LOCATION:	Cricklewood Sidings, Land Rear of Brent Terrace (South), London NW2 1BX		
REFERENCE:	18/5244/EIA	**Received:**	31/08/2018
		Validated:	06/09/2018
WARD:	Childs Hill	**Expiry:**	27/12/2018
		Final Revisions:	13/11/2018
APPLICANT:	London Borough of Barnet		
PROPOSAL:	The construction of a compound for use by railway staff and train drivers, including the erection of a two storey office and welfare block with associated yards, site levelling, external lighting, fencing, gates, fuel tank firewall, and landscaping; construction of new service and access road with bollards and footways; vehicular parking; storage facilities; installation of underground attenuation tanks; the relocation of railway related plant and equipment including fuel tanks, sand silos, retention of plant associated with a carriage washing facility, waste bins, and compactor; and the temporary use of land for construction compounds, comprising site offices, material storage, and car parking. This application is accompanied by an Environmental Statement.		

1. RECOMMENDATION

APPROVE planning application 18/5244/EIA subject to the recommended conditions listed in Appendix A of this report.

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions as set out in Appendix A to this report and any addendum provided this authority shall be exercised after consultation with the Chairman (or in her absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

2. APPLICATION SUMMARY

Brent Cross Cricklewood Regeneration

2.1 The comprehensive redevelopment of the Brent Cross Cricklewood ('BXC') area is a long-standing objective of the Council and has been embedded in planning policy at both the regional and local levels for over 15 years. The BXC scheme is one of the most important and significant regeneration opportunities in London. It will deliver strategic objectives and public benefits including a significant amount of new housing, new employment floorspace and jobs, a new train station, improved bus station, new town centre, additional and expanded retail facilities, enhanced parks and open spaces, new community facilities, replacement and expanded schools, highway infrastructure improvements including new bridges and pedestrian and cycle links.

2.2 Outline planning consent for the BXC Development was approved in 2010 and amended in 2014via a Section 73 application (application ref: F/04687/13) ('the S73 Permission). A core requirement of the long-standing planning policies that support the regeneration of BXC is that the development must come forward in a comprehensive and co-ordinated manner in order to secure the delivery of the wide range of significant public benefits.

2.3 In order for comprehensive development of BXC to be achieved it needs to be supported by substantial new infrastructure. This includes the construction of a new train station on the line which the current Thameslink service runs on. The delivery of the new Thameslink train station and associated transport interchange will significantly enhance the accessibility of the regeneration site and wider area and enable the realisation of important regeneration benefits.

2.4 The Council has secured £97m of DCLG grant along with a funding agreement with the GLA to the ring-fencing of business rates to fund the delivery of the new train station sooner than originally envisaged under the S73 Permission (Phase 2 rather than Phase 5). The Council is working with Network Rail to deliver the new station by 2022. This will enable it to be delivered alongside the early phases of BXC, ensuring that it forms an integral part of the new development from the outset. Its early delivery will also act as a catalyst for the continued delivery of new housing and offices within Brent Cross South.

2.5 There are a number of associated infrastructure components that need to be delivered in order to enable the new Thameslink Station to be constructed. This includes the provision of a replacement waste facility for the Hendon Waste Transfer Station, delivery of a Rail Freight Facility and the relocation of existing rail sidings and train stabling facility, which is the subject of this application.

2.6 Together, these components make up the Thameslink phase of the BXC development and all of these components are required in order for the new train station to be able to be delivered.

What is being proposed under this application?

2.7 The site of the new Thameslink train station is currently occupied by the Cricklewood Down Sidings (also known as the North Sidings), a disused rail freight building and further siding operated by GB Rail Freight for construction spoil transfer. The existing North Sidings will be relocated further south to a location adjacent to the existing South Sidings in order to make way for the new train station. The replacement sidings comprise two components:

(a) Replacement compound; and
(b) Replacement sidings tracks and connections to the railway

2.8 This application relates to part (a) and seeks planning permission for the construction of a new compound that would be utilised and operated by two Train Operating Companies (TOCs); Govia Thameslink Railway ('GTR') and East Midlands Trains ('EMT').

2.9 The location identified in the S73 Permission for the replacement sidings is currently occupied by an existing fuel farm which us used for re-fuelling EMT trains, and an existing compound used by GTR to service their trains. These facilities provide fuelling, cleaning, maintenance and driver and railway staff welfare facilities for the existing train services, and need to be relocated to make way for the new sidings which will replace the existing MML stabling and sidings currently located to the north of the site which is the location where the new Thameslink Railway Station will be constructed.

2.10 The proposed sidings compound will therefore include: car parking; compound accommodation and shelters for drivers and staff; storage facilities; sand silo; power supply; fuel tanks and compactor.

2.11 The replacement sidings tracks and associated alterations to the railway (part (b) above) are the subject of a separate planning application (Ref: 18/5647/EIA) which is also being reported before the committee on this agenda.

Who has submitted this application?

2.12 The planning application has been submitted by GL Hearn planning consultants on behalf of the London Borough of Barnet. The Brent Cross Thameslink project team is responsible for procuring and delivering the new Thameslink Railway Station facility on behalf of the London Borough of Barnet. The operational railway land is governed by Network Rail, and occupied by Govia Thameslink Railway ('GTR') and East Midlands Trains ('EMT').

2.13 The design, form and capacity of the facility has been worked up by the applicant team in agreement with the Network Rail and other key rail stakeholders to ensure that it meets their operational requirements.

Why has a drop- in planning application been submitted?

2.14 The Section 73 Planning Permission includes consent for the relocation of the existing MML Train Stabling Facility within the Railway Lands Development Zone. The s.73 Permission defines the New MML Train Stabling Facility as *'replacement train stabling provision needed to facilitate delivery of the Development within the Railway Lands Zone as set out in…Parameter Plan 002 and Illustrative Infrastructure Drawing Ref. No. 649 SK 00 326'*. However, since the outline planning application was first prepared back in 2008, the GTR compound and associated Thameslink sidings have undergone changes and therefore the S73 Permission did not include proposals for the relocated GTR and EMT compound facilitates. The facilities provided in this compound are necessary to serve the EMT and GTR train services and the activities that take place on the existing sidings.

2.15 As a result of the constraints of the site including the operational railway and the size and design of the replacement sidings to meet Network Rail's requirements, and the necessity to have the train stabling facilities within proximity to the new sidings where the trains will be parked, the relocated compound facility has to be located on land within the Brent Terrace Development Zone that was originally envisaged to be developed for residential development (i.e. outside the Railway Lands Development Zone). As a result, the proposed sidings compound would deviate from a number of the S73 Permission Parameter Plans and cannot be considered through a Reserved Matters Application. Instead, a stand-alone planning application known as a 'drop-in' application is required which effectively drops the new proposal into the masterplan for Brent Cross. This is not unusual for large developments such as BXC and is an acceptable planning method provided that it doesn't prejudice the delivery of the wider S73 Permission.

3. DESCRIPTION OF THE SITE AND SURROUNDINGS

3.1 The Application Site covers an area of land measuring 2.55 hectare (ha) including the relevant access road and associated land to be used for construction activities. The site is located on the east side of the Midland Main Line railway on land within the former Cricklewood Sidings. The site is bound to the east by residential properties off Brent Terrace beyond an area of existing trees, and to the west by the existing South Sidings where GTR and EMT trains are cleaned and serviced, beyond which are railway tracks associated with the Midland Main Line and freight lines. Further west beyond the railway are the site of the recently consented Rail Freight Facility and the residential development of Fellows Square. The existing Hendon Waste Transfer Station is located to the north and an area of vacant railway land to the south. The site falls within land currently designated operational railway land.

3.2 The extent of the proposed development is shown on the Site Location Plan drawing no. BXT-CAP-0100-B-DR-C-0011 and the extent of the Proposed Development is shown on the Site Red Line Boundary drawing ref. no. BXT-CAP-0100-B-DR-C-0012. Figure 1 below is an extract from the 'Brent Cross Thameslink Sidings Accommodation and Facilities: Design and Access Statement' (document ref. BXT-CAP-0000-B-RP-A-0116 Rev. P03, dated October 2018) illustrating the immediate site context, highlighting the key features related to the site.

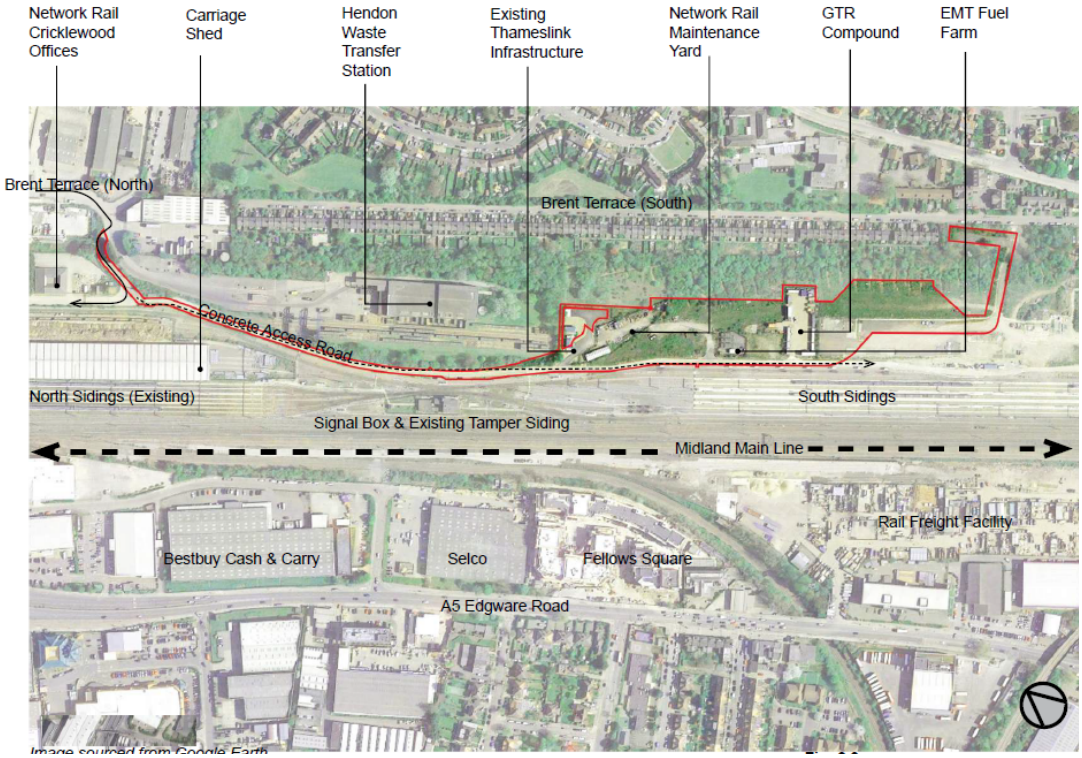

Figure 1: Location of the application Site (bound in red) in relation to the surrounding area and key features (adapted from Brent Cross Thameslink Sidings Accommodation and Facilities Design and Access Statement).[1]

[1] Figure 2.3 titled 'Plan illustrating the immediate context') Brent Cross Thameslink Sidings Accommodation and Facilities Design and Access Statement (revised October 2018) Ref: BXT-CAP-0000-B-RP-A-0116 P03.

3.3 The existing vehicular access is via a concrete access road from the north which connects to Brent Terrace (North) which in turn is accessed from Tilling Road. Tilling Road provides access to the strategic highway network via the A406 North Circular, the M1 Motorway and the A5 Edgware Road.

3.4 The site includes the existing compound facilities comprising the EMT Fuel Farm and GTR driver accommodation. These comprise a series of dismountable structures, storage containers and associated structures within a rectangular compound which is enclosed by a fence. The facilities provide train preparation and stabling for GTR, fuelling and stabling for EMT and accommodation for the Network Rail Track maintenance function. The remainder of the site comprises former railway land which is mainly covered in scrub and hard surfaced areas. There are no trees within the site boundary however a band of existing trees lies to the east and north-east between the site and the properties on Brent Terrace.

3.5 In terms of the wider BXC regeneration, the Application Site would fall within the Brent Terrace Development Zone as defined on Parameter Plan 001 of the S73 Permission. The proposed site for the sidings compound roughly accords with the areas illustrated as Plots 38 and 47 while the proposed access road extension slightly encroaches onto Plots 39 and 41. The BXC Development as permitted by the S73 Permission is further described below (Section 4- Brent Cross Regeneration Scheme).

3.6 There are no statutory or non-statutory designations within the application Site. The nearest of such sites within the vicinity of the application Site include:

- Brent Reservoir SSSI and Brent Reservoir/Welsh Harp Local Nature Reserve – approximately 1.1 kilometre to the northwest;
- Grade II* The Old Oxgate – approximately 850 metres to the west;
- Grade II Church of St Michael – approximately 780 metres to the south-southwest;
- Grade II Milestone outside 3 & 4 Gratton Terrace – approximately 600 metres to the southeast (along the A5); and
- Grade II Dollis Hill Synagogue and forecourt railings – approximately 1 kilometre to the southwest.

