

**Location**                      **Land Formerly Known As British Gas Works Albert Road Barnet**

**Reference:**                      **22/5928/FUL**                      Received: 13<sup>th</sup> December 2022

Accepted: 14<sup>th</sup> December 2022

Ward:                                  New Barnet                                  Expiry: 8<sup>th</sup> February 2022

**Case Officer:**                      **James Langsmead**

Applicant:                              Fairview New Homes Ltd

Proposal:                              The provision of a residents car park comprising 108 spaces for a temporary period of 3 years.

### **OFFICER'S RECOMMENDATION**

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)

Conditions:

- 1        This permission shall be for a limited period only, expiring on the date three years after the date of this permission, when the use hereby permitted shall be discontinued and any works carried out under this permission shall be removed and the land reinstated in accordance with the previous use or any new extant permission.

Reason: To protect the amenities of the area.

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

- Drawing No. 3401 D5000 -rev00
- Drawing No. 3401 D5100 -rev01
- Cover Letter - RE: Application Submitted for a Temporary Car Park for a period of 3 years at Land Formerly Known as British Gas Works Albert Road, Barnet, EN4 (Ref: FNH438; 13th December) from Fairview NEW HOMES Ltd.

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).

- 3 Any pruning of trees and shrubs must be undertaken in accordance with BS3998: 2010 Tree Works.

Reason: To protect visual tree amenity in the local area in accordance with Policy DM01 of Barnet London Borough's Local Plan Development Management Policies DPD (2012).

- 4 All soakaways must be located so as to discharge away from the railway infrastructure.

Reason: To protect the public railway and visual amenity of the local area in accordance with Policy DM01 of Barnet London Borough's Local Plan Development Management Policies DPD (2012).

- 5 The site shall not be brought into use or first occupied until details of the means of enclosure, including the boundary fence treatment, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 6 Access to National Grid land across the site will be maintained at all times unless otherwise agreed in writing by National Grid and/or its successors in title.

Reason: To ensure access is maintained in accordance with Policies CS9 of Barnet London Borough's Local Plan Core Strategy DPD (2012) and DM17 of Barnet London Borough's Local Plan Development Management Policies DPD (2012)

- 7 The proposed 2 metre boundary fence must be implemented prior to the

occupation of any part of the site and shall be maintained for the duration of this permission. Network Rail's existing fencing/wall must not be removed or damaged.

Reason: In interest of safety and the protection of the network rail boundary in accordance with Policy CS9 of Barnet London Borough's Local Plan Core Strategy DPD (2012).

- 8 The proposed 2 metre fence shall be removed once the use hereby approved has ceased.

Reason: In order to safeguard the amenity of the area in accordance with Policy CS NPPF of Barnet London Borough's Local Plan Core Strategy DPD (2012) and DM01 of Barnet London Borough's Local Plan Development Management Policies DPD (2012).

- 9 No construction work shall be carried out outside of the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and there shall be no work at any time on Sundays, Bank or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with Policy DM04 of Barnet London Borough's Local Plan Development Management Policies DPD (2012).

- 10 The hereby approved temporary private parking provision for residential units shall be used for the purpose of residential parking and servicing only.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy T6.1 of the London Plan (2021).

- 11 Prior to the occupation of the site a drainage strategy must be provided detailing the following:

- A drainage proposal schematic or sketch;
- A description of key drainage features within the drainage scheme (e.g. attenuation volumes, types of SuDS practices proposed, flow control devices etc.); and
- Information to support any key assumptions (e.g. discharge rate(s), impermeable areas, infiltration rates etc.)

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policy SI13 of the London Plan (2021).

- 12 Before the development hereby is constructed; details to show access and egress arrangements into the temporary car parking are to be submitted to and approved in writing by the Local Planning Authority. The submission shall also include details of proposed introduction of highway features such as a temporary signalised crossing on the private road leading to the National Grid Site. The development shall thereafter be implemented in full in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 13 Prior to first use, the temporary car park shall make provision for active electric vehicle charging, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The details approved under this condition shall be implemented in full prior to first use of the car park, and shall be maintained for the lifetime of the permission.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles and to promote sustainable travel in accordance with policy T6 of the London Plan and Barnet Local Plan Policy CS9 of Core Strategy (adopted) and Policy DM17 of Development Management Policies (adopted).

**Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. 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 It is advised that the applicant MUST contact the site Asset Protection Project Manager (OPE) at network at least six weeks prior to works commencing. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway. Contact can be made via:

Asset Protection Project Manager  
Network Rail (London North Eastern)  
Floor 3B  
George Stephenson House  
Toft Green

York  
Y01 6JT  
Email: assetprotection@networkrail.co.uk

3 Refuse collection points should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Level access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

4 All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

5 All excavations/earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

6 Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

7 An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing/wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at the proposed turning area and car parking areas adjacent to the railway.

8 Method statements may require to be submitted to Network Rail's Asset

Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

9 The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the applicant that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

10 Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

11 All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

12 It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

13 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, 2 Bristol Avenue, Colindale, NW9 4EW

14 The applicant must submit an application under Section 184 of the Highways Act (1980) for all the proposed vehicular accesses. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

15 To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section -Development and Regulatory Services, London Borough of Barnet,, 2 Bristol Avenue, Colindale, NW9 4EW

16 For construction works adjacent to the public highways, the applicant must contact the council's First Contact on 0208 359 2000 for any necessary Highways Licenses.

17 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of construction traffic movements. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works. The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

18 The applicant is advised that any street furniture or lighting column affected by the proposed works would be relocated under a rechargeable works agreement by the Council's term contractor for Highway Works.

19 The applicant is advised that the proposed development may involve alterations to the existing on-street waiting and loading restrictions. Alterations to on-street waiting and loading restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

20 The council's refuse vehicles will be required to enter the site and therefore the estate roads must be constructed to adoptable standards. Details of the materials and surface finishes that would be acceptable for use on the private roads will be undertaken and constructed to an adoptable standard. Details of

the road construction requirements can be obtained from the Traffic and Development Section in Development & Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW

21 The gradient for the proposed ramps leading to the underground parking areas should have a gradient not steeper than 1:10 or in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks 3rd Edition.

22 The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 38 Agreement under the Highways Act 1980.

23 Should the scheme be adopted, a commuted sum will be required. This will only be estimated once an application for a S278/S38 is made.

24 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.

25 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.

## **MATERIAL CONSIDERATIONS**

### **1. Key Relevant Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development



and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

### Revised 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 20 July 2021. 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 Revised NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The Revised NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2041. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that development in London achieves growth that is socially and economically inclusive and environmentally sustainable.

The following Policies are relevant:

GG2 (Making Best Use of Land),  
D3 (Optimising site capacity through the design-led approach),  
D5 (Inclusive design),  
T6.1 (Residential Parking)  
SI13 (Sustainable Drainage)

### 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 (Adopted 2012):

CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable

development)

CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)

Policy CS5 - Protecting and enhancing Barnet's character to create high quality places

CS9 (Providing safe, effective and efficient travel)

Relevant Development Management Policies:

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM04 (Environmental considerations for development)

DM17 (Travel impact and parking standards)

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

The Council is in the process of reviewing and updating the Borough's planning policies in a document, known as the Local Plan. It forms a 15-year strategy which emphasises Barnet's many strengths as a place to live, work and visit. The Local Plan sets out a vision for how the Borough will change as a place over the next 15 years.

Barnet's Draft Local Plan -Reg 22 – Submission was approved by the Council on 19<sup>th</sup> October 2021 for submission to the Secretary of State. The emerging Local Plan is currently undergoing Examination in Public by the Planning Inspectorate. 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.

