

Reference:	21/5761/FUL	Received: 29th October 2021
		Accepted: 29th October 2021
Ward:	Hale	Expiry 24th December 2021

Applicant: N/A n/a

Proposal:	Demolition of existing sales building, forecourt, canopy and car wash. Erection of a new sales building, forecourt and canopy, new underground fuel tanks, provision of car and cycle parking, provision of an EVC hub with associated canopies, seating and infrastructure, a new bin store and associated works
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Approve subject to conditions

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

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

10018876 LP 21 - LOCATION PLAN  
10018876 BP 21 - BLOCK PLAN  
10018876 ESL 21 - EXISTING SITE LAYOUT  
10018876 ESE 21- EXISTING SITE ELEVATIONS  
10018876 IESBL 21 - INTERNAL EXISTING SALES BUILDING LAYOUT

10018876 PSL 21 Rev B - PROPOSED SITE LAYOUT  
10018876 PSE 21 Rev B - PROPOSED SITE ELEVATIONS  
10018876 PSL 21 - INTERNAL PROPOSED SALES BUILDING LAYOUT

10018876 PSE 21 - PROPOSED SALES BUILDING ELEVATIONS  
10018876 PEA 21- PROPOSED EVC AREA ELEVATIONS & LAYOUT

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

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies D3, D4, D5 and D6 of the London Plan 2021.

- 4 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 10018876 PSL 21 REV B 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 Policy T6 and T6.1 of the London Plan 2021.

- 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.

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 SI2, SI7, SI8, SI9, SI1, D14 of the London Plan 2021.

- 6 a) Before the development hereby permitted is first occupied or brought into use cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and Table 10.2 of The London Plan (2016) and 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.

- 7 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with Policy T6 of the London Plan 2021.

- 8 Prior to the first occupation of the development, or commencement of any use, hereby approved, a full Delivery and Servicing Plan (DSP), shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

Reason: In the interest of highway safety 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 No works on the public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the Highways Authority under Section 184 of the Highways Act, for these works any and reinstatement of any consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy DM17.

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

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 11 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in

accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6 and SI7 of the London Plan 2021

- 12 The level of noise emitted from the any 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 London Plan Policy D14.

- 13 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site boundary have been submitted to the Local Planning Authority and approved in writing.

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

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

- 14 a) No development other than demolition works shall take place on site until an updated noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise from the development, confirmation of proposed plant, and measures to be implemented to address its findings, and to reduce noise levels from the site, has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy D14 of the London Plan 2021

15 Part 1

A site investigation shall be designed for the site using information obtained from the submitted desktop study and Conceptual Model -Environmental Assessment, 2018 60544843 / 10018876 by AECOM, dated December 2018. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

16 Prior to the first occupation of the development hereby approved, details shall be submitted to and approved, in writing, by the Local Planning Authority of proposed security measures, including details of CCTV and its operation, and a PA system to increase the security of the proposed EVC Hub

The development shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of the area and security of the site in accordance

with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

- 17 Details of all proposed lighting at the site, and measures to prevent light spillage into adjoining residential properties, shall be submitted to the Local Planning Authority, prior to occupation or commencement of any use. The scheme shall be implemented in accordance with the agreed details/measures and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy D14 of the London Plan 2021

#### **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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £\_\_ payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £\_\_ payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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

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

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

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

#### Relief or Exemption from CIL:

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

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

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



collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

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

Please visit

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

- 3 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.
- 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 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.

- 5 The applicant is advised that an application under the Highways Act (1980) would need to be submitted for any works proposed on the public highway to facilitate the development on any scheme granted consent. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant should submit proposed design and construction details to the Development Team for approval. The applicant is also advised that the cost of repairing any consequential damage to public highway as a result of the development proposal shall be borne by the applicant

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site comprises of an existing petrol filling station with car wash and sales building and canopy. Also included with the application site, is an area to the west of the petrol filling station, which consists of an area which is used to store vehicles for hire, various sizes of vans, and this area is sectioned off from the filling station by palisade fencing. The site is located northwest of the roundabout connecting Edgware Way (A41) with Barnet Way (A1).

