

MEETING

PLANNING COMMITTEE

DATE AND TIME

TUESDAY 19TH SEPTEMBER, 2017

AT 7PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Melvin Cohen LLB

Vice Chairman: Councillor Wendy Prentice

Maureen Braun
Claire Farrier
Eva Greenspan

Tim Roberts
Agnes Slocombe
Stephen Sowerby

Mark Shooter
Laurie Williams
Jim Tierney

Substitute Members

Anne Hutton
Reema Patel
Philip Cohen
John Marshall

Dr Devra Kay
Gabriel Rozenberg
Arjun Mitra

Sury Khatri
Hugh Rayner
Shimon Ryde

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Service contact: Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 10
2.	Absence of Members	
3.	Declarations of Members' disclosable pecuniary interests and non-pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	Plot 299, 128 Colindale Avenue, London NW9 4AX (Colindale Ward)	11 - 26
7.	Cricklewood Railway Yard, Land Rear of 400 Edgware Road, London. NW2 6ND (Childs Hill Ward)	27 - 84
8.	Millbrook Park Fomer Inglis Barracks Mill Hill NW7 1PX (Mill Hill Ward)	85 - 124
9.	Site Known as the Dixon's Site, South of the Holiday Inn on Templefield Avenue and to the East of the Brent Cross Retail Park. (Golders Green Ward)	125 - 140
10.	Garage Court Hanshaw Drive Edgware HA8 0HP (Burnt Oak Ward)	141 - 160
11.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee

26 July 2017

Members Present:-

AGENDA ITEM 1

Councillor Melvin Cohen (Chairman)

Councillor Maureen Braun	Councillor Stephen Sowerby
Councillor Eva Greenspan	Councillor Mark Shooter
Councillor Tim Roberts	Councillor Laurie Williams
Councillor Agnes Slocombe	Councillor Jim Tierney
Councillor Shimon Ryde	Councillor Reema Patel

Apologies for Absence

Councillor Wendy Prentice

Councillor Claire Farrier

1. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting held on 22 June 2017 were agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Prentice, who was substituted by Councillor Ryde and Councillor Farrier, who was substituted by Councillor Patel.

3. DECLARATIONS OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

An Addendum to the main report was published and circulated to Members and made available to the public at the meeting.

6. MONTROSE PLAYING FIELDS, MONTROSE AVENUE, COLINDALE, NW9 5BY - 17-1713-FUL (BURNT OAK)

The Committee received the officer report and addendum.

An oral representation was made by a representative of the applicant, Rob Carter.

Following questions and deliberations, The Chairman called for the vote.

Votes were as follows:-

For	11
Against	0
Abstained	0

It was **RESOLVED** that the application be approved in accordance with the officer recommendations.

7. COLINDALE GARDENS (FORMERLY PEEL CENTRE), AERODROME ROAD, NW9 5JE - 172564RMA (COLINDALE)

The Committee received the officer report.

No speakers made representations in regard to this application.

Following questions and deliberations, The Chairman called for the vote.

Votes were as follows:-

For	11
Against	0
Abstained	0

It was **RESOLVED** that the application be approved in accordance with the officer recommendations.

8. LAND ADJACENT TO 106 -128 MOUNT PLEASANT AND 27-37 LANGFORD ROAD BARNET EN4 9HG - 17/2739/CON (EAST BARNET)

The Committee received the officer report.

The representative of the applicant, Jane Richardson, was present and answered questions from the committee.

Following questions and deliberations, The Chairman called for the vote.

Votes were as follows:-

For	11
Against	0
Abstained	0

It was **RESOLVED** that the application be approved in accordance with the officer recommendations.

9. LAND AT MORETON CLOSE, MORETON CLOSE, MILL HILL, LONDON NW7 2PH 0 -17-2105-S73 (MILL HILL)

The Committee received the officer report.

An oral representation was made by a representative of the applicant, Jane Richardson.

Following questions and deliberations, The Chairman called for the vote.

Votes were as follows:-

For	11
Against	0
Abstained	0

It was RESOLVED that the application be approved in accordance with the officer recommendations.

10. GARAGES AT BASING WAY LAND BETWEEN 98-108 AND 182-192 BASING WAY LONDON N3 3BP - 17/3721/S73 (FINCHLEY CHURCH END)

The Committee received the officer report and addendum.

An oral representation in objection to the application was made by Stuart George.

An oral representation was made by a representative of the applicant, Jane Richardson.

Following questions and deliberations, The Chairman called for the vote.

Votes were as follows:-

For	11
Against	0
Abstained	0

It was RESOLVED that the application be approved in accordance with the officer recommendations and addendum.

11. ELMSHURST CRESCENT GARAGES LAND ADJACENT TO 90-100 ELMSHURST CRESCENT AND 35 PULHAM AVENUE LONDON N2 0LR - 17/3722/S73 (EAST FINCHLEY)

The Committee received the officer report and addendum.

An oral representation was made by a representative of the applicant, Jane Richardson.

Following questions and deliberations, The Chairman called for the vote.

Votes were as follows:-

For	11
Against	0
Abstained	0

It was RESOLVED that the application be approved in accordance with the officer recommendations and addendum.

12. ADAMSON COURT 7 HERTFORD ROAD LONDON N2 9BW - 17/2417/FUL (EAST

FINCHLEY)

The Committee received the officer report and addendum.

The representative of the applicant, Jane Richardson, was present and answered questions from the committee.

Following discussion of the item, Councillor Ryde moved a motion that was duly seconded to remove the following proposed condition.

It is proposed that the residents of the development will be restricted from accessing or applying for car parking permits by way of a planning condition.

Votes were as follows:-

For	6
Against	5
Abstained	0

The motion was therefore carried.

The Chairman then called for the vote on the amended recommendation.

Votes were as follows:-

For	11
Against	0
Abstained	0

It was RESOLVED that the application be approved in accordance with the officer recommendations, addendum and subject to the Committee amendment.

13. LAND BEHIND SHEAVESHILL COURT THE HYDE 16-6222-FUL (COLINDALE)

The Committee received the officer report.

No speakers made representations in regard to this application.

Following questions and deliberations, The Chairman called for the vote.

Votes were as follows:-

For	11
Against	0
Abstained	0

It was RESOLVED that the application be approved in accordance with the officer recommendations.

14. LAND FORMERLY KNOWN AS BRITISH GAS WORKS, ALBERT ROAD, BARNET EN4 9SH (EAST BARNET)

The Committee received the officer report and addendum.

Oral representations regarding the application were made by David Howard and Damian Fentham-Fletcher

An oral representation was made by a representative of the applicant, Julie DeSenneville.

Following questions and deliberations, The Chairman called for the vote.

Votes were as follows:-

For	11
Against	0
Abstained	0

It was RESOLVED that the application be approved in accordance with the officer recommendations and addendum.

15. 12 - 18 HIGH ROAD LONDON N2 9PJ -16/2351/FUL (EAST FINCHLEY)

The Committee received the officer report and addendum.

Oral representations in objection to the application were made by Mary Hogben and Michael McGrath.

An oral representation was made by a representative of the applicant, Cat Fraser.

Following questions and deliberations, The Chairman called for the vote.

Votes were as follows:-

For	6
Against	5
Abstained	0

It was RESOLVED that the application be approved in accordance with the officer recommendations and addendum.

16. 164 BRUNSWICK PARK ROAD LONDON N11 1HA - 17-3720-FUL (BRUNSWICK PARK)

The Committee received the officer report and addendum.

An oral representation was made by a representative of the applicant, Shontelle Williams.

Following questions and deliberations, The Chairman called for the vote.

Votes were as follows:-

For	11
Against	0
Abstained	0

It was RESOLVED that the application be approved in accordance with the officer recommendations and addendum.

17. ANY ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 8.20 pm

LOCATION: 128 Colindale Avenue, London, NW9 4AX

REFERENCE: 17/2248/FUL

Registered: 06/04/2017 **AGENDA ITEM 6**

WARD: Colindale

APPLICANT: Planning Potential Ltd

PROPOSAL: Change of use of 97sqm of Plot 299 of 128 Colindale Avenue from flexible A1/A2/A3 use to a betting shop (Sui Generis use)

MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

Introduction

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 the National Planning Policy Framework and supplementary planning guidance 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.

The London Plan

The London Plan (2016) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

Context and Strategy

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); 2.15 (Town Centres); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes) and 3.13 (Affordable Housing Thresholds).

London's Economy:

4.1 (Developing London's Economy); 4.2 (Offices); 4.3 (Mixed Use Development and Offices); 4.4 (Managing Industrial Land and Premises); 4.6 (Support for and Enhancement of Arts, Culture Sport and Entertainment Provision); 4.7 (Retail and Town Centre Development); 4.10 (Support New and Emerging Economic Sectors); and 4.12 (Improving Opportunities for All)

London's Response to Climate Change

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land).

London's Transport

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location of Tall and Large Buildings); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise) and 7.18 (Protecting Local Open Space and Addressing Local Deficiency).

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevance to the determination of this application are:

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)

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS6 (Promoting Barnet's Town Centres)

CS7 (Enhancing and protecting Barnet's open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well-being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM05 (Tall Buildings)

DM06 (Barnet's Heritage and Conservation)

DM08 (Ensuring a variety of sizes of new homes to meet housing need)

DM10 (Affordable housing contributions)

DM11 (Development principles for Barnet's town centres)

DM13 (Community and education uses)

DM14 (New and existing employment space)

DM15 (Green belt and open spaces)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents:

A number of local and strategic supplementary planning guidance (SPG) and documents (SPD) are material to the determination of the application.

Local Supplementary Planning Documents:

Sustainable Design and Construction (October 2016)

Residential Design Guidance (April 2013)

Planning Obligations (April 2013)

Affordable Housing (February 2007 with updates in August 2010)

Strategic Supplementary Planning Documents and Guidance: Accessible

London: Achieving an Inclusive Environment (April 2004)

Sustainable Design and Construction (May 2006)

Health Issues in Planning (June 2007)

Wheelchair Accessible Housing (September 2007)

Planning for Equality and Diversity in London (October 2007)

All London Green Grid (March 2012)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

Housing (November 2012)

National Planning Guidance:

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance.

The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in Section 10 of this report.

Colindale Area Action Plan (CAAP)

Relevant Planning History

Details of site history are listed in Appendix 2 of this report.

Public Consultations and Views Expressed

As part of the consultation procedure, 379 letters were sent to local residents.

A site notice was also displayed on 27/04/2017.

183 responses were received by the council, all of which were objections.

Objections

- 1) Proposal will lead to crime and anti-social behaviour
- 2) The premises will be open late
- 3) Increase noise and disturbance for local residents and detrimental impact on residential amenity
- 4) Increase in litter
- 5) Information in shop front about application not displayed for long enough
- 6) Proposal fails to comply with planning policies including DM12 (iii) and (iv).
- 7) This use not appropriate in a residential area
- 8) Not appropriate to have a betting shop opposite a college
- 9) Does not promote jobs or help the community
- 10) Proposal does not meet local needs - convenience shops/ cafes / restaurant day care facility would be more appropriate
- 11) There are balconies above the betting shop which will be disturbed
- 12) The application site is close to a playground
- 13) There are already multiple betting shops close to the site
- 14) Will lead to increase in gambling addiction
- 15) Increase in parking
- 16) Proposal would go against local communities diverse religious beliefs
- 17) Will detrimentally impact on local property prices
- 18) There has not been enough consultation with local community
- 19) Betting shop will be in an area with a high number of vulnerable people
- 20) Previous application had been refused

Officer Response

The Metropolitan police have been consulted as part of the appraisal procedure process. They have recommended some conditions be attached. Conditions restricting the use of obscure glazing; requesting details of CCTV to be implemented; restricting the opening hours of the betting shop unit and details of hard and soft landscaping measures have been attached to this permission. Other conditions recommended by the Metropolitan Police do not relate to planning matters and do not meet the conditions tests as stated in the regulations. These therefore cannot be attached.

The Local Planning Authority cannot consider the betting shops influence on student or young people's lifestyle choices as this is not a material planning consideration. Furthermore, it is illegal to permit any person under the age of 18 to enter a licensed gambling premise, and therefore any users of the Betting shop will be responsible adults above the age of 18. This is regulated by the Trading Standards & Licencing Authority.

There are currently no betting shops in this part of the Colindale Area, with the nearest betting shop located on Burnt Oak Broadway. There are currently retail uses in close proximity to other retail units including a Sainsbury's Local and newsagents. The proposed change of use of this flexible A1/A2/A3 unit is not considered to have a detrimental impact on retail provision in this part of Colindale. There are no restrictions in local or national policies regarding the implementation of a betting shop use as part of a mixed use development.

A condition restricting the opening hours of the betting shop means that there should not be any disturbance during anti-social hours. It is not considered that this use should result in a detrimental increase in litter. As part of the appraisal procedure, the Council's Highways Department was consulted. They raised no objection to the change of use on highways grounds. The impact of a proposal on local property prices is not a planning material consideration.

The council has followed the appropriate consultation procedures which is compliant with planning regulations. The council published their site notices around the site on 27/04/2017 as per standard consultation procedures.

The applicant has confirmed in the submitted planning statement that 7 new jobs will be created through the implementation of the Betting Shop use including a full time manager, a full time assistant manager, a senior cashier, 3 part time cashiers and a cleaning position. These jobs will be available to local people.

A previous application was submitted to change the use of this unit under a S73 application, but this was withdrawn. Compliance of the proposal with planning policy is addressed in the appraisal section of this report.

Statutory Consultation responses

LB Barnet Highways

No objection to change of use.

Metropolitan Police

The Metropolitan Police Service have raised concerns about the location of a betting shop at this venue. They have stated that there is the potential for this site to become a generator for crime/anti-social behaviour.

Historically these operations have extended hours of activity which when located in close proximity to residential entrances may reduce the effectiveness of their access control strategy and this combined with readily available public seating within the vicinity of available alcohol (Sainsbury's

Local 90m away) increases the likelihood for it to have a negative impact on the quality of life for the local residents.

The police are unable to support this application at this present time. They have stated in their response that if the Local Authority is minded to grant planning permission for this use, the following conditions are attached:

1. Hours of operation 9am until 6pm. Monday to Saturday - closed Sundays.
2. No seating outside.
3. No obscuring of the windows.
4. Defensive planting under all curtain walling.
5. Full CCTV coverage inside the venue which is to be extended outside to cover the public footway.
6. Entrance doors to the shop to be positioned as far as possible from the corner and any other residential doors. Additionally consideration should be given to a defensive planting strip to clearly define both uses.
7. Toilet facilities to be open at all times - if they close the venue closes.
8. Office to be located within 5m of the main entrance with direct field of vision.
9. Entry into the venue to be controlled via the office- with an electronically operated lock
10. Name and contact number of manager displayed on the outside of the building.

Officer Response to Metropolitan Police Objection

The vast majority of betting shops are located in town centres and parades with residential units above or nearby to these uses. The location of the residential units above this proposed betting shop does not represent a significantly different arrangement. There is no public seating directly outside the premises and any applications for new seating would be resisted. Conditions have been implemented in accordance with the Metropolitan Police's comments requiring restricted hours of opening, that windows are not obscure glazed and that a scheme of CCTV and hard and soft landscaping provision be submitted to the Local Authority for approval. The hours of opening restrictions are longer than those proposed by the Police. It is considered that as there are nearby shops, restaurants, bars and pubs open in the evening, it would be unreasonable to restrict opening hours of the betting

shop to 6pm. The other condition recommendations outlined in the Police's response do not relate to planning material considerations and do not meet the condition's test as outlined in the Regulations. Therefore, these cannot be implemented.

Site Description

The application site is situated on the ground floor of a new residential development (Application Reference: H/05856/13) on Colindale Avenue, which comprises of 395 flats across 6 separate blocks of 4-11 storeys. The development is substantially complete.

The application site does not lie in a conservation area, but does however fall within the Colindale Area Action Plan (CAAP) area which seeks the creation of a new neighbourhood centre on Colindale Avenue.

Proposal

This application seeks to change the use of 97 sqm of Plot 299 located at the ground floor of 128 Colindale Avenue from flexible A1/A2/A3 to sui genesis, specifically a betting shop. The other 145.5sqm of the unit will remain for A1/A2/A3 use.

PLANNING CONSIDERATIONS

Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The 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 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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

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, DM12

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of a change of use from flexible A1/A2/A3 to a Betting shop (Sui Generis) is acceptable;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality and
- Whether harm would be caused to the living conditions of neighbouring residents.

ASSESSMENT OF PROPOSALS

Principle of a change of use

The existing site premises are currently unoccupied. Therefore, it should be noted that the A1/A2/A3 use is the site's approved rather than existing use.

The Core Strategy identifies that 'Colindale Avenue will provide the vibrant heart and gateway of Colindale as a sustainable mixed-use neighbourhood centre anchored by a new public transport interchange with pedestrian piazza'

The Local Planning Authority have considered the Development Management policies within the adopted Local Plan (Development Management Policies) Development Plan Document (September 2012) and note that there are no

specific policies that restrict the implementation of Sui Generis uses. Although these policies do protect retail uses in primary or secondary retail frontage in an established town centre and in shopping parades, this unit does not lie in either of these land designations.

Policy DM12: Maintaining local centres and parades states that *'the council will protect all retail uses (Class A1) in the existing local centres, parades and isolated shops unless it can be demonstrated that:*

- i. there will be no significant reduction of shopping facilities as a result; and*
- ii. that alternative shopping facilities that are similarly accessible by walking, cycling or public transport exist to meet the needs of the area; and*
- iii. the proposed use is within Class A2, A3, A4, A5 or meets an identified local need; and*
- iv. there is no demand for continued Class A1 use, and that the site has been marketed effectively for such use.*

It is considered that the loss of 97sqm of floorspace proposed under this application does not represent a significant reduction of shopping facilities. There are a range of retail facilities close to the site. These include a newsagents at Colindale Station (35 metres from the site) and a Sainsbury's Local on Charcot Avenue (90 metres from the site) which are accessible by walking. There is also a Boots (The Hyde, 7 minute walk from the site), a Tesco Express (Heritage Avenue, 10 minute walk) a Morrisons (Edgware Road, 10 minute walk) and Asda Superstore (off Edgware Road, 10 minute walk) nearby. The Brent Cross Shopping Centre is a 20 minute journey from the site by public transport.

There is a lack of betting shops in this area, with the nearest betting shop being located on Burnt Oak Broadway (0.5 miles from the site). It is noted that the unit is not currently occupied by an A1 use and instead has received permission to be flexible A1/A2/A3. The proposal will therefore not definitely result in the loss of an A1 unit. Furthermore, as demonstrated above there is sufficient retail provision in the local area. In these circumstances it is considered that the requirement of marketing evidence is onerous.

At the time that the application was approved, betting shop uses were classified as A2. Subsequent to the approval of planning permission H/05856/13, the classification of this use was changed. It is however considered that this use would add to the vitality of this small parade as this new use would maintain an active frontage. As such, this use is not considered detrimental to the usability of this parade.

In addition to local planning policies, the Local Planning Authority also has regard for the Mayor's London Plan (2016) Policy 4.8, paragraph 4.50A which states that the planning system should be used to help manage clusters of uses - in specific, avoiding over-concentrations of betting shops and hot food takeaways. There is not considered to be an 'over-concentration' of either betting shops or hot food takeaways in the Colindale area. Furthermore, this policy is primarily focused on Town Centre locations, which the proposed site

does not lie in. Therefore the proposal does comply with London Plan policy 4.8.

Overall it is considered that a betting shop in this location would not be inappropriate, and that the proposals would not lead to the loss of an A1 unit or an over concentration of sui generis uses or betting shops within this out-of-centre shopping area.

Condition 9 of application H/05856/13 did restrict the uses of the ground floor commercial units to Class A uses. A betting shop is considered to have a positive contribution of the activity of this parade and as such it is considered that this use is appropriate. Furthermore, at the time that this permission was granted betting shops were considered to be a Class A2 use.

Impact on character and appearance of the existing building, the street scene and the wider locality

No changes to the appearance of the building are proposed in this application, thus it is considered that the proposals will not result in unacceptable harm to the character and appearance of the host building, street scene or wider locality, in accordance with Policy DM01.

Separate application for new shop signage and shopfront were approved earlier this year (see details of these applications under Appendix 2 of this report).

Impact on the living conditions of neighbouring residents

As there are residential units above the proposed betting shop, consideration has to be given to how the proposed use will impact on nearby residential units. The proposed use is not considered to give rise to demonstrable undesirable living conditions for the neighbouring and nearby residential units to an extent that would warrant the applications acceptable reason for refusal. The majority of betting shops units are located in town centres and parades with residential units above and/or nearby.

Opening hours of the new Betting Shop will be controlled by condition to ensure that the use is not in operation past unsocial hours (before 08:00am or after 22:00pm). These opening hours are comparable with other shops, restaurants, bars and pubs in the local area (e.g. Sainsbury's Local on Charcot Avenue is open 7am-11pm daily). In addition a betting shop operating around these hours will increase the level of natural surveillance and may actually deter criminal behaviour along the locality. A condition has been implemented requiring a scheme of CCTV to be submitted which will further increase natural surveillance and security in this area.

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.

CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. Furthermore, the proposal is not considered detrimental to the functionality or activity of this new parade. This application is therefore recommended for approval.

CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 15817-11; 15817-10; Planning Statement: Plot 299, 128 Colindale Avenue, NW9 4AX.

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 commenced within three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3) The use hereby permitted shall not be open to members of the public before 08:00am or after 10:00pm on weekdays and Saturdays or before 09:00am or after 09:00pm on Sundays and Bank and Public Holidays.

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

- 4) Before the development hereby permitted is first occupied, the name and contact number of manager shall be displayed on the outside of the building.

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

- 5) None of the windows of the development hereby permitted shall be obscure glazed.

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

6) a) No development shall take place until a scheme of hard and soft landscaping to the front of this unit, including details of planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

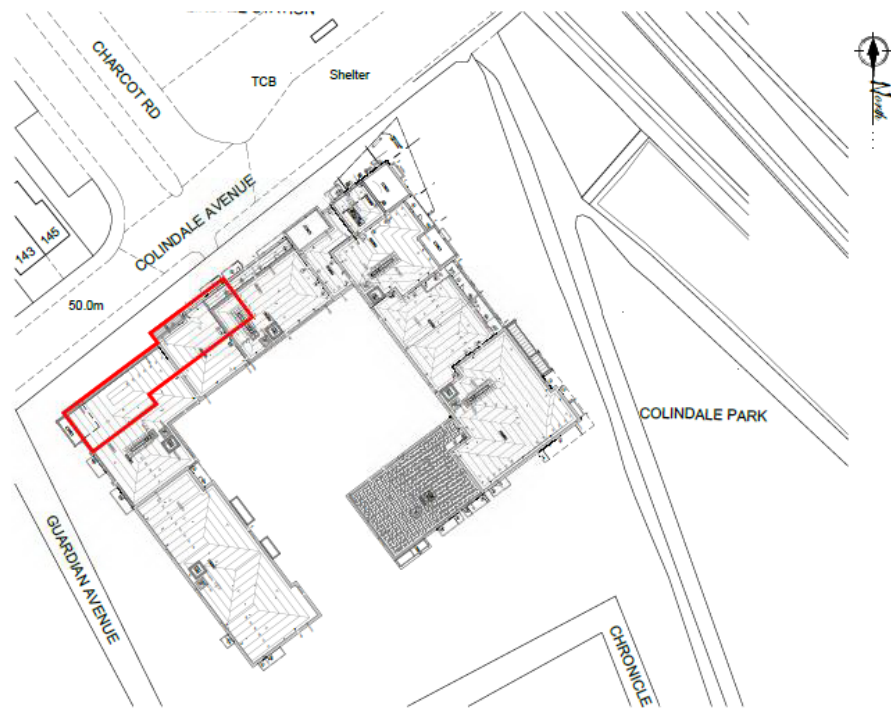
7) a) Before the development hereby permitted is first occupied, details of CCTV to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The CCTV shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure the amenity of existing and future residents is not compromised in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2016)

APPENDICES

Appendix 1: Site Plan



Appendix 2: Planning History

Description: Demolition of all existing buildings; redevelopment to provide 395 flats, 772sqm of retail/financial/professional/restaurant/café uses (Use Classes A1/A2/A3) and 112sqm of floorspace for retail/financial/professional/restaurant/café uses (Use Classes A1/A2/A3) or community use (Use Class D1) in six blocks ranging from 4 to 11 storeys; associated highways and public realm works including formation of piazza adjacent to Colindale Avenue and Colindale Park; associated access from Colindale Avenue, internal street network, car and cycle parking, refuse storage, landscaping and amenity space provision; associated plant and relocation of existing substation

Planning Reference: H/05856/13

Decision: Approve following legal agreement

Decision Date: 23/12/2017

Description: Installation of 3no internally illuminated fascia signs and 2no internally illuminated hanging signs

Planning Reference: 17/2508/ADV

Decision: Approve subject to conditions

Decision Date: 08/06/2017

Description: New Shop Front

Planning Reference: 17/2507/FUL

Decision: Approve subject to conditions

Decision Date: 05/06/2017

LOCATION:	Cricklewood Railway Yard, Land to the rear of 400 Edgware Road, London NW2 6NH		
REFERENCE:	17/1254/FUL	Received:	28/02/2017
		Accepted:	28/02/2017
WARD:	Childs Hill	Expiry:	30/09/2017 (Extension)
		Final Revisions:	16/06/2017 and 08/09/2017
APPLICANT:	DB Cargo (UK) Limited		
PROPOSAL:	Use of railway land for the transportation of aggregates by rail for a temporary period of 18 months together with the provision of fencing, CCTV, security hut, welfare hut, weighbridge, wheel wash, dust suppression system, drainage, parking for HGVs and cars, traverser road, replacement rail track, structures, and other infrastructure and ancillary works.		

1. APPLICATION SUMMARY

- 1.1 This application proposes the use of the site as an aggregate transfer facility within the northern most part of the land under the control of DB Cargo (UK) Limited. This use is proposed for a temporary period of 18 months only. The proposed operation would include the delivery of aggregate by train, the unloading of aggregate into covered stockpiles and then the loading of aggregate onto HGVs for onward transport via road.
- 1.2 The planning application is accompanied by an Environmental Statement which assesses the impact of the proposed development to determine whether there are likely to be any significant environmental impacts.
- 1.3 The principle of the proposed development is considered acceptable as it seeks to utilise operational railway land for the importation of aggregate by train for onward transfer to local construction projects. Whilst the application site falls within the Brent Cross Cricklewood regeneration area, which benefits from outline planning permission, the proposed development is not considered to undermine the comprehensive redevelopment of the regeneration area.
- 1.4 The proposed development has been assessed in terms of its impact on amenity, transport and highways impacts, the historic environment, trees and landscaping, flooding and drainage, contaminated land and sustainable design and construction.
- 1.5 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 as set out in this report. It is concluded that the proposed development generally accords with the relevant

development plan policies. Accordingly, subject to conditions, the planning application is recommended for approval.