### Supplementary Planning Documents

- Residential Design Guidance SPD (April 2016)
- Sustainable Design and Construction SPD (April 2016)

## **2. PLANNING ASSESSMENT**

### **Site Description**

The application site concerns a small area of a much larger site that represents the Victoria Quarter redevelopment site i.e. the land formerly known as the British Gas Works on Albert Road. The site is a 2985m<sup>2</sup> area located on the western boundary of the Victoria Quarter redevelopment site, adjacent to east coast main railway. It sits within the footprint of proposed Building 'B' within planning permission referenced: B/04834/14. The relevant planning permissions on the site are referenced in the site history section of this report below.

The application site does not contain any listed buildings and is not within a conservation area. There are also no listed buildings in close proximity and the site has no designated archaeological importance.

The majority of the site falls outside of the boundary of the New Barnet Town Centre, which is defined under the Proposals Map 8 within the Development Management Policies DPD.

The application site falls within Flood Zone 1 (Low Probability) of the Environment Agency's flood zone map. It also has a PTAL rating of 2 (Poor).

### **Proposed Development**

This application seeks planning permission for a three-year temporary planning permission for the construction of a 108 space car park to support the phased delivery of a wider residential-led development in the Victoria Quarter (Formerly Known as British Gas Works Albert Road, Barnet, EN4). The car park would have a single secure entrance point, secured by a 2m high perimeter fence and the area would be surfaced with tarmac.

The proposal would be a temporary part of a much larger residential-led re-development of the site including around 371 residential units and a number of commercial mixed-use units (planning permission references: B/04834/14; 16/7601/FUL; and, 17/5522/FUL – details in site history below). Under the previous 2014 and 2016 permission parking provisions would be situated at basement level underneath buildings A-F. However, in the interim the developer has advised that temporary parking facilities are required to address the shortfall at different stages of the overall larger scheme and allow the completion of the first phase of the development.

The temporary car park will be located on-site while construction activity is undertaken and will be accessed via Albert Road. This will allow any temporary parking demand generated by differing phases of the proposed development to be contained within the site boundaries. Once the wider scheme is completed, the temporary parking unit would not be required as parking provisions also form part of the comprehensive development of the site.

The site has previously benefited from a temporary car park permission granted in 2017 (as per site history below) for the same purpose.

### **Site History**

- 21/3676/FUL: Redevelopment of the site to provide 539 residential units (Use Class C3) within 13 buildings ranging from 4 to 7 storeys, with 267.1sqm of retail/commercial space and 112.7sqm of community space (Use Class E and F) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 334 car parking spaces (including car club and accessible provision) with basement and

surface level provision, secure cycle parking, servicing and other associated development ( Amended Plans and Amended Description) – Refused: Non-determination; Appeal dismissed: 19.08.2022

- 20/1719/FUL: Redevelopment of the site to provide 652 residential units (Use Class C3) within 14 buildings ranging from 1 to 10 storeys and a single storey Plaza Kiosk building, with 327.6sqm of retail/commercial space and 111.3sqm of community space (Use Class A1/A2/A3/A4/B1/D1/D2) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 392 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development – Refused: 16.12.2020
- 17/5522/FUL - Demolition of the existing residential and non-residential buildings (1 to 9 Victoria Road, 1A, 2 and 2A Albert Road and the Salvation Army Building, Albert Road) and construction of Building J to include 39 residential units (incl 2x townhouses) (Use Class C3) and 265sqm of commercial/retail/office floorspace (Use Class A1-A4/B1/D1/D2), the creation of new publicly accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping. (SUBJECT TO S106 LEGAL AGREEMENT DATED 15 JULY 2020) – Approved: 16.07.2020
- 17/5894/NMA: Non-material amendments to planning permission reference 16/7602/FUL dated 24/07/17 for 'The provision of a resident's car park comprising 83 spaces for a temporary period of 3 years in relation to application 16/7601/FUL.' Amendments include pre-construction design amendments to the layout of the car park – Approved: 29.09.2017
- 16/7601/FUL: Demolition of the existing residential and non-residential buildings (1 to 9 Victoria Road, 15 to 23 Victoria Road and 1A, 2 and 2A Albert Road) and construction of 104 residential units (Use Class C3) within Buildings A, H, J1 and J2 (an increase of 52 residential units across the Victoria Quarter Redevelopment Area), 623sqm of commercial/retail/office floorspace (Use Class A1-A4/B1/D1/D2) within Building A and Building J1, the creation of new publically accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping. Relocation of an existing sub-station. (SUBJECT TO S106 LEGAL AGREEMENT DATED 15 JULY 2020) – Approved: 16.07.2020
- 16/7602/FUL: The provision of a resident's car park comprising 83 spaces for a temporary period of 3 years in relation to application 16/7601/FUL – Approved: 24.07.2017
- B/04834/14: Residential-led, mixed-use development of the Former Albert Road Gas Works comprising the erection of 305 residential units (Use Class C3), 116 sqm of Retail floorspace (Use Class A1/A2/A3/A4) and 558 sqm of flexible Commercial floorspace (Use Class A3/D1/D2); the creation of new

