

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)
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.

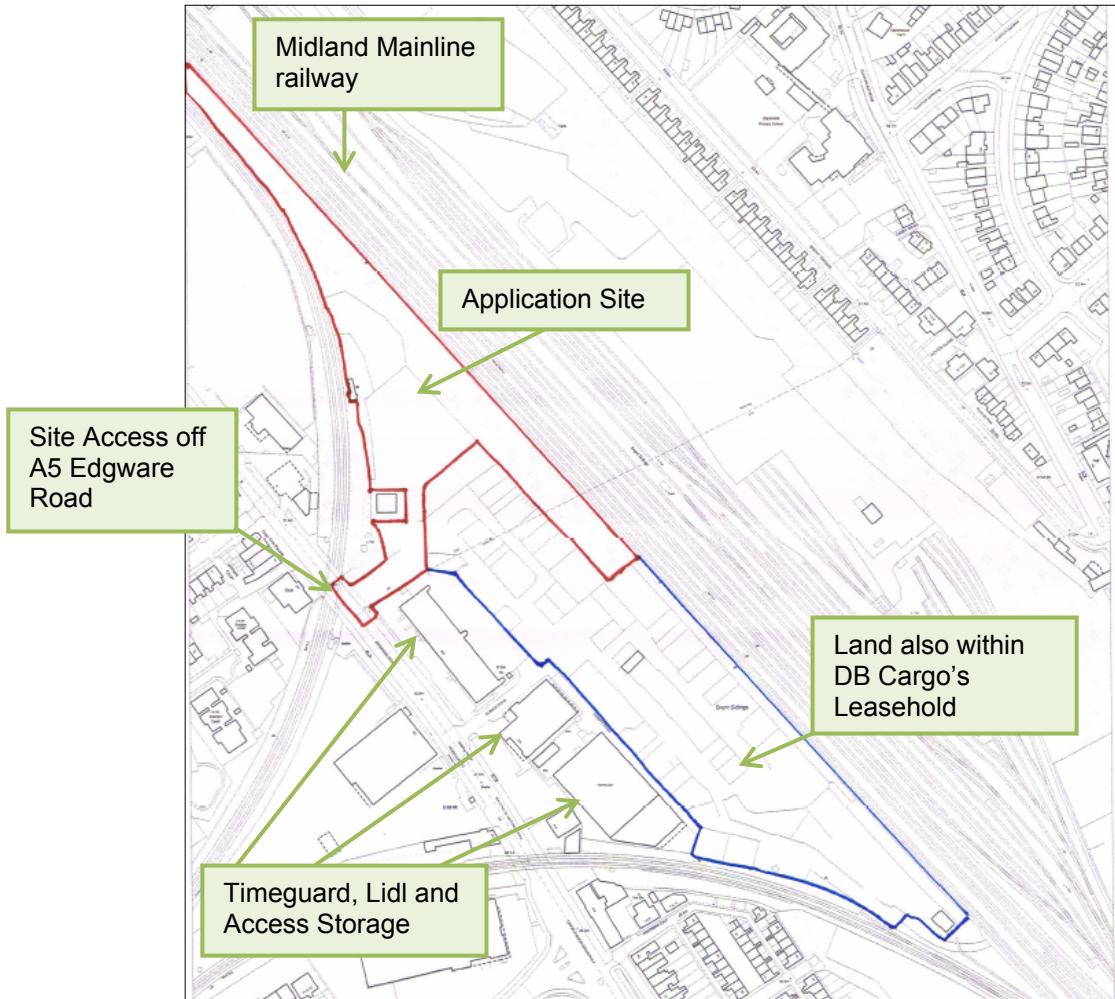


Figure 1: Location of the application site and adjoining land also in the control of the applicant at Cricklewood Railway Yard (extract from drawing number CC/001).

- 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 *Cicklewood, 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).

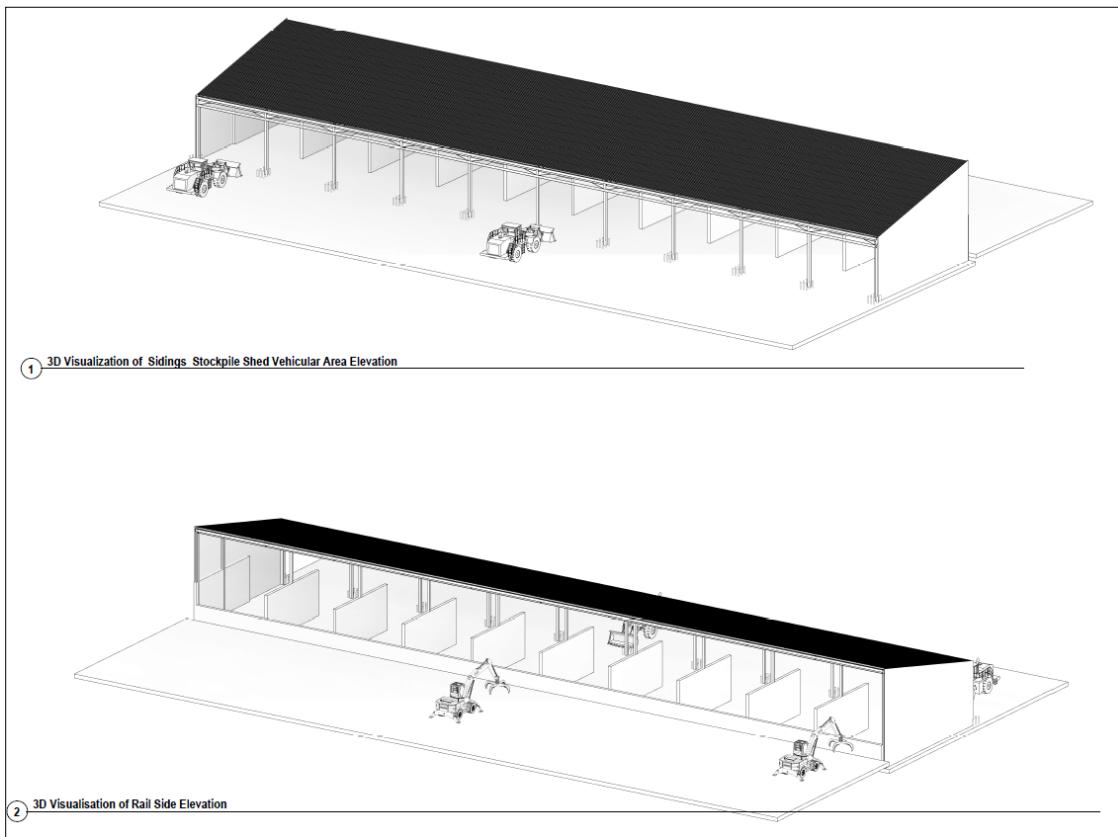


Figure 2: Indicative illustration of the canopies to be erected over the aggregate storage bins - (1) a view from the yard side; and (2) a view from the traverser road/rail side.

- 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 faculty 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 (PM_{10} 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 (NO_2) and particulate matter (PM_{10})) 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 NO_2 and PM_{10} 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 construct 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.