2. RECOMMENDATION(S)

- 2.1 Planning application 17/1254/FUL is recommended for **APPROVAL** subject to the conditions listed in Appendix A of this report.

3. DESCRIPTION OF THE SITE AND SURROUNDINGS

- 3.1 The application site is located between Brent Cross (to the north) and Cricklewood (to the south) in northwest London. The application site forms part of the existing Cricklewood Railway Yard and constitutes an area of 1.7 hectares at the northern extent (incorporating an operational area of 0.66 hectare, access arrangements, the traverser road and the railway sidings). Vehicular access to the site is derived off the A5 Edgware Road. As illustrated in Figure 1 below, the application site is bounded immediately to the east and northeast by the Midland Mainline railway; to the west and northwest by the Brent Curve railway line, with residential development known as Fellowes Square beyond that; and to the southeast by further land within DB Cargo (UK) Limited's leasehold.
- 3.2 To the south of the application site, lie a number of buildings fronting onto Edgware Road, including those occupied by Timeguard, Lidl supermarket and Access Storage. These are situated directly to the west of the land within DB Cargo (UK) Limited's leasehold; however, that land is outside of this planning application boundary.

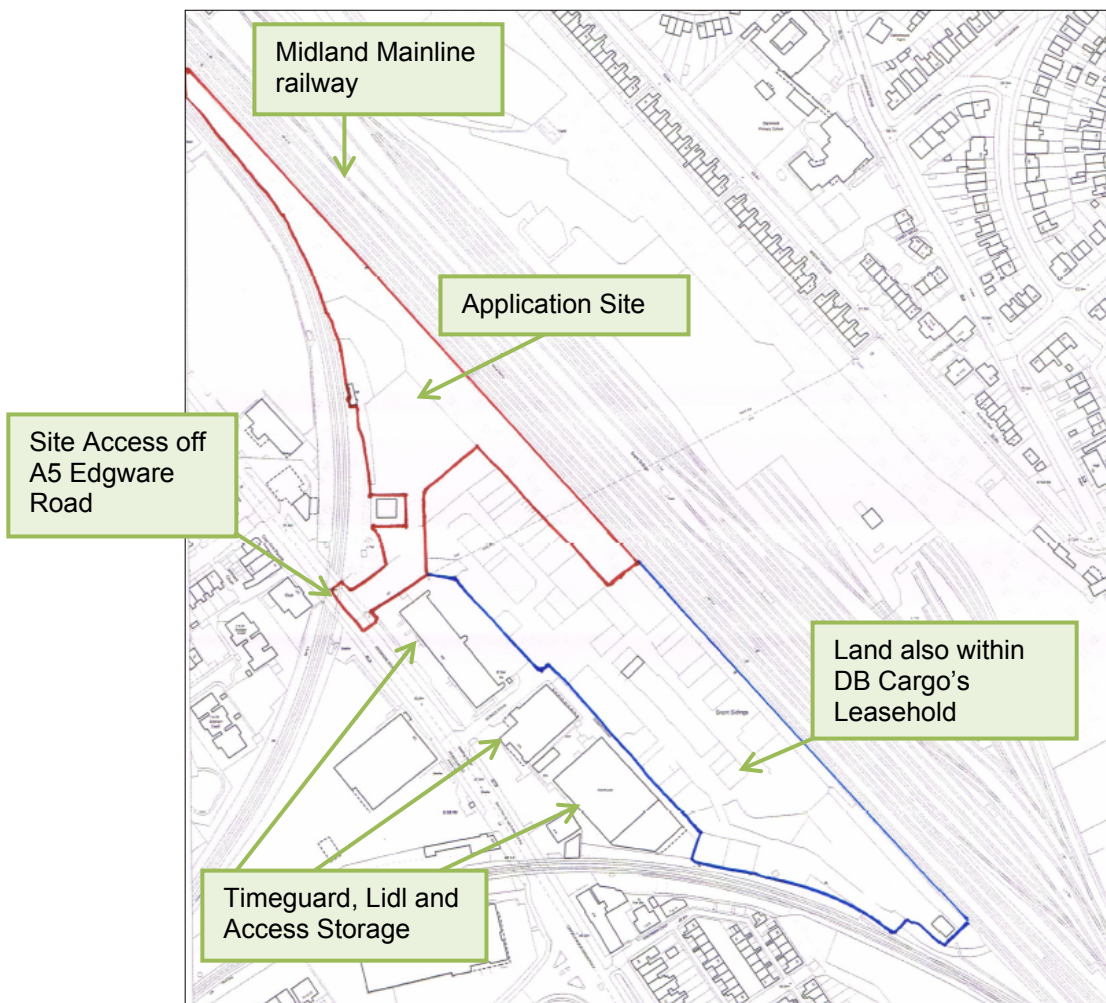


Figure 1: Location of the application site and adjoining land also in the control of the applicant at Cricklewood Railway Yard (extract from drawing number CC/001).

- 3.3 Historically the application site (and adjoining land) has constituted a part of operational railway land adjacent to the Midland Mainline and is in the ownership of Network Rail for this purpose. However, prior to the submission of this planning application, the application site and the wider land also within DB Cargo's leasehold was sub-let to a company called Eurostorage who allowed the occupation of the land by a number of uses, including car breakers, scaffold storage, and car repair merchants. From late 2016, DB Cargo (UK) Limited commenced the eviction of these uses from the land in preparation for the development proposed within this planning application. As a result of this, the site is now a predominantly vacant yard with the exception of some preparatory works within the application site. This includes the replacement of railway tracks, siting of 3no. portacabins and installation of a weighbridge and wheel washing facility.
- 3.4 As identified within the Council's development plan Proposals Map, the site is designated as 'Rail related employment land'. The effect of this policy designation is to safeguard existing employment sites that meet the needs of modern business requirements associated with the use of the railway.
- 3.5 Other designations within the vicinity of the application site include the Railway Terraces Cricklewood Conservation Area (over 250 metres to the southeast); and

four listed buildings to the south-southeast (Grade II Milestone at Gratton Terrace), south-southwest (Grade II Church of St Michael), southwest (Grade II Dollis Hill Synagogue and forecourt railings) and northwest (Grade II* The Old Oxgate) – these are all over 500 metres from the site and embedded within the wider urban grain of the area. The Welsh Harp Local Nature Reserve, which is also designated as a Site of Special Scientific Interest (SSSI), is also located over 1 kilometre away to the north-northwest of the application site.

- 3.6 The application site lies within the Brent Cross Cricklewood regeneration area and Cricklewood/ Brent Cross Opportunity Area identified by the Council's *Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework* (2005) and the *London Plan* (2016), respectively. Outline planning permission for the comprehensive redevelopment of Brent Cross Cricklewood (as described below) was originally granted in 2010 and subsequently varied through a Section 73 application in July 2014:

'Section 73 Planning application to develop land without complying with the conditions attached to Planning Permission Ref C/17559/08, granted on 28 October 2010 ("the 2010 Permission"), for development as described below:

Comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 - A5, offices, industrial and other business uses within Use Classes B1 - B8, leisure uses, rail based freight facilities, waste handling facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, CHP/CCHP, relocated electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste handling facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development (Outline Application).

The application is accompanied by an Environmental Statement.'

- 3.7 The permitted regeneration scheme identifies DB Cargo (UK) Limited's land (including the application site and adjoining land constituting the wider Cricklewood Railway Yard) as Plot 60 which is intended to deliver a new rail freight facility. The new rail freight facility was identified as being required as part of the BXC regeneration scheme to replace Network Rail's designated Strategic Rail Freight Site which is currently sited on land required to deliver the new Thameslink train station. The rail freight facility envisaged at the time of the s.73 outline permission was for a 24-hour intermodal facility for conventional freight (i.e. goods transported by container or pallets) including the construction of a building with a maximum floorspace of 29,300m². The building was permitted to stand at a maximum height of 16 metres with the exception of the southern elevation adjacent to the Railway

Terraces Cricklewood Conservation Area which would be restricted to 12 metres in height (at the eaves) and set back 15 metres from the site boundary.

4. PROPOSED DEVELOPMENT

- 4.1 The proposed development seeks temporary planning permission for the construction and operation of an aggregate transfer facility for a period of 18 months. The proposed operation would involve the importation of aggregate (the applicant has advised that this would comprise sand and Type 1 MOT stone¹) by freight train (containing up to 26 wagons per train) which will arrive at the northern end of the site off the Hendon bi-directional line (from the north) and enter the site using one of two 200 metre sidings. Whilst stationary on the sidings – located immediately adjacent to the proposed traverser road (180 metres in length and 1.5m above ground level) – the aggregate within each wagon would be unloaded by the use of an excavator with grab or clamshell attachment. The excavator would travel along the length of the train via the traverser road unloading each wagon. The aggregate would then be placed directly within one of ten storage bins located within the site adjoining the traverser road.
- 4.2 The proposed storage bins would be constructed using concrete and stand at a maximum height of 6 metres from ground level. The dimensions of these structures would be 10.3 metres wide and 12 metres deep. The stockpiles of aggregate within each bin would be limited to 5.6 metres. Over the storage bin, the applicant proposes the erection of structures which seek to contain dust (and noise) generated as a result of the transfer of aggregate from train to bin and bin to HGV. An indicative illustration of the proposed structures is provided in Figure 2 below and set out on drawing number PR1-CAP-00-XX-DR-S-0001.

¹ Reference: Paragraph 4.6 of Regulation 22 – Additional Environmental Information (Greengage, June 2017).

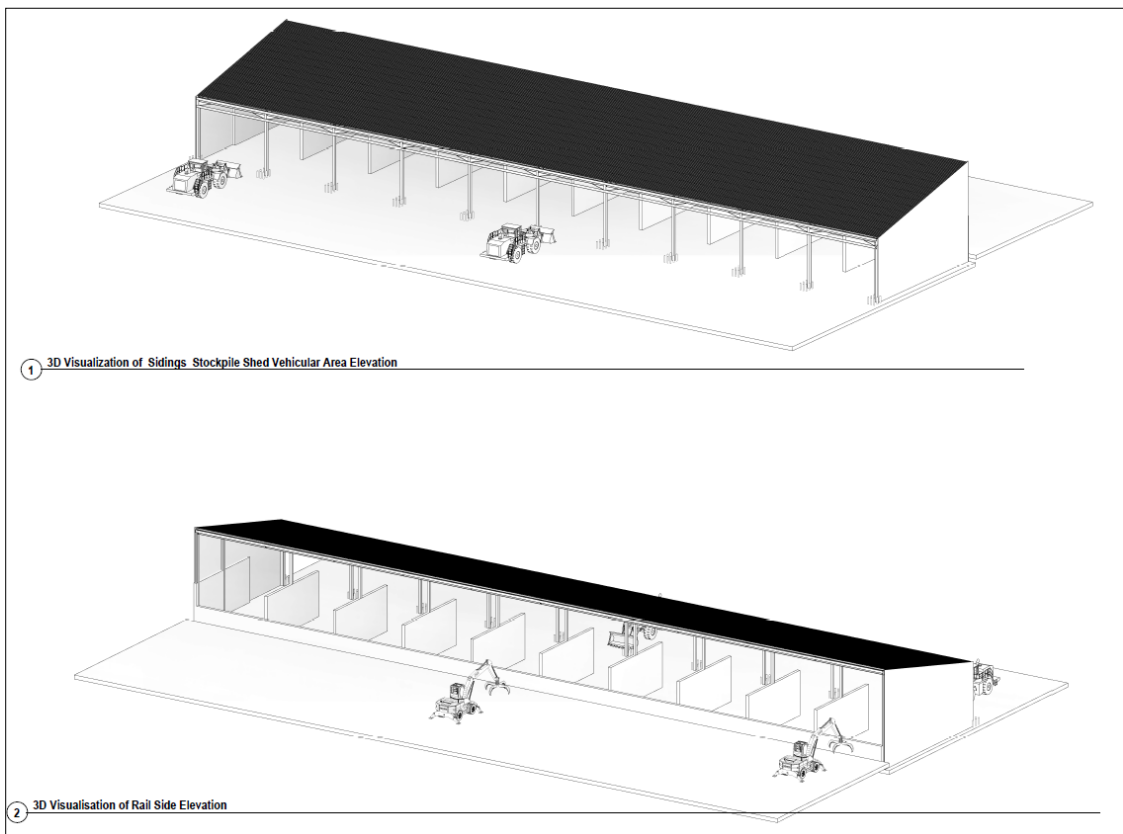


Figure 2: Indicative illustration of the canopies to be erected over the aggregate storage bins - (1) a view from the yard side; and (2) a view from the traverser road/rail side.

- 4.3 The stockpile structures would be a steel framed structure with a galvanised finish situated parallel to the traverser road with a steel profile mono-pitch roof and open along the two longitudinal elevations to facilitate operation of the proposed plant to transfer the aggregate. These structures would stand at a maximum height of 12.26 metres (8.47 metres to the eaves) from the yard ground/finished floor level. Within these structures (and around the perimeter of the operational area), a series of spray guns, connected to the wider dust suppression system, will operate to dampen down the aggregate when necessary.
- 4.4 The second element of the proposed operation would involve the exportation and onward transport of the aggregate by road (i.e. HGV). HGVs would be loaded with the aggregate stockpiled within the abovementioned bins through the use of a shovel loader. Before exiting the site, each HGV would pass through the wheel wash and is required to be covered. The applicant has stated that all HGVs are also required to accord with the most up to date Euro 6 standard in respect of emissions.
- 4.5 In terms of the scale of the proposed development, the applicant proposes that a total of 3 trains per week (averaging one train every two to three days) would arrive at the site with each train importing around 2,000 tonnes of aggregate. This equates to a weekly throughput of approximately 6,000 tonnes and an annual throughput of approximately 315,000 tonnes.

- 4.6 As set out on the application form, the proposed hours of operation are 06:00 to 18:00 Monday to Friday and 06:00 to 13:00 Saturday. There would be no Sunday or public holiday working. The operational hours of the proposed development are discussed further below in Section 7 of this report. The proposed development would also employ 10 members of staff.
- 4.7 The site would be arranged to include a security hut and barrier at the entrance into the operational yard (i.e. beyond the A5 Edgware Road access); welfare facilities (i.e. portacabin); a weighbridge, wheel wash and weighbridge office situated centrally within the site; the provision of dust suppression tanks both above and below ground adjacent to the site's western boundary; and fuel tanks at the northern end of the traverser road.
- 4.8 Car parking for 10no. members of staff, including 1no. disabled bay, 2no. electric and 1no. passive electric provision; plus 2-3no. motorcycle parking spaces, 1no. visitor space (provided to a disabled bay size), and 2no. Sheffield cycle stands. Additionally, parking is proposed for 3no. HGVs at the northern extent of the site.
- 4.9 The main operational area will be constructed with a concrete surface and include the provision of an access track to enable Network Rail to continue to access the railway and sidings north of the application site. This access track would be provided on the proposed concrete surface and thereafter be provided as an unsurfaced access track.
- 4.10 With regard to lighting, the two existing lighting towers within the application site and wider site leased by DB Cargo (UK) Limited, one of which would be removed (i.e. the one situated within the application site). Two additional existing lighting columns within the application site would be retained with the lighting heads replaced with two 140W LED units. The applicant also proposes the erection of a further seven new lighting columns (with LED units) along the northwest boundary of the site. These would stand at a height of 8 metres.
- 4.11 The site would be contained by a 2 metre (metal) palisade fence on the western and southeast boundaries, which would then extend southward alongside the traverser road. On the eastern boundary, the site would be contained by a 5.1 metre acoustic barrier which would extend along the length of the traverser road and thereafter continue into a 2 metre (metal) palisade fence. Along the southern boundary of the application site (Phase 1A area), an additional acoustic fence (5.1 metres high) would be erected to further attenuate noise from the proposed operation,

5. MATERIAL CONSIDERATIONS

- 5.1 The following provides an overview of the matters that constitute material considerations in the determination of this planning application.

Relevant Planning History

- 5.2 There are no previous planning records in regard to this particular site (i.e. land to

the rear of 400 Edgware Road). There is a number of planning, advertisement and building control records in relation to the buildings fronting onto 400 Edgware Road, however, these are of little relevance to the proposed development.

- 5.3 As referred to in paragraph 2.3 above, until recently, the site was occupied by a number units including scaffold storage, car breakers, car repair merchants who sub-let the site from Eurostorage and occupied the land unlawfully. Prior to this, the site has historically formed part of Network Rail's operational railway land.
- 5.4 As a consequence of the applicant clearing the land of the abovementioned uses, a degree of activity was evident within the site. Furthermore, DB Cargo (UK) Limited had begun to construct the site as per that proposed within this application. This activity gave rise to two enforcement complaints. Following investigation, the Enforcement Officer advised that activity relating to that proposed within this planning application should cease until the planning application has been determined (case reference ENF/00555/17). The case has now been closed on the basis that no further activity has been carried out at the site following this initial advice. Therefore, it was considered that it was not expedient to pursue enforcement action at this stage (July 2017) and to await the outcome of this planning application.

Key Relevant Planning Policy

- 5.5 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (published March 2016) and the development plan documents in the Barnet Local Plan (namely the Core Strategy DPD and Development Management DPD both adopted September 2012).
- 5.6 Chapter 12 of Barnet's Unitary Development Plan (2006) also remains extant and the policies contained within it are also material considerations given the location of the application site within the Brent Cross Cricklewood regeneration area. Taken together, these statutory development plans are therefore the main policy basis for the consideration of this planning application.
- 5.7 A number of other documents, including supplementary planning documents, design guidance and national planning practice guidance, are also material to the determination of the application. This includes:
- Cricklewood, Brent Cross and West Hendon Development Framework (2005);
 - Planning Obligations SPD (2013); and
 - Sustainable Design and Construction SPD (2016).
- 5.8 More detail on the policy framework relevant to the determination of this planning application and an appraisal of the proposed development against those relevant development plan policies is set out in subsequent sections of this report dealing with specific policy and topic areas. Table 1 below summarises The London Plan and the Barnet Local Plan policies relevant to the determination of this planning

application:

Table 1: Summary of the development plan policies most relevant to the determination of planning application 17/1254/FUL

The London Plan (March 2016)	
London's Places	
Policy 2.13	Opportunity Areas and Intensification Areas
Policy 2.18	Green Infrastructure: The Multi-functional Network of Green and Open Spaces
London's Economy	
Policy 4.4	Managing Industrial Land and Premises
London's Response to Climate Change	
Policy 5.3	Sustainable Design and Construction
Policy 5.10	Urban Greening
Policy 5.11	Green Roofs and Development Site Environs
Policy 5.12	Flood Risk Management
Policy 5.13	Sustainable Drainage
Policy 5.14	Water Quality and Wastewater Infrastructure
Policy 5.15	Water Use and Supplies
Policy 5.20	Aggregates
Policy 5.21	Contaminated Land
London's Transport	
Policy 6.1	Strategic Approach
Policy 6.3	Assessing Effects of Development on Transport Capacity
Policy 6.11	Smoothing Traffic Flow and Tackling Congestion
Policy 6.13	Parking
Policy 6.14	Freight
Policy 6.15	Strategic Rail Freight Interchanges
London's Living Spaces and Places	
Policy 7.4	Local Character
Policy 7.8	Heritage Assets and Archaeology
Policy 7.14	Improving Air Quality
Policy 7.15	Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
Policy 7.21	Trees and Woodlands
Implementation and Monitoring Review	
Policy 8.2	Planning Obligations
Barnet Local Plan – Core Strategy DPD (September 2012)	
Policy CS NPPF	National Planning Policy Framework – Presumption in favour of sustainable development
Policy CS2	Brent Cross – Cricklewood
Policy CS5	Protecting and enhancing Barnet's character to create high quality places
Policy CS9	Providing safe, effective and efficient travel
Policy CS13	Ensuring the efficient use of natural resources
Barnet Local Plan – Development Management DPD (September 2012)	

Policy DM01	Protecting Barnet's character and amenity
Policy DM04	Environmental considerations for development
Policy DM06	Barnet's heritage and conservation
Policy DM17	Travel impact and parking standards
Unitary Development Plan (2006) – Chapter 12: Cricklewood, Brent Cross and West Hendon Regeneration Area	
Policy GCrick	Cricklewood, Brent Cross, West Hendon Regeneration Area
Policy C1	Comprehensive Development
Policy C2	Urban Design – High Quality
Policy C3	Urban Design – Amenity
Policy C7	Transport Improvements

- 5.9 Policies contained within the National Planning Policy Framework ('NPPF') and the accompanying Planning Practice Guidance are also relevant to the consideration of this planning application.

Statutory and Other Technical Consultation Responses

- 5.10 In accordance with the relevant Regulations (Town and Country Planning (Development Management Procedure) Order 2010 (as amended)), the Local Planning Authority ('LPA') conducted a number of consultations with both statutory and non-statutory bodies relevant to the development proposed within this planning application. The consultation responses received following this first consultation are summarised below with an Officer responses provided where necessary for the purpose of clarification:

- (a) **Councillor Jack Cohen** stated: 'the proposal is in my view contrary to the spirit of the Brent Cross Regeneration Plans at best but a departure at worst. The siting of a waste transfer facility at this site was developed through a long series of public consultation and committee consideration. The outcome was to provide a household waste transfer station wholly enclosed, so as to protect the amenities of local people and also to provide environmental protection. This latest proposal will introduce an unacceptable degree of noise, dust and truck movements. It will if allowed provide the jumping off point for extending the operation the whole length of the corridor. Local residents in the terraces are against this proposal, but if it is permitted it should be conditioned to provide environmental protection, such as an acoustic sound barrier at the southern end. There should be stringent conditions controlling the movement of waste, for example limits on the hours of operation, number of trains and lorries. However in my view conditions would not outweigh the considerable potential environmental damage these proposals will bring.
- (b) *Officer response: The proposed development is for the establishment and siting of an aggregate transfer facility for a temporary period on land that benefits from outline planning permission for the Brent Cross Cricklewood*

(BXC) regeneration scheme. Specifically the site falls within land identified for the delivery of a rail freight facility, not a waste transfer facility. The rail freight facility envisaged in the BXC scheme is for the movement of conventional freight within a building. Albeit for a temporary period, the proposed rail aggregate facility is, therefore, different to that envisaged in the outline permission. An appraisal of the likely environmental and amenity impacts and mitigation measures is discussed later in this report.

- (c) **Councillor Reuben Thompstone** noted the planning application and the submission of further information in June 2017.
- (d) The **Greater London Authority** confirmed that the proposed development did not fall within the threshold of development referable to them under the Mayor of London Order (2008). They therefore provided no comment on the planning application.
- (e) **Brent Council** raised no objections but recommended that conditions relating to noise, dust and odours, HGV routeing and the provision of bicycle parking to be submitted for approval should be attached to any consent granted.
- (f) **Environment Agency** raised no objections subject to the inclusion of a condition requiring surface water drainage to be passed through an oil separator prior to being discharged into any watercourse.
- (g) **National Grid** raised no objection but identified the presence of a high voltage transmission underground cable within the vicinity of the application site. The consultation response contained a number of instructions and commentary regarding working within the vicinity of the identified asset.
- (h) **Affinity Water** raised no objection and confirmed that the site does not lie within a Groundwater Protection Zone.
- (i) The **Lead Local Flood Authority** raised no objection but have requested that conditions be attached to any consent granted to ensure an appropriate drainage design is implemented.
- (j) **Transport for London** stated that the site is on the A5 Edgware Road which forms part of the Strategic Road Network (SRN). TfL has a duty under the Traffic Management Act (2004) to ensure that any development does not have an adverse impact on the Strategic Road Network (SRN). TfL is the highway authority for the TLRN and any works temporary or permanent would need to be agreed with TfL. TfL is therefore concerned with any development which may impact on the safe and normal function of the highway network, including proposed works within TfL highway. Having reviewed the submitted documents TfL has the following comments:
 - The site registers a Public Transport Accessibility Level (PTAL) of 3 on a scale of 1 to 6b which indicates a moderate level of accessibility

- The site will retain its existing access from Edgware Road and will be able to allow two HGVs to pass at the same time. The swept path diagram provided is welcomed and TfL has no objection to the vehicular access.
- 10 parking spaces are proposed including 1 space for staff at a ratio of 1 space per staff expected on site. The proposed quantum of Blue badge parking is welcomed and TfL is content with the overall quantum of car parking.
- Four cycle spaces are proposed in the form of two Sheffield Stands which TfL can deem acceptable.
- The applicant proposes 534 two way HGV trips which equates to an average of 9 over the 10 hour core operation of the site. TfL is content that the development will not have a material impact on the transport network.

- (k) The **Council's Transport and Regeneration Service** requested clarification and further information on a number of matters relating to lack of pedestrian access into the site; the security barrier and capacity for vehicle stacking; the need for the access onto the A5 to achieve a visibility splay of 2.4 X 90 metres; lack of electrical vehicle parking and charging provision and visitor parking; location of the proposed disabled parking bay; lack of motorcycle parking provision; location of cycle stands and clarification regarding the provision of supporting facilities; lack of details illustrating parking arrangements for HGVs; insufficient internal swept path analysis demonstrating use of the wheel wash and taking into account restrictions (e.g. other HGVs within the site and aggregate storage); details of width, construction and surfacing in relation to the proposed internal access road; the need to assign trip generation from the adjacent food store (Lidl) onto the highway network; provision of evidence regarding the likely flow of HGVs throughout the 10-hour operational day (i.e. peak demands and potential for queuing); and clarification on the likely maximum demand with storage of aggregate on site and provision of an Automated Traffic Count (ATC) for a two week period to provide confidence in the proposed traffic flows.

Officer Response: These comments were addressed by the applicant through the submission of further information as discussed in Section 6 below.

- (l) The Council's **Environmental Health Officer** considered there to be inadequate information to demonstrate that the proposed mitigation would achieve desired effects in terms of noise and air pollution.

Officer Response: These comments were addressed by the applicant through the submission of further information as discussed in Section 6 below.

- (m) The **Council's Arboriculturalist** raises no objection and noted that there are three groups of trees close to the site on the railway embankments; however the proposed development would be located away from these groups and the impact assessment does not identify any impact on these trees.
- (n) The **Railway Terraces Residents Association** objected to the proposed development on the following grounds:
- The proposed development is different to that permitted by the Brent Cross Cricklewood s.73 planning permission;
 - As a result, the development would have a detrimental impact on the quality of life of residents within the Railway Terraces (through dust, pollution and noise); and
 - The absence of a landscaped buffer or noise screen to protect local residents.

