

**MEETING**

**STRATEGIC PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 9TH DECEMBER, 2020**

**AT 7.00 PM**

**VENUE**

**VIRTUAL MEETING:  
LINK TO MEETING - <https://bit.ly/3lqfllP>**

**TO: MEMBERS OF STRATEGIC PLANNING COMMITTEE (Quorum 3)**

Chairman: Councillor Shimon Ryde BSc (Hons)

Vice Chairman: Councillor Melvin Cohen LLB

**Councillors**

Cllr Golnar Bokaei

Cllr Jess Brayne

Cllr Claire Farrier

Cllr Eva Greenspan

Cllr Nagus Narenthira

Cllr Tim Roberts

Cllr Julian Teare

Cllr Mark Shooter

Cllr Stephen Sowerby

Cllr Laurie Williams

**Substitute Members**

Cllr Alison Cornelius

Cllr Anne Hutton

Cllr John Marshall

Cllr Reema Patel

Cllr Helene Richman

Cllr Gabriel Rozenberg

Cllr Gill Sargeant

Cllr Daniel Thomas

Cllr Sarah Wardle

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

**Andrew Charlwood – Head of Governance**

Governance Services contact: [StrategicPlanning.Committee@barnet.gov.uk](mailto:StrategicPlanning.Committee@barnet.gov.uk)

Media Relations Contact: Tristan Garrick 020 8359 2454

**ASSURANCE GROUP**

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

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	To Follow
2.	Absence of Members	
3.	Declarations of Members' disclosable pecuniary interests and other interests	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	Little Strand, Barnet, London NW9 - 20/3098/FUL	5 - 54
7.	231 Colney Hatch Lane London N11 3DG - 20/1610/FUL	55 - 114
8.	Cricklewood Sidings, Land Rear of Brent Terrace (South), Brent Terrace, Cricklewood, London NW2 1BX - 20/4055/S73	115 - 222
9.	Brownfield Land Register	223 - 234
10.	Any item(s) that the Chairman decides are urgent	



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**LOCATION:** Little Strand, Barnet, London NW9

**REFERENCE:** 20/3098/FUL

**Received:** 17 July 2020

**Accepted:** 27 July 2020

**WARD:** Colindale

**Expiry:** 16 October 2020

**APPLICANT:** Barnet Homes

**PROPOSAL:** Demolition of 8no existing bungalows and 48 garages and erection of 35 new affordable homes (C3) across four buildings ranging from 2 to 4 storeys with associated landscaping, parking and ancillary works

AGENDA ITEM 6

### RECOMMENDATION 1:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation through a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes of seeking to secure the following, subject to any changes as considered necessary by the Service Director or Head of Development Management:

a) Legal Professional Costs Recovery

Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;

b) Enforceability

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

c) Indexation

All financial contributions listed to be subject to indexation.

d) Affordable Housing

100% of units to be provided as affordable housing and at London Affordable Rent.

e) Section 278 Highway Works

All necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development in agreement with the Local Highways Authority.

f) Section 247 Highway Works

Where applicable, take the necessary steps to stop up any sections of the public highway on Little Strand that is required to facilitate the development, areas to be agreed.

g) Residential Travel Plan Incentives Fund

£150 per unit Residential Travel Plan Incentive Fund to be used by 1st occupiers to get 1 of the 3 TP incentives of the following:

- Oyster card with £150 credit
- Cycle shop voucher to the value of £150
- Car club credit/membership to the value of £150

- h) Control Parking Zone (CPZ)  
Financial contribution towards Local CPZ monitoring, consultation and implementation, final sum to be agreed.
- i) Traffic Management Order  
A contribution towards the amendment of Traffic Management Order (TMO) to ensure that the new occupants in 18 (1B and 2B) units are prevented from purchasing parking permits in local CPZs. New occupants in 12 (3B and 4B) family units will be restricted to 1 permit per unit along with the WCH units. The total number of permits for the development site will be limited to 17.
- j) Greenspaces  
CAVAT payment of £140,389 to compensate the loss of the three B rated trees located within the application site.
- k) Monitoring Fee  
A contribution of £5,000 towards the monitoring of the S106 agreement.

## **RECOMMENDATION 2:**

That subject to Recommendation 1 and upon completion of the legal agreement specified, the Service Director of Planning and Building Control or Head of Strategic Planning to approve the planning application reference 20/3098/FUL under delegated powers, subject to the conditions as set out within this report.