3.7 Land immediately adjacent to the Application Site that also forms part of the operational railway is currently undergoing site clearance work in association with the Phase 2 (South) (Thameslink Station) sub-phase of the BXC Development. The clearance works includes the removal of spoil and non-native invasive plant species and the construction of temporary rail haul road/track to facilitate the transportation of materials by rail. These works have been authorised pursuant to Condition 49.1 of the S73 Permission (planning ref. 18/3100/CON), which allows particular ‘early works’ to be undertaken. The completion of such works will make way for the construction of the proposed Sidings Compound, which is the subject of this planning application, and the construction of the new south sidings which have been proposed within planning application 18/5647/EIA.

4. BRENT CROSS CRICKLEWOOD REGENERATION SCHEME

4.1 The Application Site lies entirely within the BXC regeneration area and Cricklewood/ Brent Cross Opportunity Area as identified by the Council's *Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework* (2005) and the *London Plan* (2016) respectively. Outline planning permission for the comprehensive redevelopment of BXC (as described below) was originally granted in 2010 and subsequently varied through a Section 73 planning application in 2013. The Section 73 Planning Permission was approved in July 2014 ('S73 Permission'). The description of the approved development is:

> *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.'*

4.2 The permitted BXC regeneration scheme is divided into a number of Development Zones based on the varying character and land uses within the regeneration area. Given the extensive railway infrastructure in the southwest quadrant of the regeneration area, the S73 Permission granted outline planning consent for a 'New MML Train Stabling Facility' within the 'Railway Lands Development Zone'; defined as 'Rail Enabling Works' for the replacement train stabling provision to facilitate delivery the 'New Train Station'.

4.3 The S73 permission originally identified the New MML Train Stabling Facility to be delivered in Phase 4 (circa 2029). However, along with the Thameslink train station, the New MML Train Stabling Facility has been re-phased (planning reference 17/3661/CON) into the newly created Phase 2 (South) (Thameslink Station) sub-phase within Phase 2 to enable the new train station to be delivered in 2022.

4.4 As illustrated on Parameter Plan 001 of the Revised Development Specification Framework ('RDSF'), the area of Phase 2 (South) (Thameslink Station) primarily comprises two development zones: Brent Terrace and Railway Lands Development Zones.

4.5 The approximate location of the boundary to the operational railway which divides the developable land required for BXC development from the land that will remain as operational railway is shown on Parameter Plan 002 Rev 13 and Illustrative Infrastructure Drawing Ref No 649 SK 00 326 (Plan 17 of Schedule 8 of the S106 Agreement) contained within Appendix 7 to the RDSF. As defined in the RDSF, the boundary is indicative with the exact location of the rail operations boundary to be agreed with Network Rail.

4.6 The S73 Permission approved principles and parameters to provide a light industrial building, identified as Plot 61 on Parameter Plan 029 within the Railway Lands Development Zone. The building was intended to be used as Rail Stabling Administration for Network Rail and the Train Operating Companies. The S73 Permission did not permit or include proposals for the relocated compound facilitates, nor consider the access or interaction between the relocated sidings and rail related equipment.

4.7 Delivery of the New MML Train Stabling Facility is controlled through planning conditions 47.5 and 47.6 of the S73 Permission; whereby condition 47.5 controls the Rail Enabling Works which include the works to the railway lines necessary; to enable the delivery of the MML Train Stabling facility and the new Train Station and condition 47.6 states the following:

> *Prior to beginning the MML Train Stabling Facility as shown on Parameter Plan 002 Rev 13 and Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev G[2] and to be provided in accordance with the Detailed Delivery (Non-PDP) Programme full details will be submitted to and approved by the LPA in accordance with relevant planning obligations contained in the S106 Agreement and the relevant Phase Details.*
>
> *Reason: To ensure the provision of transport infrastructure to support comprehensive redevelopment to the satisfaction of the LPA.*

4.8 In addition to the RDSF, the S73 Permission also incorporates other control documents, including a Revised Design and Access Statement ('RDAS') and Revised Design Guide ('RDG'), that offer further guidance on the BXC Development.

4.9 A number of other technical assessments relating to, inter alia, traffic and transport, noise and vibration, air quality and design also accompany the S73 Permission. The S73 Planning Application was also accompanied by and determined on the basis of conclusions contained within an Environmental Statement.

[2] Plan ref. 224_PD_IF_000 Rev. G referred to in Condition 47.6 has been superseded by plan no. 649_SK-00_326, which is contained within Appendix 7 of the RDSF.

5 DESCRIPTION OF PROPOSED DEVELOPMENT

5.1 Planning permission is sought for the following proposed development:

> *'The construction of a compound for use by railway staff and train drivers involving excavation to form new levels; the erection of a two storey office and welfare block with associated yards; external lighting, fencing and gates; construction of fuel tank firewall, new service and access road, bollards, footways, vehicular parking, and storage facilities; installation of underground attenuation tanks; the relocation of railway related plant and equipment including fuel tanks, sand silos, carriage washing plant supply, waste bins, and compactor; and the temporary use of land for construction compounds, comprising site offices, material storage, and car parking'*

5.2 The proposal comprises the construction of a new compound that would accommodate rail related equipment and facilities to support the existing and relocated sidings. It is understood that the proposed sidings compound area would be utilised and operated by two Train Operating Companies: Govia Thameslink Railway and East Midlands Trains. The proposed development therefore reflects the requirements of these TOCs and has regard to Network Rail requirements.

5.3 An existing siding is located immediately to the west of the application site, which provides train presentation and stabling facilities for GTR and EMT. Some of the equipment to support these activities is currently located on land required for the New MML Train Stabling Facility, and therefore is proposed to be relocated into the new compound. The proposed arrangements are shown on the General Arrangement Plan drawing no: BXT-CAP-0100-B-DR-C-0018. The sidings compound comprises two compound areas and these are described below:

GTR Compound

5.4 The proposed GTR Accommodation Building comprises a two-storey building measuring 24.4m long, 14.6m wide, and 8.8m high. It will have a gross internal area of 656sq.m and will be constructed using cement panel system with a cladding finish, aluminium curtain wall and casement windows and a single ply membrane/asphalt roof covering. The main entrance to the proposed building would benefit from a canopy structure constructed on a free-standing steel frame set away from the main elevation and topped with laminated glass.

5.5 The ground floor will be generally utilised by the train presentation staff and will accommodate approximately 80 people. The first floor will be used by train drivers and associated management and will accommodate approximately 90 people. The building has been designed to consider future adaptability and will include a passive space provision for a Part M compliant platform lift, located adjacent to the stair. The proposal also includes accessible WC provisions to the ground floor.

5.6 The pedestrian access to the main entrance will be via a raised table from the drivers' walkway. 29no. car parking spaces are proposed, 6no. of which will include electric charging points, with a further 3no. facilitating passive charging points. One accessible

space and a cycle store containing 8no. spaces are also proposed. A 'Switch Room' building is proposed adjacent to the cycle store. It will be of brick construction and measure 2.7m by 2.1m and finished with a lean-to roof 2.7m high at its highest point.

5.7 The existing compound, contains plant equipment (NR power supply, REB and carriage wash plant), which will be retained, but it will be enclosed by a 2.4m high black weld mesh panel security fence.

5.8 The following plant and equipment will also be relocated to the proposed Sidings Compound:

- storage containers;
- compactor; and
- waste bins

Proposed and Existing Operational details

5.9 GTR currently have 80 train presentation staff (with a maximum of 25 staff per shift in 3 shifts over a 24hour period) and 90 train drivers (with approximately 30 drivers on shift at any one time) based on site. Train preparation (e.g. cleaning and washing) at the existing South Sidings is able to take place any time 24hours a day, seven days a week. The proposed compound would be operated on the same basis.

5.10 GTR train preparation staff will mainly arrive at the new facility by train, and some will arrive by vehicle and will park in the proposed compound car park (30 car parking spaces and the provision for 8 cycles to park is proposed). There will be dedicated pedestrian walkways provided within the site to accommodate internal movements around the site. The additional drivers currently walk from Cricklewood Station, but once the new Thameslink Train Station is open, drivers will walk to the Sidings Compound via a new dedicated drivers' walkway, which is segregated throughout the Sidings Compound via a kerb. The dedicated drivers' walkway will form part of the second drop-in planning application. Drivers leaving the sidings are collected by taxi.

Proposed Vehicle & Pedestrian Access

5.11 The proposed private access road will be 6m wide and include a 1.5m wide unsegregated footway connecting to the existing Network Rail shared access road, which is currently accessed from Brent Terrace North, via Tilling Road. The extended access road will terminate at a turning head adjacent to the proposed ETM compound. Due to the gradient of the land of the application site, a retaining wall would be required to support this new section of the private road. Secure swing access gates for vehicles and pedestrians with key pad entry system and CCTV are proposed, and dedicated pedestrian walkways are proposed to accommodate internal movements around the site.

5.12 Deliveries to the proposed GTR compound, which include cleaning materials will be delivered via road, by vehicles up to 7.5 tonnes in 25 Litre drums or international bulk containers of volume 1000 Litres. Refuse will be collected from the trains, carried back to the GTR compound and is disposed in the compactor refuse facility, located south-east of the proposed compound and will be emptied by a small tipper vehicle when required.

EMT Fuel Farm

5.13 The proposed EMT compound will be a standard porta-cabin building measuring approximately 4.8m by 2.8m and finished with a flat roof 2.55m high. The area will include 3 fuel tanks each with capacity of 55,000L, a plant room measuring approximately 4.5m by 3.4m and finished with a flat roof 2.6m high, a single storey accommodation building for welfare facilities and one dedicated parking space. It will also be enclosed by a 2.4m high black welded mesh panel security fencing with pedestrian access via a gate located along the northern face of the compound. A 3m high firewall is also proposed along the rear (east) of the fuel tanks which is required for health and safety requirements.

Proposed and Existing Operational details

5.14 EMT is responsible for refuelling the trains, which only takes places during the night and currently only one member of staff is required. The EMT staff member also facilitates fuel deliveries by vehicle to the fuel farm.

5.15 It is anticipated that the member of staff will arrive by vehicle to site, and park in the dedicated parking bay adjacent to the fuel farm welfare accommodation building. The EMT staff member will conduct the activities which currently take place on site, including: refuelling the trains and delivering fuel to the EMT fuel farm in 15.5m articulated vehicles. It is assumed that this vehicle is not required to enter the compound and will perform the delivery operation from the adjacent access road.

Proposed Construction Process

5.16 All construction work will be undertaken on existing Network Rail land, adjacent to the existing GTR compound, and will be secured from the public highway by Palisade Fencing.

5.17 Proposed hours of works are as follows: Monday to Friday: 08:00 to 16:30hrs and Saturday 08:00 to 15:00hrs. Operatives and workforce are anticipated to arrive on site from 07:30 and 08:00hrs and will receive a daily brief. All construction activities are proposed to commence at 08:00hrs. It is currently proposed for Saturday working hours until 15:00hrs; as the compound works are critical to forthcoming activities in order to complete the sidings realignment works within the available and allocated rail possession timeframe.

5.18 It is proposed to construct a temporary site compound during the duration of works, and will consist of the following:

- Site Office and Welfare
- 30 dedicated car parking spaces will be provided (All vehicles will access the site via Brent Terrace and proceed to the access gates securing the existing access road. They will then report to the access controller who will arrange for the delivery wagon to be taken to designated area for offloading. No parking will be allowed for construction vehicles, including cars, vans, lorries and plant on Brent Terrace North).

- Material Offload and storage area
- Segregated plant & pedestrian route
- Generator/Fuel Tank area; and
- Plant Storage.

5.19 The temporary construction works compound area is proposed to be located immediately south of the proposed Sidings Compound, on land which has been previously utilised as part of a larger compound area in association with the previously authorised 'Early Works' under Condition 49.1 of the S73 Permission. The construction compound would extend towards the existing internal road access, which leads to a car parking area adjacent to Brent Terrace Road. This access road and car park area are existing hard surfaced areas and no specific changes have been proposed beyond the existing specified use.

6 COMPATIBILITY OF THE PROPOSED DEVELOPMENT TO THE BRENT CROSS CRICKLEWOOD S.73 PERMISSION

6.1 As described in Section 4 of this report, the S73 Permission for the BXC') regeneration scheme grants outline planning consent for the 'New MML Train Stabling Facility' (replacement train stabling provisions required to facilitate the delivery of Development within the Railway Land Development Zone including the new Thameslink train station) and is identified as part of the 'Rail Enabling Works'.

6.2 The delivery of New MML Train Stabling Facility is controlled by Planning Condition 47.6 of the S73 Permission and requires full details of the MML Train Stabling Facility to be submitted to and approved by the LPA. Such details are expected to accord with parameters illustrated on Parameter Plan 002, Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev G[3] and relevant Phase Details (required by Planning Condition 14.2). Therefore, ordinarily, development of a Train Stabling Facility within the Railway Lands Development Zone to facilitate operation of the Railway Sidings could be secured through the submission (and approval) of details pursuant to Planning Condition 47.6.