Reference is also made to the recent activities at the site under Eurostorage's tenancy of the site and how this was managed by the applicant.

- (o) **Golders Green Estate Residents Association** also provided representation objecting to the proposed development.
- (p) The **Council's Development Travel Plan Team** stated that, given the small on-site workforce (10 staff) and the limited lifespan of the development (18 months), it is considered that the proposed development falls below the Transport for London Travel Plan thresholds. The submission of a Travel Plan Statement is welcomed as it contains a number of suitable measures aiming to maintain the proportion of employees travelling by car to work at a suitable 45% or under and commits to annual travel surveys to monitor progress. The applicant should be encouraged to implement the submitted Travel Plan Statement through the inclusion of an informative. The main travel movements of the HGVs will be covered via detailed Deliveries and Servicing Plan required by condition.

Public Consultation Responses

- 5.11 Upon validation of the planning application, the LPA also notified a number of residential properties within the vicinity of the application site. The total number of public representations received in response to this planning application, plus other representations received outside of the consultation area, was **93, all of whom raised objections** to the proposed development by email, letter and the Public Access website. Of those 93 objections, **9 objectors** have requested to speak at the Planning Committee. The objections raised relate to the following issues and are summarised in Appendix B to this report:
- Principle of the development;

- Amenity impacts including air quality, noise, vibration lighting and visual intrusion;
- Traffic and Highway Impacts;
- Lack of consultation;
- Variance of development from the BXC s.73 Permission;
- Monitoring and enforcement;
- Adequacy of the Environmental Impact Assessment;
- Impact on heritage assets;
- Other comments relating to quality of life, future proposals for the site, and impact on nearby ecology and allotments.

5.12 Further consultation was carried out following the receipt of Further Information pursuant to the Environmental Impact Assessment Regulations (see Section 5 below). Those who had previously made representations in response to this planning application were notified of the submission of this additional information and afforded the opportunity to make further comments. In response to this secondary public consultation, a total of **20** representations were received.

5.13 These subsequent representations generally repeated objections previously raised; however, additional comments were made requesting that the proposed development be subject to stringent monitoring of air quality and noise through the appointment of a person funded by the applicant and employed by the Council; and that fines be imposed and/or the facility is required to shut down in the event of any breach of conditions.

5.14 *Officers Response: As discussed below, the proposed mitigation measures are considered to be sufficient means to control noise and dust emissions and therefore it would not be reasonable to oblige the applicant to make financial contributions toward the appointment of Council Officers for the monitoring of statutory nuisances specific to this site in this instance given the temporary period of the proposed use. Officers consider the development is acceptable subject to the mitigation proposed and conditions to be imposed if planning consent is granted. The monitoring and enforcement of conditions imposed on any planning permission will be the responsibility of the Council's Planning Enforcement Team.*

6 SUBMISSION OF FURTHER INFORMATION

6.1 As a result of the LPA's consultation exercise following registration of the planning application, a request for further information was issued to the applicant on 10th May 2017 in accordance with Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011² and Article 62(3) of the Town and Country Planning Act 1990 (as amended).

6.2 In response, the applicant provided the following further information and, as inferred in paragraph 4.12 above, a further consultation exercise was carried out

² The planning application and accompanying Environmental Statement was submitted before 6th May 2017 and in accordance with the transitional arrangements described in Article 76 of the new Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the 2011 Regulations continue to apply.

notifying all those who had made representations in response to the initial consultation and re-consulting all non-statutory and statutory organisations previously consulted:

- Planning Statement Addendum (June 2017);
- Environmental Statement Addenda – Additional Environmental Information (including appendices) (Greengage, June 2017);
- Transport Assessment – supplemental information;
- Site Management Plan;
- Dust Risk Assessment (REC, June 2017);
- Drainage Strategy (Morgan Tucker, June 2016);
- Land contamination report – Baseline Desk Study (ESG, May 2017);
- An image of example noise monitoring equipment;
- A groundwater conditions memo (AECOM, December 2016);
- Revised Site Layout Plan – Phase 1A Layout (SK04 Rev. D); and
- Four visualisations of the proposed stockpile covering structures (Plan numbers: PR1-CAP-00-XX-DR-S-0001, PR1-CAP-00-XX-DR-S-0002, PR1-CAP-00-XX-DR-S-0003, PR1-CAP-00-XX-DR-S-0004 and PR1-CAP-00-XX-DR-S-0005).

6.3 Additional clarification was subsequently provided by emails dated 12th and 13th July 2017 in regard to transport matters, and details relating to the proposed stockpile enclosure structures and lighting, respectively.

6.4 A further amendment to the proposed development was also made on 8th September 2017 in response to concerns about the potential noise impact of the proposed development (particularly from residents to the south of the site). The applicant now proposes the erection of additional fencing along the southern boundary of the site for the purposes of further mitigating noise impacts from the proposed operation. The fencing proposed consists of a 5m-high noise attenuation fence/barrier along a length of 20 metres (from the traverser road) and, beyond that 20-metres, a 3-metre high close boarded fence along the remainder of the boundary (to the site access). The detail submitted consists of:

- (a) Letter dated 8th September 2017 (DB Cargo (UK) Ltd);
- (b) Illustration of foundation layout and position (Gramm Barrier Systems Ltd);
- (c) Absorptive Barrier Data Sheet (Gramm Barrier Systems Ltd); and
- (d) Plan no. SK07 – Phase 1A Site Layout with National Grid Tunnel Overlay.

6.5 As a result of the aforementioned subsequent consultation exercise, further responses were received from some of the abovementioned statutory and non-statutory consultees. The following paragraphs summarise their responses:

- (a) The **Council's Arboriculturalist** notes no changes appear to have been made that may impact on the trees and therefore offers no further comments.
- (b) The **Environment Agency** have no further comments to make and continue to request the surface water drainage condition (see paragraph 4.10.6 above).

- (c) After a brief discussion about the proximity of a high voltage transmission underground cable to the application site, **National Grid** continues to raise no objection to the proposed development.
- (d) Following the submission of further information, the **Council's Environmental Health Officer** initially advised that the assessment of noise was inadequate and further noise reports were required to demonstrate compliance with the noise limits set by the Brent Cross Cricklewood regeneration scheme. In the event that this further information could not be provided to the satisfaction of the Environmental Health Officer, it is recommended that the planning application be refused on the grounds of unacceptable noise impacts during the proposed hours of operation. Alternatively, it would be acceptable for the hours of operation to be limited on first occupation of the residential units to the northwest of the application site to 8:00am – 6:00pm Monday to Friday and 8:00am – 1:00pm Saturdays with no working on Sundays or Bank Holidays. Other conditions relating to noise are also recommended.

Officer Response: Consideration of noise impacts arising from the proposed development are considered further in Section 7 below taking into account the advice received from the Environmental Health Officer.

In terms of air quality, the Environmental Health Officer is satisfied with the further information provided and raises no objection subject to the imposition of conditions relating to the quantum of aggregate to be delivered to the site, requirement for an air quality and dust management plan, stockpile heights, use of a sweeper, air quality and dust monitoring (including frequency), and the availability of a further source of water to feed the dust suppression system.

With regard to contaminated land, the Environmental Health Officer reviewed the supplemental Baseline Desk Study Report compiled by ESG (ref. R7047/BDS, dated May 2017) and concurs with its conclusions. Therefore, a condition and informative should be imposed on any planning consent requiring further intrusive investigation prior to the commencement of the development.

- (e) The **Council's Transport and Regeneration Service** reviewed the Further Information submitted in June 2017 and raised concern regarding the proposed provision of a pedestrian route demarcated by a coloured-surface treatment and the potential for pedestrian-vehicle conflict; and the provision of parking perpendicular to the access road. A swept path analysis of 30 tonne capacity articulated vehicles; clarification regarding the hours of operation; and clarification on the variations in traffic flows based on the comparative Bow East site were also requested.

Following additional information provided by the applicant under a covering email dated 12th July 2017, including a swept path analysis and revised site layout plan (SK04 Phase 1A Layout Rev. D), the Transport and Regeneration Service have no objections to the proposed development.

7 PLANNING CONSIDERATIONS

The following matters are material considerations in the determination of this planning application and the proposed development has therefore been assessed against the relevant development plan policies to inform the Officer's conclusions and recommendations.

Principle of the Proposed Use

Rail Related Employment Land:

- 7.1 The application site is identified as Rail Related Employment Land within the Proposals Map associated with the Council's Unitary Development Plan ('UDP') (2006). The Proposals Map that formed part of the adopted UDP (2006) remains as the Proposals Map for the subsequent adopted Local Plan (i.e. the Core Strategy and Development Management Policies DPDs), which has been safeguarded in cognisance of Policy 4.4 of the London Plan (i.e. taking account of the need for strategic and local provision for...transport facilities (including intermodal freight interchanges)). Consequently, saved Policy C10 of Chapter 12 of the UDP (2006), which refers directly to this designation, is material to the consideration of this application and states that: *'Within the area defined on the Proposals Map as rail-related employment land and mixed used land, the council will require the provision of...A rail freight transfer facility with associated uses'*. Albeit for a temporary period, the proposed development seeks to deliver a rail freight transfer facility as required by this policy to enable the movement of aggregate. Therefore, the proposed development is considered to comply with the requirements of this development plan policy.

Operational Railway Land:

- 7.2 Furthermore, the application site has a relationship with the adjacent, existing sidings and Midland Mainline railway. This is attributed to the fact that a number of existing tracks run parallel to the site, some of which would be replaced and utilised as part of the proposed development. Whilst more recently the site has been occupied by uses which are arguably not ancillary to the use of the land in connection with an operational railway, Network Rail have confirmed in their consultation response that the application site is deemed to be operational railway land. The proposed development would involve the use of the railway for the transfer of aggregate and it is therefore considered an appropriate use on operational railway land insofar as it is development required in connection with the movement of traffic by rail.

Brent Cross Cricklewood Regeneration Scheme:

- 7.3 The site also falls within the Brent Cross Cricklewood ('BXC') Regeneration Area as identified by the 'Cricklewood, Brent Cross and West Hendon Regeneration Area Framework (2005)' and defined on the Proposals Map. This is also the

subject of saved Policy GCrick within the UDP (2006). Outline planning permission for the comprehensive redevelopment of this regeneration area was originally granted by the Council in 2010 and subsequently varied through the mechanism provided in Section 73 of the Town and Country Planning Act 1990 (as amended). The Section 73 planning permission ('s.73 Permission') was granted in July 2014 (planning reference F/04687/13), which is the permission currently being implemented.

- 7.4 Under the Section 73 planning permission, the wider Cricklewood Railway Yard (incorporating the application site) and land occupied by other buildings fronting onto the Edgware Road (Lidl, Timeguard and Access Storage) are identified to deliver a rail freight facility to replace an existing facility on the eastern side of the Midland Mainline railway. The relationship between the proposed development and Brent Cross Cricklewood regeneration scheme is discussed further below.

The London Plan (2016):

- 7.5 The London Plan (2016) contains a number of strategic policies which supports sustainable growth and development of Outer London, including a need to ensure an adequate supply of aggregates to support construction in London and its importation by sustainable transport modes (Policy 5.20A (3)); facilitating the efficient distribution of freight through improved rail freight terminals to serve London (Policy 6.1A (f) and Table 6.1); improving and promoting rail freight distribution to relieve congestion (Policy 6.14); and provision of freight interchanges in locations well-related to rail and road corridors and their proposed market (Policy 6.15).
- 7.6 The BXC Regeneration Area is also identified as an Opportunity Area within the London Plan. Policy 2.13B identifies that development proposals within opportunity areas should support the strategic policy directions for those areas. The strategy policy direction for the BXC opportunity area is reflected in Policy CS2 of the Core Strategy DPD (2012), which references the delivery of key rail facilities as part of the comprehensive redevelopment.

Summary:

- 7.7 Taking the above into account, the principle of using the site as an aggregate transfer facility, including the associated use of the land for storage of aggregate and ancillary facilities as proposed, is considered to be acceptable. This conclusion is on the basis that: the land is designated for such uses in the development plan; it forms part of operational railway land whereby such uses are generally considered ancillary; the site (and wider Cricklewood Railway Yard) benefits from outline planning permission for the delivery of a rail freight facility as part of the BXC regeneration scheme; and a number of development plan policies generally support the provision of new or improved rail facilities to support sustainable development.

Brent Cross Cricklewood (BXC) Regeneration Scheme

- 7.8 As aforementioned, the application site falls within the boundary of the BXC

regeneration scheme which benefits from outline (s.73) planning permission. Under this planning permission, the application site (plus the wider Cricklewood Railway Yard and buildings fronting onto the Edgware Road – Lidl, Timeguard and Access Storage) is identified to deliver a rail freight facility to replace an existing facility on the eastern side of the Midland Mainline railway. The site is also included within the The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 3) 2016 to ensure that the appropriate land is secured and acquired to facilitate delivery this development and that associated with the wider Thameslink Project.

- 7.9 Saved Policy C1 of the UDP (2006) and Policy CS2 of the Core Strategy (2012) sets out the Council's strategy for the comprehensive development of the BXC regeneration area. In particular, saved Policy C1 identifies that: *'Development proposals will be supported if they are consistent with the policies of the UDP and their more detailed elaboration within the development framework.'*
- 7.10 The rail freight facility envisaged within the s.73 Permission was for an intermodal transfer point for conventional freight, typically delivered on roll cages or pallets, operated 24-hours a day/7days a week. The proposed development seeks to utilise part of the site identified by the s.73 Permission as an aggregate rail transfer facility, which is different to that envisaged as part of the BXC regeneration scheme. Objections have been raised by local residents on the grounds that the proposed development might undermine that permitted by the BXC s.73 Permission. These objections can be interpreted as referring to two issues: (1) that the proposed development would prevent delivery of that permitted as part of the BXC regeneration scheme; and/or (2) the proposed development is different to the type of rail freight facility envisaged by the s.73 Permission.
- 7.11 In terms of (1) the ability for the BXC regeneration scheme to be delivered, the proposed development seeks planning permission for a temporary period of 18 months having regard to the programme of delivery for the BXC regeneration scheme. As stated within the Planning Statement and more specifically in the covering letter accompanying the submission of the abovementioned Further Information (dated 14th June 2017), the applicant has been in discussion with the Council's Regeneration Team about the proposed development in terms of how the proposal impacts upon the BXC regeneration scheme and also in regard to future proposals for the whole of Cricklewood Railway Yard. As a result of this, the proposed period of 18 months is considered sufficient to allow the applicant to operate the application site as an aggregate transfer facility whilst enabling future proposals for the wider site to be subjected to the planning process. The LPA understands that any planning application for a rail freight facility as part of the BXC regeneration scheme is likely to include the application site; therefore, any permission granted for that subsequent application is likely to supersede or replace any permission granted for the proposed development. As such, it is considered that the proposed development would not undermine the comprehensive redevelopment of the BXC regeneration area and therefore not conflict with the strategy provided by Policy C1 of the UDP (2006) and Policy CS2 of the Core Strategy (2012).
- 7.12 In respect of (2) in regard to the change in type of rail freight facility proposed

compared to that envisaged in the s.73 Permission. The applicant has advised that market conditions have changed since the s.73 Permission was granted (July 2014) and that there is no longer sufficient demand for an intermodal transfer facility. There instead a clear demand for an aggregate transfer facility. This type of rail freight facility aligns with that being promoted by the Council's Regeneration Team at the recent public exhibition events. Nevertheless, the planning application seeks to utilise part of the Cricklewood Railway Yard for a temporary period and is not therefore the permanent rail freight facility to be provided as part of the BXC regeneration scheme. This is the subject of a recently received planning application which is at the validation stage and therefore pending consideration.

Protecting Barnet's Character and Amenity

- 7.13 The proposed development would involve the importation of aggregate by train, unloading of train wagons by the use of plant (i.e. a grabber), deposit of aggregate into storage bins and then the loading of aggregate into HGVs using excavator plant prior to it being transported off site. The operation described by the applicant is therefore likely to be a source of both noise and dust emissions that have the potential to impact upon the amenity of nearby sensitive receptors (i.e. local residents). The proposed development includes the erection of additional external lighting which also has the potential to impact upon the amenity of local residents. Each of these impacts is considered in turn below.
- 7.14 The assessment of the proposed development on the character and amenity of nearby sensitive receptors, and Barnet generally, is guided by a number of development plan policies. These include Policies 7.4, 7.14 and 7.15 of the London Plan, Policies CS5 and CS13 of the Core Strategy, Policies DM01 and DM04 of the Development Management DPD and saved Policies C2 and C3 of the UDP.

Local Character:

- 7.15 Policy CS5 of the Core Strategy relates more broadly to character and design considerations relating to the need to ensure development adheres to core design principles. Of particular relevance to the proposed development, Policy CS5 states that development in Barnet should respect local context and distinctive local character. The proposed development seeks to deliver an aggregate rail transfer facility on land that has historically been associated with the operation of the railway and, more recently, a number of B2, B8 and sui generis uses. These latter uses resulted in the site being occupied by numerous temporary structures constructed using scaffolding, corrugated iron and temporary portacabins. As such the site has an established character as an industrial/storage yard with little (if any) design merit. The proposed development is considered to be compatible with this established character, and the use of the land to serve the railway. The proposal would in fact result in an improvement to the character of the site as all of these previous, informal units would be removed from the land. It is therefore considered that the proposed development respects local context and character of the area.
- 7.16 The application site is also located over 250 metres away from Cricklewood Railway Terraces Conservation Area, which is a locally distinctive feature within

this area of Barnet. Consideration regarding the impact of the proposed development on the setting of this Conservation Area is considered further below (paragraphs 6.39 to 6.41).

Air Quality:

- 7.17 The application site is located within an Air Quality Management Area (AQMA), as is the whole of the London Borough of Barnet. Policy 7.14 of the London Plan requires planning decisions to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality, particularly within AQMAs; be at least ‘air quality neutral’ and not lead to further deterioration of existing poor air quality; and ensure that where provision needs to be made to reduce emissions from a development, this is usually provided on-site.
- 7.18 Policy C3 of the UDP requires that development within the BXC regeneration area should generally protect and, wherever possible, improve the amenities of existing and new residents. As relevant to the consideration of air quality, Policies DM01 and DM04 of the Development Management Policies DPD states that all development should demonstrate high levels of environmental awareness and contribution to climate change mitigation; be based on an understanding of local characteristics; and ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate. The provision of air quality assessments is also referred to in Policy CS13 of the Core Strategy.
- 7.19 The planning application is supported by an Environmental Statement (February 2017), which includes a chapter relating to Air Quality (Chapter 3). This was supplemented by a ‘Regulation 22 – Additional Environmental Information’ (June 2017) statement, including a Dust Risk Assessment as an appendix, submitted in response to the LPA’s request for Further Information (in June 2017). These assessments consider the impacts likely to arise as a result of the proposed development through both the construction and operational phases. For the construction phase, the assessment takes into account dust emissions from earthworks, construction and trackout by vehicles and considers the likelihood of dust soiling, impact on human health (PM₁₀ exposure risk), and impact on ecological receptors. For the operational phase, the assessments takes into account the potential impact on existing air quality as a result of road traffic exhaust emissions (such as nitrogen dioxide (NO₂) and particulate matter (PM₁₀)) associated with vehicles travelling to and from the site. In doing so, the assessment considers the residential properties, schools, hospitals and care homes as sensitive receptors.
- 7.20 The conclusion of the applicant’s assessment determines that, subject to the implementation of a number of mitigation measures, the impact of the proposed development in terms of dust is mostly negligible or low risk with the magnitude of any such effects being negligible at all identified sensitive receptors. Similarly, on the basis that specific mitigation measures are implemented, the impact of the proposed development on NO₂ and PM₁₀ concentrations is not considered to be significant. The Council’s Environmental Health Officer has reviewed the submissions made by the applicant in respect of air quality and is satisfied with the applicant’s conclusions and, in designing the proposed mitigation measures, is

content that the consultants have shown compliance with the relevant guidance. The mitigation measures proposed include the installation of a dust suppression system comprising automated sprinklers (or 'spray guns') mounted at 15 metre intervals along the length of the unloading operation (i.e. traverser road) and around the operational area of the site. Therefore, subject to the imposition of conditions (1) ensuring that the proposed mitigation measure are implemented from the outset of the proposed operation, with the exception of the storage bin covers which are required to be constructed prior to the first occupation of the adjacent residential development in June 2018, and (2) as otherwise recommended by the Environmental Health Officer (including the submission of an Air Quality and Dust Management Plan for approval); it is considered that the proposed development would not significantly increase exposure to poor air quality and would protect the amenity of nearby residents, particularly in view of the temporary duration of the proposed development whereby any impacts would be reversible upon cessation of the use of the site as an aggregate transfer facility.

Visual Impact:

- 7.21 A number of public representations raised objection in regard to the visual impact of the proposed development. Policy CS5 of the Core Strategy seeks to protect Barnet's local character by ensuring development respects the local context and includes buildings of high quality. This objective is further supported by policies contained within the Development Management Policies DPD, namely Policy DM01 which states that all development should represent high quality design and, where appropriate, provide visual interest. Policy 7.4 of the London Plan also references consideration of local character and (on a strategic level) states that development should have regard to the form, function and structure of an area, place or street. These development plan policies are therefore relevant in terms of assessing the visual impact of the proposed development.
- 7.22 The application site lies within the context of the adjacent railway and associated operational railway land that sits alongside the tracks. The character of the application site is therefore utilitarian in nature as a result of historic uses of the land. The proposed development seeks to use this operational railway land and associated rail tracks to import aggregate by train and transfer it onto HGVs for onward transport via road. As such, the planning application includes detail regarding the provision of structures to support this proposed use. For example, the provision of two portacabins to provide a security hut and welfare facilities, construction of covered storage bins and erection of acoustic fencing. These structures are proposed to serve the use of the site as an aggregate transfer facility and therefore functional in appearance. Some of these structures are also provided to mitigate the impacts of the proposed development. The application site is located behind existing development fronting onto the A5 Edgware Road and immediately adjacent to the railway and is therefore not visible from the public realm. Residential properties located to the south of the application site (within the Railway Terraces) are approximately 250 metres away and most views would be partially obscured by large existing buildings fronting onto the A5. Additionally, there is a topographical change in ground level between the application site and the aforementioned residential properties whereby land falls away in a north to south direction with the residential properties within the Railway Terraces sitting

below the ground level of the application site. Cricklewood railway curve is also located between the site and these properties on an embankment. Therefore, public views of the application site and operations proposed within it would be very limited.

7.23 In terms of an appraisal against the aforementioned development plan policies, the proposed development is considered to be suitable within the local context (i.e. the nature of the proposal on land regarded as operational railway land) and appropriate in regard to the operation of an aggregate transfer facility. It would be appropriate to ensure that the materials used to construction the storage bins, the covers to be built over the bins and the acoustic fences are appropriate within the context of the local area. As such, should planning permission be forthcoming, a condition requiring the details of the materials (i.e. specification and colours) to be used in the construction of the bins, bin covers and acoustic fencing to be submitted for approval should be included. In regard to the bin covers, it is noted that the applicant proposes that these are provided by 1st June 2018 to coincide with the occupation of the NWRD currently under construction adjacent to the northwest of the site. However, the Environmental Health Officer has advised that these structures should be erected from the outset of the proposed operation to mitigate dust emissions. Therefore, a further appropriately worded condition should be included to ensure the covers are erected by this date.

7.24 It is important to also bear in mind that the application site is located on operational railway land whereby statutory undertakers have a number of permitted development rights to carry operations in connection with the movement of traffic by rail without the need for express planning consent. Such operations are arguably of a similar nature to that proposed within the current planning application and often do not require the construction of buildings or other structures and therefore are utilitarian in nature to perform a particular function efficiently.

Lighting

7.25 A number of representations also express concern regarding the provision of lighting within the site and the potential for overspill, particularly in respect of the potential for trains to arrive during any 24-hour period. Policy DM01 (f) of the Development Management Policies DPD states that, for development proposals incorporating lighting schemes, lighting should not have a demonstrably harmful impact on residential amenity (or biodiversity). The proposed development includes the erection of 7no. new lighting columns and replacement of lighting units on 2no. existing lighting columns with LEDs. The nearest residential properties to the application site are those currently undergoing construction adjacent to the northwest boundary of the site. The lighting detail set out on Site Layout Plan SK04 Rev. D is shown to be positioned at the perimeter of the site to illuminate operational areas, with 5no. of the new columns proposed to be erected along the northwest boundary. The LED lighting mounted on each of the columns would be directed in a downward direction to avoid light spill beyond the site boundaries.

7.26 In regard to the potential impact of lighting on biodiversity, the Preliminary Ecological Assessment submitted in support of the planning application

acknowledges that the existing site (when it was previously occupied by a number of B2/B8 and sui generis uses) was well lit and, specifically in regard to bats, coupled with a low habitat quality, the proposed development would be unlikely to be significantly adverse for foraging bats.

- 7.27 To ensure that lighting does not have a demonstrably harmful impact on the amenity of residents (particularly those that will occupy the upper levels of the development adjacent to the northwest boundary of the site), a suitably worded condition(s) should be included within any forthcoming planning permission limiting the use of such lighting to coincide with the operational hours of the proposed development. However, it is acknowledged that the application site is located on, and within the wider context of, operational railway land which is likely to already experience a level of external lighting to assist the operation of the railway. Subject to the submission and approval of detail to demonstrate that the proposed lighting would not spill beyond the site boundary and taking the local context into account, it is considered that the proposed development is unlikely to have a significantly harmful impact on residential amenity.