Residential properties adjoin the site boundary to the northwest, on Ellesmere Avenue. A fast-food restaurant (KFC) adjoins the site to the southwest, beyond which lies the Barnet Way/Edgware Way Roundabout.

There is a screen of trees along the boundary with the adjoining residential properties on Ellesmere Avenue. The site has separate access and egress arrangement directly linking with the Barnet Way/Edgware Way Roundabout via Barnet Road to the east of the site and Ellesmere Avenue to the north.

### **2. Relevant Site History**

Reference: 19/6114/FUL

Address: Shell Mill Hill Northway Circus London NW7 3ET

Decision: Approve subject to conditions

Decision Date: 13.08.2021

Description: Demolition of existing sales building and car wash, removal of existing canopy. Construction of new single storey sales building, new canopy, gated timber fenced compound area with bins, new pumps and pump islands. Installation of 2 No. 80,000 Litre Underground fuel tanks, new offset fills, vent stack and new car parking spaces.

Reference: W00875AJ/05

Address: Shell Mill Hill Northway Circus London NW7 3ET

Decision: Approve subject to conditions

Decision Date: 12.09.2005.

Description: Two underground storage tanks to be removed and replaced with one underground storage tank and associated works.

Reference: W00875AJ/04

Address: Shell Mill Hill Northway Circus London NW7 3ET

Decision: Approve subject to conditions

Decision Date: 08.07.2004

Description: Refurbishment of existing service station including demolition of existing shop and erection of new single storey sales building, relocation of air/water pump facilities and parking for 10 vehicles.

Reference: W00875AH/04

Address: Shell Mill Hill Northway Circus London NW7 3ET

Decision: Refused

Decision Date: 17.03.2004

Description: Refurbishment of existing service station including demolition of existing shop and erection of new single storey sales building, relocation of air/water-pump facilities and parking for 10 vehicles.

### **3. Proposal**

The application seeks planning permission for the demolition of the existing sales building, forecourt, canopy and car wash. Erection of a new sales building, forecourt and canopy, new underground fuel tanks, provision of car and cycle parking, provision of an EVC hub with associated canopies, seating and infrastructure, a new bin store and associated works.

The application follows the grant of planning for a similar application, approved under application 19/6114/FUL, for the following development;

"Demolition of existing sales building and car wash, removal of existing canopy. Construction of new single storey sales building, new canopy, gated timber fenced compound area with bins, new pumps and pump islands. Installation of 2 No. 80,000 Litre Underground fuel tanks, new offset fills, vent stack and new car parking spaces".

The report for this application expanded on the description of that proposed development thus;

*"The proposed scheme proposes a total of 13 parking bays, including one disabled bay and 7 staff spaces."*

The new sales building will be located towards the eastern boundary fronting on to the forecourt. The building will be single storey with a glazed frontage. The sales building would be to a height of 4.2m, and total depth 16m. As well as providing a retail sales area, the sales building will also provide customer toilet facilities and paying facilities for the fuel as well as an ATM. The proposed sales building will include a back of house area for stock and staff facilities.

Bin storage is shown on the plans east of the sales building enclosed with a new 2m high close boarded timber fence.

A delivery bay is proposed to the south of the retail shop and two new 80 ,000 litre underground tanks and a petrol interceptor are proposed.

The key difference with this application is the inclusion of an EVC hub with associated canopies, to provide an area to charge electric vehicles.

The proposed development scheme proposes a total of 11 parking bays, including one disabled bay, with cycle parking provided to the west of the ATM. The proposal includes the erection of a new sales building with a gross footprint of 263 sq m and a sales area of 120 sqm, the installation of four new pump islands in a four-square arrangement with eight vehicle refuelling points and passing space. Vehicular access will be maintained from Barnet Way with two vehicle egress points onto Ellesmere Avenue to the north of the site. The new sales building will be located towards the western boundary, fronting on to the forecourt.