6.3 In the text which accompanies Parameter Plan 002 within the Revised Development Specification Framework ('RDSF'), Paragraph 16 indicates that the railway boundary on 'Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev G' is indicative, with the exact location of the rail operations boundary to be agreed with Network Rail. This demonstrates that a degree of flexibility was envisaged at the outline planning stage to subsequently determine the boundary between the Railway Lands and Brent Terrace Development Zones. Nevertheless, based on the Local Planning Authority's pre-application engagement with the Applicant and review of the submitted planning application, it is recognised that the proposed development would be situated outside the Railway Lands Development Zone where the New MML Train Stabling Facility was envisaged to be located, and instead within the adjacent Brent Terrace Development Zone. Specifically, the proposed development would encroach onto land indicated for delivery of Plots 38, 39 and part of Plot 47 which are identified to deliver principally residential development along with retail and creche uses (as identified in Table 8a Schedule of Parameter Plan 029 and the Zonal Floor Space Schedule contained in Appendix 5 which divides developable floorspace between the Development Zones). The proposal also appears to encroach onto land which is identified for the delivery of 0.42 hectare of open space (Nature Park 2 – Railway Lands Nature Park). As such, it is evident that the proposed development would not be in conformity with the relevant principles and parameters established by the S73 Permission and therefore the proposed development could not come forward pursuant to Condition 47.6. Therefore, detailed approval is sought by way of this 'drop-in' planning application.

[3] Plan ref. 224_PD_IF_000 Rev. G referred to in Condition 47.6 has been superseded by plan no. 649_SK-00_326, which is contained within Appendix 7 of the RDSF.

6.4 In order to assess the divergence of the proposals from the development permitted by the S73 Permission, the LPA identified the need for this drop-in application to be accompanied by suitable and acceptable evidence to demonstrate that the proposed development would not undermine or prejudice the delivery of the BXC regeneration scheme. To facilitate the LPA's consideration of the proposed development, evidence has therefore been submitted in support of this planning application in form a 'Brent Cross Thameslink Works Package B: Sidings – Brent Terrace Reconciliation Feasibility Study' (August 2018). The aim of this study was to demonstrate (insofar as is possible) compatibility with the principles of the BXC masterplan, and provide adequate evidence to demonstrate that the S73 Permission will remain capable of implementation notwithstanding construction of the proposed Sidings Compound in addition to the proposed new sidings/rail tracks and realignment of the existing Midland Mainline railway tracks as set out in associated planning application 18/5647/EIA. Consideration of this study is expanded upon in Section 8 (Planning Considerations) of this committee report.

6.5 The use of 'drop-in applications' in the context of outline planning consents, particularly for large regeneration projects delivered over a number of years, is not an uncommon planning approach[4]. Indeed, two drop-in planning applications have been approved to date in relation to the Rail Freight Facility and Waste Transfer Station within the S73 Permission. The purpose of utilising such an approach is so that alternative development on land that benefits from outline planning permission can be achieved. However, in the case of BXC, the use of 'drop-in applications' would only be considered acceptable to the Local Planning Authority providing that (1) the proposed development is compatible with the S73 Permission; (2) it does not undermine or prejudice the overall delivery of the wider masterplan (i.e. comprehensive development of the BXC area); and (3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications.

6.6 In the event that planning permission is granted for the proposed development, or any other 'drop-in application', two planning permissions would effectively coexist for development of the same land. In this instance, the Pilkington Principle would apply whereby implementation of any planning permission for the proposed development (if granted) would render the respective part of the S73 Permission un-implementable. However, provided that the alternative proposals within the 'drop-in application' and any subsequent permission granted pursuant to them does not prejudice the delivery of any other part of the approved BXC regeneration scheme, the proposed development can be delivered in the context of the S73 Permission. The Local Planning Authority is satisfied with this planning approach subject to the aforementioned caveats ((1) to (3) in paragraph 6.9).

[4] The planning processes connected to the delivery of the Olympic Park by the London Legacy Development Corporation can be quoted as a preceding example for the use of 'drop-in' or 'slot-in' applications.

7. MATERIAL CONSIDERATIONS

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

Key Relevant Planning Policy

7.2 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 Policies DPD both adopted September 2012).

7.3 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.

7.4 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 18/5244/EIA

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 Response to Climate Change	
Policy 5.2	Minimising Carbon Dioxide Emissions
Policy 5.3	Sustainable Design and Construction
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 5.21	Contaminated Land
London's Transport	
Policy 6.1	Strategic Approach
Policy 6.3	Assessing Effects of Development on Transport Capacity
Policy 6.9	Cycling
Policy 6.13	Parking
London's Living Spaces and Places	
Policy 7.4	Local Character

Policy 7.14	Improving Air Quality
Policy 7.15	Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
Policy 7.19	Biodiversity and Access to Nature
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 C1	Barnet's Place Shaping Strategy
Policy CS2	Brent Cross – Cricklewood
Policy CS5	Protecting and Enhancing Barnet's Character to Create High Quality Places
Policy CS7	Enhancing and Protecting Barnet's Open Spaces
Policy CS8	Promoting a Strong and Prosperous Barnet
Policy CS9	Providing Safe, Effective and Efficient Travel
Policy CS13	Ensuring the Efficient Use of Natural Resources
Barnet Local Plan – Development Management Policies DPD (September 2012)	
Policy DM01	Protecting Barnet's Character and Amenity
Policy DM04	Environmental Considerations for Development
Policy DM14	New and Existing Employment Space
Policy DM16	Biodiversity
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 C4	Sustainable Design
Policy C10	Employment

7.5 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);
- National Planning Policy Framework (July 2018);
- National Planning Practice Guidance;
- Noise Policy Statement for England (DEFRA, 2010);
- LB Barnet Planning Obligations SPD (2013);
- LB Barnet Sustainable Design and Construction SPD (2016);
- The Mayor's Sustainable Design and Construction SPG (2014);
- The Mayor's The Control of Dust and Emissions during Construction &

Demolition SPG (2014); and

- The Mayor's Land for Industry and Transport SPG (2012).

7.6 The Local Planning Authority also recognise other relevant topic specific frameworks that may be material to the consideration of this planning application. This includes:

- Mayor's Transport Strategy (2018)
- Mayor's London Environment Strategy (May 2018)
- London Local Air Quality Management – Policy Guidance (2016);
- LB Barnet's Air Quality Action Plan 2017-2022;

7.7 In December 2017, the Mayor published a draft new London Plan for consultation. The consultation period ended 2nd March 2018. A further draft with the Mayor's minor suggested changes was published on 13th August 2018, along with consultation responses received by the Mayor on the draft new London Plan. However, this draft new London Plan remains subject to Examination in Public with the principal hearing sessions likely to be held during the first half of 2019. Any panel report considering this draft new London Plan are indicated as being published in Summer 2019[5]. Given status of this New London Plan limited, if any, weight should be attached to the draft policies contained within it when considering this planning application.

Other Relevant Council Decisions

7.8 Council decisions in relation to the regeneration of BXC date back to 2004. In relation to the delivery of the new Thameslink Station, relevant decisions have been made by the Cabinet Resources Committee and more recently by the Council's Assets, Regeneration and Growth Committee and Policy and Resources Committee. The following is a summary of relevant decisions.

7.9 The delivery of the Thameslink Station, and associated infrastructure including land acquisitions, will be funded by public sector initially from the existing Council capital budgets as approved by the Assets, Regeneration and Growth Committee on 17th March 2016 and Policy and Resources Committees on 17th May 2016 and 28th June 2016) and also from DCLG grant funding and public sector borrowing.

7.10 Cabinet Resources Committee, 16 January 2014 (Decision Item 6) – approved in relation to the Thameslink Station, that the Council continue the design and development work to develop the business case and funding strategy for delivery of the Thameslink Station, subject to approval of the capital funding bid by Cabinet on 25 February 2014.

7.11 On the 11th July 2016 and again on the 5th September 2016 the Council's Assets, Regeneration and Growth Committee approved the making of the London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 3) 2016 (known as CPO3) to assemble the land required to develop the Thameslink Station and associated infrastructure work packages. The Order was subsequently made on 7 September 2016 and a public inquiry into CPO3 was conducted by an independent

[5] The London Plan Examination in Public 2018-2019 – Panel Note 1: Preliminary Information about the Examination in Public (August 2018) (https://www.london.gov.uk/sites/default/files/ex01_lp_panel_note_no.1_final.pdf).

Planning Inspector appointed by the Secretary of State in September 2017. Subsequently on 15th May 2018, the Secretary of State for Housing, Communities and Local Government confirmed CPO3 in full.

7.12 On the 27th November 2018 the Council's Assets, Regeneration and Growth Committee approved the Council to enter into the Implementation Agreement with Network Rail to deliver the sidings and rail systems works within the Brent Cross Thameslink project, subject to the funding strategy being approved by Full Council on the 18th December 2018 following consideration by Policy and Resources Committee on the 11th December. Note progress on agreeing an alternative funding strategy with HMG for the station works as explained in paragraphs 1.15. The ARG report noted that in order to deliver the new Station by May 2022 and secure the comprehensive development of Brent Cross South, the Council is required to enter into the Implementation Agreement with Network Rail in December 2018. This will make sure that the rail possessions that have been booked to enable different stages of the work to be carried out, can be utilised. As part of entering in to the Implementation Agreement, the contract for the replacement sidings and rail system elements will be let, allowing this critical piece of infrastructure to be delivered and maintain the programme of delivery for the new station.

Relevant Planning History

7.13 For the purposes of this 'drop-in application', the table below sets out those relevant planning applications that are relevant to the descriptors of the application site:

Table 2: Planning history of the Application Site

C04437B	The provision of a refuse transfer station British Railways Land Adjacent To Brent Terrace NW2	Approved 13/02/1975
18/3100/CON	Details of Early Works pursuant to Condition 49.1 relating to Sub-Phase 2 (South) (Thameslink Station) of planning permission F/04687/13 dated 23.07.2014 for the Brent Cross Cricklewood regeneration area	Approved 20/07/2018
18/5647/EIA	The construction of a train stabling facility involving the installation of railway tracks, vehicle barriers and bollards and a buffer stop; construction of pedestrian and drivers walkways; erection of pedestrian access gates, vehicle restraint barriers, overhead line equipment, noise barriers, and lighting columns; provision of single storey modular buildings, parking spaces, and construction compounds; and the realignment of existing Midland Main Line railway tracks to serve the new Train Station. Land Rear of Brent Terrace (South) Cricklewood London NW2 1BX	Current application pending consideration

Pre-Application Public Consultation

7.14 As set out in the 'Record of Engagement, Station Sidings – Compound' (prepared by GL Hearn, dated August 2018) submitted with the application, it is evident that the Applicant has undertaken extensive pre-application consultation with residents and other stakeholders in the context of the proposed development and the wider BXC regeneration scheme, particularly in relation to the development packages contained within Phase 2 (South) (Thameslink Station) sub-phase.

7.15 This consultation has been undertaken in accordance with the spirit of the advice laid out in the National Planning Policy Framework (NPPF), and additionally in response to guidance published by Barnet Council itself. Section 4.1.2 of the Council's Statement of Pre-Application Consultation (2015) states '*The aim of pre-application consultation is to encourage discussion before a formal application is made, enabling communities to have an influence on a planning proposal before it is finalised. The process can help to identify improvements and overcome objections at a later stage. Such pre-application consultations can take the form of exhibitions, presentations, workshops or simply a letter or mail shot'.*

7.16 The Applicant's Consultation Statement sets out the programme of public and stakeholder consultation undertaken between April 2017 and July 2018. To advertise these events and notify residents and local businesses of proposals which are the subject of this planning application, a newsletter announcing the development of the compound and other elements of the project was post out to approximately 42,000 residents and local business in mid-June 2018. In addition to this, the events were publicised on the Council's website and via social media accounts.

<u>Stakeholder engagement and Public Engagement</u>

7.17 Residents and key stakeholders were invited to attend a dedicated stakeholder event, which took place on 21st June 2018 at the Claremont Free Church. 500 invites were delivered to the relevant addresses.

7.18 A series of public exhibition events were held to provide further information on the Sidings Compound and New Train Stabling Facility and MML Track Realignment proposal:

- Tuesday 26th June, 4pm – 8pm, Maurice and Vivienne Wohl Campus, 221 Golders Green, London, NW11 9DQ

- Tuesday 3rd July, 6pm – 8pm, Crest Academy, Crest Road, London, NW2 7SN

In total, 52 members of the public attended to public events

Statutory and Other Technical Consultation Responses

7.19 In accordance with the relevant Regulations (Town and Country Planning (Development Management Procedure) Order 2010 (as amended) and Town and Country Planning (Mayor of London) Order 2008), 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 initial consultation (i.e. following validation of the planning application) are summarised below with an Officer response provided where necessary for the purposes of clarification:

7.20 The **Greater London Authority** have written to the Local Planning Authority (LPA) advising that, given the nature and scale of the proposals, the proposed development does not give rise to any new strategic planning issues. Therefore, the Mayor of London has confirmed that he does not need to be consulted further on this planning application and the LPA can proceed to determine the planning application without further reference to the Greater London Authority.

7.21 **Brent Council** do not object to the principle of the proposed development but have suggested amendments to the cycle parking provision in addition to conditions relating to a Construction Method Statement and Non-road Mobile Machinery. Brent Council do, however, raise objections based on the following:

- There is minimal information with regards to noise predictions and mitigation measures to be implemented;
- No quantifiable reduction in air quality levels following the implementation of mitigation measures has been included within the assessment;
- The Air Quality Neutral condition would remain the same for 414 daily HGV trips instead of the future potential 800 trips. No provision has been made to offset this negative environmental impact.