Noise & Vibration:

- 7.28 Policy 7.15 of the London Plan states that development proposals should (a) avoid significant adverse noise impacts on health and quality of life; (b) mitigate and minimise existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses; (e) application of good acoustic design principles; and (g) promoting new technologies and improved practices to reduce noise at source. Policy CS13 of the Core Strategy seeks to improve noise quality by requiring Noise Impact Assessments in line with Barnet's SPD on Sustainable Design and Construction. While Policy DM04 of the Development Management Policies DPD states that proposals likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted and mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.
- 7.29 Based on a Noise Impact Assessment contained within Chapter 4 of the Environmental Statement and supplemented by the 'Regulation 22 – Additional Environmental Information' in June 2017, the applicant has sought to address and minimise the impact of the proposed development in terms of noise through a number of measures. This includes the erection of acoustic fencing along the eastern and southern boundary of the site; use of Euro 6 standard vehicles³; restriction on the hours of operation associated with the loading and unloading of train wagons; and organisation of the proposed site layout to ensure the transfer operation is at the furthest point possible away from the residential development currently under construction adjacent to the northwest boundary of the site.
- 7.30 The Council's Environmental Health Officer has reviewed the submissions made by the applicant in respect of noise and vibration and raised concerns regarding

³ 'Euro 6 standards' is the sixth incarnation of the European Directive and current standards applicable to the reduction of harmful pollutants from vehicle exhaust emissions, including NO_x and other pollutants.

the noise impacts of the proposed development on the future occupants of the residential development adjacent to the northwest boundary of the site. The assessment indicates that there is a potential for acceptable noise limits to be exceeded at the upper floors of this residential development as a result of the unloading and loading of freight trains, particularly during the 06:00-08:00 time period. The applicant's conclusions, however, rely on the provision of glazing within the adjacent residential development to achieve adequate barrier effects and states that the magnitude of exceedance would only require the merest of acoustic treatments to mitigate the noise impact and the intended use of walls/barriers around open spaces and balconies within the adjacent development would be sufficient to mitigate this. However, as advised by the Environmental Health Officer, subject to the imposition of conditions which restrict the hours of operation, sets noise limits, limits the duration of the development and ensures that all mitigation is implemented from the outset of the operation, the proposed development is considered to be acceptable on the basis that it is for a temporary period of 18 months.

- 7.31 The Environmental Health Officer concurs with the applicant's assessment in regard to the potential noise impact at other residential properties in the vicinity of the application site. It is considered that compliance with the limits set by the Brent Cross Cricklewood Section 73 planning permission (Condition 42.1) would be achieved in respect of properties off Brent Terrace to the east and Railway Terraces off the A5 Edgware Road to the south. Therefore, those sensitive uses are not likely to experience significant noise impacts from the works proposed within this application due to the distance between the application site and those properties, and the current environment which already experiences a level of background noise.
- 7.32 Having regard to the abovementioned policies, it is considered that the applicant has proposed to minimise the potential for adverse impacts arising from noise through the inclusion of appropriate mitigation. Therefore, subject to the inclusion of relevant conditions to ensure the implementation of those mitigation measures and impose other necessary limitations, the proposed development is considered to be broadly in compliance with the relevant development plan policies.

Highways and Transport Impacts

- 7.33 Chapter 6 of the London Plan provides strategic policies on transport. Of particular relevance to the proposed development are: Policy 6.1 which states that development proposals should ensure that impacts on transport capacity and the transport network are fully assessed and not adversely affect safety on the transport network; and Policy 6.13 in relation to car parking standards. Albeit in regard policy-making, Policy 6.11 also refers to the promotion of sustainable arrangements for the transportation and delivery of freight. Core Strategy Policy CS9 identifies the Council's objectives in terms of (inter alia) more efficient freight movements, ensuring development is matched to capacity and implementation of a rail freight facility as part of the Brent Cross Cricklewood regeneration scheme. Policy DM17 of the Development Management Policies DPD contains matters to be considered when determining planning applications including (but not limited to) road safety, road hierarchy, location and accessibility, travel planning and parking

management.

- 7.34 The proposed development is likely to generate a number of additional HGV trips on the local highway network in order to facilitate the onward transfer of aggregate to local construction sites. Based on the throughput of 6,000 tonnes of aggregate per week (2,000 tonnes per train, 3 trains a week), the maximum number of HGV movements are proposed to be 534 movements per week (267 in, 267 out). This equates to an average of 98 HGV movements per day (49 in, 49 out) and, on the assumption that the facility would operate over a core 10-hour day (07:00 to 17:00, for example), 10 HGV movements per hour. The applicant has provided a transport assessment in support of the planning application, which has been reviewed by the Council's Transport and Regeneration Service. Further to minor amendments and clarifications provided by the applicant, including provision of a protected pedestrian footway into the site and demonstration that the site has capacity to ensure that there would be no queuing on the A5 Edgware Road, the conclusions of that assessment in regard to the capacity of the highway network, suitability of the site access and highway safety are considered appropriate and acceptable.
- 7.35 The site is accessible directly off the Strategic Road Network and is proximal to the motorway network (M1) and Transport for London's Road Network (A406 North Circular), which would ensure that the roads in Barnet are used appropriately by traffic associated with the proposed development. The site access off the A5 also achieves the required visibility splays of 2.4m X 90m in each direction and is therefore considered appropriate for the type of traffic proposed.
- 7.36 On the basis that one train load of aggregate is equivalent to approximately 75 HGVs on the road network, the proposed development appears to also accord with the general principles identified in the policies above insofar as utilising the rail network for the transportation and delivery of freight, albeit for a temporary period.
- 7.37 In terms of parking, the proposed development would provide parking for 3no. HGVs; 10no. staff car parking spaces inclusive of 1no. disabled bay, 2no. electric charging points and 1no. passive electric provision; 2no. Sheffield cycle stands; 2no. motorcycle spaces; and 1no. visitor space provided to a disabled bay size. In consultation with Transport for London, this level of parking provision is considered to be appropriate for the proposed use and in accordance with Table 6.2 in the Parking Addendum attached to Chapter 6 of the London Plan (2016). In terms of the need for a travel plan, the Council's Safe and Sustainable Travel Coordinator has advised that a Travel Plan is not required on the basis that there is small on-site work force (10 staff) and the limited lifespan of the development (18 months), which falls below Transport for London's Travel Plan thresholds. Furthermore, HGV movements should be dealt with by a detailed Deliveries and Servicing Plan which can be required by condition. The applicant is, however, encouraged to voluntarily implement the Travel Plan Statement submitted with the planning application, which can be secured by an informative.
- 7.38 In view of the above, the proposed development is considered to comply with the relevant requirements of the abovementioned development plan policies in regard to road safety, road hierarchy and parking management.

Heritage Assets

- 7.39 The application site lies approximately over 250 metres to the north of the Railway Terraces Conservation Area. The 'Railway Terraces Cricklewood Conservation Area – Character Appraisal and Management Proposals (December 2016)' prepared by the Council describes the railway terraces as being located within a wider area dominated by the railway and large industrial/commercial units. Construction of the railway terraces is known to have commenced in the late 1860s. An Area of Special Archaeological Interest lies directly to the south of the conservation area, although Section 3.2 of the aforementioned Character Appraisal document confirms that there are no records of significant archaeological finds in the vicinity of the conservation area.
- 7.40 Policy 7.8 (d) of the London Plan states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Policy DM06 of the Development Management Policies DPD states that (a) all heritage assets will be protected in line with their significance, (b) development must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet, (c) proposals involving or affecting heritage assets should demonstrate (inter alia) significance of the heritage asset, impact on that significance, and impact on setting of the heritage asset.
- 7.41 The proposed development seeks to utilise operational railway land and the adjacent railway sidings for the importation of aggregate by train to serve local construction projects. Given the that the Railway Terraces Conservation Area has been designated as a heritage asset by virtue of the buildings' association with the railway, it is considered that the proposed development would not detrimentally impact upon the setting of the conservation area or diminish its significance. The proposed operation is also located some distance away from the Conservation Area with the Cricklewood Curve providing a clear delineation between the two areas and a visual screen. Furthermore, as aforementioned in paragraph 6.23 of this report, there is also topographical variation between the application site and the properties in the Conservation Area, the latter of which sits at a lower level therefore enhancing the visual screening effect provided by the Cricklewood Curve railway embankment. Furthermore, the proposed development would be for a temporary period of 18 months. Taking these factors into account it is considered that the proposed development would not have a harmful impact on the setting of the Railway Terraces Cricklewood Conservation Area.

Trees and Landscaping

- 7.42 The application site falls within a 'Regional Park Opportunities' area as identified by Map 2.8 within the London Plan. Policy 2.18 of the London Plan therefore describes the considerations to be taken into account for planning decisions, including the incorporation of appropriate elements of green infrastructure that are integrated into the wider network, and encourage the linkage of green infrastructure and Blue Ribbon Network. The application site forms part of Network Rail's operational railway land and is characterised as 'brownfield land' with little existing green infrastructure, with the exception of some trees on Network Rail

land adjacent to the Brent Curve railway adjacent to the northwest boundary of the site. These trees appear to contribute to the green link synonymous with the railway corridor and have the added benefit of providing some visual screening.

- 7.43 Although these trees are situated on land outside of the applicant's control, the proposed operations within the site should not undermine the integrity of these trees. This is also a requirement of Policy DM01 of the Development Management DPD. The applicant provided an Arboricultural Impact Assessment in support of the planning application which demonstrated that the proposed development would not have a detrimental impact on this group of trees (Group 3). The Council's Arboricultural Consultant concurred with this conclusion and therefore raised no objection.
- 7.44 With regard to policy requirements relating to the provision of appropriate green infrastructure, given the temporary nature of the proposed development (18 months) it would be unreasonable to require the applicant to implement any additional tree or other planting. However, ensuring that the existing green corridors (insofar as the applicant is able to) are maintained is reasonable in this instance and should be controlled by a suitable condition if permission were forthcoming.
- 7.45 I note that the applicant's Environmental Statement (Chapter 6, February 2017) and appended Preliminary Ecological Assessment (ADAS, March 2016) makes recommendations in regard to vegetation clearance and protected species. However, it is understood that the site has already undergone significant clearance subsequent to this survey being completed in 2016 and prior to the determination of this planning application. The recommended mitigation measures (which would ordinarily be attached as conditions) are therefore, not now considered relevant or necessary if planning permission were forthcoming.

Flooding and Drainage

- 7.46 The application site is located in Flood Zone 1 (i.e. at the lowest probability of flooding) and is not located within any Groundwater Source Protection Zone. However, as the application site is over 1 hectare (1.70 hectare) a Flood Risk Assessment (Morgan Tucker, June 2016) was nonetheless required to consider any other sources of flooding and to address design issues related to the control of surface water run-off and climate change. The applicant also provided a Drainage Strategy alongside Plan no. 60514840-BM-EM-DRG 103 Rev. D, a relevant chapter (Chapter 5) within the Environmental Statement (February 2017) submitted with the planning application and further information provided in the subsequent 'Additional Environmental Information' (June 2017).
- 7.47 In respect of flood risk, Policy 5.12B of the London Plan states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and associated technical guidance (now contained within the online Planning Practice Guidance) over the lifetime of the development. The Planning Practice Guidance provides an indication of flood risk vulnerability classifications for different development types (Table 2) and identifies whether that development would be appropriate within the relevant flood zone

(Table 3). The proposed development would be considered to fall within the 'less vulnerable' category; nevertheless, the site is within Flood Zone 1 where development is generally considered appropriate across all flood zones. This does not, however, take into account climate change. The applicant's Flood Risk Assessment concludes that the proposed development would not result in any increased risk of flooding and the provision of any additional impermeable surface would be attenuated to achieve greenfield run-off rates thereby ensuring the development does not increase the risk of flooding elsewhere. The Environment Agency were consulted and confirmed that they raised no objections subject to the inclusion of a condition regarding surface water drainage.

- 7.48 In consideration of surface and foul water drainage proposals, Policy 5.13A of the London Plan requires development proposals to utilise Sustainable Urban Drainage Systems (SUDS), aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed close to its source as possible in line with the following drainage hierarchy: (1) store rainwater for use, (2) use infiltration techniques, (3) attenuate rainwater in ponds or open water features, (4) attenuate rainwater by storing in tanks, (5) discharge rainwater direct to a watercourse, (6) discharge rainwater to a surface water sewer/drain and (7) discharge rainwater to a combined sewer. This hierarchy is referred to in Policy DM04 (g) of the Development Management Policies DPD stating that development should demonstrate compliance with it. In connection with this, Policy 5.15 of the London Plan states that development should minimise the use of mains water. Also, in regard to wastewater, Policy 5.14 of the London Plan requires development proposals to ensure that adequate wastewater infrastructure capacity is available in tandem with development.
- 7.49 Other than the installation of a track drainage system (connecting into Network Rail's existing outfall), the applicant does not propose to install a surface water drainage system. Instead, the applicant proposes to collect surface water and re-use it for the purpose of dust suppression. Consequently a ground water collection system is proposed comprising a collection trench (150m in length alongside the traverser road), passing through an oil interceptor, which is directed toward an underground holding tank (9,000 litre capacity). A second above ground tank would also be installed (6,000 litre capacity) to provide supplementary water from mains supply if needed. Foul water would be discharged into a public sewer. Taking the above development plan policies into account, the proposed development is considered to be compliant with the requirements regarding surface water and foul water drainage insofar as the proposal achieves greenfield run-off rates, manages surface water run-off within the site, and stores rainwater for re-use in accordance with the London Plan's drainage hierarchy. Furthermore the Council's Lead Local Flood Authority has not raised any objections to the proposed development.

Contaminated Land

- 7.50 By virtue of the previous land uses, it is considered that the application site is likely

to be contaminated. Policy DM04 (e) of the Development Management Policies DPD, states that proposals on land likely to be contaminated should be accompanied by an investigation to establish the level of contamination in the soil and/or groundwater and identify suitable mitigation; and London Plan Policy 5.21 states appropriate measures should be taken to ensure previously developed land does not activate or spread contamination. Development which could adversely affect the quality of groundwater will not be permitted. The applicant provided a Site Investigative Interpretation Report (AECOM, September 2016) and a subsequent 'Baseline Desktop Study' (ESG, May 2017) which identifies the presence of contamination on site and possible pollutant linkages through a preliminary risk assessment. Specifically, the report concludes that the risk to human health is moderate and those to controlled waters is considered to be low. The report therefore recommends further intrusive ground investigation be carried out to further refine the significance of the pollutant linkages identified within a conceptual model.

- 7.51 The Council's Environmental Health Officer is content that the conclusions and recommendations reached by the application are appropriate and therefore raises no objection to the proposed development subject to the inclusion of a condition and informative requiring the completion of further investigative work prior to commencement of the development. Therefore, in view of the above development plan policies, it is considered that the applicant has provided appropriate assessments and mitigation (through the need for further investigation) in compliance with the London Plan and Barnet's Development Management Policies DPD.

Sustainable Construction and Climate Change

- 7.52 London Plan Policy 5.3B states that development proposals should demonstrate sustainable design standards in regard to its construction and operation; and meet minimum standards outlined the Mayor's '*Sustainable Design and Construction SPG*' (April 2014) including efficient use of natural resources and minimising pollution, for example. Whereas, Policies 5.10C and 5.11A relate to the provision of green infrastructure and sustainable design considerations, stating that major development proposals should contribute to urban greening and deliver as many objectives as possible including (but not limited to) sustainable urban drainage and enhancement of biodiversity. Additionally, Policy CS13 of the Core Strategy promotes the highest environmental standards and efficient use of natural resources.
- 7.53 The proposed development is for the use of the site for the transfer of aggregate which is imported by rail and exported by road to supply local construction projects. The applicant advises that one freight train loaded with aggregate is equivalent to approximately 75 HGVs and, therefore, that the proposal would have the effect of reducing the number of HGV trips on the highway network. In terms of utilising natural resources, as aforementioned in paragraph 7.49, the applicant proposes the use of a ground water collection system to re-use surface water within the dust suppression system with a connection to the mains water to act as a back-up supply to ensure the impacts of the proposal on air quality are adequately managed. The absence of green infrastructure within the site is noted

and the opportunity to provide additional landscaping is limited, particularly given the temporary nature of the proposed development. However, as stated in paragraph 7.44 of this report, the existing trees adjacent to the northwest boundary of the site should not be undermined by operations proposed in this planning application to ensure that this green corridor is maintained. Overall, it is considered that the proposed development achieves the relevant sustainable construction and design principles set out in the above development plan policies insofar as it is practicable and reasonable to achieve in the context of the temporary nature of the proposed development.

Planning Obligations

- 7.54 Paragraph 203 of the NPPF states that Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The Council's '*Planning Obligations SPD*' (April 2013). As set out within this report and schedule of 'Draft Conditions' contained in Appendix A, a number of conditions are recommended to ensure the impacts of the proposed development are appropriately mitigated. Should any of those conditions be breached or a complaint received regarding the authorised development, it is the Council's duty to investigate any such complaint and, where it is considered expedient, enforce against a breach of the planning permission to regularise the development.
- 7.55 Paragraph 204 of the NPPF states that Planning Obligations should only be sought where they meet all of the following tests: (1) necessary to make the development acceptable in planning terms; (2) directly related to the development; and (3) fairly and reasonably related in scale and kind to the development. On the basis that the proposed development is for a temporary period and conditions are considered to adequate to control the development, Officers do not recommend that any Planning Obligations should be sought.

8 EQUALITY AND DIVERSITY ISSUES

- 8.1 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."*

- 8.2 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.

8.3 In considering this planning application and preparing this report Officers have 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.

8.4 The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site. Also, the applicant has proposed the provision of one dedicated disabled parking bay plus a visitor parking bay laid out to the space requirements for a disabled parking bay. As such, the proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

9 CONCLUSION

9.1 In summary, the proposed development is considered to be an acceptable use of land given that it is sited on operational railway land and proposes to utilise the adjacent railway to facilitate the importation of aggregate for onward transfer by road to supply local construction projects.

9.2 Although the site is situated within land that benefits from outline planning permission for the Brent Cross Cricklewood regeneration scheme (planning ref. F/04687/13), the temporary nature of the proposed development provides satisfactory comfort that it would not undermine the comprehensive redevelopment of the regeneration area. In particular, the proposed period of 18 months is considered sufficient to allow the applicant to operate the application site as an aggregate transfer facility whilst enabling future proposals for the wider site in connection with the BXC regeneration scheme to be developed and subjected to the planning process. Therefore, any permission granted for a subsequent application is likely to supersede or replace any permission granted for the proposed development.

9.3 Design of the proposed development and the mitigation measures to be implemented is generally considered appropriate to ensure that the operation of the site as an aggregate transfer facility would not have any significantly adverse impacts on the amenity of nearby sensitive receptors. This is subject to the imposition of a number of conditions which set appropriate limits and other controls. These recommended conditions are set out in Appendix A of this report.

9.4 The traffic impacts of the proposed development on the public highway network have been appropriately assessed and it is considered that the operation of the site as an aggregate transfer facility is acceptable in terms of highway capacity and the safety and convenience of users of the highway. The site access achieves the appropriate visibility splays and adequate pedestrian access and car parking

provisions are provided.

- 9.5 Given the separation distance, intervening infrastructure and landscape features and topographical variation between the application site and the Railway Terraces Conservation Area, it is considered that the proposed development would not have a harmful impact on the setting of this heritage asset. Furthermore, it is noted that the significance of the Conservation Area is directly associated with the use of the adjoining railway.
- 9.6 In regard to the provision of green infrastructure and landscaping, it is noted that the site has already undergone a degree of clearance and does not contain any significant planting. The tree belt adjacent to the northwest boundary of the site is, however, considered valuable in terms of the visual, noise and dust screening it offers to future occupants of the adjacent residential development. This should be safeguarded (as far as the applicant is able to do so) throughout the duration of the development. Additionally, given the temporary nature of the proposed development and context within which the site sits, it is not considered reasonable to require the applicant to provide additional landscaping.
- 9.7 The proposal is also considered acceptable in terms of flood risk and drainage given that it is located in Flood Zone 1 and incorporates the provision of a ground water collection system which seeks to capture surface water for re-use in the proposed dust suppression system. Alongside this and the reduction in HGV movements that would otherwise be generated in the absence of using the railway to import aggregate, the proposed development is also considered to comply with the relevant requirements relating to sustainable design and construction.
- 9.8 Having regard to the relevant national and development plan policies and as a consequence of this planning appraisal, it is considered that the proposed development should be approved subject to the imposition of planning conditions set out in Appendix A of this report.

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APPENDIX A

LONDON BOROUGH OF BARNET

USE OF THE RAILWAY LAND FOR THE TRANSPORTATION OF AGGREGATES BY RAIL FOR A TEMPORARY PERIOD OF 18 MONTHS TOGETHER WITH THE PROVISION OF FENCING, CCTV, SECURITY HUT, WELFARE HUT, WEIGHBRIDGE, WHEEL WASH, DUST SUPPRESSION SYSTEM, DRAINAGE, PARKING FOR HGVs AND CARS, TRAVERSER ROAD, REPLACEMENT RAIL TRACK, STRUCTURES AND OTHER INFRASTRUCTURE AND ANCILLARY WORKS

PLANNING APPLICATION REF. 17/1254/FUL

DRAFT CONDITIONS

COMMENCEMENT AND TIME LIMITS

1. 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.

2. This permission shall be for a limited period only, expiring 18 months from the date of this permission (i.e. on XX March 2019), when the use hereby permitted shall be discontinued. Thereafter, all operations authorised by this planning permission shall cease unless further a planning permission is granted for the use of the site as an aggregate transfer facility.

Reason: To ensure the comprehensive redevelopment of the Brent Cross Cricklewood regeneration area as permitted by planning permission F/04687/13 (dated July 2014) is not undermined in accordance with saved Policy C1 of the Unitary Development Plan.

APPROVED DRAWINGS

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

- a) Site Location Plan (Ref. CC/001);
- b) Phase 1A Site Layout Plan (Ref. SK04 Revision D);
- c) Cricklewood Phase 1A Cross Sections (Ref. 60514840-BM-PW-DRG-002 Rev. P01);
- d) Access Arrangements with Visibility Splays (Ref. SK02 Rev. A);
- e) Swept Path Analysis (Ref. SK05 Rev. B);
- f) Phase 1A Dust Suppression (Ref. SK06 Rev. B);

- g) Indicative Stockpile Enclosure Plan Arrangement and Front and Rear Elevations (Ref. PR1-CAP-00-XX-DR-S-0001);
- h) Indicative Stockpile Enclosure Gable End Elevation and Section (Ref. PR1-CAP-00-XX-DR-S-0002); and
- i) Phase 1A Site Layout with National Grid Tunnel Overlay (southern boundary acoustic fence location) (Ref. SK07) and associated Absorptive Barrier Data Sheet and Illustration of Foundation Layout and Position (Gramm Barrier Systems Limited).

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).

OPERATIONAL CONTROLS

4. No development shall take place until details of the materials (including type, specification and colour) to be used for the construction of the aggregate storage bins and the associated covers (as shown on Plan Refs. PR1-CAP-00-XX-DR-S-0001 and PR1-CAP-00-XX-DR-S-0002) have been submitted to and approved in writing by the Local Planning Authority. 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 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

5. The aggregate storage bin covers approved by Condition 4 of this planning permission shall be erected prior to the commencement of the development hereby permitted and shall thereafter be retained in-situ for the duration of the development hereby permitted.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

6. No material other than aggregate (including only sand and Type 1 MOT stone) shall be imported to, or stored at, the site.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

7. With the exception of aggregate imported by locomotive, the development hereby permitted shall only be operated between the following hours until 31st May 2018:

- a) 6:00am to 6:00pm Mondays to Fridays;
- b) 6:00am to 1:00pm Saturdays; and
- c) No working on Sundays or Bank 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 the Development Management Policies DPD (adopted September 2012).

8. From 1st June 2018, with the exception of aggregate imported by locomotive, the development hereby permitted shall only be operated between the following hours:
- a) 8:00am to 6:00pm Mondays to Fridays;
 - b) 8:00am to 1:00pm Saturdays; and
 - c) No working on Sundays or Bank 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 the Development Management Policies DPD (adopted September 2012).

9. There shall be no more than three train deliveries per week (Monday – Saturday) amounting to maximum throughput of 6,000 tonnes of aggregate per week.

Reason: 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).

10. Stockpiles of aggregate shall only be stored within the aggregate storage bins provided and shall not exceed 5.6 metres in height.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

11. Floodlighting shall only be used during the permitted operational hours as controlled by Conditions 5 and 6 of this planning permission (as applicable). Otherwise, no additional illumination shall be erected or otherwise provided within the site.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

12. No operation authorised by this planning permission shall adversely impact the existing trees and hedgerows immediately adjacent to the northwest boundary of the site (alongside the Brent Cross Curve railway).

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2016; and that the proposed development does

not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

HIGHWAYS AND ACCESS

13. Prior to the commencement of the development a detailed Delivery and Servicing Strategy shall be submitted to and approved in writing by the Local Planning Authority. The detailed Delivery and Servicing Strategy shall thereafter be implemented as approved for the duration of the development.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

14. The maximum number of Heavy Goods Vehicle (HGVs) movements (any vehicle over 3.5 tonnes unladen weight) in connection with the development hereby permitted shall not exceed 90 per day (45 in, 45 out).

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

15. Vehicular ingress and egress to/from the site shall be via the existing access off the A5 Edgware Road only. Thereafter, HGV traffic travelling between the site and A406 North Circular Road shall only use the A5 Edgware Road and shall not use Dollis Hill Lane, Humber Road or Oxgate Lane or any other residential streets in the area.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

16. HGVs shall not be permitted to idle and shall be to Euro 6 Standard as a minimum.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

17. Locomotives shall not be permitted to idle and shall be fitted with stop/start technology.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

18. Traffic speed on site shall be limited to and shall not exceed 15 miles per hour (mph).

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

19. All loaded HGVs shall be enclosed prior to entering or exiting the site.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

20. No fires shall be permitted at the site.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

NOISE

21. The design of the buildings, yard facilities and operational practice shall ensure that night time noise levels at nearby residential properties in the Railway Terraces Conservation Area and Brent Terrace do not exceed **LA eq 5mins 45dB** or **LAeq, 8hr, 40dB** (measured as free field) and that at all times noise emissions do not exceed 5db below existing background LA90 levels in accordance with BS4142.

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.

The design of the buildings, yard facilities and operational practice shall ensure that noise emissions at the residential development adjacent to the northwest boundary of the site at all times do not exceed 5db below existing background LA90 levels in accordance with BS4142.

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 7.15 of the London Plan 2011.

22. The acoustic fencing to be provided along the eastern and southern boundary of the site (as shown on Plan references SK04 Rev. D and SK07) shall be erected prior to the commencement of the development and thereafter retained for the duration of the development hereby permitted..

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

AIR QUALITY

23. Prior to the commencement of the development hereby permitted a 'Demolition & Construction Method Statement' shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise dust, noise and vibration pollution. The development shall thereafter be implemented in accordance with the approved Demolition and Construction Method Statement for the duration of the construction phase of the development.

Reason: In the interests of highway safety 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 April 2013) and Policy 5.21 of the London Plan (2011).