public open space; alterations and additions to existing highways arrangements; the removal of an existing elevated footbridge and the creation of new pedestrian routes; together with associated works including landscaping, provision of basement and surface car parking, servicing and plant area. Relocation of an existing sub-station. - Approved following legal agreement: 01.05.2015

### **3. Public Consultation**

Consultation letters were sent to 150 neighbouring properties. The application was also advertised by Site Notice displayed 22.12.2022.

8 responses have been received, comprising 3 letters of objection and 5 letters of representation.

The objections received can be summarised as follows:

- Concerns raised about two separate Section 73 planning applications that are currently being considered (22/5754/S73 & 22/5755/S73) raising the following concerns:
  - o No meaningful start has been made on the consented scheme despite it being 5 years having passed.
  - o The applicant has stated previously that they have no intention of implementing the scheme that they have permission for.
  - o The proposals result in a reduced number of larger family units and increase the number of 1 bed units. There are more 3 bed units but a greater loss of 2 and 4 bed units. Consequently they're failing to meet the Borough's current housing need.
  - o The mews housing has been removed and there are 4 duplex units – 2 and 4 bed.
  - o The applications are an attempt to build the refused and dismissed scheme by stealth, in a piecemeal approach.
  - o Unclear why there are 104 spaces allocated to Blocks H, J and A, when A will not be built for some time.
  - o Construction management drawings show refused scheme drawings
  - o The road widening proposals are not clear – they appear to be the same as the previously approved scheme.
  - o Not clear if the landscaping for block A will be built
  - o The energy strategy document refers to proposals within the refused scheme.
  - o Council Officers need to ensure that the principles of the 2017 scheme are retained and the following conditions / requirements should be placed on any grant of permission:
    - The proportion of 4 bed and social ownership should be maintained or enhanced when amended proposals for the rest of the site are brought forward;
    - The landscaping proposed to Block A must be delivered and not reduced when plans for Block A are submitted.
    - The proposed landscaping to Block A should not reduce the width of the access route through the park

- Realignment of Albert Road East removes amenity space beside Block J and adds it south of Block A. There should not be a loss of overall amenity/landscaped space.
  - The temporary carpark of 104 spaces remains until the underground car park is completed at the quantum specified in the 2017 scheme.
  - Access to the underground car park is retained under block A in any future applications;
  - The maisonettes and mews houses removed from this amendment are reinstated elsewhere on the site when amended proposals are put forward;
  - The applicant clarifies by how much they are widening Albert Road East and West;
  - The applicant clarifies where the energy centre will be built. The power plant for H & J is temporary, they should confirm that in due course it will be replaced by houses as in the consented scheme. Confirm the power plant for the whole site will eventually be in the underground car park as consented to.
  - There has been insufficient engagement with the community. The developer should be more open and honest in the process, putting the needs of the community rather than profit.
- It is premature that this application is considered and determined before the two S73 applications as if they are refused then the application may no longer be relevant/appropriate.
  - The developer has intentionally timed submission of the current applications so that they are due to be determined 5 days before the renewal hearing of their appeal against the judicial review decision to uphold the refusal by the Planning Inspectorate of their refused 2021 application.
  - The developers should await the judicial review before making these applications to determine what they can bring forward for the entire gasworks site.
  - The developers cannot be trusted as they have submitted amended proposals to circumvent local opinion and the planning process.