Officer's Response:

Brent Council have misinterpreted the proposed development in relation to the perceived air quality impacts and air quality neutrality consideration. The proposed development would not result in 414 (nor 800) HGV trips. The proposed development would result in the construction of a Compound that would accommodate train drivers and other staff, plant and equipment associated with the stabling of trains as well as storage facilities. Other than to facilitate construction, the proposal would result in very few HGV trips for the purpose of fuel and sand deliveries, and taking compacted waste off-site. Noise and air quality impacts are considered in Section 7 of this report and the suggested conditions are otherwise noted.

7.22 **Transport for London** supports the principle of the relocation of the train stabling facility but has requested clarification on the proposed number of car parking spaces, indicating that there may be an overprovision.

7.23 As the statutory rail infrastructure provider, **Network Rail** considers the proposed development to be acceptable and supports the development of the Sidings Compound.

7.24 The **Environment Agency** have not provided any comments in response to the LPA's consultation.

7.25 **Natural England** raises no objection to the planning application stating that they consider that the proposed development would not have significant adverse impacts on statutorily protected sites or landscapes. The LPA is advised to consult Natural's England's Standing Advice when assessing any impacts on protected species.

7.26 **London Fire Brigade** is satisfied with the proposed development.

7.27 **National Grid** did not provide any comments in response to the LPA's consultation.

7.28 **Thames Water** did not provide any comments in response to the LPA's consultation.

7.29 **Affinity Water** did not provide any comments in response to the LPA's consultation.

7.30 The Council's **Environmental Health Officer** provided comments in respect of potential noise, air quality and contaminated land impacts. For noise, further clarification was requested in relation to construction hours, type of plant and machinery to be used on site and use of the proposed car park adjacent to 1 Brent Terrace. The Applicants' assessment of air quality and dust and mitigation measures proposed are considered to acceptable subject to the submission and approval of a Construction Environmental Management Plan and other conditions including that all HGVs are Euro VI compliant as a minimum and emissions standards for Non-Road Mobile Machinery. For contaminated land, further clarification was requested in respect of an anomalous borehole result to clarify whether the proposed mitigation for methane is appropriate.

7.31 The Council's **Transport Planning and Regeneration Team** raise no objections to the proposed development subject to a number of conditions, including:

- Submission and approval of a full travel plan;
- A delivery and servicing management plan;
- Compliance with the Construction Traffic Management Plan submitted with the planning application; and
- A submission and approval of a Supplemental Construction Traffic Management Plan for the transportation and delivery of the GTR Accommodation and EMT Fuel Farm Accommodation units prior to these arriving on site.

7.32 The **Lead Local Flood Authority** did not provide any comments in response to the LPA's consultation.

7.33 The Council's **Development Travel Plans Team** did not provide any comments in response to the LPA's consultation.

7.34 The Council's **Ecology Consultant** has not provided any comments in response to the LPA's consultation.

7.35 All **Ward Councillors** for **Childs Hill** and **Golders Green** were notified of the planning application but no written comments in respect of the proposed development have been provided to the LPA as a result of this.

7.36 Based on the Council's current database, a number of other residents' associations and community forums were also consulted on the planning application but have not provided any comments. This included: **Cricklewood Community Forum, Cricklewood Neighbourhood Association, Cricklewood Residents Association, Railway Terrace Community Association, Brent Terrace Residents Association**. No comments have been received from these particular organisations.

7.37 As the planning application was accompanied by an Environmental Statement, the Department for Housing, Communities and Local Government's National Planning Casework Unit were also notified on validation of the planning application in accordance with Regulation 19 (3) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Public Consultation Responses

7.38 Upon validation of the planning application, the LPA notified **562** properties within the vicinity of the Application Site. The Application was advertised in the Local Press Newspaper on **13th September 2018** and by site notice. The public consultation ran for a 4-week period between 6th September to 4th October 2018.

7.39 No representations from members of the public have been received in relation to this application.

8 SUBMISSION OF REVISED INFORMATION

8.1 In response to comments and queries received from statutory and internal consultees, the Applicant submitted revised information alongside a number of clarifying points. This information was principally received on 29th October 2018 with a further Surface Water Calculations Technical Note received on 8th November 2018, and an email clarifying matters relating to the assessment of contaminated land dated 13th November 2018.

8.2 The revised and clarifying information submitted pursuant to this planning application included the following documents:

- Covering letter dated 29th October 2018;
- Revised Design and Access Statement (document ref. BXT-CAP-0000-B-RP-A-0116 Rev. P03, dated October 2018);
- Supplementary Environmental Statement Appendix 13.3 – Exploratory Borehole Locations;
- Supplementary Environmental Statement – Chapter 9 Figure associated with Table 9.4 – Statutory and Non-Statutory Designated Sites within Approximately 2km;
- Brent Cross Rail Sidings Drop-in 1 Compound Development: Surface Water Calculations Technical Note (document ref. Cs095428-BXRS-CAP-00-XX-D1-01 Rev. P01, dated November 2018);
- Email correspondence dated 13th November 2018 regarding contaminated land investigations; and
- BXT Response Table.

8.3 Plus, the following revised drawings:

- BXT-CAP-0100-B-DR-C-0010 Rev. P04 – General Arrangement to Provide Wider Scheme Context (Illustrative);
- BXT-CAP-0100-B-DR-C-0018 Rev. P06 –General Arrangement; and
- BXT-CAP-0500-B-DR-D-0032 Rev. P02 – Proposed Drainage Layout.

Further Consultation

8.4 Upon receipt of this revised information, the LPA conducted a further consultation on 13th November 2018 notifying all statutory and non-statutory organisations, technical advisers, elected Ward Members relative to the planning application, residents' associations and neighbours previously consulted in regard to this planning application. As a result of this subsequent consultation exercise, further consultation responses were received as summarised as summarised below.

Statutory and Other Technical Consultation Responses

8.5 Following the provision of clarification from the Applicant (see paragraphs 8.1-8.3 above), the Council's **Environmental Health Officer** raises no objections to the proposed development and is satisfied matters previously raised (see paragraph 7.30 of this report) have been addressed. Further clarification was requested in respect of contaminated land and in particular the proposed ground gas protection measures. On provision of further clarifying correspondence from the Applicant on 13th November 2018 relating to appropriateness of the ground gas mitigation measures, the Environmental Health Officer was satisfied subject to an appropriately worded condition requiring the submission, approval and implementation of a contamination remediation strategy and verification report.

8.6 The **Environment Agency** continue to not raise any objections to the proposed development and has offered to applicant advise in respect of ground contamination and water quality.

8.7 **Natural England** have reaffirmed that the advice provided in their previous response applies equally to the further information submitted in respect of this planning application and they do not raise any objections to the proposed development.

8.8 In response to the Applicants' clarification **Transport for London** accept there is a need for 30no. car parking spaces within the proposed Sidings Compound and otherwise considers the proposal to be acceptable.

9 PLANNING CONSIDERATIONS

9.1 The following matters are considered to be the key material planning considerations in the determination of this planning application. 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 Development

Brent Cross Cricklewood Regeneration Scheme

9.2 The Application Site falls entirely 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 Local Plan Proposals Map. This designated regeneration area forms part of the adopted development plan for the area and is the subject of saved policies contained within Chapter 12 of the Council's UDP (2006) and the Local Plan: Core Strategy DPD (2012). 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 S73 planning permission was granted on 23rd July 2014 (planning reference F/04687/13) ('S73 Permission') and is the planning permission currently being implemented for the comprehensive redevelopment of the BXC regeneration area.

9.3 The approved BXC Development permits the delivery of a 'New MML Train Stabling Facility' as part of the Phase 2 (South) (Thameslink Station) sub-phase and is defined within the S73 Permission as an item of Critical Infrastructure (Pre-Phase (South)). As set out within Section 5 (f) of the RDSF, paragraph 5.51 recognises that delivery of development within Station Quarter would be facilitated by relocation of the existing train stabling facilities (currently situated immediately to the west of the Jerich Shed) to within the Railway Lands Development Zone. The broad location of the New MML Train Stabling Facility is also identified on the Illustrative Infrastructure Diagram (plan no. 649_SK-00_326) contained within Appendix 7 to the RDSF. This is generally situated south of the identified location of the MML Link Bridge and between the Midland Mainline railway corridor and the rear of the Development Plots off Spine Road South. This area is consistent with existing operational railway land owned by Network Rail, part of which is currently utilised by Train Operating Companies Govia Thameslink Railway ('GTR') and East Midlands Trains ('EMT').

9.4 The proposed development seeks to deliver a compound facility to be utilised directly in association with the provision of a New MML Train Stabling Facility as part of the BXC Development (subject to consideration of the concurrent planning application 18/5647/EIA) and to facilitate operation of the railway network. The proposed sidings compound would result in the consolidation of a number of existing compound areas and other rail-related plant and equipment that are currently occupied and/or utilised by Train Operating Companies GTR and EMT. The provision (or re-provision) of such facilities has been identified as being necessary to facilitate operation of any New MML Train Stabling Facility. Therefore, by virtue of the direct association to the New MML

Train Stabling Facility and necessity to provide such facilities to operate any new train stabling facility, it is considered that the principle of the proposed development is acceptable.

London Borough of Barnet's Planning Policy Framework

9.5 The principle of the BXC regeneration scheme is embedded within the Council's development plan for the area, namely the Local Plan: Core Strategy DPD (2012) ('Core Strategy'). The BXC regeneration scheme is expected to deliver a substantial amount of residential, employment, education, commercial, retail and green/open space development and Policy CS2 of the Core Strategy directs the Council's expectation for this to be delivered comprehensively.

9.6 To facilitate the delivery of the New Train Station (which is in Phase 2 (South) (Thameslink Station) sub-phase of the BXC Development), the existing MML stabling and sidings are required to be relocated, to ensure land can be made available to construct the New Train Station. The proposed compound would accommodate the necessary rail related equipment and facilities which will support the relocated Midland Main Line (MML) Railway and the Cricklewood Down Stabling and Sidings.

The London Plan (March 2016)

9.7 The London Plan (2016) contains a number of strategic policies which support sustainable growth and development of Outer London. The London Plan Policy 2.13 designates the "Cricklewood/Brent Cross" as a Key Opportunity Area (Map 2.4). The Opportunity and Intensification Areas are controlled by Policy 2.13 Part B which indicates that development proposals within areas should support wider regeneration by providing the necessary social and other infrastructure to sustain growth.

9.8 Annex 1 of the London Plan outlines the broad principles for the Cricklewood/Brent Cross Opportunity Area, which includes reference to capitalising on public transport improvements including Thameslink upgrade works. Though, the planning policy does not specially recognise the development proposed, the New Train Station is recognised. As such, it is evident that the relevant regional planning policy framework recognises the need to delivery appropriate infrastructure, and specifically a strategic facility to meet the needs of North London, within identified Opportunity Areas, which includes BXC.

Draft London Plan (December 2017)

9.9 Brent Cross Cricklewood continues to be recognised as an Opportunity Area and Strategic Area of Regeneration within the draft New London Plan, which was published for consultation between December 2017 to March 2018 and is currently undergoing the Examination in Public process. This corroborates the BXC Development's continued overall importance in terms of delivering (inter alia) new homes, commercial development, retail space, open spaces and employment opportunities. Draft Policy SD1 identifies the Mayor of London's commitment to supporting implementation of adopted planning frameworks; and draft Policy SD10 directs Boroughs to support development proposals that contribute to the renewal of town centres within Strategic Areas for Regeneration. As explained elsewhere within this report, the proposed

development is a key component that would enable delivery of the BXC regeneration scheme and, in particular unlock land to facilitate delivery of the new Thameslink train station. It is therefore evident that the principle of the proposed development continues to be enshrined and supported within regional planning policy.

Brent Cross Cricklewood (BXC) Regeneration Scheme

9.10 The Application Site falls entirely within the boundary of the BXC regeneration scheme which benefits from outline planning permission by virtue of the S73 Permission. This permission consents the delivery of a New MML Train Stabling Facility within the Phase 2 (South) (Thameslink Station) sub-phase of the BXC Development. The New MML Train Stabling Facility is required to replace the existing sidings to the west of the Jerich Shed (Cricklewood Down Sidings) and enable delivery of the new Thameslink train station. However, as described in Sections 4 and 6 of this report and given the nature of an outline planning consent, the S73 Permission did not (and could not) envisage the precise nature of this development component. As such it did not take into account the need to relocate existing GTR and EMT compound facilitates, nor acknowledge the access or interaction necessary between the relocated sidings and rail related equipment. The Council acknowledges that regeneration schemes of this scale and nature are typically carried out over many years from its initial conception, through detailed design stages, multi-stage planning consenting processes, and thereafter implementation of the approved development. The permitted Brent Cross Cricklewood regeneration scheme is projected to be completed by 2031 having been initially set out in the Cricklewood, Brent Cross and West Hendon Development Framework in 2005. As is apparent in this instance, it is therefore reasonable to expect scheme requirements to evolve throughout the duration of the planning process and, consequently, it is likely that amendments to a scheme permitted at the outline stage may be required. The drivers of change since the S73 Permission was granted in respect of this drop-in planning application is the identification of Network Rail's operational railway boundary, need to re-provide existing railway operators' compound areas and rail-related equipment, and identification of land required to deliver this replacement stabling facility taking into account other requirements of the operational railway network.