That the Committee also grants delegated authority to the Service Director of Planning and Building Control or the Head of Development Management to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

## **CONDITION(S):**

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

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

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

LBB-LSG_HTA-A_LIT_XX_DR_001	Existing Site Location Plan
LBB-LSG_HTA-A_LIT_XX_DR_002revF	Existing Site Plan
LBB-LSG_HTA-A_LIT_XX_DR_0100revN	Proposed Ground Floor Site Plan
LBB-LSG_HTA-A_LIT_XX_DR_0110revA	Street Elevations A-A and B-B
LBB-LSG_HTA-A_LIT_XX_DR_0120revC	Proposed Site Sections A-A/B-B
LBB-LSG_HTA-A_LIT_XX_DR_0121revB	Proposed Site Sections C-C
LBB-LSG_HTA-A_LIT_S1_DR_0200revD	Site 1 - Proposed Block Plan Ground Floor
LBB-LSG_HTA-A_LIT_S1_DR_0201revA	Site 1 - Proposed Block Plan Upper Floors and Roof Plan

LBB-LSG_HTA-A_LIT_ S2_DR_0210revD	Site 2 - Proposed Flat Block Plan Ground Floor
LBB-LSG_HTA-A_LIT_ S2_DR_0211revC	Site 2 - Proposed Flat Block Plan First and Second Floor
LBB-LSG_HTA-A_LIT_ S2_DR_0212revC	Site 2 - Proposed Flat Block Plan Third Floor and Roof Plan
LBB-LSG_HTA-A_LIT_ S3_DR_0220revF	Site 3 - Proposed Block Plan Ground Floor
LBB-LSG_HTA-A_LIT_ S3_DR_0221revA	Site 3 - Proposed Block Plan Upper Floors and Roof Plan
LBB-LSG_HTA-A_LIT_ S1_DR_0230revA	Site 1 - Proposed Block Elevations
LBB-LSG_HTA-A_LIT_ S2_DR_0240revB	Site 2 - Proposed Block Elevations 1
LBB-LSG_HTA-A_LIT_ S2_DR_0241revA	Site 2 - Proposed Block Elevations 2
LBB-LSG_HTA-A_LIT_ S3_DR_0250revA	Site 3 - Proposed Block Elevations 3
LBB-LSG_HTA-A_LIT_XX_DR_0300revI	Unit Plan Type A - 3B5P House
LBB-LSG_HTA-A_LIT_XX_DR_0301revG	Unit Plan Type B - 4B7P House
LBB-LSG_HTA-A_LIT_XX_DR_0302revB	Unit Plan Type C - 1B2P WCH Flat
LBB-LSG_HTA-A_LIT_XX_DR_0303revB	Unit Plan Type D - 1B2P Flat
LBB-LSG_HTA-A_LIT_XX_DR_0304revB	Unit Plan Type E - 2B3P WCH Flat
LBB-LSG_HTA-A_LIT_XX_DR_0305revB	Unit Plan Type F - 2B4P Flat
LBB-LSG_HTA-L_LIT_XX_DR_0900revB	Illustrative Landscape Masterplan
LBB-LSG_HTA-L_LIT_XX_DR_0901revA	Site Sections

#### Supporting Documents:

- Planning Statement, prepared by HTA Design LLP
- Design and Access Statement, prepared by HTA Design
- Statement of Community Involvement, prepared by HTA Design
- Daylight, Sunlight and Overshadowing Report, prepared by HTA Design Sustainable Futures
- Sustainability Statement and Energy Statement by HTA Design Sustainable Futures
- Transport Assessment including draft Travel Plan, prepared by Velocity
- Arboricultural Impact Assessment, prepared by Broad Oak Tree Consultants Limited
- Preliminary Ecology Assessment and Bat Surve, prepared by Bernwood Ecology;
- Topological Survey, prepared by Terrain Surveys
- Structural and Drainage Reports, prepared by Symmetrys Ltd
- FRA, prepared by Symmetrys Ltd

#### Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan and policy 1.1 of the London Plan.

**3.** Notwithstanding the details submitted in the drawings otherwise herby approved the development is not to commence (other than for Demolition, Groundwork's and Site Preparation Works) unless and until details of the levels of the proposed buildings, roads, footpaths, pocket park, courtyard and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.

4. Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement (notwithstanding demolition and preparatory works) of the development, a detailed scheme of hard and soft landscaping and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority.

The details of landscaping and means of enclosure submitted shall include but not be limited to the following:

- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- d) The position of any existing trees and hedges to be retained or removed.
- e) Details of all tree, hedge, shrub and other planting proposed as part of the scheme and all planting proposed for green walls and other soft landscaped structures, including proposed species, plant sizes and planting densities reflecting a majority of Mosaic species
- f) Means of planting, staking and tying of trees, including tree guards, planter depths and a detailed landscape maintenance schedule for regular pruning, watering and fertiliser use
- g) Existing site contours and any proposed alterations to these such as earth mounding
- h) Details of all proposed boundary treatments, fencing, gates or other means of enclosure to be erected at the site
- i) The ecological mitigations measures to be submitted and agreed.
- j) Details of lighting to be submitted agreed.

Reason:

To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.



**5.** Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement of the development or any site works:

a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

**6.** Prior to the occupation of the hereby approved development, details of a Landscape and Ecological Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

a) The Landscape and Ecological Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

b) The Plan should also include ecological trends and constraints on site that might influence management, ongoing monitoring and remedial measures, outline the measures taken to minimise impacts on bats and their insect food, shall be submitted to and approved in writing by the local planning authority.

c) The approved Landscape and Ecological Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason:

To ensure a satisfactory appearance to the development in accordance with Policy DM01 and DM16 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2016.

**7.** Notwithstanding the details shown on the plans hereby approved the development shall not commence (other than for site preparatory or demolition purposes) until details of samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas (including bricks, balconies, external gates and external doors) submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policy CS5 of the Barnet Local Plan Core Strategy (adopted) September 2012 and DM01 of the Development Management Policies (adopted) September 2012 and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan (2016).

**8.** Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (other than for Demolition, Groundwork's and Site Preparation Works) until details (necessary details specified in brackets) of the following features and elements of the works have been submitted to the Local Planning Authority and approved in writing:

Brick bonding (annotated plans at a scale of not less than 1:10).

External windows, winter gardens and doors (annotated plans at a scale of not less than 1:10).

Balustrading to balconies (annotated plans at a scale of not less than 1:10).

Door canopies (annotated plans at a scale of not less than 1:10).

Brick detailing including arches, recessed panels, blind windows, brick aprons and window heads (annotated plans at a scale of not less than 1:10).

Rainwater goods (annotated plans at a scale of not less than 1:10).

Boiler flues and other external air extraction, intake and ventilation points (annotated plans at a scale of not less than 1:10).

Gates at the site vehicular access points (annotated plans at a scale of not less than 1:10).

The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

**9.** Notwithstanding the details shown on the plans hereby submitted, the proposed buildings shall not be occupied until details are submitted to the Local Planning Authority and approved in writing which specify:

- all windows in the proposed buildings that are to be permanently glazed with obscured glass or provided with only a fanlight opening and the manner and design in which these windows are to be implemented; and
- all rooflight/skylight windows should be a minimum of 1.8m from finished floor level.

Prior to the occupation of each building, the development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan.

**10.** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the relevant phase of the development shall not be occupied until details are submitted to the Local Planning Authority and approved in writing which specify the details of boundary treatments to be installed as part of the development. These details shall

include materials, type and siting of all boundary treatments. The development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings and in the interests of the appearance of the development, in accordance with policies DM01 and DM02 of the Barnet Local Plan.

#### **11. Before development commences other than for investigative work:**

Part 1

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

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

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

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

Part 2

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

Reason:

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

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

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

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2016.

**13.** All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason:

In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

**14.** a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the biomass boiler / CHP Plant shall be submitted to and approved by the Local Planning Authority. The emissions for CHP and / or biomass boilers shall not exceed the standards listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document 2014.

The report shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. It shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. Details of the plant and evidence to demonstrate compliance with the GLA's emissions standards will be required.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason:

To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development in accordance with the Sustainable Design and Construction SPD (adopted April 2013). To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan in relation to air quality.

**15.** The level of noise emitted from any plant and/or machinery hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

**16. a)** No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016.

**17.** No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

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

Reason:

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

**19.** No development other than demolition, site clearance and temporary enabling works, shall commence until a Sustainable Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme have been submitted to and approved in writing by the Local Planning Authority.

The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason:

To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2016.