The applicant advises that "a growing number of Shell forecourts in the UK are offering fast electric vehicle charging. This takes only around 30 minutes to fully charge and also provides electric car drivers with a shorter option to just top-up to get to their destination". It is stated that "the application proposal includes for the provision of six EV charging spaces in the form of a

new EVC 'hub' which will have the benefit of improving the energy transition within the North London area and will offer increased choice and improved customer experience across the wider site, meeting the needs of customers". The EV Hub would largely utilise the area currently used to store the hire vehicles, which has now been incorporated into the site.

#### **4. Public Consultation**

Consultation letters were sent to 202 neighbouring properties. Seven responses have been received comprising of six objections (two objection letters from same person received).

The objections can be summarised as follows;

- Concern that Electrical sub stations create EMFs which have been shown to be bad for health. Increased noise and light pollution are likely. The present noise levels of forecourt loudspeakers together with floodlights which are used in the night, already make it difficult to sleep in the back bedroom which overlooks the garage.
- Having a substantial electrical hub and underground fuel in such close proximity to people's homes contravenes all environmental and health and safety protocol.
- Refuse collection - request that adequate large, public, lidded rubbish bins are provided.
- Concern about safety of pedestrians crossing the entryways to access the subway.
- This site is not suitable for a 24HR EVC service due to its proximity to a housing estate. There is a more suitable location; the Shell Petrol Station at Stirling Corner.
- Concern about more traffic, noise, safety hazards.

- Concern this use encourage anti-social behaviour at the site which will spill into residential areas.
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## Consultee Responses

### *Traffic and Development*

Proposed development as detailed on the submitted site layout plan is acceptable subject to conditions and informatives. Highways works need to be agreed under section S184 or S278 of the Highways Act (1980).

### *TfL*

The footway and carriageway on the Northway Circus must not be blocked during the development.

TfL welcome the 6 cycle parking spaces in the form of 3 Sheffield stands proposed by the applicant.

Clarification is sought from the applicant that the on-site deliveries that are proposed will not block any entrance to the petrol station for other vehicle users.

TfL welcome the newly proposed pedestrian paths proposed by the applicant.

TfL welcome the proposed electrical vehicle charging spaces in line with London Plan Policy T6.G. This would also support Shell's drive and strategy to drive down carbon emissions under the Powering Progress programme.

### *Highways England*

offer no objection\*;

\*on the basis that we are satisfied that the proposal will not materially affect the safety, reliability and/or operation of the Strategic Road Network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF2021, particularly paragraphs 110 and 111) in this location and its vicinity.

### *London Fire Brigade*

Have considered the proposed application and have no observations to record.

### *Environmental Health*

Potential impacts from noise can be suitably controlled by conditions, including acoustic fencing. Agree findings of submitted Noise Assessment by Venta Acoustics dated 20 October 2021, the noise from new plant have shown to have a low impact with suitable mitigation.

### *Environment Agency*

No objections to the application.

### *MET Police*

No objection to submitted scheme would recommend a PA system as part of any safety and security strategy of the site.

## 5.1 Policy Context

### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2021

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 March 2021 and supersedes the previous Plan.

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS6,
- Relevant Development Management Policies: DM01, DM02, DM03, DM04 DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It

represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of Development;
- Impact on the character and appearance of the application site, the street scene and the wider locality;
- Impact of the proposal on the amenity of neighbouring residents;
- Highway and Pedestrian Safety;

### Principle of Development

The application follows the grant of consent for a redevelopment of the Petrol Filling Station in August, this scheme proposes the addition of EVC hub as a facility to charge electrical vehicles.

With regards to the redevelopment of the filling station;

Para. 8 of the NPPF confirms the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Para.81 states planning policies and decisions should help create the conditions which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and where there are opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Para 82 states, inter alia;

.....c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment;.....

The London Plan (March 2021) is now the adopted strategic plan covering the city.

Policy GG2 (Making the Best Use of Land) provides advice on creating successful, sustainable,

mixed-use places that make best use of land. This policy encourages those involved in planning and development to:

- Enable the development of brownfield land;
- Prioritise sites which are well connected by existing and planned public transport;

Policy D1 (London's Form, Character and Capacity for Growth) provides guidance on defining an area's character to understand its capacity for growth, and then planning for growth.