9.11 As governed by the S73 Permission, all rail related works are restricted to the Railway Lands Development Zone however, the parameter plans allow limited space to accommodate all the track sidings and stabling requirements. Therefore, as set out in Paragraph 6.3 of this report, the proposed development would consequently encroach into the indicative Brent Terrace Development Zone (where such development is not permitted by the S73 Permission) and could potentially impact upon the delivery of defined development plots. Additionally, the S73 Permission does allocate a development plot for the provision of a 'Rail Stabling Admin' building on (Plot 61) but the location is not considered suitable to accommodate all rail related equipment and facilities needed to efficiently serve the existing sidings and proposed relocated sidings[6]; nor conducive to the Train Operating Companies' requirements. Therefore, as a result of this divergence from the approved parameters of the S73 Permission,

[6] The provision of relocated sidings and realignment of the main railway track is the subject of a concurrent planning application (ref. 18/5647/EIA) which is also pending the LPA's consideration. The proposed sidings compound is considered ancillary to these new sidings and is therefore proposed to be delivered to facilitate operation of these sidings and services on the Midland Mainline railway.

the Applicant is seeking permission for a Sidings Compound facility by way of a 'drop-in planning application' as opposed to through the mechanism provided by Condition 47.6 of the S73 Permission.

9.12 Whilst any drop-in application will need to be assessed on its own merits against relevant development plan policies and other material considerations, as is addressed later in this report, a key consideration relevant to the determination of this planning application is (1) the compatibility of the proposed development with the S73 Permission and (2) whether it would impinge upon or prejudice delivery of the wider BXC regeneration scheme. This relates to the objectives contained within saved Policies CGrick and C1 of the UDP and Policy CS2 of the Core Strategy DPD.

Compatibility with the BXC S73 Permission:

9.13 In regard to the first consideration, the applicant has submitted evidence to demonstrate the development seeks to adhere the principles and parameters established by the S73 Permission, and not prejudice the delivery of the remainder BXC masterplan. Such evidence has been submitted in the form of a Reconciliation Feasibility Study report titled *'Brent Cross Thameslink Works Package B: Sidings, Brent Terrace Reconciliation Feasibility Study, August 2018'.*

9.14 The core principles of the study were to examine the effect of locating the Sidings Compound (subject of this planning application) and the New Train Stabling Facility (subject of a separate planning application – 18/5647/EIA) partly within the Brent Terrace Development Zone and, ultimately, whether such proposals would undermine or prejudice delivery of the BXC Development. Specifically, the Study assesses the relationship of the entire sidings related developments with the wider BXC masterplan relative to the Brent Terrace and Railway Lands Development Zones, including the Spine Road South, Development Plots 38, 39, 40, 47, 48 and 55, and Nature Park 2 (Railways Lands Nature Park[7]), and considers whether any of the displaced items of Critical Infrastructure and/or Development Plots could still be delivered within the parameters of the S73 Permission. As further explained below, the Study therefore illustrates various permutations to demonstrate how the permitted floorspace, infrastructure and open space provisions could be redistributed elsewhere within the Brent Terrace Development Zone in accordance with the approved parameters.

9.15 The S73 Permission distributes floorspace across the BXC masterplan on the basis of a series of Development Zones which reflect differing character areas of the BXC Development. These zones are defined on Parameter Plan 001 and are respectively shown in greater detail on the Indicative Zonal Layout Parameter Plans (numbered Parameter Plans 020 to 028). The Brent Terrace Development Zone seeks to deliver principally residential development with retail and education facilities. The Railway Lands Development Zone is envisaged to deliver industrial development and business uses including Rail Freight and Waste Handling Facilities.

9.16 Development Zones are further sub-divided into Building Zones (zones in which buildings will be built) as informed by the location and extent of the approved highway

[7] Nature Parks are classified as an 'open space typology' within the Public Realm and Open Space Strategy.

and pedestrian network and the general location of open spaces, as shown on the other Parameter Plans. The total development floorspace is divided between the Development Zones in accordance with the Zonal Floorspace Schedule contained in Appendix 5 of the RDSF and then further divided across Building Zones as illustrated on Parameter Plan 014.

9.17 The total floorspace permitted within the Brent Terrace Development Zone is 200,022m^2, which includes that allocated to Building Zones BT1, BT2, BT3 and BT4. Table 6 in Appendix 2 to the RDSF, sets out the floor space thresholds for each Building Zone (see Table 3 below), including that identified for the primary uses envisaged for each Development Zone in addition to a quantum of remaining floorspace. The total primary use development floorspace for the Brent Terrace Development Zone (i.e. for residential plus retail and educational uses) indicates that the area to be developed is 199,418m^2. For the purposes of the Applicant's Reconciliation Study, any non-residential floor space allocation has been subtracted from the developable floor space allowance (including 4,864m^2 of community use in BT3 and 372m^2 of retail use in Plot 34 in BT4) as these allocations would not be affected by the proposed development. Therefore, the total developable residential floorspace allowance that could be affected by the proposed development is 194,182m^2.

Table 3: Extract from Table 6 in Appendix 2 to the RDSF illustrating the floorspace permitted within the Brent Terrace Development Zone and its component Building Zones.

Development Zone	Building Zone	Development Floorspace m^2 (Primary Use)	Remaining Floorspace m^2
Brent Terrace	BT1	5,575 (residential)	46
	BT2	83,200 (residential)	93
	BT3	4,864 (any permitted uses other than residential)	0
	BT4	105,779 (residential)	465

9.18 The S73 Permission permits floor space to be transferred between Building Zones within a Development Zone. Each Building Zone can be increased by up to 15% above the amount expressed within the RDSF for that zone, subject to the limit on the overall floor space permitted within each Development Zone as set out in the Zonal Floorspace Schedule. Taking account of this principle and utilising the aforementioned calculation of the quantum of residential floorspace that could be affected by the proposed development (194,182m^2), the Applicant has considered five possible options within the Reconciliation Study. These options provide examples of how floorspace could be re-distributed between the Building Zones, subject to the relevant limits/allowances, to facilitate implementation of the proposed development whilst ensuring compliance with the parameters of the S73 Permission (i.e. maximum height of buildings, for example).

9.19 The Reconciliation Study therefore confirms that it would be possible to redistribute the displaced land uses within Building Zones BT4 and BT2, without exceeding the total approved floorspace allocated to the Brent Terrace Development Zone or otherwise

breaching the parameters of the BXC Development set by the S73 Permission. With regards to Nature Park 2, the Study has similarly demonstrated that the required amount of open space (0.42ha) can be provided notwithstanding any affected Development Plots or displaced residential floorspace. Taking into consideration Parameter Plans 015 and 029 of the RDSF, which demonstrates one way in which the BXC Masterplan could be delivered, and considering that the S73 Permission did not define or specifically recognise development required as part of the rail enabling works to support the realignment of New MML Train Stabling Facility; it is considered the Brent Terrace Reconciliation Study provides adequate evidence demonstrating that the S73 Permission will remain capable of implementation in the context of implementation of the proposed development.

9.20 As such, it is considered that the proposed development would not prejudice the delivery of the wider BXC regeneration scheme and therefore not undermine the comprehensive redevelopment of the regeneration area in accordance with the abovementioned development plan policies (saved Policy C1 of the UDP and Policy CS2 of the Core Strategy DPD).

9.21 Furthermore, the necessity to relocate the existing sidings through development of a new MML Train Stabling Facility and to construct an associated compound as proposed within this planning application is essential to ensure that land can be made available for the development of the new Thameslink train station, which is an integral element of the BXC regeneration scheme. As set out in the Council's case for its Compulsory Purchase Order No.3, the comprehensive regeneration of BXC is reliant upon delivery of an Integrated Transport Strategy ('ITS') which is crucial to achieving a modal shift from private to public, sustainable modes of transport and improving connectivity between, and beyond, parts of the regeneration area separated by the Midland Mainline railway. The provision of a new train station is therefore a key element of this ITS which will also catalyse delivery of the remainder of the regeneration scheme, particularly that south of the A406 North Circular.

Relationship between Drop-In Planning Permissions and the S73 Permission:

9.22 If Members were minded to grant planning consent for the development proposed under this Drop-In application, two planning permissions would effectively co-exist for a similar development on the same land. As explained in paragraph 6.10 above, the implementation of any drop-in planning permission would have the effect of rendering the respective parts of the 2014 Section 73 outline permission un-implementable (the 'Pilkington Principle'). However, provided the implementation of any such drop-in permission does not prejudice the delivery of the wider BXC development, this planning approach is acceptable in respect of the extant outline planning permission and planning policy support for the comprehensive redevelopment of the BXC regeneration area.

9.23 In the event of a drop-in permission being granted, it would be necessary for the applicant to seek approval for minor amendments to the S73 Permission to reconcile the two planning permissions. However, this can be achieved through the mechanism provided for by Section 96A of the Town and Country Planning Act 1990 (as amended) which should be submitted to the Local Planning Authority for approval.

Protecting Barnet's Character and Amenity

9.24 The proposed development is for the construction of a permanent compound area to house a two-storey staff accommodation and office building, a fuel farm and associated welfare unit, sand silos, storage space, external plant and equipment and parking; all of which is required to facilitate the operation of services on the railway network. The proposed facility would be utilised by Train Operating Companies GTR and EMT who currently utilise such similar facilities located (sporadically) elsewhere at Cricklewood Down Sidings. The proposed development therefore seeks to replace these existing facilities and to enable the release of land required to deliver the new Thameslink Train Station. Although the proposed development would result in the re-provision of existing rail-related development, the planning application describes these as being relocated together in a consolidated compound situated partly parallel to existing residential properties off Brent Terrace. The proposed development therefore needs to be considered in terms of the potential to generate impacts relating to noise and vibration, air quality, visual amenity, and land contamination on these nearby sensitive receptors. These are assessed further below under the respective headings.

Local Character, Landscape and Visual Impact, and Design:

9.25 Policy CS5 of the Core Strategy DPD and Policy DM01 of the Development Management Policies DPD refers to the Council's aspiration for development to respect local context and distinctive local character incorporating high quality design principles including character, continuity and enclosure, quality of public realm, ease of movement, legibility, accessibility, adaptability and diversity[8]. On a more strategic level, Policy 7.4 of the London Plan states that development should have regard to (inter alia) form, function, scale, mass and orientation of surrounding buildings; ensure buildings create positive relationship with street level activity; and allow buildings to make a positive contribution to the character of a place to influence the future character of the area. Saved Policy C2 of the UDP also expresses the Council's objective to seek to achieve the highest standard of urban design in the BXC regeneration area; adding that proposals will need to be consistent with the strategic principles set down in the *Cricklewood, Brent Cross and West Hendon Development Framework (SPG).*

9.26 The townscape character of the Application Site is defined by its historical railway context and its current use in association with the operational railway. The surrounding area is highly urban in character with substantial transport corridors and disparate mixed-use development, including Claremont Industrial Estate and Hendon Waste Transfer Station to the north[9], and the Midland Main Line railway corridor to the west. A linear arrangement of residential properties is situated to the east of the Site with an established bank of scrub and tree belt forming a barrier between. There are also some noticeable topographical changes between the Site and these residential properties with land falling away from the Site with a distinct change in level from the boundary of Network Rail's land down to properties in Brent Terrace. With the exception of intermittent views from some first-floor windows of properties within Brent Terrace, the proposed Sidings Compound would be predominantly screened from any public realm, particularly when the tree belt is in full foliage during the spring and summer months.

[8] Paragraph 10.5.5 of the Core Strategy DPD (2012).
[9] Both the Claremont Industrial Estate and Hendon Waste Transfer Station are planned to be demolished and area redeveloped as part of the BXC regeneration scheme.

Based on the S73 2013 Environmental Statement, the Applicant's townscape and visual assessment contained within Chapter 8 of the Supplementary Environmental Statement ('SES') (August 2018) identifies that glimpsed views of the wider railway sidings would be possible from southern extent of Brent Terrace and Claremont Road. In regard to future residents of the BXC scheme within Plots 53 & 54, views of the sidings are considered to be intermittent and distant. Those travelling by train on the Midland Main Line railway to the west of the Application Site would, however, have open views onto the proposed Sidings Compound.

9.27 Although planning permission is being sought for a compound area in association with the BXC New MML Train Stabling Facility by way of a drop-in planning application, the area has been identified by the S73 Environmental Statement (Annex H) as forming part of the 'Railway Sidings Character Area'. The character of this area (and therefore location of the Application Site) is considered to be *'…operational land in the form of an elevated plateau with no public access'* where *'The area is predominantly derelict with a cover of rough grass and tall herbs'* and *'Despite the open nature and elevation of the plateau the area is not heavily overlooked…*and…*the majority of surrounding residential areas are not orientated to look over the area…'*[10]. Based on the characteristics of the area and nature of the proposed development it is considered that the construction of a Sidings Compound would not be incongruous within the surrounding urban context and character of the area. Furthermore, the proposal would be complimentary to the form and function of the area by virtue of it being required to facilitate continued operation of the railway network within operational railway land. This assessment aligns with the Applicant's view set out in Paragraphs 8.6.4 and 8.8.3 of the Townscape and Visual chapter of the SES which states *'…the Project will be seen in the context of other rail infrastructure…'* and *"The appraisal has concluded that the likely effects of the compound works on the existing townscape would be negligible".* The Applicant does, however, recognise the benefit of the existing vegetation and tree belt between the Site and properties off Brent Terrace in terms of mitigating any overlooking views and considers that its retention (in addition to future landscaping and open space requirements of the BXC scheme) would assist in softening the effects of the proposed development. Although the area will be subject to future redevelopment as a result of the BXC regeneration scheme (to develop a Linear Park, construct Development Plots and the Spine Road), it is considered that any forthcoming planning permission should be subject to a condition requiring this vegetation corridor and associated trees to be safeguarded during the construction and operation (in the short-medium term) in order to retain this visual impact mitigation. As discussed later in this report, this vegetation corridor is also considered to be important in terms of providing an important bat foraging corridor. The Applicant has indicated that such a pre-commencement condition would be acceptable.