**20.** No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

**21.** Notwithstanding the parking site layout plan submitted with the planning application, prior to above ground works; a detailed parking layout plan showing the exact dimensions of the existing/proposed crossovers and proposed off-street parking spaces including any redundant crossovers to be reinstated to footway in the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 56 off-street parking spaces including 5 disabled parking bays shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

Reason:

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

London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

**22.** Prior to first occupation, details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 62 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

**23.** Prior to first occupation, details of servicing management plan including refuse storage and collection arrangements, including swept path drawings to show that refuse vehicles can enter and exit the site in forward gear shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved refuse storage and collection arrangements.

Reason:

In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

**24.** Prior to first occupation, details of parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved parking management plan.

Reason:

In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

**25. a)** No demolition shall take place on site, until a 'Demolition Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

No construction shall take place on site until a 'Construction Method Statement' has been submitted to and approved in writing by the Local Planning Authority.

b) The Statements shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of demolition/construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

c) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

The statements should include but not be limited to, the following information:

1. details of the routing of vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
2. site preparation and construction stages of the development;

3. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
4. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
5. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
6. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
7. noise mitigation measures for all plant and processors;
8. details of contractor's compound and car parking arrangements;
9. details of interim car parking management arrangements for the duration of construction;
10. details of a community liaison contact for the duration of all works associated with the development.
11. provision of a competent banksman.

Reason:

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

**26.** Prior to first occupation, details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a minimum of 11 active and 11 passive electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason:

To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

**27.** The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

Reason:

To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

**28.** Prior to commencement of the development, a plan of the agreed areas to be stopped-up shall be submitted to and approved in writing by the Local Planning Authority. The applicant shall thereafter take the necessary steps to stop up the agreed areas

Reason:



In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

**29.** Prior to the first occupation of the development hereby approved, a Road Safety Audit of the immediately surrounding highway network shall be conducted along with a design and implementation response that provides forms of mitigation against issues raised by the road safety auditor. This shall be submitted to and approved in writing by the Local Planning Authority, with the approved outcomes fully implemented and retained as such thereafter.

Reason:

To ensure the surrounding highway networks road safety conditions re fully assessed and mitigated in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

**30.** Prior to the first occupation of the development, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the approved details.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS5 of the Barnet Local Plan Core Strategy (adopted) September 2012 and DM01 of the Development Management Policies (adopted) September 2012 and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan (2016).

**31.** Notwithstanding the details shown on the plans otherwise hereby approved, prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal or public amenity space as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the relevant part of the development and the play space shall thereafter be retained.

Reason:

To ensure that the development represents high quality design and to accord with policies DM01 and of Development Management Policies (Adopted) September 2012 and Policy 3.6 of the London Plan (2016).

**32.** Prior to the occupation of the site an External Lighting Assessment together with full details, specifications and plans of any proposed external lighting to be installed as part of the development shall be submitted and approved in writing to the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the relevant part of the development and thereafter be maintained as such. Unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that appropriate lighting is provided as part of the development in accordance with Policy DM01 of the Barnet Development Management Policies (adopted) September 2012 and Policy 5.3 of the London Plan (2016).

**33.** Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent, they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

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

**34.** Prior to carrying out above grade works of each building or part of any new building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full 'Secured by Design' Accreditation.

Prior to the first occupation of the residential building a 'Secured by Design' accreditation shall be obtained for the building.

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

Reason:

To protect the amenity of the area in accordance with Policies DM01 September 2012.

### **INFORMATIVES:**

In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered, and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

The Community Infrastructure Levy (CIL) applies to all 'chargeable development'.

This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal

charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

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

Please visit

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

A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

“An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-

infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine.”

#### Thames Water:

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

#### Water Comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### UK POWER NETWORKS:

UK Power Networks require 24 hour vehicular access to their substations. Consideration for this should be taken during the design stage of the development.

The development may have a detrimental impact on our rights of access to and from the substation. If in doubt please seek advice from our Operational Property and Consents team at Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.

No building materials should be left in a position where they might compromise the security of the substation or could be used as climbing aids to get over the substation surround.

There are underground cables on the site associated with the substation and these run in close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices.

Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

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

- o Site hoarding
- o Wheel washing
- o Dust suppression methods and kit to be used
- o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-

6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
- o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

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

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;

- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

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

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

#### Damage to Gullies and Sewers

Informative: If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

Informative: The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses

please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk).