Policy D2 (Optimising Site Capacity Through the Design Led Approach) seeks to ensure that all development makes the best use of land by following a design led approach that optimises the capacity of sites, which means ensuring that development is of the most appropriate form and land use for the site.

The proposal relates to the redevelopment of an existing petrol filling station site and associated retail floorspace. The site is in a relatively dated state, the sales building is limited, and the overall aesthetic appearance would benefit from a rejuvenation. The redevelopment would result in a much more efficient site, in terms of access to pumps, and the increased sales area would result in a site which was of much greater benefit to the local people it serves. As well as the improved usability of the site; whilst the increase in the retail area is modest, there is the potential for limited job creation, and in any case an improved facility would bring its own benefits.

An improved facility would bring economic, social and environmental benefits, in line with the requirements of the NPPF, and would aid the expansion of a local business in support of local economic growth.

The sales area would increase from 55sq m to 120 sq. m, which is a modest enough increase resulting in a limited size retail unit. The site falls outside a town centre and therefore constitutes out of town centre retail. A sequential approach and retail impact assessment are required where it is considered there may be an impact on existing retail areas. Barnet's Development Management Plan Policies document within the pre-ambles to policies DM11 and DM12 indicates that where an extension to an existing retail unit exceeds 200m<sup>2</sup> then a sequential assessment should be undertaken. The proposed extension to the sales building falls under this threshold and as such a sequential test is not required in this instance.

It is considered the principle of redeveloping the filling station can be accepted.

With regards to the addition of the EVC Hub section 14 of the NPPF "Meeting the challenge of climate change, flooding and coastal change" provides support for the transition to low carbon uses and outlines that;

Para 152. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions,



minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Para 155. To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for colocating potential heat customers and suppliers.

Para 158. When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable<sup>54</sup>. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

The London Plan (2021) at policy GG5 "Growing a good economy" states that those involved in planning and development should recognise and promote the benefits of a transition to a low carbon circular economy to strengthen London's economic success.

The Net Zero Strategy: Build Back Greener was presented to Parliament pursuant to Section 14 of the Climate Change Act 2008 in October 2021. In a initiative to avoid catastrophic climate change, there is a drive to reduce emissions to as near zero as possible. Delivering this requires urgent global action including ending coal fired power generation, retiring petrol and diesel engines from all cars and halting deforestation. These are the steps the UK has been calling for at the recent global conference COP 26.

The applicant states;

*"New Automotive is a new independent transport research organisation founded in 2020 with*

a mission to support the switch to electric vehicles. Based on their research published in October 2021 they estimate that the UK will need 230,000-280,000 public charge points by 2035. However, at the current time, there are 24,000 public charging stations including over 4,000 rapid chargers in the UK. The report concludes whilst there has been a huge uptake in EV sales over the past 12 months, they believe the targets are only achievable if policy makers commit to the 'electrification' of UK roads and install the necessary infrastructure".

The Planning Statement continues;

.....*"The Role of the Applicant*

As the UK's number one provider of premier fuels with a network of over 1,000 service stations, Shell is encouraging the take-up of electric vehicles by providing rapid charging points on many of their forecourts.

Whilst charging electric cars at home is often the most convenient and cost-effective way to recharge sometimes this option is not either convenient or available. A growing number of Shell forecourts in the UK are offering fast electric vehicle charging. This takes only around 30 minutes to fully charge and also provides electric car drivers with a shorter option to just top-up to get to their destination.

By installing high powered, fast chargers at Shell sites countrywide, Shell is helping electric vehicle drivers to travel long distances confidently and with ease and assist in meeting the Government's sustainability and net zero goals.

The application proposal includes for the provision of six EV charging spaces in the form of a new EV 'hub' which will have the benefit of improving the energy transition within the North London area and will offer increased choice and improved customer experience across the wider site, meeting the needs of customers".....