24. Prior to the commencement of the development hereby permitted an Air Quality and Dust Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Air Quality and Dust Management Plan shall include, but not be limited to, the following details:
- a) Details of the paved areas and dust mitigation measures for the storage, handling and transfer of aggregates;
 - b) The types and specifications of all fleet engines and non-road mobile machinery on site;

The development shall thereafter be implemented in accordance with the approved Air Quality and Dust Management Plan for the duration of the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

25. Levels of PM₁₀ and dust from the site must be monitored on site until otherwise agreed by the London Borough of Barnet. The specification and location must be agreed by the Local Planning Authority in consultation with London Borough of Barnet's Scientific Services. Thereafter, all requirements related to the continued operation of the monitoring equipment must be carried out including servicing, calibration, ratification of data and all data management. Ratified data from these monitoring units shall be submitted to the London Borough of Barnet's Scientific Services on a monthly basis throughout the duration of the development hereby permitted.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

26. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the development shall comply with the emission standards set out in Chapter 7 of the GLA's Supplementary Planning Guidance ('SPG') 'Control of Dust and Emissions During Construction and Demolition' (dated July 2014) or subsequent guidance as applicable at that time. Unless it complies with the standards set out in this SPG (or other subsequent guidance), no NRMM shall be on site at any time, whether in use or not, without the prior written consent of the Local Planning Authority. The developer shall keep an up to date list of all NRMM using during the development on the online register at <https://nrmm.london/>.

Reason: In the interest of good air quality with regard to London Plan Policies 5.3 and 7.14.

CONTAMINATION

27. Prior to the commencement of the development hereby permitted:

PART 1

- a. A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. 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:
- i. A risk assessment to be undertaken,
 - ii. Refinement of the Conceptual Model, and
 - iii. The development of a Method Statement detailing the remediation requirements.
- The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.
- c. 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 April 2013) and 5.21 of the London Plan 2016.

WATER ENVIRONMENT

28. Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed system.

Reason: To reduce the risk of pollution to the water environment in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012)

INFORMATIVES

I402 ACOUSTIC CONSULTANT TO BE USED

The applicant is advised to engage a qualified acoustic consultant to advise on the development, including the design and specification necessary to achieve the required noise levels at neighbouring sensitive premises. This needs to be considered in the context of habitable room ventilation requirements.

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. Scale diagrams, photographs and raw results of monitoring sites should be included.

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.

AIR QUALITY

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

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance: 1) Environmental Protection UK and IAQM

Guidance: Land-Use Planning and Development Control: Planning for Air Quality, May 2015); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007) 5) London Local Air Quality Management Technical Guidance LLAQM.TG(16), 6) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014) and 7) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions'.

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.

CONSTRUCTION METHOD STATEMENT

The submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday – Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

TRAVEL PLAN

The applicant is advised that although a Travel Plan is not required as the development falls below the appropriate Travel Plan thresholds, they are encouraged to implement voluntarily the Travel Plan Statement (EAS, February 2017) submitted with the planning application to promote more sustainable forms of travel. Further advice can be sought via developmenttravelplans@barnet.gov.uk or Tel: 020 8359 7603.

APPENDIX B: SUMMARY OF PUBLIC CONSULTATION RESPONSES

	SUMMARY OF PLANNING OBJECTIONS	OFFICER COMMENTS
No.	Principle of the Development	
1	I am opposed to the building of a freight facility at such a short distance from the Terraces.	Planning permission exists for the development of a rail freight facility on this (and the wider Cricklewood Railway Yard) site by virtue of the s.73 Permission for the Brent Cross Cricklewood ('BXC') regeneration scheme. This outline planning permission is still capable of being implemented at this stage and therefore the principle of using this land as a rail freight facility has already been established.
2	The proposed temporary use, if granted, must not set a precedent for a future application to extend the site.	<p>The planning application proposes a temporary use of the northern part of the site as an aggregate rail freight facility. The application site falls within the BXC regeneration area which benefits from outline planning permission granted in July 2014. As stated in 1 above, this outline permission includes the delivery of a rail freight facility ('RFF') on this (and the wider Cricklewood Railway Yard) site. In view of the programme for delivery of the permitted BXC regeneration scheme, the applicant has proposed the use of the site for a temporary period so as to not undermine the comprehensive redevelopment of the BXC regeneration area through implementation of the outline planning consent. Therefore, any planning permission (if granted) would be for the proposed 18 month period and would be required (by condition) to cease after this period.</p> <p>Local residents and stakeholders will also be aware through a number of public exhibitions that the Council's Regeneration Team are progressing plans for the delivery of the abovementioned RFF on this site (and the wider Cricklewood Railway Yard site) as part of the BXC regeneration scheme. A planning application for this RFF was recently submitted to the Council and the acceptability of this proposal will be tested through the normal planning process.</p>
3	Unsuitable land use adjacent to a residential area.	As stated in 2 above, the application site falls within a wider site which benefits from outline planning permission for delivery of a RFF. As such, the use of the land as a RFF has already been established.
	Amenity Impacts: Air Quality	
4	The proposed development would have an unacceptable and damaging effect upon the already poor air quality in	The planning application is accompanied by an Environmental Statement which includes an assessment of air quality (Chapter 3) to determine whether the impacts of

	<p>this area.</p>	<p>the proposed development would be significantly adverse and, consequently, whether any mitigation measures are required to reduce any such impacts to acceptable levels. This includes an assessment of (inter alia) existing air quality, potential for wind-blown dust, impacts on human health, road traffic emissions, and impact on residential amenity (dust soiling).</p> <p>A further Dusk Risk Assessment document (June 2017) was provided in response to the Council's request for further information.</p> <p>Through the Council's consultation exercises, the assessment submitted by the applicant has been reviewed by the Council's Environmental Health Team who have provided responses (including recommended conditions) that have informed the Officer's planning appraisal and recommendation.</p>
5	<p>The development will generate unacceptable dust impacts upon the local residential area.</p> <p>Dust is already a problem in the local area.</p> <p>Wind-blown dust could impact upon allotments located between the Railway Terraces and the railway. No screening or protection has been proposed.</p>	<p>See response to 4 above.</p>
6	<p>If permission is granted, a roof over the facility should be provided to protect residents from dust.</p>	<p>Following the Council's request for further information in May 2017, the applicant sought to amend the proposal to address concerns relating to air quality. The amendment resulted in the provision of structures over the proposed aggregate stockpiles/bins.</p>
7	<p>Resulting air pollution will put residents' health at risk and will make the area impossible to live in (reference to asthma and other respiratory conditions are made).</p> <p>Stationary traffic along an already congested Cricklewood Lane would be detrimental to human health.</p>	<p>See response to 4 above.</p>
8	<p>Nitrogen dioxide levels in the area were recently monitored at 41.6 micrograms per cubic metre – the limit is 40 (Edgware Road is quoted in particular as breaching NO₂ limits).</p>	<p>The air quality assessment submitted as part of the Environmental Statement includes an assessment of Nitrogen Dioxide. As set out within the Officer's report, the Council consulted the Environmental Health department who have reviewed this assessment and raised no objections in regard to its conclusions regarding Nitrogen Dioxide emissions as a result of the proposed development.</p>

9	An increase in freight traffic is likely to have a negative impact on already poor air quality in the area.	See response to 4 above.
10	Any protections/mitigation provided must be guaranteed and subject to effective monitoring and enforcement. The hours of operation must be reduced to limit pollution.	Any planning permission granted will be subject to a number of conditions, some of which will relate to the implementation of various mitigation measures to control the impact of the proposed development, including those relating to air quality and hours of operation. The applicant will be obliged to comply with all of the conditions attached to any planning permission and if any breach is identified, appropriate enforcement investigations will be undertaken by the Council's Planning Enforcement Team.
11	More dust, noise and pollution than its proposed predecessor (s.73 Permission) and less mitigation measures are intended (no acoustic screen and transfer station in the open). Inadequate mitigation measures to safeguard nearby residents.	The proposed development is for an aggregate transfer facility which is intended to be operated for a period of 18 months. Whilst this is a different type of freight facility from that envisaged in the outline planning permission, it is not intended to be the final proposals for the freight facility as part of the BXC regeneration scheme. The applicant has therefore proposed mitigation measures commensurate with the type and scale of the freight facility proposed. See response to 10 also.
12	Best Practice dust prevention can fail on open sites, therefore a covered site is the only solution (this will also aide noise reduction). Substantial vegetation should also be established within the perimeter to help with dilution of pollution levels.	See response to 6 above.
13	Reference is made to the Mayor of London's recent statements and publications aimed at addressing London's air quality.	The proposed development will be considered against the relevant development plan policies including those contained within the London Plan, Barnet's Core Strategy and Development Management DPDs and adopted Supplementary Planning Documents.
Amenity Impacts: Noise		
14	The development will result in unacceptable noise impacts upon local residential areas (Railway Terraces and future occupants of the Fellows Square development).	The planning application is supported by an Environmental Statement which includes an assessment of noise (Chapter 4) to determine whether the impacts of the proposed development would be significantly adverse and, consequently, whether any mitigation measures are required to reduce any such impacts to acceptable levels. As part of this assessment, the applicant has identified various sensitive receptors in proximity to the application site (including Railway Terraces and North West Residential Development, as referred to within the assessment) and conducted their

		<p>assessment on that basis.</p> <p>Further information was provided in respect of this noise assessment in June 2017 in the form of an addendum to the Environmental Statement in response to the Council's request for further information (May 2017). This included an assessment of the effect of amendments to the proposed development, including the erection of structures over the aggregate stockpile bins which would create a barrier effect to noise.</p> <p>Through the Council's consultation exercises, the assessment and further information submitted by the applicant has been reviewed by the Council's Environmental Health Team who have provided responses (including recommended conditions) that have informed the Officer's planning appraisal and recommendation.</p>
15	<p>The acoustic barrier is trackside and may shield Brent Terrace but not the Railway Terraces residents.</p> <p>There should be an acoustic screen adjacent to the Railway Terraces properties.</p>	<p>The noise assessment provided within the Environmental Statement did not identify the need for additional noise mitigation measures in regard to residential properties within Railway Terraces.</p> <p>The conclusion of this assessment has been reviewed by the Council's Environmental Health Team, as stated in 14 above.</p>
16	<p>A number queries were raised in response to the Noise Assessment provided with the application (within the EIA):</p> <ul style="list-style-type: none"> - Noise from the plant is very noisy and in reality the noise will be greater than that stated. If not, the penalties given are very low (only 3dB for intermittency has been applied, which is barely perceptible). A 6dB or 9dB penalty should be applied. - Noise sources given didn't identify reversing beepers, which are generally tonal and intermittent; no account taken of the use of the CAT shovel; a train moving off is not intermittent noise; and loading aggregate onto an 8-wheeler is continuous noise with no tonality, intermittency or impulsivity. - Assumptions made that Dorchester Court is the most affected dwelling. Greater consideration 	<p>See response to 14 above.</p>

	<p>should be given to no.39 Needham Terrace.</p> <ul style="list-style-type: none"> - Further evidence is required to qualify the stated barrier effect of the buildings and perceptibility of impulsivity of noise. - No noise (or air quality) assessment provided for the generators to be provided in the welfare cabins. - The sound of aggregate being loaded from trains to HGV by grabber will create an impulsive noise impact. 	
17	<p>Based on the changes proposed compared to the existing (outline) planning permission, there will be increased noise from traffic over a longer duration due to the early start in the mornings.</p> <p>As a minimum, activities should be conducted under cover with suitable acoustic screens.</p>	<p>The rail freight facility envisaged in the BXC outline planning permission is for the provision of a transfer point for containerised and palletised goods operated over 24-hours/7 days a week. Whilst contained within a building, this rail freight facility had the potential to generate traffic (and any noise arising from it) at any point in the day/week.</p> <p>The applicant has amended the proposed development to incorporate the erection of structures over the proposed aggregate stockpile bins. This is principally to control the emission of dust arising from the movement of aggregate from train to stockpile and stockpile to HGV; however, the structures are also recognised as offering some noise reduction benefits. This amendment has been assessed by the applicant within the Further Information submitted in June 2017, including an addenda to Chapter 4 of the Environmental Statement.</p>
18	<p>The hours of operation (6am-6pm).</p> <p>The proposed operating hours (6am-6pm) must be accompanied by independently calculated and specified noise reduction measures – 6am is too early for noisy works.</p> <p>Inadequate provisions for noise reduction particularly given the suggested hours of operation.</p> <p>Hours of operation should be conditioned.</p>	<p>As per the above responses (14 and 17), the applicant has provided a noise assessment which has been reviewed by the Council’s Environmental Health Team.</p> <p>The impact of the proposed development on the amenity of local residents, including those relating to noise, is considered in the Officer’s report as an assessment against relevant development plan policies and other material considerations.</p> <p>The conclusion of that review is that the proposed development is likely to cause the greatest impact on the (future) occupants of the residential development to the northwest of the application site (a.k.a Fellows Square or ‘North West Residential Development (‘NWRD’)) compared to the noise limits set by Condition 42.1 of the BXC outline (s.73) planning permission. The residents at Brent Terrace and Railway Terraces would be affected to a lesser extent. As such, the Environmental Health</p>

		Officer has recommended that any permission granted should be subject to a condition limiting the hours of operation from 6:00am-6:00pm Monday-Friday and 6:00am-1:00pm Saturdays until such time as the NWRD is occupied by the first resident. From this point, it is recommended that the development be confined to the hours of 8:00am-6:00pm Monday-Friday and 8:00am-1:00pm Saturdays (no Sunday or Public Holiday working).
Amenity Impacts: Vibration		
19	Vibration from freight trains affects the Terraces. They (the trains) build resonance in the houses, particularly in the upper floors where the joists flex and TV/monitors bounce. Aggregate trains are worse so this application represents an increase in vibration impact over the container based application previously submitted.	<p>The Environmental Statement submitted with the planning application included an assessment relating to (noise and) vibration (Chapter 4). As aforementioned, this has been reviewed by the Council's Environmental Health Team who have provided comments in response to the consultation exercise.</p> <p>The impact of the proposed development on residential amenity, is considered in the Officer's report as an assessment against relevant development plan policies and other material considerations.</p>
Amenity Impacts: Lighting		
20	<p>Concern is raised about light pollution and the blocking of light.</p> <p>Efforts should be made to ensure whatever buildings are necessary are as light and discreet as possible to reflect light and mitigate shadows being cast over the Railway Terraces.</p>	<p>The impact of the proposed development on residential amenity, including the consideration of potential light spill, is considered in the Officer's report as an assessment against relevant development plan policies and other material considerations.</p> <p>The only structures proposed as part of this planning application are the structures to be erected over the aggregate stockpiles and the stockpile bins themselves. The application also includes the erection of a welfare cabin and security hut; however these are single storey and unlikely to be visible from outside the application site.</p>
21	<p>There will be considerable light pollution as the site will have 24-hour security and work will take place from 6am-6pm.</p> <p>This will be more noticeable during the winter months.</p>	See response to 20 above.
Amenity Impacts: Visual Intrusion		
22	The rail freight facility will be visible from residential	The impact of the proposed development on residential amenity, including

	properties and associated gardens within the Railway Terraces and therefore disruptive.	consideration of visual intrusion, is considered in the Officer's report as an assessment against relevant development plan policies and other material considerations.
Traffic Impacts		
23	<p>The Local Road (Edgware Road) already suffers from significant congestion issues and the network will not be able to cope with the uplift in vehicular trips required to service the development.</p> <p>In combination with the wider regeneration of the area (particularly the Waste Transfer Station) and other development along the A5, traffic levels resulting from this proposal (up to 16 per hour) would be unacceptable.</p>	<p>The planning application is supported by a Transport Assessment (EAS, February 2017) which assesses the impact of the trips to be generated by the proposed development (HGVs and car) against the baseline, which includes the regeneration scheme permitted by the BXC outline (s.73) planning permission, and what effect this has on the local highway network (including the A5 Edgware Road).</p> <p>As set out within the Officer's report, following the Further Information submitted in June 2017 and subsequent clarification provided by the applicant in July 2017, the Council's Transport and Regeneration Team raised no objections to the proposed development.</p>
24	Site access is located immediately opposite the Cricklewood Bus Garage. The addition of a significant number of additional large vehicle trips in this location will have significant traffic and safety upon the Edgware Road.	See response to 23 above.
25	The site layout details are insufficient as the tracking of arctic lorries appear to go through the wheel wash. Tracking should be provided for all vehicle types.	This matter was picked up by the Council's Transport and Regeneration Team who requested that the applicant provide further information to demonstrate that two opposing HGVs could
26	Increased vehicular traffic on Cricklewood Broadway and Elm Grove, which is often used as a shortcut by heavy lorries. This will decrease air quality, which is already poor in this area.	See response to 23 and 4 above.
27	<p>There is no apparent consideration of the intended increase in traffic that will affect the entire area.</p> <p>The transport assessment is inadequate for the purposes of the temporary permission for aggregate handling. It does not consider:</p> <ul style="list-style-type: none"> - Number of vehicles expected to enter and exit the yard or usage of these vehicles; and 	See response to 23 above.

	<p>- It has been written in support of the new rail freight facility and does not relate to the usage of land for aggregate handling in the capacity that this planning application is requesting.</p>	
28	<p>Noise and traffic on the railway has increased immensely since 2000.</p>	<p>The planning application proposes that aggregate would be delivered to the site via three trains each week. These train movements would be in addition to the existing rail traffic utilising the Midland Mainline tracks. Any increases in rail traffic since 2000 is not attributable to the proposed development and would be governed by the statutory undertaker, Network Rail.</p>
Lack of Consultation		
29	<p>The developer did not engage in a pre-application consultation process.</p> <p>The developer has clearly showed contempt for residents as stated within the planning application:</p> <p><i>"Given the very specific detailed technical operations proposed onsite for the Rail Freight Facility to deal with the transportation by rail of aggregate it was decided not to engage with the public directly. It was considered that there would be no benefit to either DB Cargo or the general public from such a consultation."</i></p>	<p>There is no statutory requirement for developers to engage in pre-application consultations with members of the public, or indeed the Council. As set out in response 31 below, the Council are required to publicise the submission of a planning application and it has done so in respect of this application.</p>
30	<p>Work is currently being undertaken on this site, which should cease as no consultation with the public has been undertaken.</p>	<p>The Council is aware that some activity, including site clearance, has taken place prior to the determination of this planning application. The Planning Enforcement Team conducted an investigation into this after receiving complaints. Given that this planning application remains to be determined by the Council, whereby some of the activity appeared to relate to the proposals contained within it, it was not considered expedient to take any formal action at the time.</p>
31	<p>Further public consultation should be carried out before a decision is made.</p> <p>Closer engagement with residents is requested.</p>	<p>Upon registration of the planning application, the Council conducted consultation with a number of local residents (along with both statutory and non-statutory consultees). Following the receipt of Further Information pursuant to the EIA Regulations, the Council conducted further consultation with those who had made representations in response to the first round of consultation. Having now carried out a planning assessment, Officers are now in a position to make a recommendation on</p>

		the application and present this to Members of the Planning Committee for determination. The Council are not required to conduct further consultation before presenting the application to the Planning Committee.
32	Inadequate consultation of Railway Terraces residents and the Terraces appear to have been 'airbrushed' out of the environmental reports.	The Council conducted public consultation with those residents and occupants in the close vicinity of the application site. The properties collectively referred to as 'Railway Terraces' are located over 250 metres to the south of the application site and were therefore not included within this original consultation exercise. In a request for Further Information issued in May 2017, the Council requested clarification regarding the identification of 'sensitive receptors' in respect of the Noise and Vibration assessment provided within the Environmental Impact Assessment. This request was amongst a number of other matters requiring either further information or clarification.
Variance of Development from s.73 Permission		
33	The previous planning application has conditions such as keeping the waste covered, this application does not.	The proposed development is for the transfer of aggregate and would not involve the importation, storage or transfer of any waste. Furthermore, the rail freight facility envisaged in the s.73 Permission on this (and the wider) site was for the transfer of containerised and palletised goods.
34	Outline planning permission was granted years ago for the use of land for an enclosed freight transfer; however, this was not for the transfer of aggregates in the open. The proposed development should be subject to the same controls set out in previous conditions (i.e. enclosed/roof over the site and acoustic barrier to the south of the site).	As referred to in responses 1 and 2 above, the application site falls within the BXC regeneration area which benefits from outline planning permission granted in July 2014 ('s.73 Permission'). This outline permission includes the delivery of a rail freight facility ('RFF') on this (and the wider Cricklewood Railway Yard) site. The RFF envisaged in the s.73 Permission was a transfer point for conventional freight that is generally on pallets or roll cages to be operated 24 hours/7 days a week. This outline consent includes the erection of a building with up to 29,300m ² of floorspace. The proposed development is for the operation of an aggregate transfer facility for a temporary period of 18 months in cognisance of the BXC regeneration scheme. It is hoped that the applicant can operate this temporary facility in the short term whilst the Council's Regeneration Team submit a planning application for the BXC RFF and the Local Planning Authority give due consideration to it. Therefore, this proposal is not the RFF that will be pursued as part of the BXC regeneration scheme. Nevertheless, the proposed development will be subject to similar material planning considerations, including the impact of noise and dust emissions. As stated in

		response 17, the applicant has amended the proposed development to now incorporate the erection of structures over the stockpile bins to ameliorate noise and air quality impacts. The acceptability of the proposed development in this regard is considered within the Officer's report.
35	The proposed use may be an impermissible variation of the previous planning permission for the site connected with the BXC scheme.	The outline planning permission granted by the s.73 Permission remains extant and capable of implementation. This application does not seek to vary that existing permission but is instead a separate planning application seeking full permission (albeit for a temporary period of time). No mechanism or other control exists within planning law to prevent further planning applications being submitted to the Council for development of the same site.
36	Some years ago, it was agreed that there would be an enclosed freight station with access to and from the north, and the Terraces would be protected by an acoustic screen. I am shocked to hear that the development is to be much larger – extending south and nearer to the Terraces.	In terms of vehicular access, the outline planning permission envisaged access to new RFF is off the A5 Edgware Road in a location that generally coincides with the existing access point (albeit altered to provide a separate entrance and exit point). In respect of how trains would access the site, the applicant has stated that trains would enter from the north off the Hendon (bi-directional) line and the loco would then do a loop to propel wagons into the site. The train would then split between the two sidings. On exit, the loco would pull the first set of empty wagons from one siding and then couple with the second set using the 400 metre headshunt before re-joining the main line. This planning application proposes the use of part of Cricklewood Railway Yard (i.e. the area at the northern extent, which is furthest from Railway Terraces) as an aggregate transfer facility. The area between the application site and the properties within Railway Terraces does not form part of the proposed development.
Monitoring and Enforcement		
37	Full, on-going and meaningful consultation with the residents of the Terraces is required; along with a clear and agreed enforcement procedure must be established to ensure compliance.	In terms of the planning process, the Council have carried out their statutory obligations in terms of notifying and consulting local residents as well as the relevant statutory and non-statutory organisations. Any planning permission granted is likely to be subject to a number of conditions which the applicant must comply with. If a breach of any of those planning conditions are found, the Council will (via the Planning Enforcement Team) investigate the breach and determine the appropriate course of action (if necessary). The applicant has also provided a management plan (submitted in June 2017 along

		with other Further Information) which details methods of engagement with local residents including a twice yearly meeting on site to discuss any concerns and provides contact details for the Site Supervisor, Project Manager and Project Supervisor. Furthermore, the applicant has proposed to monitor air quality and supply the data to the Council.
38	Previous complaints have been made to the Council about noisy works on the railway at night and were informed that the Council had no control over this. How could you control the open aggregate facility.	Works on the railway are outside of the Council's control as these are undertaken by the statutory railway undertaker, Network Rail, and other licenced Train Operating Companies or Freight Operating Companies who are permitted to use and undertake works to the railway under regulations outside of planning control.
39	Permanent 24-hour independent and automatic dust and noise monitoring must be instigated to ensure long-term compliance.	The applicant has proposed a number of noise and dust mitigation measures including the use of a dust suppression system facilitated by a number of 'rainguns' around the site which would dampen down aggregate stockpiles and the wider site. The applicant has also proposed the use of a wheel wash to prevent dust from being tracked off site by HGVs. In terms of noise, the applicant has proposed the erection of acoustic fencing and structures over aggregate stockpiles to mitigate noise and dust emissions. The Environmental Health Team have reviewed these proposed dust/air quality and noise management measures as part of the Council's consideration of this planning application. If planning permission is granted, it is likely that these mitigation measures will be the subject of planning conditions to control the development.
40	Mitigation practices should be regularly audited at the applicant's expense and by a person employed by the Council.	The monitoring of conditions (including mitigation measures) will be the responsibility of the Council. If any breach of a condition is discovered, the Planning Enforcement Team will conduct an investigation and determine what action is appropriate (if any) to regularise the development.
Adequacy of the Environmental Impact Assessment (EIA)		
41	The environmental impact study is inadequate/insufficient for this type of noise, hours of work, level of pollution, etc.	The technical assessments contained within the EIA have been reviewed by relevant experts through the Council's consultation exercise(s) in consideration of this planning application. Further information and other points of clarification were requested in May 2017 and the applicant submitted the request information for further consideration (and consultation with relevant experts) in June 2017.
42	The application states that no environmental mitigation is necessary because (1) the railway bank will shield houses from noise and (2) the prevailing wind from the SW will	The EIA submitted in support of this planning application includes an assessment relating to noise (and vibration) (Chapter 4) which identifies the sensitive receptors

	blow dust north east, away from the Terraces. However, upper floors of properties at the northern end of the Terraces are immediately adjacent to and on the same level as the southern end of the site (Cricklewood Railway Yard); and there are many days when winds are not from the south west, or when there is little wind at all, and dust will settle close to where it is created.	considered within that assessment. This assessment, including the appropriateness of the sensitive receptors identified, has been reviewed by the Council's Environmental Health Team. This review has in turn informed the Officer's assessment of the proposed development and the recommendation to the Planning Committee.
43	No technical research on noise, biodiversity and air quality has been done beyond the project's own Phase 1A and Phase 1B borders.	The applicant's EIA has been carried out in a manner proportionate to the proposed development and, as guidance dictates, is only required to consider impacts that are likely to be significant. The EIA does include a chapter relating to cumulative impacts (Chapter 8) which considers existing and other committed developments that might add to or compound the impacts associated with the proposed development.
Impact on Heritage Assets		
44	Insufficient consideration and mitigation on the effects (of the proposal) on the Terraces, which is designated as a Conservation Area (floodlighting, noise and dust).	The considerations of archaeological and cultural heritage assets, including the Cricklewood Railway Terraces Conservation Area, was scoped out of the applicant's EIA for reasons relating to the visibility of the proposed development from the Conservation Area and that any impact on its setting would be negligible (see Appendix 1.1 to Chapter 1 of the EIA). The Officer's report considers the impact of the proposed development on this particular designated heritage asset.
45	The proposal does not seem to address the impact on the Railway Terraces Conservation Area. In reference to the Conservation Area Appraisal and policy on Conservation Areas, the proposed development goes against the requirement to preserve and enhance.	See response to 44 above.
46	The proposed development will cause unacceptable harm to the green communal amenity spaces unique to this Conservation Area through increased traffic and dust.	See responses 4-13 above in regard to Amenity Impacts: Air Quality.
Other		
47	The development will reduce the quality of life for residents in the local area.	See responses 4-22 above in regard to various amenity impacts that might affect quality of life.