9.28 It is also relevant to consider the impact of the proposed development on the future scenario following development of the BXC regeneration scheme, including completion of new residential development, the Spine Road South and Nature Park 2 within the southern section of the Brent Terrace Development Zone. As described above, the proposed development is seeking to deliver a consolidated compound that would replace/relocate an existing compound area and rail-related equipment. This Sidings

[10] Sourced from paragraphs 3.14-3.17 of Annex H in Volume 2 of the 'Section 73 Environmental Statement (Vol. 2)' (BXC02, October 2013).

Compound would be located adjacent to the existing Midland Mainline railway corridor and on operational railway land. Furthermore, through the Applicants' Reconciliation Feasibility Study, it has been demonstrated that development envisaged within the Brent Terrace Development Zone can still be delivered notwithstanding proposals set out in this drop-in planning application. This includes the Linear Park which would not be affected by the siting of the proposed development. As such, it is considered that the likely visual effects of the proposed development would be localised and therefore any impact considered negligible. the form and structure of the proposed development, along with the scale and massing of the proposed GTR accommodation building and EMT accommodation unit is not too dissimilar to the existing warehouse-type units located within the vicinity of the Site. As such, it is considered that the proposed building would complement the prevailing built characteristics of the location.

9.29 Overall it is considered that the proposed development would not be incongruous to the existing character of the area nor the character envisaged by the associated BXC masterplan. In this respect, it is considered that the proposed development is in compliance with Policy 7.4 of the London Plan, Policy CS5 of the Core Strategy and saved Policy C2 of the UDP; and more broadly, befitting to the aspirations of the BXC regeneration scheme.

Air Quality

9.30 Saved 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.

9.31 The Application Site is located within an Air Quality Management Area (AQMA), as is the whole of the London Borough of Barnet. The Application Site also lies in close proximity to an AQMA within the London Borough of Brent. 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. Reference to minimising pollution (including air quality and odour) is also made within Policies 5.3 (Sustainable Design and Construction).

9.32 As set out within Chapter 12 of the SES (August 2018), the Applicant has conducted a desk-based assessment to consider the impacts of the proposed development on air quality, including any dust soiling effects, during the construction and operational phases of the development. In accordance with the Institute of Air Quality Management (IAQM) guidance and the London Plan, the assessment concludes that the construction phase is likely to have a negligible to medium risk of dust soiling and a negligible to low risk of human health effects. As such, the applicant has presented a

number of mitigation measures for the construction phase, including appropriate measures from LB Barnet's Air Quality Action Plan, dust and PM10 monitoring, development of a dust management plan and to minimise emissions through careful site management. It is recognised the construction phase of the proposed development, which would involve between 15-20 HDV movements per day (as a worst case) would be a temporary operation and any impacts arising from it can be reasonably controlled by appropriate planning conditions (including the submission, approval and implementation of a Construction Environmental Management Plan incorporating the aforementioned in addition to other mitigation measures). The Council's Environmental Health Officer considers the Applicant's assessment of the construction phase on air quality and dust impacts to be thorough and accepts the range of the mitigation measures suggested.

9.33 In regard to the operational phase of the proposed development, the Applicant has tested a number of scenarios to ascertain the impact of the proposal on air quality in relation to the relevant National Air Quality Objectives (NAQOs) for nitrogen dioxide (NO2) and particulate matter (PM10). The air quality impacts were assessed cumulatively with the wider 'BXC Thameslink Station' works[11] in relation to local sensitive receptors, the more focused of which included receptors within 500 metres of the Site, in particular assessing changes in traffic movements as a consequence of the proposed development. For NO2 concentrations, the modelling concludes in the 2021 Do Something scenario that 8 of the 36 modelled receptors would result in an exceedance of the NAQO for NO2 (40 micrograms/m^3) resulting in 1 substantially adverse, 7 moderately adverse and 11 slightly adverse impacts. However, compared to the 2012 baseline, where 30 of the 36 receptors exceed the NAQO for NO2, the implementation of the 'BXC Thameslink Station' would in fact result in an overall reduction in exceedances of the NAQO. The Applicant has also advised that this modelling takes into account a number of worst case assumptions, including assuming a continuation of traffic generation from existing land uses that would instead be replaced as a result of the wider BXC Development. Furthermore, given that the proposed development would represent a continuation of existing operations at the Cricklewood Down Sidings, it would not result in any new or additional demand in respect of road or rail traffic movements, and use of rail-related plant and machinery. Therefore, comparison of the 'Do Nothing' and 'Do Something' scenarios show that the impacts of the proposed development are logically the same. As such, with the application of appropriate mitigation measures (including, but not limited to, all HGVs being Euro VI compliant, provision of electric vehicle charging points, and provision of cycle parking); it is considered that the impact of the proposed development itself would be negligible.

9.34 In regard to impacts arising from PM10 emissions, the Applicant's assessment concludes that the predicted annual mean PM10 concentrations for all modelled receptors would be well below the relevant NAQO in all scenarios. Therefore, taking into account the nature of the proposed development as a re-provision of existing sidings compounds and rail-related operations, the impact of the proposed development in this respect is also considered to be negligible.

[11] This incorporates all development falling within Phase 2 (South) (Thameslink Station) sub-phase of the BXC Development.

9.35 In respect of ecological receptors sensitive to air quality impacts, Brent Reservoir SSSI was assessed for the operational phase (under the construction phase the SSSI exceeds screening criteria set out in IAQM guidance, being over 50m away from site boundary or construction route). Consequently, it is concluded that the proposed development would not result in any worsening of poor air quality exposure.

9.36 To support the LPA's consideration of this aspect of the proposed development, the Council's Environmental Health Officer has reviewed the appropriateness and acceptability of the applicant's assessment to determine whether the proposal is likely to give rise to any significant impacts. Overall it is considered that the range of air quality mitigation measures proposed are acceptable and, where appropriate, in line with the Council's Air Quality Action Plan. Therefore, subject to the imposition of conditions relating to fuel storage tanks being bunded, all HGVs being Euro VI compliant (as a minimum), no idling of HGV engines and all Non-road Mobile Machinery complying with the relevant emission standards; it is considered that the proposed development would not have a detrimental impact on the amenities of nearby residents and will accord with the abovementioned development plan policies.

Noise and Vibration:

9.37 Policy 7.15 of the London Plan states that development proposals should seek to manage noise by (inter alia) (a) avoiding significant adverse noise impacts as a result of new development; (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 imposing unreasonable restrictions; and (e) the application of good acoustic design principles. Saved Policy C3 of the UDP and Policy DM04 of the Development Management Policies DPD states that development within the (BXC) regeneration area should protect and, wherever possible, improve the amenities of existing and new residents, and that mitigation of noise impacts should be delivered through design, layout, and insulation where appropriate. Policy CS13 of the Core Strategy also makes reference to the need to provide a Noise Impact Assessment to which the Applicant has satisfied this requirement through the provision of an assessment within Chapter 7 of the SES (August 2018).

9.38 Chapter 7 of the Applicant's SES (August 2018) assesses the potential noise and vibration impacts likely to arise as consequence of the proposed development during both the construction and operational phases. The assessment identifies that noise and vibration impacts are most likely to be prevalent during the construction phase by virtue of the plant and equipment required to prepare the ground and construct the Sidings Compound. The study recognises that construction works have the potential to generate noise impacts on the surrounding nearby sensitive receptors; particularly Brent Terrace residential properties located to the east of the Site. Construction is proposed to occur over a six-day working week on Monday-Friday: 08:00 – 16:30 hours and Saturday 08:00 – 15:00 hours. Typically, the highest noise levels would occur during demolition, construction of foundations and other heavy engineering works which are generally short-term and temporary in nature. Construction noise levels are expected to be around 72 dB LAeq,T at the closest residential receptors at Brent Terrace, and around 63 dB LAeq,1h and 67 dB LAeq,1min at Claremont Primary School (nearest educational receptor).

9.39 Conditions 28.3, 28.4, 28.9 and 28.10 of the BXC S73 Permission set the controls for

construction activity relating to the BXC regeneration scheme, including noise limits at the nearest residential and educational sensitive receptors and hours of construction work. The noise limits expressed in Condition 28.9 in relation to residential receptors is 75dB LAeq,T; and in Condition 28.10 in relation to educational premises the limit is 65dB LAeq (1 hour) and 70dB LAeq (1 min). The permitted hours of construction work for the BXC scheme are 08:00-18:00 Mondays to Fridays and 08:00-13:00 Saturdays with no working on Sundays or Bank Holidays. Except for the proposed construction works during 13:00-15:00 on Saturdays, the proposed development (which would deliver a component of the BXC regeneration scheme) would generally conform to the controls imposed by the S73 Permission, which have been previously considered acceptable to the LPA. It is also acknowledged any noise emissions during the construction phase would be for a limited period of time necessary to complete construction of the proposed Sidings Compound. For any construction activities carried out outside of these construction timeframes or which would result in the exceedance of noise limits imposed by Conditions 28.9 or 28.10 of the S73 Permission, there are other legislative controls outside of planning that would take effect – namely Section 61 of the Control of Pollution Act 1974 in relation to construction activities. There are also provisions under the Environmental Protection Act 1990 in regard to any statutory nuisances.

9.40 The Councils Environmental Health Officer has advised that there would be no objections in relation to the construction phase of the proposed development and expresses that the noise levels anticipated during the period 13:00-15:00 on Saturdays would not exceed usual construction noise levels (as reported elsewhere) during the additional proposed hours. The Environmental Health Officer does, however, recommend that construction activities are appropriately managed and agrees that any forthcoming planning permission should be subject to a condition requiring the submission, approval and implementation of a Construction Environmental Management Plan, including arrangements to notify residents within 100 metres of the proposed development regarding the proposed works, the duration, contact details of the appropriate site manager, and use Best Practicable Means.

9.41 In terms of any noise and vibration impacts during the operational phase of the proposed development, it is recognised that the proposal would result in the re-provision of existing compound facilities and consolidation of existing rail-related equipment into one location. The operation of the Sidings Compound facility would therefore reflect the current situation which sees drivers and other staff arriving and departing from the Site as per the specified shift pattern, the storage of fuels and sand for use within the existing and proposed MML Train Stabling Facility[12], and use of a refuse compactor. In this respect, it is considered that the proposed development would not generate any additional or different noise emissions to that currently associated with the operational railway. The proposed development does, however, propose the inclusion of a number of items of fixed plant including that which represents a relocation of existing plant plus the introduction of new plant including that associated with the proposed GTR Accommodation Building and introduction of a pumping system to transfer sand from the silos to rail sidings.

[12] As proposed within planning application 18/5647/EIA.

9.42 As the planning application and accompanying SES (August 2018) does not specify the precise type of mechanical ventilation for the proposed GTR Accommodation Building nor the exact equipment required for the sand pumping system, the Council's Environmental Health Officer has requested the imposition of a condition (should planning permission be forthcoming) requiring the submission and approval of any fixed plant. In addition to this, the Environmental Health Officer has also recommended the imposition of a noise limit to protect the nearest sensitive receptors.

9.43 Given the foregoing and subject to imposing the abovementioned conditions on any forthcoming planning permission, it is considered that the proposed development would not give rise to any significantly adverse or unacceptable noise impacts and, as such, complies with Policies 7.15 and 5.17 of the London Plan, saved Policy C3 of the UDP and Policy DM04 of the Development Management Policies DPD.

Lighting:

9.44 External lighting is proposed to be fixed to the elevations of GTR Accommodation Building and elsewhere within the proposed Sidings Compound to facilitate safe operation of the facility. The proposed lights are specified as LED with time scheduling to reduce energy consumptions and operational CO2 emissions. Within the London Plan, Policy 5.2 requires any applications for commercial developments received by the Mayor of London on or after 1st October 2016 are required to achieve at least a 35% reduction in regulated CO2 emissions against Part L 2013 regulations. It is considered that the development will fully comply with the requirements of a 35% reduction in regulated CO2 emissions against the Building Regulations Part L2A 2013.

9.45 Policy C3 of the UDP seeks to protect the amenity of new and existing residents. More appropriately, 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. As the proposed Sidings Compound facility would operate 24 hours a day, light spill from the Application Site toward the tree belt has the potential to disturb species using the nearby habitats; and specifically, protected bat species using the area for commuting and/or foraging. The Applicant recognises the importance of the existing bat flight line and has proposed directional lighting to prevent any potential light spill, as indicated on plan numbers BXT-CAP-1400-B-DR-E-0027 to BXT-CAP-1400-B-DR-E-0031. Lighting during the construction phase will be equipped with back shields and directed away from the vegetated corridor and an experience bat ecologist would be engaged in the design and positioning of external lighting. However, it is recognised that details relating to the position of lighting affixed to the eastern elevation of the proposed GTR Accommodation Building have not been provided and nor has specific details relating to the provision of any back-shields in respect of the operational phase of the proposed development.