Given the drive to cut greenhouse gases and promote more energy efficient means of travel it is not surprising that this element of the scheme enjoys policy support within the Development Plan. Policy ECC01 - Mitigating Climate Change, of the emerging plan, advises that the Council will seek to minimise Barnet's contribution to climate change and ensure that through the efficient use of natural resources the Borough develops in a way which respects environmental limits and improves quality of life. All schemes are encouraged to incorporate renewable energy initiatives into development proposals, where feasible.

The proposal would result in the loss of a small area currently being used to store hire vehicles (use class B8). Policy DM14 seeks to retain B uses, and if they are replaced that the level of employment use is not reduced. Whilst the proposal will result in the loss of the area for B8 storage, it is evident that the redevelopment of the site provides the potential to increase the employment presence of the wider petrol station site, which would be over any low-level employment that the small area of open storage would provide. It is therefore considered the inclusion of this area into the wider site can be accepted and would aid a comprehensive and modern redevelopment of the site.

In light of the above, officers consider the scheme, and similar schemes, should be encouraged and supported, subject to general conformity with other material considerations. These are discussed below. However, the principle of the EVC Hub is acceptable.

#### Impact on the character and appearance of the application site, the street scene and the wider locality

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan).

Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The changes to the site, including increased size of the sales building, provision of parking

spaces and the new pumps are considered to be appropriate for the site context and will not result in any harm to the character of the area particularly as the existing site already comprises of a petrol station. The main sales building would be located more centrally on the site and this arrangement raises no issues of concern. The proposed elevations will be finished in a manner which is commonplace for petrol station facilities and will bring aesthetic benefits, as the existing buildings and wider site, looks relatively tired and dated. Furthermore, the proposed EVC Hub proposes a simple canopy design supported by central stanchions and would not look out of place at a filling station site. Details of materials can be agreed by condition and the design of the scheme is deemed acceptable.

#### Impact of the proposal on the amenity of neighbouring residents

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbour's amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The western flank of the site adjoins residential gardens on Ellesmere Avenue. The report with regards to the extant consent recorded the following in relation to impact on No.1 Ellesmere Avenue, the residential property which adjoins the site;

"The proposed development will result in the sales building running along the flank boundary of the adjoining dwelling at No.1 Ellesmere Avenue, which is served by a triangular shaped rear garden area. The new building would be more prominent, 4.2m in height, and its position would change, moving towards the rear section of the garden at a distance of 1.5m-6.5m, with the flank elevation set at an angle to the flank boundary. With the 1.5m "pinch point" located at the bottom corner of the garden and progressing towards the house the distance will get steadily get greater to 6.5m, it is considered the building would not appear excessively overbearing. A screen of trees on the boundary would further mitigate any impact. The flank of the garden immediately adjacent to the rear of the house would remain free of built form, with the canopy extending away from the flank wall of the house, and a reasonable level of outlook would remain. There would be no serious concern with regards to levels of daylight/sunlight".

It is considered the analysis between the proposed built form and the adjoining property remains relevant.

The new scheme would include the EVC Hub, with the canopy located adjacent to the rear boundary of No.3 Ellesmere Avenue. However, located at the rear of this deep (16.0m) and screened garden, and given the modest scale of the built form, which is also set off this boundary, there would be no adverse impacts. Close boarded, and proposed acoustic fencing, would provide further screening.

Once again, a bin store would be located between the flank wall of the new building and the common boundary with No.1, and the site redevelopment would also include new extraction/ventilation equipment. Whilst there is some concern about potential odour

impacts, this is an area of compromised air quality, and good on-site management, coupled with solid fencing as mitigation, should ensure any impact would be manageable. The Environmental Health Officer has commented on the proposal and recommended a condition to restrict any noise from plant to an acceptable level, and the compliance with the findings of the submitted Noise Assessment by Venta Acoustics dated 20 October 2021 to ensure suitable mitigation. A further condition to install acoustic fencing is also recommended, and given the ambient noise levels that would already exist at this busy junction, this and the suggested conditions, are considered an acceptable way to limit impact.