Neutral comments are summarised as follows:

- No objections that Block H and J (under S73 applications) and the temporary car park for residents be built, with only the minor changes to the consented scheme that gained in 2017. However, this should be subject to conditions referenced in the objections above.
- The car park should also be inclusive of electric vehicle charging points

### **3.1 Responses from Internal/External Consultees**

#### **Traffic and Development**

Highways Officers offered no objection in principle to the proposals, however they have recommended matters to be secured planning condition, including: a Car Park Management Plan, policy compliant electric vehicle charging provisions, and any other measures secure under the previously approved temporary car parking scheme.

## 4. OFFICER ASSESSMENT

The main areas for consideration are:

- Principle of development / land use
- Character and appearance of the area
- Amenity impacts
- Highway impacts
- Other considerations

### Principle of development

The proposed temporary car park would be constructed on land awaiting residential development and would serve to facilitate the phased delivery of the scheme, ensuring that adequate temporary provision for parking is provided throughout the various phases of construction of the development.

In land use terms, it is considered that there would be no in principle objection, on the basis of its temporary, 'enabling' purpose and particularly given that this part of the site has previously benefited from a similar temporary planning permission, for the same reason. Such enabling development is necessary for the efficient and effective delivery of the wider scheme.

### Character and appearance of the area

Local Plan Policies CS5 and DM01 state that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Externally, the proposed parking area would be bounded by a two metre high fence, although no specific illustrative details relating to the proposed material or colour of the fence have been submitted with the application. This was also the case with the previously granted planning permission for a temporary car park. Nevertheless, Officers are satisfied that suitable details could be obtained and agreed by an appropriately worded planning condition in the event that the proposal is recommended for approval. The site is already characterised by a number of site hoardings, associated with construction which are also temporary in nature, and thus it is considered that the proposed temporary development would not be out of keeping with the surrounding context during the construction phases of the development.

A planning condition is recommended, in the event of a resolution to grant permission, requiring the removal of the boundary fencing and restoration of the site to its former state following the expiration of the three year period. This would ensure that the car park does not become a permanent facility that is contrary to the function of, and out of keeping with, the character and appearance of both the ongoing and completed parts of the development. As such, Officers are satisfied that the proposals would not be harmful to the character and/or appearance of the site and surrounding area.

## Amenity impact

Local Plan Policies CS5, DM01, DM02 DM04 of the Barnet Core Strategy and Development Management Policies DPD. These policies seek to manage the impact of new developments to ensure that there is not an excessive loss of amenity for existing and future residential occupiers.

The proposed car parking facilities would not be situated close to any residential units. The nearest residential unit is over 60 metres away. At present, the surrounding area of the site is used for car parking and is also in the process of undergoing redevelopment for the erection of a number of residential and mixed use buildings. In this respect, there would be no harm to the existing amenity arrangements by way of loss of light, increased overshadowing or a sense of enclosure. Officers are also satisfied that the proposed car parking provision would not generate pollution over and above the construction phase or completed development, which has already been considered. Furthermore, previously consented temporary car park scheme did not identify and demonstrable concerns for existing or future residential amenity.

The proposals would therefore be acceptable on residential amenity grounds.

