

A dedicated parking space for people with a disability will be provided.

The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

9. CONCLUSION

The proposed temporary use of the application site for the storage and parking of up to 30 lorries and 30 cars as well as roll on/roll off containers associated with the P.B.Donoghue waste site has been considered against Barnet’s Development Framework.

Traffic impacts associated with this proposed use have been considered and controls have been applied to the number of vehicular movements during peak periods. The site is well located to facilitate easy access to the wider Road Network without the need to use residential streets.

The location of the site and the existing surrounding uses are considered acceptable in that the use will not significantly impacts upon the amenities of existing residents.

It is expected that the proposed development will have a positive impact upon the amenities of residents local to the existing Claremont Road P.B. Donoghue Waste site through the relocation of vehicular activities from this site including early morning activities for the temporary period allowed.

The implementation of this use will ensure the safety and security of the site until such time as it is required in order to facilitate the Brent Cross Cricklewood Regeneration Proposals.

The application is therefore recommended for approval subject to conditions detailed above.