48	The temporary aggregate transfer facility should not be allowed without the same constraints as have been established within the Brent Cross Regeneration Proposals.	See response 11 above.
49	The application describes a temporary use for a period of 18-months but in fact appears to be Phase 1 of a larger scale operation that will encroach further onto the Railway Terraces.	See response 2 above.
50	Adverse impact of the proposed development on the allotments to the south of the site (and ability to grow fruit and vegetables); along with the impact on the wildlife (number of amphibians and birds) that have inhabited this area from dust pollution.	<p>The EIA submitted in support of the planning application assesses the impact of the proposed development on ecological receptors (Chapter 6), including a number of protected amphibian and bird species. The assessment noted in particular the lack of connectivity between the site and surrounding areas due to the rail infrastructure constraining the site.</p> <p>In terms of the potential for impacts off-site as a result of dust emissions, please see earlier responses 4-13 above in regard to the assessment and mitigation of air quality.</p>
51	<p>The allotments are considerably valuable in terms of recreational and health and well-being opportunities which will be blighted by the proposed development.</p> <p>There is also a contamination risk to the soil from the airborne pollutants and dust.</p>	<p>See response 50 above and also responses 4-13 regarding air quality.</p> <p>In terms of contamination risk, the EIA includes a Site Investigation report (Appendix 1.2 to Chapter 1) which includes an appraisal of ground conditions, and a further Drainage Strategy was submitted in June 2017. The latter of these assesses the potential for foul and surface water run-off from the site and consequently advises the need for various mitigation measures. These are considered in the Officer's report as part of the Council's consideration of this planning application.</p>

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LOCATION: Phase 5, Millbrook Park, Frith Lane, London, NW7 1PX
REFERENCE: 17/3304/RMA **Received:** 23 May 2017
WARD(S): Mill Hill **Accepted:** 25 May 2017
Expiry: 24 August 2017

APPLICANT: Joseph Homes

PROPOSAL: Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 5 of the Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 144 units in the form of 38 x 1 bedroom flats, 17 x 3 bedroom flats, x 17 x 3 bedroom houses and 16 x 4 bedroom houses, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 58, 63, 69, 70, 80, 83 and 85.

RECOMMENDATION: Approve Subject to Conditions

1. 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.

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

Site Location Plan 170072-3DR-MP-00-DR-000
 Proposed Block Plan 170072-3DR-MP-00-DR-001
 Existing Site Plan 170072-3DR-MP-00-DR-003
 Proposed Site Plan – Ground Level 170072-3DR-MP-00-DR-010
 Proposed Site Plan – Roof Level 170072-3DR-MP-00-DR-011
 Proposed Elevations in Context 170072-3DR-MP-E-DR-030
 Proposed Section in Context 170072-3DR-MP-SE-DR-040
 Type 01A West 4B – Proposed Plans 170072-3DR-HT-ZZ-DR-100
 Type 01A West 4B – Proposed Section 170072-3DR-HT-SE-DR-101
 Type 01A West 4B – Proposed Elevations 170072-3DR-HT-SE-DR-102
 Type 01A West 4B – Proposed Area Plans (GIA) 170072-3DR-HT-ZZ-DR-20 103
 Type 01A West 4B – Proposed Area Plans (GEA) 170072-3DR-HT-ZZ-DR-D104

Type 01A West 4B – Proposed Axial Views 170072-3DR-HT-XX-DR- D105
Type 01B West 4B – Proposed Plans 170072-3DR-HT-ZZ-DR- D110
Type 01B West 4B – Proposed Sections 170072-3DR-HT-SE-DR- D111
Type 01B West 4B – Proposed Elevations 170072-3DR-HT-SE-DR- D112
Type 01B West 4B – Proposed Area Plans (GIA) 170072-3DR-HT-ZZ-DR-
D113
Type 01B West 4B – Proposed Area Plans (GEA) 170072-3DR-HT-ZZ-DR-
D114
Type 01B West 4B – Proposed Axial Views 170072-3DR-HT-XX-DR- D115
Type 02 West 4B – Proposed Plans 170072-3DR-HT-ZZ-DR- D120
Type 02 West 4B – Proposed Sections 170072-3DR-HT-SE-DR- D121
Type 02 West 4B – Proposed Elevations 170072-3DR-HT-SE-DR- D122
Type 02 West 4B – Proposed Area Plans (GIA) 170072-3DR-HT-ZZ-DR-
D123
Type 02 West 4B – Proposed Area Plans (GEA) 170072-3DR-HT-ZZ-DR-
D124
Type 02 West 4B – Proposed Axial Views 170072-3DR-HT-XX-DR- D125
Type 03 South 4B – Proposed Plans 170072-3DR-HT-ZZ-DR- D130
Type 03 South 4B – Proposed Sections 170072-3DR-HT-SE-DR- D131
Type 03 South 4B – Proposed Elevations 170072-3DR-HT-SE-DR- D132
Type 03 South 4B – Proposed Area Plans (GIA) 170072-3DR-HT-ZZ-DR-
D133
Type 03 South 4B – Proposed Area Plans (GEA) 170072-3DR-HT-ZZ-DR-
D134
Type 03 South 4B – Proposed Axial Views 170072-3DR-HT-XX-DR- D135
Type 04 South 4B – Proposed Plans 170072-3DR-HT-ZZ-DR- D140
Type 04 South 4B – Proposed Sections 170072-3DR-HT-SE-DR- D141
Type 04 South 4B – Proposed Elevations 170072-3DR-HT-SE-DR- D142
Type 04 South 4B – Proposed Area Plans (GIA) 170072-3DR-HT-ZZ-DR-
D143
Type 04 South 4B – Proposed Area Plans (GEA) 170072-3DR-HT-ZZ-DR-
D144
Type 04 South 4B – Proposed Axial Views 170072-3DR-HT-XX-DR- D145
Type 05 North 3B affordable – Proposed Plans 170072-3DR-HT-ZZ-DR-
D150
Type 05 North 3B affordable – Proposed Sections 170072-3DR-HT-SE-DR-
D151
Type 05 North 3B affordable – Proposed Elevations 170072-3DR-HT-SE-
DR- D152
Type 05 North 3B affordable – Proposed Area Plans (GIA) 170072-3DR-HT-
ZZ-DR- D153
Type 05 North 3B affordable – Proposed Area Plans (GEA) 170072-3DR-
HT-ZZ-DR- D154
Type 05 North 3B affordable – Proposed Axial Views 170072-3DR-HT-XX-
DR- D155
Type 06 North 3B – Proposed Plans 170072-3DR-HT-ZZ-DR- D160

Type 06 North 3B – Proposed Sections 170072-3DR-HT-SE-DR- D161
Type 06 North 3B – Proposed Elevations 170072-3DR-HT-SE-DR- D162
Type 06 North 3B – Proposed Area Plans (GIA) 170072-3DR-HT-ZZ-DR-
D163
Type 06 North 3B – Proposed Area Plans (GEA) 170072-3DR-HT-ZZ-DR-
D164
Type 06 North 3B – Proposed Axial Views 170072-3DR-HT-XX-DR- D165
Proposed Level 00 Car Park 170072-3DR-AP-B1-DR- D200
Proposed Level 01 Podium 170072-3DR-AP-01-DR- D201
Proposed Level 02 170072-3DR-AP-02-DR- D202
Proposed Level 02 170072-3DR-AP-02-DR- D202
Proposed Level 03 170072-3DR-AP-03-DR- D203
Proposed Level 04 170072-3DR-AP-04-DR- D204
Proposed Level 05 170072-3DR-AP-05-DR- D205
Proposed Roof Plan 170072-3DR-AP-RF-DR- D206
Proposed Typical 1 Bed Unit – Lifetime Homes 170072-3DR-AP-ZZ-DR-
D300
Proposed Typical 1 Bed Unit with recessed balcony – Lifetime Homes
170072-3DR-AP-ZZ-DR- D301
Proposed Typical 2 Bed Unit – Lifetime Homes 170072-3DR-AP-ZZ-DR-
D302
Proposed Typical 2 Bed Unit with recessed balcony – Lifetime Homes
170072-3DR-AP-ZZ-DR- D303
Proposed Typical Accessible 1 Bed Unit 170072-3DR-AP-ZZ-DR- D304
Proposed Typical Accessible 2 Bed Unit 170072-3DR-AP-ZZ-DR- D305
Proposed Section AA & BB 170072-3DR-AP-SE-DR- D400
Proposed Section CC & DD 170072-3DR-AP-SE-DR- D401
Proposed Elevations – East & West 170072-3DR-AP-SE-DR- D500
Proposed Elevations – North & South 170072-3DR-AP-SE-DR- D501
Proposed Elevations – Courtyard 170072-3DR-AP-SE-DR- D502
Building A – Proposed Area Plans (GIA) 170072-3DR-AP-ZZ-DR- D600
Buildings B1 & B2 – Proposed Area Plans (GIA) Sheet 1/2 170072-3DR-AP-
ZZ-DR- D601
Buildings B1 & B2 – Proposed Area Plans (GIA) Sheet 2/2 170072-3DR-AP-
ZZ-DR- D602
Building C – Proposed Area Plans (GIA) 170072-3DR-AP-ZZ-DR- D603
Building A– Proposed Area Plans (GEA) 170072-3DR-AP-ZZ-DR- D700
Buildings B1 & B2 – Proposed Area Plans (GEA) Sheet 1/2 170072-3DR-
AP-ZZ-DR- D701
Buildings B1 & B2 – Proposed Area Plans (GEA) Sheet 2/2 170072-3DR-
AP-ZZ-DR- D702
Building C– Proposed Area Plans (GEA) 170072-3DR-AP-ZZ-DR- D703
Apartments Area and Unit Mix 170072-3DR-AP-ZZ-DR- D800
Townhouse and Unit Mix 170072-3DR-AP-ZZ-DR- D801
Masterplan General Arrangement Plan ASU-MP Ph05-L001
Masterplan Surface Materials Plan ASU-MP Ph05-L002

Masterplan Levels Plan ASU-MP Ph05-L005
Masterplan Tree and Planting Plan ASU-MP Ph05-L009
Masterplan Planting Schedule ASU-MP Ph05-L0010
Proposed Utility Connection Layout 1013689-SKM-031

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

3. Before the development hereby permitted is occupied the car parking spaces shown on the plans hereby approved shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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.

4. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities and 20% for future use. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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 6.13 of the London Plan.

5. Before the development hereby permitted is occupied details of cycle parking spaces for the houses shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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.

6. No above ground construction shall be undertaken until details of materials to be used for the external surfaces of the buildings and hard surfaced areas, including samples of these materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To safeguard the visual amenities of the locality in accordance with Policies CS5 of the Core Strategy (2012) and DM01 of the Development Management Policies (2012).

7. All hard and soft landscaping shall be carried out in accordance with the landscaping scheme as hereby approved and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period.

The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which, within a period of 5 years from the completion of the development, dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased, shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to, any variation.

Reason: To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with Policies CS7 of the Core Strategy (2012) and DM16 of the Development Management Policies (2012).

8. The development shall accord with the provisions contained within the submitted Construction Environmental Management Plan, dated 1st August 2017, and Construction Management Plan, dated 19th May 2017, except as otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests

of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan 2015.

9. A crime prevention strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The strategy shall demonstrate how the development meets 'Secured by Design' standards. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that satisfactory attention is given to security and community safety in accordance with policy DM02 of the Development Management Policies (2012).

INFORMATIVE(S):

1. The applicant is reminded that the conditions and planning controls in the outline permission H/04017/09 for the Mill Hill East Development dated 22/09/2011 are still relevant and must be complied with. There are also conditions that require to be discharged prior to the occupation of the development.
2. The costs of any associated works to public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.

1. BACKGROUND TO THE CURRENT APPLICATION

1.1 The Mill Hill East Area Action Plan

Mill Hill East is designated as an Area of Intensification in the London Plan (2011) and as a key growth area in the Barnet Core Strategy (2012). The area covered by this designation includes the former Inglis Barracks; Mill Hill East station; International Bible Students Association (IBSA House); the Council Depot and recycling centre; Bittacy Court; the Scout Camp and former Mill Hill Gas Works (the area now centred around Lidbury Square).

The area was first highlighted as an area which could be redeveloped in the London Plan in 2004. This is primarily as a result of Project MoDEL (Ministry of Defence Estates London) which involves the consolidation and sale of surplus MoD properties around London. The activities from Inglis Barracks were transferred to RAF Northolt and the base vacated in 2008 thereby providing an opportunity for redevelopment. The Council recognised that Mill Hill East was an area where more detailed policies

were required to guide future development and in 2009 adopted an Area Action Plan (AAP) which covered an area of 48 hectares focused primarily on the former Inglis Barracks site. The aim of the AAP is to seek to ensure that development takes place in a balanced and coordinated manner by setting out a comprehensive framework to guide the delivery of housing, employment, leisure and associated community facilities, infrastructure, transport initiatives and environmental protection and enhancement.

A partnership comprising of a number of the key landowners and developers (the Inglis Consortium) prepared and submitted the outline application in 2009 for the comprehensive redevelopment of most of the area covered by the AAP.

1.2 The outline planning permission

In September 2011 outline planning permission was granted for the redevelopment of Mill Hill East regeneration site (now also known as Millbrook Park). This site covers an area of approximately 33.6 hectares (83 acres) and is located within the Mill Hill ward. The site is bounded to the east by Frith Lane, to the north by Partingdale Lane and to the west by Bittacy Hill (B552). Bittacy Business Park is immediately to the south of the site and Mill Hill East Underground station (Northern Line) lies to the south west.

The site is divided into a number of Development Land Parcels (DLP) or otherwise known as phases. Following approval of the site wide pre-commencement requirements, reserved matters applications will be brought forward for all detailed elements of the development, which would deal with all matters not fully addressed within the outline consent – the ‘reserved matters’ (layout, design, appearance and landscaping). This is controlled by Condition 5 of the outline permission (ref H/04017/09, dated 22nd September 2011).

The current application concerns the development by Prime Place of plot 5 of the outline consent, located in the northern centre of the wider Millbrook Park Site within the Central Slopes East character area adjacent to the Officer’s Mess Gardens and the completed Linden Phase 2 to the West, the predominately completed Linden Phase 3 development to the North, the Panoramic Park to the east and future phases to the south.

In addition to the plan drawings submitted, the following information was also submitted in support of the application and forms the supporting information:

2. MATERIAL CONSIDERATIONS

- Design and Access Statement (including Landscape Details);
- Development Schedule;

- Affordable Housing Scheme (Appendix C of this Statement);
- Energy and Sustainability Statement (including Code for Sustainable Homes Pre-Assessment);
- Construction Environmental Management Plan;
- Site Waste Management Plan; and
- Drainage Statement;

2.1 Key Relevant Planning Policy

National Planning Policy Guidance / Statements: The National Planning Policy Framework (NPPF)

On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF replaces 44 planning documents, primarily Planning Policy Statements (PPS's) and Planning Policy Guidance (PPG's), which previously formed Government policy towards planning.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Mayor's London Plan: March 2016 2.13 (Opportunity Areas and Intensification Areas), 3.3 (Increasing Housing Supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.7 (Large Residential Development), 3.8 (Housing Choice), 3.9 (Mixed and balanced communities), 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.11 (Green roofs and development site environs), 5.12 (Flood risk management), 5.13 (Sustainable drainage), 5.14 (Water quality and wastewater infrastructure), 5.21 (Contaminated land), 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's neighbourhoods and communities), 7.2 (An inclusive environment), 7.3 (Designing out crime), 7.4 (Local character), 7.5 (Public Realm), 7.6 (Architecture), 7.8 (Heritage Assets and Archaeology), 7.15 (Reducing noise and enhancing soundscapes), 7.19 (Biodiversity and Access to Nature), 7.21 (Trees and Woodlands).

Core Strategy (Adoption version) 2012

Development Management Policies (Adoption version) 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Relevant Core Strategy Policies: CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development), CS4 (Providing Quality Homes and Housing Choice in Barnet), CS5 (Protecting and Enhancing Barnet's Character to Create High Quality Places), CS7 (Enhancing and Protecting Barnet's Open Spaces), CS9 (Providing safe, effective and efficient travel), CS12 (Making Barnet a Safer Place), CS13 (Ensuring the Efficient Use of Natural Resources), CS14 (Dealing with Waste).

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Relevant Development Management DPD Policies: DM01 (Protecting Barnet's Character and Amenity), DM02 (Development Standards), DM03 (Accessibility and Inclusive Design), DM04 (Environmental Considerations), DM06 (Barnet's Heritage and Conservation), DM08 (Ensuring a variety of sizes of new homes to meet housing Need), DM16 (Biodiversity), DM17 (Travel Impact and Parking Standards).

Mill Hill East Area Action Plan (AAP) 2009

The Mill Hill East Area Action Plan (AAP) was adopted by the Council in 2009 and forms part of Barnet's Local Plan containing policies relevant to the determination of planning applications in the area. The AAP forms a material consideration in the determination of Planning Applications in this area.

The relevant policies for the consideration of this application are: MHE2 (Housing), MHE6, MHE10 (Making the Right Connections), MHE12 (Sustainable Transport), MHE13 (Parking), MHE14 (Creating a Sustainable Development), MHE15 (Design), MHE16 (Delivering Design Quality), MHE17 (Conserving Built Heritage), MHE18 (Delivering the AAP).

Approved Design Code

The approved Design Code pursuant to Condition 4 of the outline consent (ref H/04565/11, 21st Dec 2011) also sets out the guidelines for how the site, its neighbourhoods, open spaces and key amenities could be designed and built. It informs the formulation of individual reserved matter applications related to specific phases of development. Site-wide or phase related reserved matters must be in compliance with the agreed Design Code unless satisfactorily justified and this will be assessed in detail below.

2.2 Relevant Planning History

Application Reference:	H/04017/09
Case Officer:	Jo Dowling
Proposal:	Outline application for the comprehensive redevelopment of the site for residential led mixed use development involving the demolition of all existing buildings (excluding the former officers mess) and ground re-profiling works, to provide 2,174 dwellings, a primary school, GP Surgery, 1,100sqm of 'High Street' (A1/2/3/4/5) uses, 3,470sqm of employment (B1) uses, a district energy centre (Sui Generis) and associated open space, means of access, car parking and infrastructure (with all matters reserved other than access). Full application for the change of use of former officers' mess to residential (C3) and health (D1) uses.
Stat Start Date	30/10/2009
Application Type	Outline Application
Decision	Granted
Decision Date	22/09/2011

Application Reference:	H/04655/11
Case Officer:	Colin Leadbeatter
Proposal:	Demolition of existing buildings within the curtilage of the Millbrook Park development (formerly Inglis Barracks) as approved under outline application reference H/04017/09 (Approved September 2011)
Stat Start Date	12/11/2011
Application Type	Prior Notification (Demolition)
Decision	Granted
Decision Date	20/12/2011

Application Reference:	H/00480/12
Case Officer:	Colin Leadbeatter
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phase 1A of Millbrook Park (Mill Hill East) pursuant to outline planning permission reference H/04017/09 dated:

	22/9/2011
Stat Start Date	07/02/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	19/04/2012

Application Reference:	H/00642/12
Case Officer:	Colin Leadbeatter
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phase 2 of Millbrook Park (Mill Hill East), pursuant to outline planning permission H/04017/09 dated 22/09/2011
Stat Start Date	20/02/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	20/04/2012

Application Reference:	H/03057/12
Case Officer:	Wing Lau
Proposal:	Reserved matters application seeking approval for landscaping works to Officers' Mess Gardens (including associated infrastructure works) for Phase 2 (public open space OSI) of Mill Hill East development, pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011, together with details to discharge the requirements of conditions 26 (Pedestrian and Vehicular Access Points), 48 (Design of Open Space) and 52 (Children's Play Space)
Stat Start Date	13/08/2012
Application Type	Reserved Matters
Decision	APC
Decision Date	23/10/2012

Application Reference:	H/03548/12
Case Officer:	Thomas Wyld
Proposal:	Reserved matters application seeking approval of Appearance, Landscaping, Layout and Scale in relation to Phase 1a for the erection of 58 houses comprising 39 x 3 bed houses and 19 x 4 bed houses at 'Millbrook Park' (Inglis Barracks) submitted to meet the requirements of Condition 5 of outline planning

	application H/04017/09 dated 22 September 2011.
Stat Start Date	17/09/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	31/01/2013

Application Reference:	H/03904/12
Case Officer:	Wing Lau
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 2 of Mill Hill East development pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 103 dwellings comprising 3 x one bed flats, 20 x two bed flats, 45 x 3 bed houses, 25 x four bed houses and 10 x five bed houses. Approval of layout and landscaping works to Phase 2 public open space (OS2), together with details to discharge the requirements of: Conditions 12 (relating to Plot L only); 57 (relating to plots within Phase 2 only); and 8,26, 27, 29, 48, 52, 70, 80, 83, 85 and 91 all in relation to Phase 2 only.
Stat Start Date	08/10/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	28/03/2013

Application Reference:	H/04080/12
Case Officer:	Wing Lau
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 1 of Mill Hill East development (Millbrook Park) pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 133 residential dwellings comprising 31 x one bed flats, 61 x two bed flats, 14 x three bed houses and 27 x four bed houses, including associated infrastructure, access roads, car parking, landscaping and approval of layout and landscaping works to Phase 1 public open space OS5, together with details to discharge the requirements of

	conditions 8, 13, 26, 27, 29, 32, 48, 52, 70, 80 and 85.
Stat Start Date	29/10/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	29/04/2013

Application Reference:	H/04386/12
Case Officer:	Kevin Waters
Proposal:	Construction of a three storey primary school (3 forms of entry) with nursery, community facilities and associated works and landscaping, including staff parking, hard play and sports games area, retaining walls, drainage attenuation measures and provision of a temporary drop off car park
Stat Start Date	10/12/2012
Application Type	Full Planning Application
Decision	Granted
Decision Date	22/04/2013

Application Reference:	H/00668/13
Case Officer:	Wing Lau
Proposal:	Reserved matters application seeking approval for construction of associated advanced infrastructure works and landscaping associated with Phase 3 (public open space OS4) of Mill Hill East development to create 'Panoramic Park' and advance infrastructure works in relation to Phases 3, 4a, 4b and 5, pursuant to Conditions 5 and 5b of Outline planning permission reference H/04017/09 dated: 22/9/2011, together with details to discharge the requirements of conditions 26 (Pedestrian and Vehicular Access Points), 48 (Design of Open Space) and 52 (Children's Play Space). Ground re-profiling works to Phases 10, 11 and part of Phase 7.
Stat Start Date	12/02/2013
Application Type	Reserved Matters
Decision	Granted
Decision Date	22/04/2013

Application Reference:	H/03441/13
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval for

	Phase 3a (Central Community Park) and advanced infrastructure works in relation to phases 3a, 8, 9, 10 and 11 of Millbrook Park (Mill Hill East) pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, together with details to discharge the requirement of condition 5 (Reserved matter details), 25 (East-West and North-South links), 26 (Pedestrian and vehicular access points), 48 (Design of open spaces) and 52 (Children's play spaces).
Stat Start Date	06/08/2013
Application Type	Reserved Matters
Decision	Granted
Decision Date	13/02/2014

Application Reference:	H/03860/13
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 3 of Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 138 units 7 x 5 bedroom houses, 41 x 4 bedroom houses, 47 x 3 bedroom houses, 26 x 2 bedroom apartments and 17 x 1 bedroom apartments together with details to discharge the requirements of: Conditions 5 (Reserved matter details), 8 (Affordable housing), 12 (Noise Survey along Boundary with IBSA House), 26(Access points), 27 (Details of Estate Roads), 29(Internal access roads), 35 (Petrol/oil interceptors), 48(Open space), 52 (Children's playing space), 57 (Boundary treatment/buffer), 70 (Home standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling),85 (Green/brown roofs).
Stat Start Date	28/08/2013
Application Type	Reserved Matters
Decision	Granted
Decision Date	12/11/2013

Application Reference:	H/00065/14
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of

	appearance, landscaping, layout and scale for Phase 3a of Mill Hill East development involving the erection of 92 dwellings comprising 27 x 1 bed flats, 42 x 2 bed flats, 13 x 3 bed houses and 10 x 4 bed houses to meet the requirements of Condition 5 of outline planning application H/04017/09 dated 22 September 2011.
Stat Start Date	23/01/2014
Application Type	Reserved Matters
Decision	Granted
Decision Date	20/03/2014

Application Reference:	15/01546/RMA
Case Officer:	Andrew Dillon
Proposal:	<p>Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4a of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 114 units 6 x 5 bedroom houses, 37 x 4 bedroom houses, 12 x 3 bedroom houses, 50 x 2 bedroom apartments and 9 x 1 bedroom apartments together with details to discharge the requirements of:</p> <p>Conditions 5 (Reserved matter details), 8 (Affordable housing), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 32 (Shared Footways/ Cycleways), 35 (Petrol/oil interceptors), 48 (Open space), 52 (Children's playing space), 69 (Noise from Plant), 70 (Home standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs).</p>
Stat Start Date	20/03/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	25/06/2015

Application Reference:	15/06898/RMA
Case Officer:	Andrew Dillon
Proposal:	<p>Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4c of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated:</p>

	22/9/2011, involving the erection of 89 units consisting of 12 x 1 bedroom apartments, 24 x 2 bedroom apartments, 16 x 3 bedroom houses, 24 x 4 bedroom houses, 13 x 5 bedroom houses together with details to discharge the requirements of: Conditions 5 (Reserved matter details), 8 (Affordable housing), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 32 (Shared Footways/ Cycleways), 35 (Petrol/oil interceptors), 48 (Open space), 52 (Children's playing space), 69 (Noise from Plant), 70 (Homes standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs).
Stat Start Date	11/11/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	10/03/2016

Application Reference:	15/06417/OUT
Case Officer:	Andrew Dillon
Proposal:	Outline planning application for up to 66 residential units, 700 sqm of B1 floorspace, 630 sqm energy centre (CHP) and associated car parking and landscaping.
Stat Start Date	19/10/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	13/05/2016

Application Reference:	16/2719/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phase 4b of Millbrook Park (Mill Hill East) pursuant to outline planning permission reference H/04017/09 dated 22/9/2011.
Stat Start Date	25/04/2016
Application Type	Reserved Matters
Decision	Granted
Decision Date	04/07/2016

Application Reference:	17/3304/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phase 4b of Millbrook Park (Mill Hill East) pursuant to outline planning permission reference H/04017/09 dated 22/9/2011.
Stat Start Date	25/04/2016
Application Type	Reserved Matters
Decision	Granted
Decision Date	04/07/2016

Application Reference:	16/3111/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4b of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 188 units in the form of 80 x 1 bedroom flats, 89 x 2 bedroom flats, 12 x 3 bedroom flats, 3 x 3 bedroom houses and 4 x 4 bedroom houses, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 58,63, 69, 70, 80, 83 and 85
Stat Start Date	3/05/2016
Application Type	Reserved Matters
Decision	Granted
Decision Date	03/08/2016

Application Reference:	17/2815/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phase 5 of Millbrook Park (Mill Hill East) pursuant to outline planning permission reference H/04017/09 dated 22/9/11.
Stat Start Date	4/05/2017

Application Type	Reserved Matters
Decision	Granted
Decision Date	27/06/2017

2.3 Consultations and Views Expressed

Public Consultation

Neighbours Consulted: 242

Replies: 41

Neighbours Wishing 3

To Speak

Correspondence has been received from 41 neighbouring residents all objecting to the proposal for the following reasons:

Lack of Car Parking, significant problems particularly in relation to visitor parking on existing built out phases.