## Highway impacts

In accordance with Policy CS9 of the Core Strategy DPD (2012), the Council aims to encourage the provision of electric car charging points in new developments. Policy DM17 states that the Council will expect developments to provide parking in accordance with the London Plan standards, except in the case of residential development. Nevertheless, the London Plan's parking standards supersede the Council's current Local Plan and it is of material consideration that the Council's emerging Local Plan seeks to adopt similar standards to the current London Plan (2021). The London Plan's parking standards (Policy T6.1) are maximum standards, and thus, there is no minimum required however it establishes that in a PTAL 2 rated area 0.75 – 1 space per dwelling can be applied:

Location	Number of beds	Maximum parking provision*
Outer London PTAL 4	1 – 2	Up to 0.5 - 0.75 spaces per dwelling+
Outer London PTAL 4	3+	Up to 0.5 - 0.75 spaces per dwelling+
Outer London PTAL 2 – 3	1 – 2	Up to 0.75 spaces per dwelling
Outer London PTAL 2 – 3	3+	Up to 1 space per dwelling
Outer London PTAL 0 – 1	1 – 2	Up to 1.5 space per dwelling
Outer London PTAL 0 – 1	3+	Up to 1.5 spaces per dwelling^

The London Plan also requires 20% active electric vehicle charging provision and an additional 80% passive provision for electric vehicles in future.



Access to the temporary car park will be via the new permanent access road and pavement, with street lighting operational, to provide a safe, well-lit access route for pedestrians. The footpath will be delineated with temporary railings to segregate the pedestrians from cars/construction vehicles on the access road. The applicant has confirmed that the proposed facility would be accessible to residents 24hrs a day and would be supervised by both an on-site estate management team and an external parking management contractor. Only residents with valid parking permits will be able to use the facility, to prevent use for parking by non-residents.

The Council's Highways Officer has considered the proposed scheme and has raised no objections in principle. They are satisfied with the level of parking provision provided – i.e. 108 spaces which falls within the above London Plan (2021) ranges. However, they have recommended a car parking management plan to ensure that the management approach advised by the applicant remains enforceable. In addition, the Highways Officer has recommended that electric vehicle charging provisions are provided in accordance with the London Plan (2021).

This proposal will provide 20% active electric vehicle parking bays, in line with the London Plan requirement. Officers acknowledge that as the car park will be a temporary facility, it is simply not reasonable or practical to require passive charging points as well. The wider development will provide the necessary passive EVCP in line with London Plan requirements.

Officers also understand that disabled parking is not being provided as part of the current application, which is also the same as the previous planning permission. There are 4 disabled spaces incorporated at surface level, adjacent to Block A. These spaces would be provided prior to the temporary car parking facilities becoming operational. These are illustrated in orange on the submitted parking plan.

With regards to cycle parking facilities, these will be delivered in the proposed buildings as they are delivered. Accordingly, it is agreed that they do not need to be included within the proposed temporary facility.

Overall, Officers are satisfied that the proposed temporary car park will not lead to unacceptable highways impacts, and will in fact help manage parking pressures for the development throughout the construction phases of the development.

### Other Considerations

Under the previous application, a consultation response was received from Network Rail, requesting a number of conditions and informatives be attached to the application to ensure that the Network Rail land and use is protected. These related to access, lighting, fencing and Armco safety barriers. These are still considered to be applicable and in the event there is a resolution to grant permission, then the same conditions are recommended.

Under the previous application, the SuDs team commented that the development was a minor development and thus the provision of SuDs systems are not applicable, although they were still encouraged. Since the previous application, the London Plan

2021 contains a policy (SI13 – Sustainable Drainage) which requires developments at all levels to manage surface water appropriately. As such, it is required that at a minimum a simplified drainage strategy should be submitted for consideration. In the event there is a resolution to grant permission, then a planning condition requiring this information is attached.

## **5. Response to Public Consultation**

Several objections and comments were received in response to the application. The vast majority of these concern the proposed changes within the two current Section 73 applications that are pending consideration. It is therefore considered matters relating to the changes detailed in those applications are not applicable to the planning merits of this application. Those comments will be picked up and addressed in the Officer report for the Section 73 applications.

For the Gateway Phase of the overall development, the scheme provides sufficient parking. There are 118 residential units proposed between Buildings H, J, and A, which amounts to a London Plan parking space requirement of approximately 90 spaces. Against Barnet Local Plan Policy DM17's requirements the scheme would also fall between the lower and upper range maximum parking requirement (100.5 – 159.5 spaces).