9.46 In respect of residential receptors at Brent Terrace, it is considered that the proposed development would not be likely to have any detrimental impact on the amenities of nearby residents due to the presence of the existing, established vegetative corridor (subject to this being safeguarded, as discussed below); topographical changes between the site and properties off Brent Terrace; and the distance between the Site and Brent Terrace (circa 65 metres). However, to mitigate any potential light spill

beyond the Application boundary, in particular toward the tree belt east of the Site and for the purposes of safeguarding amenities of nearby residents as well as protected species, a condition is recommended to require details of the lighting to be submitted to and agreed by the LPA. Therefore, subject to this condition it is considered the development would accord with the abovementioned development plan policies.

Highways and Transport Impacts

9.47 Policy 6.3 of the London Plan (2016) requires development proposals to be fully assessed at both corridor and local level to ensure development does not adversely affect safety on the transport network. This is similarly a requirement set out in the draft New London Plan (2017) – draft Policy T4. Policy CS9 of the Core Strategy DPD identifies the need for major proposals to incorporate transport assessments, travel plans and delivery and servicing plans. 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.

9.48 Paragraphs 108 and 109 of the NPPF (2018) are also relevant to the consideration of this planning application. In assessing applications for development, paragraph 108 advises that it should be ensured that (inter alia) *'(c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'* Paragraph 109 also states that *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

9.49 The planning application is supported by a transport assessment – document titled 'Phase 2 (South) (Thameslink Station) – Drop-in Application Transport Report: Sidings (July 2018)' and Travel Plan document titled 'Phase 2 (South) (Thameslink Station): Sidings Travel Plan (July 2018)'. These reports provide the Applicants' assessment of the proposed development in regard to capacity of the site access, proposed HGV movements and traffic flows on the A5 Edgware Road.

9.50 As the proposed development delivers part of the BXC regeneration scheme, the applicant has based this transport assessment on the 'Thameslink Model' which is a derivative of the BXC Design Development Model ('BXC DDM') used to assess the highway impact of the entire regeneration scheme focusing on the capacity of nine 'Gateway Junctions' which are to be improved to mitigate any such highway impacts from the wider regeneration scheme. The 'Thameslink Model' incorporates the highways improvements which have been approved to date (i.e. Phase 1A North and Phase 1B North reserved matters approvals) and continues to include the assumptions in relation to the wider BXC development as set out within the S73 Application, including the land uses contained within the Phase 2 (South) (Thameslink Station) sub-phase.

<u>Site Operation Traffic</u>

9.51 The proposed development retains the current land use, whilst providing a new, consolidated compound facility. The total number of staff who would utilise the

proposed compound consists of 80 train presentation staff and 90 train drivers. All employees would operate over 3 shifts and the shift patterns for the train drivers and train presentation staff will differ. The train drivers would only be at the sidings during signing in/out of shift or on break. With the average of 57 staff on site at one time over a period of 3 shifts, the Transport Report demonstrates the necessity to provide a demand for a maximum of 30 car parking spaces (28 standard spaces, one disabled space associated with the proposed GTR Compound and 1 stand space proposed for the EMT Compound). Compared to the current operations, train drivers would not create a significant increase in the observed traffic flows and parking demand, as direct pedestrian linkage to / from the site is provided to the adjacent railway stations; additionally, cycling storage facilities have been proposed within the Site. Furthermore, it is recognised that driver shift times would not typically overlap with the normal traffic peak hours.

9.52 The proposed development would initially be accessed via the extended Network Rail access road from Brent Terrace (north), with the long-term future access to be provided via the new Spine Road to be constructed as part of Phase 2 (South) (Thameslink Station Approach) sub-phase of the Development. The Applicant's Transport Report was based on a 12-hour weekday baseline survey carried out in 2017, whereby 45 vehicle arrivals and 53 departures were recorded. No pedestrians were recorded and there was only one cyclist arriving and departing during this survey period. The analysis indicated that the change in traffic flow as a result of the proposed development would be minimal and there is a negligible change in parking provisions, in comparison to the existing facility. With minor traffic generation in the peak hour assessed, it is considered no capacity issues at the adjacent links or junctions would arise as a result of the proposal and the environmental impacts on the highway network would be minimal.

9.53 The 2013 ES and other EIA documentation identified an overall minor adverse residual impact (i.e. the likely impact of the Development, taking account of proposed mitigation measures) associated with increased traffic, which will include some congestion on the highway network. Based on the above information, the environmental impacts in relation to operational traffic as identified in the 2013 ES and other EIA Documentation remain valid. No significant negative residual environmental impacts are anticipated to occur on the basis that the triggers, transport monitoring and reconciliation mechanisms, and construction management regime are implemented through planning conditions attached to the S73 Permission and the S106 Agreement.

9.54 The Travel Plan submitted with this planning application has defined a number of measures which aim to encourage sustainable transport and a reduction in single occupancy car usage by employees and visitors. The Applicant confirms that the proposed objectives and measures outlined support those provided in the S73 BXC Framework Travel Plan and the current TfL Work Place Travel Plan Guidance.' The Council's Transport Planning and Regeneration Team are content with the principles outlined within the Applicants' Travel Plan document but have advised that any forthcoming planning permission should be subject to a condition requiring the submission and approval of a full travel plan incorporating (inter alia) appropriate targets and monitoring regime.

<u>Construction Traffic</u>

9.55 It is anticipated that construction of the proposed development would occur over a period of a six-day working week during the following hours:

- Monday – Friday: 08:00 – 16:30 hours;
- Saturday: 08:00 – 15:00 hours.

9.56 To avoid the highway peak hours, staff are proposed to arrive and depart 30 minutes before and after the above construction hours. Staff would therefore avoid the highway network peak hours of 08:00 – 09:00 and 17:00 – 18:00. Similarly, permitted delivery and collection times would be between 09:00 and 16:00 hours. Thirty-one dedicated parking spaces for the maximum 25 – 30 staff and visitors per day expected during the construction phase, would be provided within the Site. During the construction phase, 15-20 HDV (Heavy Duty Vehicle) movements/trips per day (worst assumption to be 20 HDV) are anticipated. Construction traffic would access the Site via Brent Terrace (North) and the largest vehicles required are likely to be 22m long including those necessary to deliver the modular GTR Accommodation and EMT Accommodation units. All other vehicles accessing the construction site are proposed to be similar to those currently accessing the sidings and other established uses on Brent Terrace (North).

9.57 The submitted Construction Traffic Management Plan ('CTMP') estimates that maximum vehicle movements generated by deliveries / removal of spoil at site would be 50 arrivals and 50 departures per week (100 movements per week). Parking provisions will be monitored by security, who would ensure that all vehicles are parked in a designated space, and no vehicles are parked on Brent Terrace. It is considered those delivery vehicles that do not arrive within the allocated timeframe, will not be permitted to stay on the public highway and will be navigated to the plant storage area until unloading can be undertaken.

9.58 No new or different mitigation measures over and above those identified in the 2013 ES and other EIA documentation, including the Consolidated TA, have been identified as being necessary as part of the proposed Sidings Compound development in relation to construction traffic. However, as recommended by the Council's Transport Planning and Regeneration team, conditions relating to the provision of a full Travel Plan, a submission of a Servicing and Delivery Strategy, compliance with the submitted CTMP, and provision of a supplemental CTMP relating to the delivery of the GTR and EMT Accommodation units via 22-metre long articulated vehicles should be attached to any forthcoming planning permission. Liaison with the Applicant in regard to such controls has resulted in their indication that such conditions would be acceptable.

9.59 Therefore, subject to the imposition of the above conditions, to ensure that such works are secured, and taking into account the abovementioned development plan and national planning policies, it is considered that the proposed development would not cause any severe impacts on the highway network and it has been demonstrated that appropriate mitigation can be delivered to offset any adverse impacts to ensure that the proposed development (and wider BXC regeneration scheme) operates within acceptable limits on the highway network.

9.60 The Council's Transport Planning and Regeneration Team are also content that it has been demonstrated that the proposed development can operate without unacceptably

increasing conflicting movements on the road network. It is therefore considered that the applicant has provided sufficient evidence to demonstrate that the proposed development accords with the requirements of Policy 6.3 of the London Plan and Policy DM17 of the Development Management Policies DPD.

Parking Provisions

9.59 Saved Policy C8 of the UDP relates to the provision of parking within the Cricklewood, Brent Cross and West Hendon regeneration area specifying standards for particular uses. The proposed development (Sui Generis) does not accord with any of the listed uses and therefore the parking standards should follow the London Plan. Policy 6.13 of the London Plan and associated Table 6.2 in the Parking Addendum sets out the maximum parking standards which are to be the basis for considering planning applications. Policy DM17 (g) of the Development Management Policies DPD requires that development should provide parking in accordance with the London Plan standards except in the case of residential development, which is not applicable to this planning application.

9.60 Parking provision should be considered in view of the strategic approach to transport in Outer London (Policy 2.8 of the London Plan), of which the most salient of these approaches to the proposed development is improving public transport access and encouraging greater use of cycling and walking in respect of how staff travel to and from the site. Policy 6.13 of the London Plan also requires that 1 in 5 spaces provide electrical charging points, parking for disabled people in line with Table 6.2, and meet minimum cycle parking standards.

9.61 The proposed GTR Compound would consist of 28no. standard spaces and one disabled space. In accordance with the London Plan, 6no. of the spaces are proposed to have active electric charging points, with a further 3no. providing passive charging infrastructure to meet future needs. 8no. cycling parking spaces would be provided within a cycle shelter adjacent to the GTR Accommodation building, whereby provisions would be via 'Sheffield type cycle stands'. The proposed EMT compound would provide a single standard car parking space, which would include the provision of an electric charging point, and one cycle space. All EMT Train drivers would arrive via train and are collected by a company taxi. It is considered there is a negligible change in parking provisions in comparison to the existing sidings facilities.

9.62 It is considered the proposed parking and cycling provisions comply with saved Policy C8 of the UDP, Policy DM17 of the Development Management Policies DPD and Policy 6.13 of the London Plan.

Biodiversity

9.63 Policy CS7 of the Core Strategy DPD and Policy DM16 of the Development Management Policies DPD states that the Council will ensure that development protects existing site ecology and makes the fullest contribution to local biodiversity improvements; and also affords protection to existing SINCs. Equally, Policy 7.19 of the London Plan states that development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity; and states that proposals should give sites of borough and local importance for nature conservation the level of protection commensurate with their

importance.

9.64 In terms of biodiversity, the Application Site itself is of little ecological value as it is currently influenced and dominated by existing railway and road infrastructure. Furthermore works have recently been carried out to remove invasive species, scrub vegetation and spoil from the site, including asbestos, as part of the approved Early Works consented under application 18/3100/CON pursuant to Condition 49.1 of the S73 Permission. The nearest (nationally) designated nature conservation site is located approximately 1 kilometre to the northwest of the Site at the Welsh Harp SSSI and Brent Reservoir LNR. However, land between the Site and this SSSI is dominated by significant highway infrastructure. The Dudding Hill Loop SINC (Site of Importance to Nature Conservation) between Cricklewood and Harlesden is located approximately 200 metres to the south of the site. The Applicant recognises the importance of these nature conservation sites in addition to the biodiversity importance of the existing tree belt which runs parallel to the east and north of the site between Brent Terrace and the Application Site. The area is considered as regional importance for bats and other protected species and the nearest tree is approximately 20m from the site.

9.65 The Application is supported with a Biodiversity assessment as contained within Chapter 9 of the SES (August 2018). The assessment evaluates potential ecological impacts during all stages of the development; including construction, operation and decommissioning. The Applicant has confirmed, that during a walk over survey commissioned by Capita in 2015, it was confirmed that parts of the Brent Terrace Development Zone is classified as Open Mosaic Habitat (OMH) area (defined as a 'Habitat of Principal Importance' under Section 41 of the NERC Act 2006 and considered a UK BAP Habitat).

9.66 The assessment reviews potential ecological impacts, which are likely to occur during the construction and operational phases of the proposed development. This assessment concludes that the clearing of vegetation on site would be a direct impact of the proposed development due to the potential to encounter reptiles invertebrate species which utilise such habitats. In terms of indirect impacts, the proposed development is likely to include disturbance to key species utilising retained habitats, particularly as a result of noise, vibration and external lighting. The most notable identified impact would be to bat species utilising the adjacent tree line for foraging and commuting. In terms of mitigation to offset any identified adverse impacts to reptiles and invertebrates, the Applicant has proposed the adoption of a precautionary method of works for vegetation clearance approach under the supervision of a suitably qualified ecologist. This can be reasonably secured by way of imposing a condition to any forthcoming planning permission.