Highway dangers from traffic accessing parking spaces to the north, exacerbated by lack of footpaths along this road.

Location of Affordable housing in single block facing the objectors properties within Phase 3 being built out by Linden Homes which will affect the amenities/ property prices in these houses.

Proposed affordable housing should be pepper corned around the development not located in a single block.

Anti social behaviour problems from occupiers of social housing units.

Design of proposal out of keeping with locality and does not match the traditional design of properties in Phases 2 and 3 which incorporate red brick and pitched roofs.

Too much development on the phases.

Loss of Daylight and Privacy to existing residents to the north. Also noise from proposed use.

Height of the proposal exceeds the approved parameter drawings and design code. Also movement of units between plots within the Phase.

Officer Comment

All comments have been taken into account in the determination of the planning application and are addressed in the officer report below.

Elected Representatives.

No Comments Received.

Residents Associations and Amenity Groups.

1 Letter received from the Mill Hill Preservation Society making the following comments:

The Society has held a couple of meetings with GVA, Joseph Homes and their architects to discuss the design development. These meetings have been helpful and some of our initial reservations have been ironed out, but not all.

Looking at the Design Code for the phase 5 site it falls within the area zoned Central Slopes East and on page 16 of our copy of the code, Figure 2.7 *Character Area Matrix*, the height above ground level for the phase indicates 2-4 storeys. The suggested Built Form is shown in Part 6, clause 6.3.2. Block Type 2 – Garden Court. This shows a court with housing and flats up to 4 storeys with all pitched roofs. What is being proposed in this application is far removed from the suggested image.

However, in particular we noted that the houses which make up the western half of the proposed development under the above application do not relate well to the adjoining buildings to the north in phase 3, and to the old Officers Mess to the west.

The blocks are of modern design with Georgian and Regency influence, with flat roofs and in pale brick. The properties in Charles Sevrigh Way, Guardhouse Way and Henry Harlot drive which immediately connect to this are of Victorian and Edwardian design, with roofing eaves and constructed in more of a red brick.

We have three other important points for your consideration:

1. On the 'Elevation 1 – East' the rhythm of the elevation breaks down at the Left Hand edge of the building and this corner is high, dominates and looks very solid whereas there is a lightness to the rest of this elevation. Similarly, the detail on the Southern Elevation of this block does nothing to reduce the bulk and mass of the block where it is 6 storeys high. The Design Code does not call for blocks of this height at this location and the building should be reduced in size.
2. The landscaping proposals within the site seem good. However, we feel there is limited street planting provided on the south side of the site, although there is some. This is not the case to the north and east sides where no street planting is shown. We believe this situation should be rectified as part of the planning application. This is highlighted on the illustration in the Design & Access Statement page 43.
3. Apart from the form of the buildings mentioned above, we are also concerned about the materials. The colour of the brick finally chosen will be very important. We are worried about the pale yellow brick and suggest this is reconsidered in favour of a warm red. Similarly, the colour of what appears to be metal roofing panels is a very important element. We feel these panels should relate to other buildings on the site – where a dark grey has been used not brown. We refer to the illustration in the Design & Access Statement page 43 in item 2, and this clearly shows the design issues we are concerned about.

We trust the points we have made will be taken into account when this application is considered. We have significant reservations about this scheme being approved as it stands. Please let me know if the Society can be of further assistance in this matter and do not hesitate to be in touch.

Many thanks for the opportunity to comment.

Internal /external and Other Consultations:

Highways

The Council's Highway Officer has confirmed no objection to the proposal subject to the attachment of the appropriate conditions:

Environmental Health

The Council's Environmental Health Team have confirmed no objection to the proposal.

Environment Agency

No Objections raised.

English Heritage (Archaeology)

No Objections raised.

3. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

3.1 Site Description and Surroundings

Site in relation to the outline consent:

This application site submitted for assessment falls within Phase 5 of the outline consent, located in the northern central portion of the wider Millbrook Park development adjoin the completed Officer's Mess Gardens and Phase 2 development to the West (Linden Homes) the predominately completed Phase 3 development to the north (also Linden Homes), the under construction Phase 4a development to the north east (Taylor Wimpey) the Panoramic Park to the East and future development phases to the South.

The site falls within the Central Slopes (East) character zone. The Design Code advises that with the Central Slopes housing should be of a medium density housing 'Garden Court' building type with heights ranging from 2 to 4 storeys.

3.2 Description of Proposal

The proposal is to seek approval of matters reserved under outline planning consent ref H/04017/09 (layout, scale, appearance and landscaping) to redevelop the site for residential purposes.

Housing:

The proposals would be for a mix of 1, 2, 3 and 4 bedroom units) providing a total of 144 dwellings as follows:

38 x one bed flats
73 x two bed flats
17 x three bed houses
16 x four bed houses

The proposed properties are set around a perimeter block layout with the proposed houses located on the western portion of the plot along part of the northern and southern frontages along with the western frontage of the plot, with the proposed apartment blocks being located on the eastern portion of the plot. The heights of the development range from 3 storeys on the proposed houses to 4-6 storeys facing the Panoramic Park.

Discharging of conditions:

This application also involves the partial discharging of a number of planning conditions attached to the outline consent that require information to be submitted for each phase of the development. Those conditions that are to be approved in relation to Phase 4c are as follows:

- 5 – Reserved Matters Details

Sets out the submission requirements for submission accompanying each reserved matters application.

- 8 – Housing Mix and Location of Affordable Housing Units

This requires prior to commencement of the development details of the proposed amount and mix of relevant residential development within that Phase and the proposed Affordable Housing Scheme to be submitted and approved.

- Condition 26 – Pedestrian and Vehicular Access Points

This requires details of access points, estate roads and footways to be submitted and approved.

- Condition 27 – Details of Estate Roads

This requires details of lighting, pedestrian facilities, crossing points, cycle facilities, signing, bus stops/shelters, bus standing/layover facility, bus driver facilities, highway improvements and estate road layout and gradient.

- Condition 29 – Internal Access Roads

This requires the construction of the highway intended to serve that dwelling before any dwelling is occupied within any phase of development (scheme to be approved by the LPA).

- Condition 32 – Shared Footways/ Cycleways

This requires the construction of the highway intended to serve that dwelling before any dwelling is occupied within any phase of development (scheme to be approved by the LPA).

- Condition 35 – Petrol/ oil interceptors

This requires details of petrol/ oil interceptors or justification concerning why this is not required.

- Condition 48 – Design of Open Space

This requires details on the construction of any communal open space and should be in accordance with the principles and parameters contained within Parameter Plan 2, Landscape (A6157/2.1/04) and the Revised Public Realm and Open Space Strategy (MHE/OPA/5.1).

- Condition 52 – Children’s Play Space

This requires details of children’s play areas to be submitted and approved and shall be provided within 12 months of the first occupation of any dwelling located within that phase.

- Condition 58 – Bat Survey and Protection and Bat License

This condition requires a bat survey to be carried out prior to the demolition of any buildings or the removal of any trees.

- Condition 63- Contamination Strategy

This condition requires the submission of a Remediation and Reclamation Strategy prior to the commencement of any phase.

- Condition 69 – Noise from Plant

This condition requires details of any plant and machinery proposed as part of this development.

- Condition 70 – Design to Lifetime Homes Standards & Wheelchair Standards

This condition requires all residential units to be built in accordance with Lifetime Homes Standards. Furthermore 10% of the units shall be designed to be fully wheelchair accessible.

- Condition 80 – Code for Sustainable Homes

A statement to be submitted to demonstrate measures incorporated to achieve a minimum standard of Code for Sustainable Homes Level 4 (with a minimum level of Code Level 6) by 2016.

- Condition 83 – Greywater/Rainwater Recycling Provision

This requires details demonstrating the incorporation of either rainwater or grey water recycling facilities into each of the buildings to be submitted and approved.

- Condition 85 – Green/Brown Roofs Provision

This requires details to demonstrate the provision of Green or Brown roofs into each of the buildings to be submitted. Details shall also include a reconciliation plan or table showing how the proposed provision complies with the 10% target fixed by condition 84.

4. PLANNING CONSIDERATIONS

4.1 The Principle of Development

The principle of constructing 144 residential dwellings and provision of public open space is established by the outline planning consent. Condition 5 (Reserved Matters Details) seeks details (layout, scale, landscaping and appearance) to be submitted to and approved by the Local Planning Authority (LPA) prior to the commencement of development.

The reserved matters currently under consideration are:

Scale – the height, width and length of each building proposed in relation to its surroundings.

Layout – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.

Appearance – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.

Landscaping – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

Access – The internal road layout was established at outline stage. This current application shows roads in the same location in compliance with the outline parameters for access.

The outline planning permission consists of a series of parameter plans which establish a series of parameters and principles to create a clear framework of planning control and fix the quantum of development, land uses, levels and access arrangements.

The key parameter plans of relevance to the consideration of this application are:

- Parameter Plan 1: Access and Movement
Establishes the main vehicular and pedestrian access points and vehicular movement hierarchy.
- Parameter Plan 2: Landscape
Establishes the location and extent of areas of public open space.
- Parameter Plan 3: Land use
Establishes the location and distribution of land uses and open spaces.
- Parameter Plan 4: Scale
Establishes the maximum height permissible across the whole Millbrook Park site.
- Parameter Plan 5: Character Areas
Establishes the extent and disposition of the strategic character areas.
- Parameter Plan 6: Levels Strategy
Establishes the proposed spot levels at street junctions and maximum permissible gradients along each of the streets.

In order to support the detail contained within the parameter plans the outline consent has a number of additional documents that form a 'strategic development framework' in accordance with the requirements of Policy MHE18 of the AAP. The 'framework' establishes a series of development principles that will be used to guide detailed elements and the preparation of reserved matter applications. Of relevance to the consideration of this application are the following documents:

- Design Principles Document;
- Phasing and Delivery Strategy
- Technical/Infrastructure Strategy
- Revised Public Realm and Open Space Strategy (MHE/OPA/5.1)
- Technical and Infrastructure Strategy (MHE/OPA/6)
- Revised Phasing and Delivery Strategy (MHE/DCA/7.6) which includes phasing plan ref Figure 4.1

Design Code

In addition to the above a site wide design code has been approved in the clearance of condition 4 of the outline application and forms the guide to the assessment of reserved matters applications. This reserved matters application for Phase 3 is therefore considered within the framework of established broad development principles, Parameter Plans, and a detailed design code.

The applicant has submitted a statement of compliance with this application to describe the proposed development and demonstrates general compliance with the outline planning permission. There are some areas where the application does not conform and the applicant has provided justification for any deviations. These are explained in the sections below.

4.2 Amount of Development

Housing

The amount and mix of development for 144 dwellings in Phase 5 is in line with the outline consent, the latest approved phasing plan and the s.106 schedule of accommodation. 26 units are to be affordable dwellings consisting of 12 properties for social rent (3 x 1 bed flats, 7 x 2 bed flats and 2 x 3 bed houses) and 14 intermediate properties (6 x 1 bed, 4 x 2 bed flats and 3 x 3 bed houses) with the rest of the development to be private sale properties.

The proposal accords with the baseline tenure mix required under the S106 and accords with the latest agreed site wide phasing plan. Condition 8 (Housing Mix and Location of Affordable Housing Units) of the outline consent requires the submission of details of affordable housing, and the proposed submission is considered to accord with this requirement.

There are no planning controls requiring a specific location for affordable units within a phase. The affordable units have been distributed within this phase between Plots P and Q and are located towards the north of each of those plots. The affordable flats (20 units) are located within a single block in order to meet the management requirements of the registered provider. The design of the units is tenure blind and are not externally identifiable as affordable housing.

The application does propose a minor distribution of units between the individual blocks. This is the subject of a separate non material amendment application which was submitted with the main planning application. Similar redistributions have occurred in the majority of other phases and are not considered to raise any significant issues.

P	Approved	20	42	11	8	81
	Proposed	0	0	17	16	33
Q	Approved	18	31	6	8	63
	Proposed	38	73	0	0	111
Total		38	73	17	16	144

4.3 Scale

Parameter Plan 4 (Scale) sets out the maximum permissible dimensional height and maximum level of storeys throughout the wider Millbrook Park Development. In relation to Phase 5 the approved storey heights range between 3 and 4 storeys.

Figure 1: Parameter Plan 1 (Scale)



The scale of the part of the scheme to the East adjoining the Panoramic Park exceeds the approved parameters in terms of the number of storeys. With the south eastern corner of this flank measuring 6 storeys and the north eastern corner 5 storeys, both of which are in excess of the approved Parameter drawings which allow for a maximum of 4 storeys. However in terms of the height of the building, the proposal is in compliance with the approved scale parameter which allows for a maximum height of 19m.

The approved design code allows departures from the approved parameters where such departures are justified in planning terms and will result in the delivery of a better quality scheme. The Local Planning Authority is therefore able to use its discretion to approve minor breaches to approved parameter plans, where justified. The proposed departures are considered acceptable for various reasons which are discussed below under the design section of this report.

In the case of the current application the design and scale of the development where it fronts the Panoramic Park follows detailed design discussions with the Council's Design Officer. The 6-storey element in the south-eastern corner reinforces the feature landmark and the 5 storey element in the north eastern corner reinforces a continuous frontage to the Panoramic Park. In both cases, the design of the apartments along the eastern edge of the development responds to the opportunity to frame the Panoramic Park and are considered acceptable.

Millbrook Park outline planning consent is split into 4 character areas (as shown on Parameter Plan 5) as follows:

Green Belt Edge – low density houses, green character

Central Slopes - medium density, mix of houses and apartments up to 4 storeys in height

Southern Hub – highest density, predominantly apartments up to 6 storeys in height.

Mixed Use/retail/community – mixed uses around public square and new primary school.

The approved Design Code for the scheme further splits the Central Slopes Character Zone into East (CZE) and West (CZW) character zones.

The site is located within the Central Slopes (East) character zone (as defined in the Design Code for Millbrook Park).

The Design Code advises that with the Central Slopes Character area development should provide medium density housing consisting of a mixture of houses and apartments based on a 'Garden Court Layout'.

Housing and apartments measuring between 3-6 storeys of a 'urban court layout' with active ground floor frontages around a block perimeter and a landscaped deck over parking areas.

The design and layout of the scheme predominately follows the above parameters with houses being located on the western part of the phase and apartment blocks to the east, all set around in a Perimeter Block Layout.

Density

The amount of development and minimum/maximum building dimensions have already been approved at the outline stage and therefore the target residential density is also established, with the development providing 144 dwellings at a density of 203 dwellings per hectare (dph).

4.4 Layout

Policies CS5 and DM01 require development to be of a high quality design and should ensure attractive, safe and vibrant streets which provide visual interest. Proposal should also create safe and secure environments, reduce opportunities for crime and minimise fear of crime.

Access and movements for pedestrians were established as part of the outline application, with access available to all sides of the phase. In addition to this a pedestrian only path has been created through the middle of the site providing access to north to south as well as access through the site to the Panoramic Park to the West. It is envisaged that the north to south route will be open to all pedestrians, however access would be limited to residents of Phase 5 in relation to the East/West route in order to ensure adequate security. The creation of these pathways is welcomed in creating an additional safe pedestrian route and help to integrate the proposal into the wider area.

It is considered that the proposals demonstrate a building layout in broad accordance with the Illustrative Masterplan and the Access and Movement Parameter Plan 1.

Parking

The application proposes the provision of 195 car parking spaces within this phase. Spaces will be allocated at the ratio of 1 space for each 1 and 2 bed unit, 1.5 spaces per 3 bed unit and 2 spaces for each of the four bed units. 10% of parking will be for disabled persons.

The majority of the spaces are provided in the form of a secure basement car park built on two levels in the centre of the development accessed from the south. Parking to the houses will be provided with forecourt car parking spaces and integral garages.

Cycle Parking is also proposed within plot for the houses and within communal cycle stores for the apartments at the rate of 1 space for 1 and 2 bed units and 2 spaces for 3 and 4 bed units.

The level of parking is discussed in the highways section of this report.

Access

The Design Code has been approved to enable the delivery of a permeable and legible new neighbourhood. In relation to the development the primary access routes that run along the northern and southern boundaries of Phase 5 which have already been granted consent under previous Advanced Infrastructure Works applications. The submitted plans also show pedestrian routes running through the middle of the site and along the eastern interface with the Panoramic Park.

Open space

The approved 'Revised Public Realm and Open Space Strategy' and the Design Code establishes the design principles for the landscape works.

Due to the nature of this plot, no public open space is included within this phase. The proposed adjoins the consented Officer's Mess Gardens to the West and the Panoramic Park to the east.

Crime

The proposed layout follows a perimeter block approach, which ensures that all street and public open spaces benefit from being overlooked by active frontages, including the central pathway leading through the site. Secure access will also be provided to the proposed underground car park. Nevertheless, it is considered that a

condition should be attached requiring the development to achieve Secured by Design accreditation.

Levels

Parameter Plan 6 (Levels Strategy) approved under the outline consent sets out the existing contours of the site and proposed spot levels at street junctions as well as the maximum permissible gradients.

In relation to Phase 5, the existing site slopes from approximately 4m from west to east and approximately 4m north to south. While the proposals involve some levelling of the site, the proposals are designed to take advantage of the levels i.e. by incorporating the entrance to the underground car park from the southern road simplifying the design and minimising the need for ramps. The tallest element of the proposal is also located at the lowest point of the development in the south eastern corner which is 8m lower than the north western corner.

The proposed finished site levels are in accordance with the approved levels strategy as set out in Parameter Plan 6 approved as part of the Outline Planning Approval and the approved Design Code.

4.5 Appearance

The National Planning Policy Framework 2012 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

As discussed, Phase 5 is within located within the Central Slopes character zone and as such it is of a medium level of density. In contrast the Phases to the North (Phase 3 Linden) and Phase 4a (Taylor Wimpey) were located partly in the Green Belt Edge Character Area and partly within the Central Slopes Character Area and as such had to allow for a transition in scale and density.

In terms of the scale and design of the buildings. The proposed houses and the apartment blocks facing north are all three storeys in height which is the same scale as adjoining development to the north.

The development does differ in terms of its architectural treatment, incorporating a mixture of flat roofs and mansards in a regency style with a lighter coloured buff coloured brick. In comparison the Linden Homes properties are constructed out of Red brick with large pitched roofs containing living accommodation.

However there is no requirement for the development at Phase 5 to copy the design of the Linden Homes development and to this extent it is noted that the Taylor

Wimpey Development to the north east similarly incorporates lighter brickwork, and a contemporary flat roofed apartment building fronting the Panoramic Park. It is also noted that the approved Phase 1 Countryside development located to the South East of the Park (also Central Slopes Character Area) similarly contains lighter grey bricks with a mixture of flat roofs and Mansard roof forms.

Overall, it is considered that the proposal would represent a high quality form of development which would not be incongruous with the wider locality given the wide variety of 'house styles' within Millbrook Park.

Conclusion for External Appearance

Overall, the proposal successfully incorporates various architectural elements within a coherent design and is considered acceptable in principle resulting in a high quality development in accordance with the requirements detailed within the Design Code and Policies CS5 and DM01.

4.6 Landscaping

The 'Revised Public Realm and Open Space Strategy' approved at outline stage sets out the principles for a landscape and open space strategy for Millbrook Park and provides detailed design guidance for reserved matters applications. The approved Design Code adds another layer of detail and requires a number of landscaping features in Phase 5.

Internally within the site all vegetation has previously been cleared and the application proposes to introduce an attractive and biodiversity rich planting palette, adhering to guidance in the design code. The landscape and external realm proposals includes the provision of defensive planting in front of residential units, the provision of grassed rear amenity areas for the proposed houses with a small area of hardstanding to incorporate tables and chairs. The proposed landscaping within the 'Courtyard' and along the central pedestrian link contains a mixture of differing landscaping aspects including raised mounds, silver birch trees and raised planters as well as grassed amenity areas. It is considered that the proposals would result in the creation of a high quality landscaped area which would provide a valuable recreation resource to the future residents of these blocks. It is noted that the shared garden areas will be used by both private tenants as well as occupiers of the Affordable Block.

The courtyard and pedestrian tertiary streets will contribute towards the overall play strategy for the development by providing spaces for informal play and discovery, particularly for the under-fives. The spaces will create a vibrant and healthy neighbourhood, enhancing active social interaction. Although no dedicated, formal play areas are proposed within the courtyard, large areas of lawn with a series of small grass mounds will encourage imaginative and active play.

Formal Play is available immediately to the east of the phase within the Panoramic Park.

Hard areas

The application proposes a high quality palette of materials, taking reference from the Design Code. The palette includes tumbled blocks in warm or grey tones, varying by location. With a mixture of clay pavers and resin gravel bound pedestrian paths. Paved decks are also proposed within the proposed courtyards to provide additional amenity space and informal seating areas.

Landscape Management

The areas of public realm surrounding the site will be transferred to the Millbrook Park Residents Management Company on completion. The remaining landscaping areas will be subject to an on-going maintenance contract with a suitable provider. This provider could also be the Millbrook Park Residents Management Company or another provider. The maintenance contract will be in place prior to the first occupation and the provision will be included within the legal agreement with purchasers and will be based upon a rolling annual provision.

A schedule of landscape maintenance for a minimum period of 5 years has been provided with the current application.

Street Lighting

Street lighting locations on the eastern, western, northern and southern sides of the development have already been agreed under previous advanced infrastructure work application consents.

Conclusion for Landscaping

The landscaping approach is considered to be in accordance with design principles set in the Design Code and parameter plans. It will help to introduce a human scale to the frontages of the proposed buildings and will frame and complement the architectural approach whilst increasing the overall biodiversity of the site's environment. It complies with Policies CS5 and DM16.

4.7 Amenities of Future Occupants

Dwelling outlook and daylighting

Development plan policy requires that new dwellings are provided with adequate outlook. The layout proposed for Phase 5 maximizes the outlook of occupiers of the new dwellings, with all houses being located on either a north south or east west axis. Where possible apartment units are designed to be dual aspect where possible, however in certain circumstances this is not possible due to the size of the layout of

the apartment blocks and the agreed unit configuration. In order to ensure that these units receive sufficient light the development incorporates large floor to ceiling windows to maximise the amount of light entering rooms.

Privacy

The layout of the development has been designed to ensure the protection of residential privacy and the avoidance of overlooking between units. The proposed design has considered minimum distances between buildings and effectively avoids pinch-points between buildings by means of building positioning. The use of recessed balconies further increases the privacy of the units both in relation to adjacent units and external views without the need to use additional privacy screens between residential units.

Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. The Mayor's Housing SPG November 2012 includes a wider ranging Minimum Floorspace Table based upon the same standards.

All of the units proposed would have a gross internal floor area which would exceed the requirements of the London Plan for a dwelling of that type. The proposal is therefore considered to be acceptable in this regard.

Amenity space

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance as well as the Millbrook Park Design Code requires the provision of 5 sq.m of amenity space for each habitable room for flats, and between 40 and 85 sq.m for houses depending on the number of habitable rooms.

Every dwelling has access to some form of private amenity space. The houses all have individual rear gardens and in relation to the apartment buildings all units are provided with individual balconies and also have access to the shared external amenity areas. All of the proposed units meet or exceed the minimum standards outlined in the as stated and the proposal is acceptable on grounds of private and communal amenity space provision.

4.8 Impacts on amenities of neighbouring and surrounding occupiers and users

The periphery of the site is delineated by the Secondary General distributor Road to the north and east of the site which connects through to the wider Millbrook Park Road network. The closest residential properties are the Phase 3 Linden Homes properties located to the North of the site and the Taylor Wimpey Phase 4a properties to the north east. These properties face the proposed houses, the three storey affordable housing block and four storeys on the apartment building facing the

Panoramic Park. The separation distance is greater than 21 Metres. Given that the separation distance is in accordance with Council policy, the public interface between the units across a road and the similar height of the proposed buildings in comparison with the properties to the north it is not considered that the proposal would result in any significant material impact on the amenities of these properties in terms of daylight, sunlight or privacy.

In relation to future phases located to the south of the development, no detailed reserved matters application have been submitted, however the separation distance between the development and these future plots will be similar to the relationship of plots to the north with any overlooking being limited to the public facades of development over internal roads and it is not considered that the proposal would significantly affect the amenities of dwellings contained within future phases or be unduly impacted upon by future development.

4.9 Transport, parking and highways matters:

Access

The access points have already been established under the Outline Consent and the surrounding roads to the North, South and West have been authorised and constructed under earlier reserved matters approvals. In relation to tertiary roads through the site, the outline parameter drawings envisaged a through pedestrian tertiary road to be built through the middle of the site and also facing the Panoramic Park. The route in the middle has been altered to a pedestrian/ cycle route only and the road fronting the Panoramic Park has been altered to an access only road with car parking and significant areas of Landscaping in order to create a more sympathetic and pedestrian friendly interface with the park. These proposed changes are considered acceptable, enhancing the overall environment of the scheme without significant affecting movements through the wider Millbrook Park Site. Access to the basement car park is via a single access located to the south of Phase 5.

Pedestrian Facilities

Access and movements for pedestrians were established as part of the outline application, with access available to all sides of the phase. In addition to this a pedestrian only path has been created through the middle of the site providing access to north to south as well as access through the site to the Panoramic Park to the West. It is envisaged that the north to south route will be open to all pedestrians, however access would be limited to residents of Phase 5 in relation to the East/ West route in order to ensure adequate security. The creation of these pathways is welcomed in creating an additional safe pedestrian route and would help to integrate the proposal into the wider area. Overall it is considered that the proposal would provide a satisfactory pedestrian environment in accordance with the aims of the design code.