A temporary car park was considered and approved previously on the site to facilitate resident parking throughout the construction phases of the development. Accordingly, there would be no need for the applicant to await the hearing of the judicial review over the previously refused and dismissed scheme, in order to apply for this proposal. This application is for a temporary facility for 3 years, which will be controlled by planning condition. Officers consider that it does not circumvent local opinion or the planning process.

The car park will be constructed inclusive of electric vehicle charging points, as stated above in the highways section of the assessment.

## **6. 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.

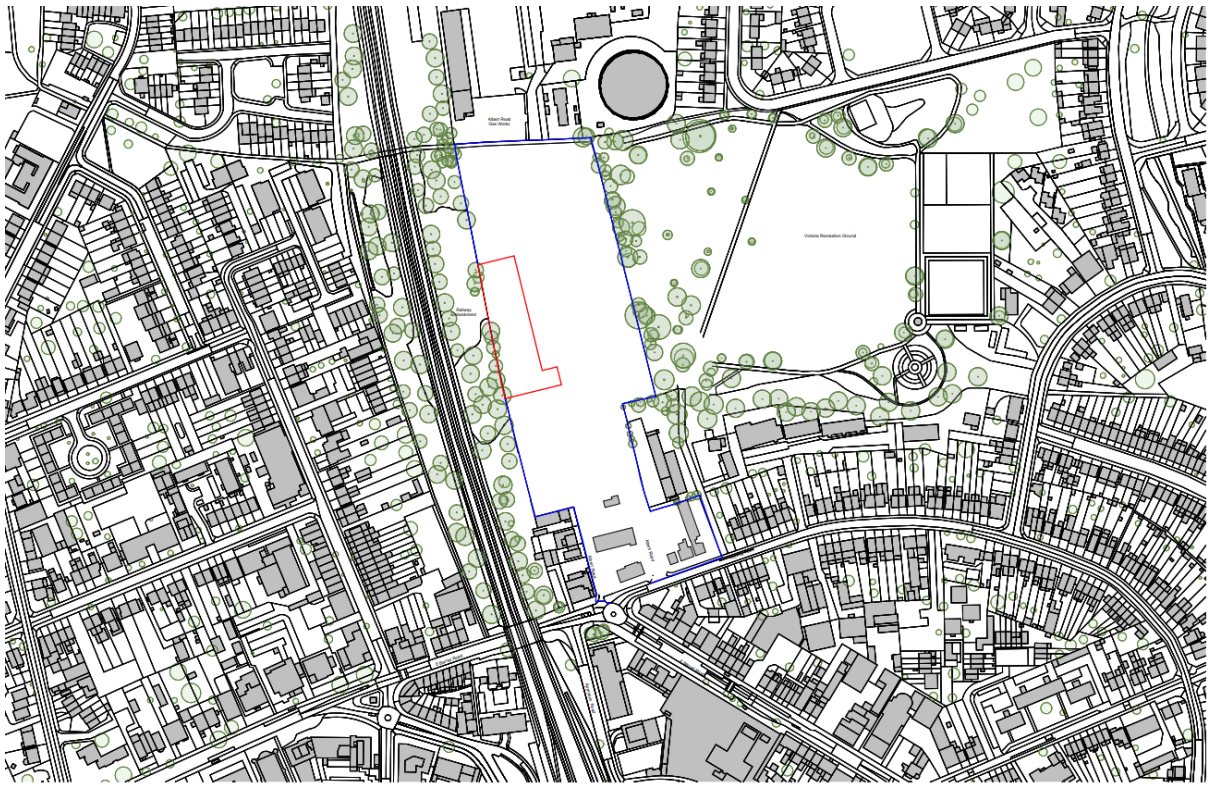
The proposals are therefore considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

Overall, it is considered that 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**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, APPROVAL is recommended subject to conditions as set out above.

# Site Location Plan:



Temporary Car Park Site Location Plan