9.67 In respect of identified impacts on bat species, the principal consideration would be the use of external lighting and the effect this could have on the foraging and commuting behaviours of protected bat species, particularly as the proposed development would be operational over a 24-hour period. In accordance with the Standing Advice set out in the national Planning Practice Guidance and paragraph 175 of the NPPF (2018), planning permission should only be refused where significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for. As set out in the Applicants' assessment, the proposed development

has the potential to cause major adverse impacts to protected bat species, particularly through the provision of external lighting in close proximity to the adjacent tree line identified as a 'Core Sustenance Zone' of regional importance. However, it is considered that such an impact can be reasonably mitigated through the provision of appropriately designed lighting that is directed away from the vegetation corridor or shrouded to prevent light spill. The Applicant recognises the importance of this existing bat flight line and has proposed directional lighting. However, as explained in paragraph 9.44 of this report, it is recommended that a condition is attached to any forthcoming planning permission to mitigate any potential light spill beyond the application boundary, particularly in regard to that to be erected on the eastern façade of the proposed GTR Accommodation Building where there is a lack of detail within the planning application.

9.68 Otherwise, taking into account the limited opportunities offered by this previously developed environment, it is considered that the proposed development has sought to provide solutions which would have the effect of protecting the existing biodiversity and ecological value of an otherwise utilitarian site. Therefore, subject to the inclusion of appropriate conditions, the proposed development is considered to be in compliance with Policy CS7 of the Core Strategy, Policy DM16 of the Development Management Policies DPD and Policy 7.19 of the London Plan.

Sustainable Construction and Climate Change

9.69 London Plan Policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy be lean, be clean and be green. 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 incorporation of renewable energy technologies and low or zero carbon technologies, and achieve regulated carbon dioxide standards. 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; and saved Policy C4 of the UDP states that the Council will seek to ensure that the redevelopment of the BXC regeneration area pursues the highest standards of environmental design.

9.70 Chapter 18 'Greenhouse Gas Emissions of the SES (August 2018) has considered the potential calculation of Greenhouse Gas (GHG) emissions associated with the construction and operations of the proposed development. The Applicant confirms the RSSB Rail Carbon Tool was used to calculate the GHG emissions associated with the construction of the new compound; however, limitations on data meant scoping out was required. Nevertheless, the assessment identified construction GHG emission hotspots, which included the access road, GTR Accommodation Building and construction site energy use. Mitigation measures have been recommended which include the specification of a modular building.

9.71 With regards to the operational GHG emissions, the data was only provided for the

GTR Accommodation Building and the data was accessed from the Energy Statement, which demonstrates the design of the Accommodation Building equates to a 35% reduction in regulated CO2 emissions against the building regulations TER and therefore complies with the Part L and GLA requirements. The 35% reduction is also in line with the BXC development partners' target of at least a 25% CO2 emissions reduction in commercial properties compared to a 2010 Part L Building regulations compliant scheme. As such, it is considered that the proposed development is in compliance with Policies 5.2, 5.3, 5.10 and 5.11 of the London Plan, Policy CS13 of the Core Strategy DPD and saved Policy C3 of the UDP.

Flood Risk and Drainage

9.72 The Site falls within the Dollis Brook and Upper Brent catchment of the River Brent, which drains into the Lower Brent catchment further downstream. The Application Site is, however, located within Flood Zone 1 and is therefore at the lowest risk of flooding from fluvial sources. In terms of groundwater, the Site does not fall within, nor within the vicinity of, any Groundwater Source Protection Zone and is predominantly underlain by London Clay Formation. In terms of surface water flood risk, the Site is partly located within the 'Claremont Way Industrial Estate Critical Drainage Area (CDA)' as highlighted within the Barnet Surface Water Management Plan. The main source of flood risk within this CDA is from surface water ponding in localised topographic low spots; however, the Barnet Surface Water Management Plan does not highlight any flood risk within the extent of the proposed development as a result of this. The Environment Agency's Flood Map for Surface Water identifies that a minor part of the Site (coincidental to the proposed construction workers parking area to the south of the site) is susceptible to some high risk of surface water flooding; however, this area would be outside the main proposed compound area and would only be utilised temporarily as a car park during the construction phase.

9.73 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 national 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; and coincides with Flood Zone 1 where development is generally considered appropriate across all flood zones, with a less than 0.1% annual exceedance probability of flooding. Policy 5.13A of the London Plan requires development proposals to utilise Sustainable Urban Drainage Systems (SUDS) 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.

9.74 The proposed development incorporates the provision of a drainage scheme to manage surface water run-off and foul water. The former would consist of a series of surface drainage channels or gullies, linear and kerb drainage systems, and the provision of three (subterranean) surface water storage tanks to collect and store surface water from the compound area. Ultimately, this surface water drainage system would be connected to the existing drainage network but outflow would be capped through the provision of flow control units and would be passed through a full retention separator and by-pass oil separator before being discharged off-site. The Applicant's Surface Water Calculations Technical Note (document ref. Cs095428-BXRS-CAP-00-XX-D1-01 Rev. P01, dated November 2018) submitted subsequent to validation of the planning application (see Section 8) provides adequate evidence to demonstrate that the proposed drainage system is capable of achieving greenfield run-off rates in addition to allowances for climate change as set out in the national Planning Practice Guidance. For foul water, the proposed development would be connected to Thames Water's existing network to deal with waste water from the proposed GTR Accommodation Building. In addition to these measures, the proposed development also incorporates the construction of fuel tank bunds, reinforced concrete foundations and installation of a leak detection system for the proposed EMT Fuel Farm.

9.75 Taking into account the design of the proposed development and mitigation measures proposed alongside the relatively low vulnerability of the Site in terms of groundwater pollution, potential to affect the water quality of the River Brent and flood risk from fluvial and surface water sources; it is considered that the proposed development generally satisfies the requirements of the abovementioned development plan policies, particularly making allowance for the limited opportunities to provide more innovative SuDS within the boundary of the operational railway.

Land Contamination

9.76 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. As contained within Chapter 13 of the SES (August 2018), the Applicant has carried out an assessment of the potential for land contamination arising from the proposed development.

9.77 The assessment submitted reviewed both the construction and operational phases of the proposed development in relation to nearby receptors sensitive to potential ground contamination. The Applicant's assessment has identified potential source-pathway receptor linkages through a Conceptual Site Model and highlighted a number of potential impacts ranging from negligible to potentially major adverse. However, the Applicant has proposed implementation of the following mitigation measures to address any such impacts including: preparation of a Construction Environmental Management; presence of a geo-environmental specialist during all ground excavation

works; appropriate management for the decommissioning of existing fuel tanks and provision of new bunded fuel tanks; implementation of a sealed drainage system (as described in paragraph 9.73); adequate treatment of the identified elevated level of methane concentration; and removal and/or treatment of any contaminated soils or perched water present on Site. Taking these mitigation measures into account and the remediation effects they are likely to have, the residual impact of the proposed development is considered to range from negligible to minor adverse. The Council's Environmental Health Officer has reviewed the Applicants' assessment in respect of the appropriateness of the methodology, robustness of the assessment and effectiveness of the proposed mitigation measures. Given the potential for contaminants to be present at the Application Site by virtue of the historic land use there is a need to ensure that such contaminants are not spread or activated as a result of the proposed development – particularly during the construction phase. As such, it is considered appropriate to condition any forthcoming planning permission to require the submission and approval of a remediation strategy (based on the site investigation used to inform the Applicants' assessment) and thereafter verification report to demonstrate that the approved remediation measures have been successfully implemented and completed.

9.78 It is considered that any such remediation strategy should consider the Remediation Zones previously approved for the Phase 2 (South) (Thameslink Station) sub-phase of the BXC Development pursuant to Condition 31.1 of the S73 Permission (planning permission ref. 17/6697/CON); and any Site-Specific Remediation Strategy being prepared for the same sub-phase as per the requirements of Condition 31.2 of the S73 Permission. Therefore, subject to inclusion of, and compliance with, the recommended condition, the proposed development is considered to be in compliance with Policy 5.21 of the London Plan and Policy DM04 of the Development Management Policies DPD.

Planning Obligations

9.79 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.

9.80 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 and as outlined above, it is considered that the use of appropriate planning conditions are adequate in this instance to control the development, Officers do not recommend that any Planning Obligations should be sought.

10 ENVIRONMENTAL IMPACT ASSESSMENT

10.1 The planning application is accompanied by a Supplementary Environmental Statement (dated August 2018) which assesses the impact of the proposed development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017..

10.2 The SES covered the following topics to determine whether the proposed development would be likely to give rise to any significant environmental effects and whether any mitigation measures were necessary to ameliorate any such impacts:

- Land use planning;
- Traffic and Transport;
- Socio-economics;
- Noise and vibration;
- Townscape and visual;
- Biodiversity;
- Water and flood risk;
- Archaeology and cultural heritage;
- Air quality and dust;
- Ground contamination;
- Waste;
- Microclimate – Wind;
- Microclimate – Daylight, Sunlight and Overshadowing;
- Communications – TV, radio and mobile phone;
- Greenhouse gas emissions;
- Major accidents and disasters; and
- Cumulative effects.

10.3 Given the relationship with the BXC regeneration scheme and the fact that the proposed Sidings Compound development would be delivered as part of the BXC Development permitted by the S73 Permission, the SES also had regard to the EIA carried out in support of the BXC outline planning application approved in 2010 and subsequent S73 Application in 2014. Relevant comparisons between the conclusions of the BXC EIA and SES submitted with this planning application have been acknowledged above through the Planning Assessment section of this report having regard to the relevant material considerations.

10.4 The relevant assessments and conclusions from those assessments as contained within the revised Supplementary Environmental Statement (August 2018) have been considered by the LPA in consultation with the appropriate statutory and other technical advisers, as set out above, and it is concluded that the proposed development would not give rise to any new or different significant environmental effects that cannot be mitigated through the implementation of appropriate mitigation measures. Such mitigation measures can be secured through appropriately worded planning conditions as suggested in Appendix A of this report.

11 EQUALITY AND DIVERSITY ISSUES

11.1 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:

- *Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it."*

11.2 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.

11.3 In considering this planning application and preparing this report, Officers have had regard to the requirements of this section and have concluded that should a decision to grant planning permission for this proposed development be taken, it would comply with the Council's statutory duty under this important legislation.

11.4 Notwithstanding the proposed development seeks to deliver a Sidings Compound to facilitate operation of the railway network and services that operate on it, which would not ordinarily be accessible to members of the public; the Application Site would be 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 (principally staff, contractors and visitors). Also, the Applicant has proposed the provision of one dedicated disabled parking bay and provisions for secure and sheltered cycle parking. 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.

11.5 Additionally, the proposed development would facilitate the delivery of the New Thameslink Train Station as part of the wider BXC regeneration scheme which would deliver substantial benefits in respect of accessibility, housing, employment opportunities and community facilities.

12 CONCLUSION

12.1 The application seeks planning permission for the construction of a new compound that would accommodate train staff and driver accommodation and rail related equipment to support the existing and relocated rail sidings.

12.2 The compound is required in order to relocate an existing rail compound and associated train stabling facilities to enable the existing North Sidings to be relocated which in turn will make way for the new Brent Cross West train station which is being delivered as part of the wider Brent Cross Cricklewood (BXC) regeneration scheme. The new station will deliver significantly improved accessibility to the area and unlock the delivery of new homes and a new office quarter which will generate thousands of new jobs as part of Brent Cross South.

12.3 The outline planning permission for the regeneration of BXC approved the delivery of a New MML Train Stabling Facility within the Railway Lands Development Zone, to replace the existing train sidings. However as a result of detailed design for the new sidings, constraints of the site including the operational railway and the size and design of the replacement sidings tracks to meet Network Rail's requirements, and the requirement to replace a number of facilities which have been installed since the original planning permission was granted, the relocated compound facility has to be located on land within the Brent Terrace Development Zone (i.e. outside the Railway Lands Development Zone). As a result the proposed sidings compound would deviate from a number of the S73 Permission Parameter Plans and therefore it cannot be considered through a Reserved Matters Application. Instead a stand-alone 'drop-in' application has been submitted which drops the new proposal into the masterplan for Brent Cross. This is not unusual for large developments such as BXC and is an acceptable planning method provided that it doesn't prejudice the delivery of the wider S73 Permission.

12.4 Taking into consideration Parameter Plans 015 and 029 of the RDSF, which demonstrates one way in which the BXC Masterplan could be delivered, and considering that the S73 Permission did not define or specifically recognise development required as part of the rail enabling works to support the realignment of New MML Train Stabling Facility, it is considered the Brent Terrace Reconciliation Study submitted with the application provides adequate evidence demonstrating that the S73 Permission will remain capable of implementation in the context of the proposed compound development. As such, it is considered that the proposed development would not prejudice the delivery of the wider BXC regeneration scheme and therefore would continue to satisfy the requirements for the comprehensive redevelopment of the regeneration area in accordance with the abovementioned development plan policies (saved Policy C1 of the UDP and Policy CS2 of the Core Strategy DPD).

12.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the LPA as set out in this report. The assessment has considered the key material considerations relating to the principle of the proposed development, local character and amenity (including air quality, and noise), highways and transport impacts, biodiversity (including trees), flooding and drainage, contaminated land, and sustainable design and climate change. In summary, the proposed development is considered to be generally acceptable in regard to all of these considerations subject to the imposition of various conditions on any planning permission granted in order to secure the implementation of appropriate mitigation.

12.6 It is concluded that the proposed development accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, the application is recommended for **APPROVAL** subject to conditions as set out in Appendix A of this report.

SITE LOCATION PLAN – CRICKLEWOOD SIDINGS, LAND TO THE REAR OF BRENT TERRACE (SOUTH), LONDON NW2 1BX

PLANNING APPLICATION 18/5244/EIA