A Phase 1 Environmental Assessment, 2018 60544843 / 10018876 by AECOM, dated December 2018, has been submitted. The report identified a number of potential pollutant linkages and therefore a site investigation is required, should contaminants be on site, a remediation and verification report will need to follow. Further conditions on contamination and a Construction Management Plan are therefore necessary.

The site operates 24 hours a day at present, and the additional increase in floorspace would potentially increase activity in connection with the improved facilities. This is a busy junction, albeit there is a residential property adjacent, and there would be existing ambient noise levels. There has been a historic late opening of the premises and over the years Environmental Health have not received any noise complaints. On balance, the continued opening of the premises for 24 hours can be accepted.

#### Highway and Pedestrian Safety

Following discussions with highways, the Highways Officer is content with the layout of the site and with the justification for the number of parking spaces proposed. The southern crossover has been relocated further away from the junction. As recommended by highways, there is now the provision of a second disabled car parking space adjacent to the original space and the removal of car parking space, no. 6, adjacent to the site entrance, which removes potential conflict. There are no outstanding highways concerns with the newly revised layout. The following conditions are recommended;

1. Delivery and servicing management plan
2. Demolition and Construction Management and Logistics Plan
3. Electric vehicle Charging points - 6 No. rapid and 2 No. standard and remainder passive
4. Cycle Parking - 6 long stay and 1/2 short stay spaces
5. Highway Condition Survey
6. S184 Agreement for reducing Ellesmere Avenue access
7. All off-site highway works to be completed prior to occupation.

#### Crime Prevention Officer

The Crime Prevention Officer has been consulted and is content with the measures suggested to ensure a safe and adequate layout for the scheme.

#### Third Party Representations

The majority of third-party representations have been addressed within the report.

- Concern that Electrical sub stations create EMFs which have been shown to be bad for health. Increased noise and light pollution are likely. The present noise levels of forecourt loudspeakers together with floodlights which are used in the night, already make it difficult to sleep in the back bedroom which overlooks the garage.

- Having a substantial electrical hub and underground fuel in such close proximity to people's homes contravenes all environmental and health and safety protocol.

The council's Environmental Health Officer has assessed the submission, provide comment on the details of the application, and suggested conditions to mitigate any impacts. It is considered this would address the concerns that have been expressed. Some concern has been raised that the proximity of the development to the "new future sub-station", identified outlined in red on the plans, which, it is stated, could pose health risks to nearby occupants. The notation on the plan states "n.b new substation is not part of this application. These will be separate works/procedure by DNO".

Permitted development rights by virtue of Part 15 of Class B of the GDPO "electricity undertakings" provide the scope whereby works can be carried out without the need for express planning consent. Any sub-station would have to confirm to the limitations of the class, otherwise an application would have to be made to the Local Planning Authority for consideration. Furthermore, given the distances retained to residential properties, it is not considered that a sub-station at the site would give rise to risks to public safety.

- Refuse collection - request that adequate large, public, lidded rubbish bins are provided.

The scheme details provides a suitable refuse storage facility.

- Concern about safety of pedestrians crossing the entryways to access the subway.
- Concern about more traffic, noise, safety hazards.
- This site is not suitable for a 24HR EVC service due to its proximity to a housing estate. There is a more suitable location; the Shell Petrol Station at Stirling Corner.

The council's Highways section has assessed the submission and are content from a highway safety perspective, subject to conditions and a section S184 or S278 to oversee the works.

- Concern this use encourage anti-social behaviour at the site which will spill into residential areas.

Whilst the scheme would provide an updated facility there is nothing to suggest it will increase anti-social activity, which can in any case be addressed through separate legislation. The applicant has discussed the site layout and provided measures - CCTV coverage, sufficient lighting coverage, and a PA system to prevent loitering, particularly in the EVC Hub seating area, and it is considered these measures will help provide some mitigation.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed

redevelopment of the site is acceptable. It is therefore recommended consent is granted subject to conditions.



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LOCATION PLAN  
SCALE 1:1250 @ A4