Parking

Parking Standards set out in the Local Plan Policy DM17 is as follows:
Maximum Standards will be:

- (i) 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms)
- (ii) 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms) and
- (iii) 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)

Condition 23 of the outline consent limits the number of residential parking spaces to 2,522 (plus limited visitor parking) across the whole site.

The table below shows the typical parking requirement as set out in the Design Code and that set out in the outline planning permission for the proposed development.

No. of units	Parking Ratio Permission	Parking Ratio Design Code	Parking Req.
38	1	1.1	38
73	1	1.1	73
17	1.2	1.5/2	25-34
16	2	2.0	32
			168-177

There is some flexibility in the provision but the total development should not exceed 2522 spaces so that individual phases may contain a higher number of spaces providing that the total number of spaces does not exceed the maximum number.

A total of 177 parking spaces are proposed for the use of residents plus 10 spaces for visitors and would meet the outline planning permission standard and is located within communal basement car parking areas for the proposed apartments and on plot for the proposed houses. 10% of spaces are for disabled use, 20% of parking spaces are to be provided with electric charging points and a further 20% for future provision and is in accordance with the London Plan.

The scheme therefore provides adequate car parking and would not result in significant overspill to neighbouring roads.

A Parking Management Strategy has also been submitted as part of the supporting documents the content of which has been considered by the Council's Highway Team and considered acceptable.

Accessibility and Inclusivity

Fourteen units within Phase 5 are wheelchair accessible, which equates to 10% in compliance with Condition 70 (Design to Lifetime Homes Standards and Wheelchair Standards) of the outline consent. The allocated car parking spaces have level access to the wheelchair accessible properties are as far as responsibly possible located in close proximity to their entrance points.

All of the proposed dwellings are designed to comply with the design criteria necessary to meet Lifetime Homes standards and it is considered satisfactory to meet Condition 70. The scheme has followed principles of inclusivity and accessibility.

Cycle Parking

The application supporting documents advise that 177 cycle spaces are proposed. The design code states that 1 space should be provided for 1 and 2 bed units and 2 spaces for 3, 4 and 5 beds units and as such the level of cycle parking proposed is in accordance with these standards. The submitted plans show that 30 spaces are to be provided in the apartment ground floor and 32 spaces on the first floor. It is anticipated that the cycle parking for the houses will be provided within each residential curtilage. A condition is attached requiring the submission of a detailed plan showing where all 177 spaces will be provided as well as ensuring the delivery of these spaces.

Waste Management

The application supporting documents propose that in relation to the proposed dwelling houses, all waste and recycling facilities will be located within each residential curtilage with residents responsible for moving the waste to the road side on collection days. In relation to the apartment blocks, communal waste and recycling facilities will be provided within the basement areas. All waste collection points will be located so as to accord with Barnet standards.

Conclusion for Transport, Parking and Highways

In summary, the application provides for adequate parking without harming the local highway network and promotes sustainable modes of travel and complies with Policies CS9 and DM17. While the comments raised by members of the public in relation to members of the public are acknowledged, these predominately concern issues connected with earlier phases which are not within the remit of the current application. The proposed parking levels are in accordance with the parameters of

the Outline Consent and as such have already been agreed in principle by earlier approvals.

4.10 Environmental issues

Construction management

A Construction Management Plan for the whole of Millbrook Park was approved pursuant to Condition 17 of the outline consent (ref H/04183/11). The document incorporates the view that succinct method statements will be required for each reserved matters application. A Construction Management Plan has also been submitted with the current application which accords with the site wide policy and is considered acceptable.

Contamination

A contamination strategy for the whole site has been dealt with under Condition 63 of the outline consent (ref H/00643/12, approved April 2012). This condition is split into 4 parts and parts i) and ii) which includes desk top studies and site investigation have been approved. Parts iii) of the condition requires the approval of a remediation strategy and part iv) requires a verification to be submitted for each phase.

The Inglis Consortium has separately applied to discharge Condition 63 of the Outline Consent under discharge of Condition application 16/5592/CON which was approved in September 2016. As such there is no need to attach any further conditions to this application.

4.11 Energy, climate change, biodiversity and sustainable construction matters:

Sustainable design and construction

An overarching energy strategy for the whole of Millbrook Park was submitted to and approved pursuant to Condition 79 of the outline consent (ref H/00560/12). The approved strategy outlines how a centralised energy supply to the south of the site will be delivered, and a decentralised supply to the north. The south of the site will be served by a District Heating Network provided by a single Energy Centre while the north of the site is expected to adhere to the Mayor's Energy Hierarchy by utilising an energy efficient building fabric and where applicable photovoltaic panels (PV).

The Mayor's Energy Hierarchy sets out three methods for achieving a minimum 25% reduction in carbon emissions:

1 Be lean: use less energy (fabric efficiency standards)

- 2 Be clean: supply energy efficiently
- 3 Be green: use renewable energy

The application is accompanied by an Energy Strategy and Code for Sustainable Homes Pre-Assessment which demonstrates that the proposal would reach the equivalent of Code for Sustainable Homes Level 4 as well as achieving a 40.6% reduction in CO₂ emissions as is required by London Plan policies and Condition 80 (Code for Sustainable Homes) of the outline consent. This is through implementing high building fabric specifications and energy efficient measures and partly by the proposed connection to the proposed District Heat Network to the South of the site. While it was not originally intended that units in this part of the site would be connected to the district network connections are in place and is recommended by the submitted energy statement in order to ensure compliance with the above standards.

Water resources, Drainage and SUDs Infrastructure

The Drainage plan submitted with the application provides details of surface water and foul water drainage.

The Drainage Strategy submitted with the Advanced Infrastructure Works application for this phase set out the available SUDS techniques and identifies the ones that are considered appropriate for the development site. The identified suitable SUDS techniques for the site include attenuation storage tanks for both the houses and apartment blocks, gravity rainwater harvesting (waterbutts) for the proposed housing and the wide extent of landscaped and proprietary treatment systems.

The on-site drainage infrastructure connects to the wider Millbrook Park drainage infrastructure (there are swales running along the site), with peak flows limited by the aforementioned mitigation measures in accordance with the previously approved site wide drainage strategy. Overall the proposed drainage strategy is considered acceptable and consistent with the site-wide drainage strategy approved under discharged Conditions 43, 44 and 46 (permission ref: H/04340/12) attached to the OPP.

Biodiversity and Ecology

The AAP encourages the planting of native species to encourage biodiversity. The Environmental Statement at outline stage concluded that there are no overriding concerns with respect to ecology and nature conservation preventing redevelopment taking place.

A site wide Ecological Mitigation and Management Plan (EMMP) was submitted and approved (H/04184/11, November 2011) pursuant to Condition 60 of the outline consent. It was considered that the document as approved demonstrated a

comprehensive overall management plan for ecological assets on the wider Millbrook Park application site.

The current application also contains ecological enhancement measures such as the provision of bat, bird and insect boxes along with the provision of wildlife friendly landscaping and planting schemes.

Green/ Brown Roofs

Condition 84 (Green/Brown Roofs Target) of the outline consent requires a minimum of 10% of green or brown roofs across the whole of Millbrook Park site. Condition 85 (Green/Brown Roofs Provision) requires details to be submitted and approved demonstrating this provision across the whole site including a reconciliation plan or table showing how it meets the 10% target fixed by Condition 84.

The scheme meets this requirement through the use of podium deck gardens and the roof areas on the apartment buildings, the inclusion of podium decks has been previously included in brown/ green roof calculations and the development would in itself comply with the requirements of Condition 84 and contribute to the overall provision within the Millbrook Park Development.

5. EQUALITIES 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;
- 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 the above legislation.

6. CONCLUSION

As conditioned the proposal would not compromise the outline planning permission (H/04017/09) for the redevelopment of the wider site. It largely accords with the relevant development plan policies, conforms to the design principles and the parameters established in both the approved outline application for the former Inglis Barracks site and the Design Code. In those cases where the application departs from the approved Parameter Plans namely in relation to the increased height fronting the Panoramic Park these changes are justified by design benefits and are considered acceptable.

The proposal is acceptable on visual amenity, access, highways, biodiversity, and drainage grounds. The proposal would not significantly affect the amenities of neighbouring residential properties. It would provide for much needed quality family housing that would have a good standard of accommodation including outlook, privacy and access to daylight.

The design of the development is appropriate for the Central Slopes Character area, which also provides for variety and legibility. The materials and form relates well to the surrounding development. The layout of the development provides permeability around the site as well as to the wider Millbrook Park site.

The application also satisfies the requirements of Conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 58, 63, 69, 70, 80, 83 and 85 of the outline consent.

It is recommended that the application be **approved** subject to the attached conditions.

SITE LOCATION PLAN: Phase 5, Millbrook Park (former Inglis Barracks), Mill Hill East, London, NW7 1PX

REFERENCE: 17/3304/RMA



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

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

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

APPLICANT: Mr Donoghue

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

1. APPLICATION SUMMARY

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

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

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

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

2. RECOMMENDATION

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

1. Approved Plans
 The development hereby permitted shall be carried out in accordance with the following approved plans:
 ODS-CAP-00-XX-DR-C-0001 Rev:P03; and ODS-CAP-00-XX-DR-C-0003 Rev:01.

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

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

2. Restricted Time Period

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

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

3. Parking as on Drawing:

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

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

4. Condition: Boundary Treatments

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

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

5. Hours of Use

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

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

6. Dropped Kerb

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

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

7. Existing Waste

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

Reason:

To safeguard the amenities of the local area.

8. Restriction of Peak Hour Movements

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

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

9. Vehicular Routes

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

0003 Rev:P01 to access the wider road network.

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

10. Temporary caravan or portacabin.

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

Reason:

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

11. Overnight Storage of Waste

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

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

3. BACKGROUND

3.1 Application Site

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

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

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

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

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

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

4. PROPOSAL

4.1 Proposal

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

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

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

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

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

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

4.2 Existing Donoghues Site and Business

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

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

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

5. MATERIAL CONSIDERATIONS

5.1 Key Relevant Planning Policy

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

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

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

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

National Planning Policy Framework

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

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

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

5.2 Public Consultations and Views Expressed

Public Consultation

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

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

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

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

intended use.

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

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

Internal Consultation responses

Environmental Health:

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

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

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

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

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

The neighbouring areas are a park and the shopping area.

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

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

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

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

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

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

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

Green Spaces:

Green Space officers have no objection to the application.

6. PLANNING CONSIDERATIONS

6.1 Principle of Development

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

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

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

6.3 Impacts upon Neighbouring Amenities

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

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

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

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

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

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

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

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

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

6.4 Transport, highways and parking

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

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

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

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

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

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

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

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

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

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

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

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

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

6.5 Safety and Security

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

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

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

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

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

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

7. EQUALITY AND DIVERSITY ISSUES

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

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

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

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

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

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

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

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

9. CONCLUSION

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

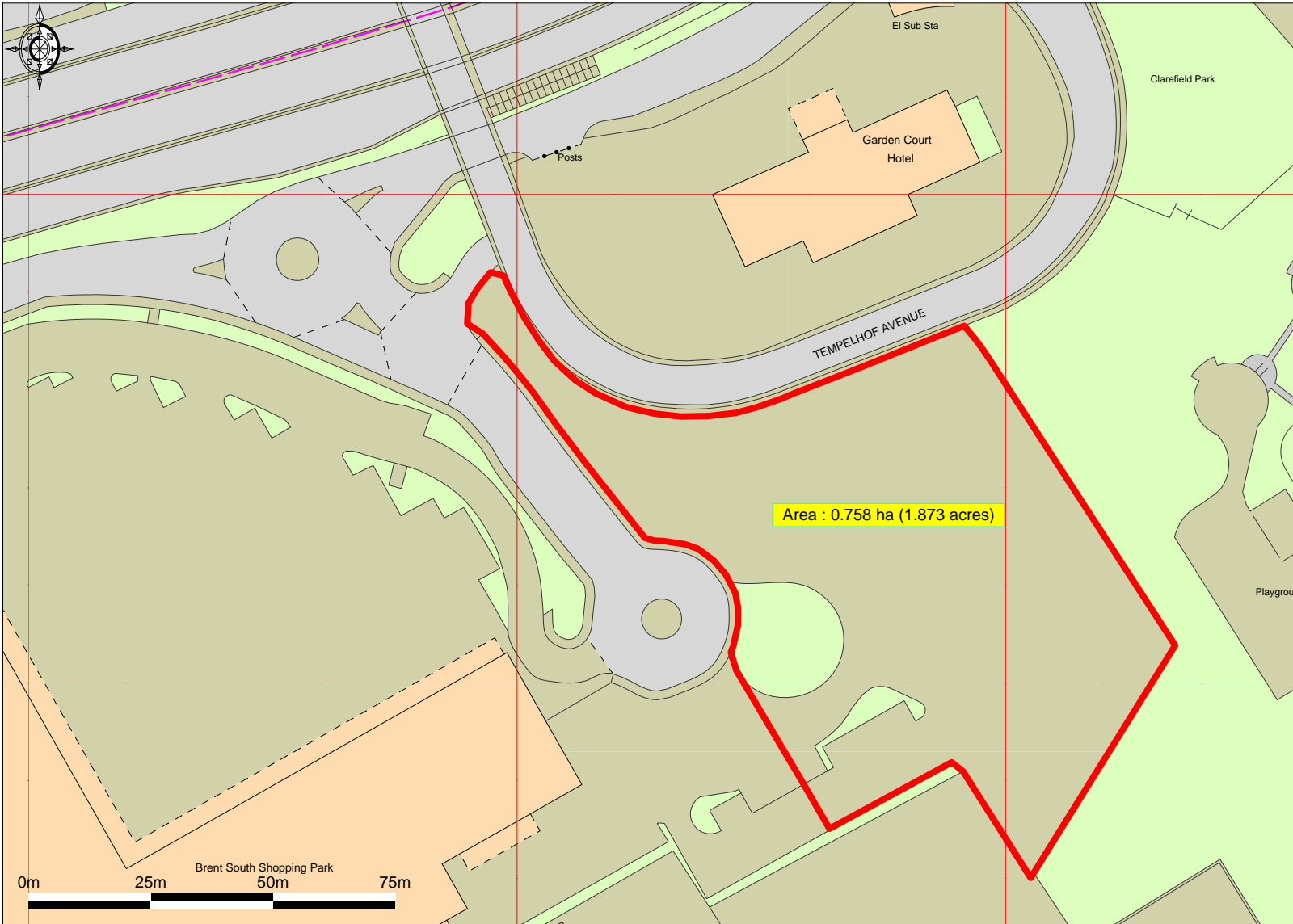
Traffic impacts associated with this proposed use have been considered and controls have been applied to the number of vehicular movements during peak periods. The site is well located to facilitate easy access to the wider Road Network without the need to use residential streets.

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

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

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

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



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Location **Garage Court Hanshaw Drive Edgware HA8 0HP**

Reference: **17/3073/S73**

Received: 11th May 2017

Accepted: 16th May 2017

Ward: Burnt Oak

Expiry 11th July 2017

Applicant: Ms Christine Coonan

Proposal: Variation of condition 1 (Plan Numbers) of planning permission 16/5815/FUL dated 07/02/17 for 'Demolition of existing garages. Erection of four x two storey, two-bedroom terraces houses, plus one x wheelchair accessible, 6-bedroom family dwelling (totalling five units). Associated parking, landscaping and cycle storage.' Variation to include replacement of 6 bedroom house with 2 x two bed houses (totalling six units)

AGENDA ITEM 10

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning 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 his 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:

Drawing No. A_BA2-S17-DR_0001 - Revision B (Existing site location plan)

Drawing No. A_BA2-S17_DR_0100 - Revision D (Proposed site plan)

Drawing No. A_BA1-S17_DR_0101 - Revision B (Proposed first and roof plan)

Drawing No. A_BA2-S17_DR_0200 - Revision B (Existing and proposed street elevations)

Drawing No. A_BA2-S17_DR_0300 - Revision A (2B4P House Type B1 - Unit Plans)

Drawing No. A_BA2-S17_DR_0301 - Revision C (6B10P House Type A1 - Unit Plans)

Drawing No. A_BA2-S17_DR_0400 - Revision C (Proposed block elevations)

Drawing No. A_BA2-S17_DR_0401 - Revision C (Proposed block elevations - side elevations)

Drawing No. A_BA2-S17_DR_0402 (Proposed Block Elevations - Substation)

agb Environmental Arboricultural Impact Assessment dated 16 June 2016

hta Daylight, Sunlight and Overshadowing report dated June 2016

BBS Sustainability Report dated June 2016
Vectos Transport Statement September 2016
hta Design and Access Statement dated September 2016
hta Planning Statement dated August 2016 & S73 Planning Statement dated 03 March 2017

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 shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been 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 retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 4 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 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 5 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) and the Sustainable Design and Construction SPD (adopted April 2013).

6 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

7 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) 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 DM01, DM03, DM17 of the Development Management Policies DPD

(adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of Hanshaw Drive, HA8, hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 9 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 10 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 11 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of any of the new dwellings (Use Class C3) permitted under this consent, Dwelling House Type A1 (as shown on Drawing No. A_BA2-S17_DR_0301 Revision C) shall have been constructed to meet and achieve all the relevant criteria of Part M4(3) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). All remaining dwellings hereby approved shall have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) prior to the first occupation of any of the new dwellings (Use Class C3) permitted under this consent. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 12 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 13 Before the development hereby permitted is occupied the car parking spaces and ambulance parking bay as shown on Drawing No. A_BA2-S17_DR_0100 Rev. C shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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.

- 14 Before the development hereby permitted is occupied cycle parking spaces as per the submitted planning application shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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.

- 15 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- 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.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 16 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as shown on the tree protection plan approved under Condition 1 of this permission has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this permission.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 17 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.
- b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
- c) No development or demolition shall take place other that in accordance with the Written Scheme of Investigation approved under b).
- d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under

b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2015.

18 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. 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.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) 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 April 2013) and 5.21 of the London Plan 2015.

- 19 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings 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 amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 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 With regard to surface water drainage 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.
- 3 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, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

- 4 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 the construction traffic. 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.
- 5 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 6 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.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 8 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled 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. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. 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.
- 9 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.
- 10 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.

In addition, the applicant is advised that the building on site may contain asbestos. Advice on removal is available at: <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/hazardous-substances/asbestos.html>

Reference should be made to the uncovering and disposing of asbestos in complying with the contaminated land conditions part 1 and 2.

- 11 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.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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.

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.

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.

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

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

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

- 12 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking /

insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 13 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 14 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 15 The grant of planning consent confers no rights for any work to be undertaken to a tree on public highway land and you are advised to consult the Council's Principal Arboricultural Officer - Greenspaces and Streets prior to taking any further action.
- 16 The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.
- 17 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 30dB(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.

- 18 It is recommended that demolition should be carried out by an approved contractor and neighbouring residents notified at least seven days before commencement.
- 19 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled 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. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. 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.

Officer's Assessment

1. Site Description

The application site measures 0.1208 ha and consists of a cul-de-sac containing 44 garages within the close of Hanshaw Drive. It is within the ward of Burnt Oak.

Hanshaw Drive is an un-adopted cul-de-sac, providing vehicular and pedestrian access to the existing garages and the sheltered housing building. Limited parking runs along the western side of Hanshaw Drive. Pedestrian through-access can also be gained from Watling Avenue.

The site is bounded on all sides by existing residential development. Immediately to the west is a part two, part three storey sheltered housing building. To the north, east and south, residential gardens abut the site boundary.

It is located within the Watling Estate Conservation Area.

The surrounding residential buildings are typical of the Watling Estate, and comprise two storey terraced and semi-detached workers' cottages, mostly with front and back gardens, hipped, pitched, tiled roofs, and faced in brick, render or painted weather boards. The sheltered housing scheme is of contrast in design and architecture to the traditional characteristics of the Estate, dating to the 1960s, with lighter facing brick, shallower copper roof and use of cladding.

There are no statutory or locally listed buildings within or adjoining the site. There are no Tree Preservation Orders pertaining to any trees which may constrain the development.

The site is located within a Flood Zone 1, according to the Environment Agency's Flood Zone Maps. As such, there is no significant risk of flooding.

The site is located in a PTAL 3 location (where 1a is low and 6b is high). The site is accessed off Thirleby Road, with bus routes in close proximity and Burnt Oak tube station (Northern Line) within walking distance.

A very small north western corner of the boundary falls within an Area of Special Archaeological Significance, but for the most part the site falls outside this area.

The site is relatively level.

There are no other site specific policy designations or allocations for this site.

2. Site History

Reference: 16/5815/FUL

Address: Garage Court, Hanshaw Drive, Edgware, HA8

Decision: Approved subject to conditions

Decision date: 7 February 2017

Description: Demolition of existing garages. Erection of 5no. two storey terraced houses. Associated amenity space, hard and soft landscaping, refuse/recycling stores and cycle storage. Provision of 12no. parking spaces. Relocation of electric substation.

3. Proposal

Planning permission reference 16/5815/FUL, dated 7 February 2017, granted consent for:

'Demolition of existing garages. Erection of 5no. two storey terraced houses. Associated amenity space, hard and soft landscaping, refuse/recycling stores and cycle storage. Provision of 12no. parking spaces. Relocation of electric substation.'

The application seeks a variation to planning permission reference 16/5815/FUL, dated 7 February 2017, to replace the previously approved 6 bedroom/12 person dwelling with 2 x 2 bedroom 4 person dwellings.

The agent states that this change is required because the family of which the bespoke 6bedroom/12 person dwelling was originally intended for have been provided with alternative accommodation elsewhere.

The proposal would result in an increase of two additional terrace dwelling, increasing the total units from 5 to 6 units.

The amendment would result in changes to parking arrangement to the front of the proposed dwellings, as well as alterations the landscaping surrounding the terrace to ensure the new homes are provided with adequate outdoor amenity space, cycle storage and refuse storage. Improvements to the approaches to the front doors have also been introduced.

4. Public Consultation

A site notice was erected 25 May 2017.

A press notice was published 25 May 2017.

Consultation letters were sent to 19 neighbouring properties.
0 responses have been received.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The 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 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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

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.
- Relevant Development Management Policies: DM01, DM02, DM06.

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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

Watling Estate Conservation Area Character Appraisal Statement (Adopted July 2007)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future residents.
- Whether harm would be caused to the health and quality of trees
- Whether the development would impact traffic and highways to an unacceptable level

5.3 Assessment of proposals

Optimising the potential of the site:

Paragraph 58 of the National Planning Policy Framework (2012) states that planning decisions should aim to ensure that developments optimise the potential of the site to accommodate development.

Policy 3.4 of the London Plan 2016 states that taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development

should optimise housing output for different types of location within the relevant density range.

Impact on character and appearance:

In regards to local context and impact on character, the overall height of the terrace would remain unchanged and the massing and building footprint will represent a reduction compared to the approved scheme, because the single storey element of the large 6 bedroom/12 person dwelling in the would be removed. The overall appearance, design and materiality of the terrace properties would remain the same as the approved scheme. For these reasons, subject to the conditions recommended, the proposal is found to be acceptable and compliant with development plan policies as they relate to design, character, appearance, conservation and landscaping matters.

Impact on amenity of future occupiers:

In regards to the quality of accommodation for future occupants, the 2 new terrace dwellings will follow the same internal layout of the previously approved 4 x 2 bedroom/4 person dwellings. The units proposed would both have gross internal areas which meet the requirements of the London Plan for a dwelling of that type. It is considered that the dwellings proposed have an acceptable degree of outlook, light and privacy. The dwellings would have access to their own private outdoor amenity space which meets the Council's requirements on outdoor amenity areas. For these reasons it is considered the proposed development would provide acceptable quality of accommodation for future residents.

Impact on amenity of neighbouring occupiers:

In regards to impact on amenity of neighbouring occupiers, the terrace would not be sited any closer to the front elevation of the sheltered housing scheme in Hanshaw Drive. The rear elevations of the proposed terrace would not be sited closer to the boundary adjacent to the properties facing Gunter Drive. The side elevation of the end of terrace would not be sited closer to the boundary adjacent to the properties along Thirleby Road. Due to the removal of single storey element of the previously approved large unit, the end of the terrace would be sited at a further distance from the boundary adjacent to the properties along Watling Avenue, than previously approved. In conclusion, by virtue of the proposed dwelling's design, height, massing and an inset from adjoining boundaries, it is not considered that the dwellings would impact the amenity of neighbouring properties to an unacceptable level.

The relocated substation would remain in the same position as previously approved. This was deemed acceptable previously, and remains the case in this instance.

Affordable housing:

Like the previously approved scheme the agent has advised that this scheme will remain to be for 100% affordable housing provision.

Impact on trees:

The previously approved scheme was found acceptable on trees matters, subject to conditions. This remains the case in this instance.

Refuse and recycling:

Amendments have been made to the location of refuse storage. Refuse and recycling storage remains to be provided for each proposed dwelling to the front. Notwithstanding the details on the plans submitted, a condition has been recommended to secure a satisfactory refuse and recycling strategy and ensure adequate refuse and recycling facilities are provided at the proposed development.

Impact on highways:

In regards to highways, parking and access, vehicular and pedestrian access to the site remains unchanged from the approved scheme. Alterations have been made to the parking arrangement to the front of the dwellings but retaining the same quantity of parking as the previously approved scheme. The Highways team have been consulted as part of this application and found the amendments acceptable, subject to conditions.

Archaeology:

The previously approved scheme was found acceptable on archaeology matters, subject to conditions. This remains the case in this instance.

Environmental Health:

The previously approved scheme was found acceptable on environmental health matters, subject to conditions. This remains the case in this instance.

Sustainability and safety:

The previously approved scheme was found acceptable on sustainability and safety and security matters, subject to conditions. This remains the case in this instance.

Barnet and Mayoral Community Infrastructure Levy:

The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) and is liable for charge under the Mayoral CIL.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sqm on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sqm on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

Conclusion:

When viewed in the context of the overall scheme the replacement of one larger unit to provide two smaller ones will result in an improvement on the previously approved scheme and better serve the needs of the borough in terms of affordable housing provision, whilst optimising the potential of the site to accommodate development, in accordance with development plan policy.

5.4 Response to Public Consultation

N/A

6. Equality and Diversity Issues

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

7. Conclusion

The application proposes the redevelopment of an existing group of garages into six high quality dwellings, which meet minimum internal and external space standards.

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 Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

For the reasons set out in the previous sections of this report it is concluded that the proposed development generally and taken overall accords with the relevant development plan policies and constitutes a sustainable form of development. Accordingly, APPROVAL subject to conditions is recommended.