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

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

## **1. MATERIAL CONSIDERATIONS**

### **1.1 Key Relevant Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

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

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

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application, is set out in subsequent sections of this report dealing with specific policy and topic areas.

The development proposals have been considered very carefully against the relevant policy criteria and, for the reasons set out in this report, have concluded that the

development will fulfil them to a satisfactory level, subject to the conditions and planning obligations recommended. The proposed development is considered to comply with the requirements of the development plan.

### National Planning Policy Framework (February 2019)

The 2019 NPPF was adopted in February 2019 replacing the 2012 NPPF and includes minor clarifications to the revised version published in July 2018. The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The NPPF states that, "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF also states that the purpose of the planning system is to contribute to the achievement of sustainable development. In addition the NPPF retains a 'presumption in favour of sustainable development', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

### The London Plan 2016

The London Plan 2016 (Consolidated with Alterations since 2011) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

#### Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

#### London's Places:

2.2 (London and the Wider Metropolitan Area)

2.7 (Outer London Economy)

2.8 (Outer London Transport)

2.13 (Opportunity Areas and Intensification Areas)

2.18 (Green Infrastructure: The Multi-Functional Network of Green and Open Spaces)

#### London's People:

3.1 (Ensuring Equal Life Chances for All)

3.2 (Improving Health and Addressing Health Inequalities)

3.3 (Increasing Housing Supply)

3.4 (Optimising Housing Potential)

3.5 (Quality and Design of Housing Developments)

3.6 (Children and Young People's Play and Informal Recreation Facilities)

3.8 (Housing Choice)

3.9 (Mixed and Balanced Communities)

3.10 (Definition of Affordable Housing)

3.11 (Affordable Housing Targets)

3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes)

3.13 (Affordable Housing Thresholds)

#### London's Economy:



#### 4.1 (Developing London's Economy)

##### London's Response to Climate Change:

- 5.1 (Climate Change Mitigation)
- 5.2 (Minimising Carbon Dioxide Emissions)
- 5.3 (Sustainable Design and Construction)
- 5.5 (Decentralised Energy Networks)
- 5.6 (Decentralised Energy in Development Proposals)
- 5.7 (Renewable Energy)
- 5.9 (Overheating and Cooling)
- 5.10 (Urban Greening)
- 5.11 (Green Roofs and Development Site Environs)
- 5.12 (Flood Risk Management)
- 5.13 (Sustainable Drainage)
- 5.14 (Water Quality and Wastewater Infrastructure)
- 5.15 (Water Use and Supplies)
- 5.17 (Waste Capacity)
- 5.21 (Contaminated land)

##### London's Transport:

- 6.1 (Strategic Approach)
- 6.2 (Promoting Public Transport Capacity and Safeguarding Land for Transport)
- 6.3 (Assessing Effects of Development on Transport Capacity)
- 6.4 (Enhancing London's Transport Connectivity)
- 6.7 (Better Streets and Surface Transport)
- 6.9 (Cycling)
- 6.10 (Walking)
- 6.12 (Road Network Capacity)
- 6.13 (Parking)

##### London's Living Spaces and Places:

- 7.1 (Lifetime Neighbourhoods)
- 7.2 (An inclusive Environment)
- 7.3 (Designing Out Crime)
- 7.4 (Local Character)
- 7.6 (Architecture)
- 7.13 (Safety, Security and Resilience to Emergency)
- 7.14 (Improving Air Quality)
- 7.15 (Reducing and Managing Noise)
- 7.19 (Biodiversity and Access to Nature)
- 7.21 (Trees and Woodland)

##### Implementation and Monitoring Review:

- 8.2 (Planning Obligations)

#### Draft Replacement London Plan 2017

The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.

The Inspector Panel Report following the Examination in Public was published in October 2019. The Inspector Panel was broadly supportive of the majority of the DLP, subject to several changes being made. The Mayor has subsequently declared in December 2019 it's 'intention to publish', accepting some but not all of the Inspector's recommendations. As not all of the Inspector's recommendations have been accepted. It is for the Secretary of State to decide whether the DLP can proceed to adoption.

Due to the advanced nature of the DLP increasing weight should be attached to those policies which the Inspector's report considered sound. Nevertheless the London Plan 2016 remains the statutory development plan until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2016 London Plan, while noting that account needs to be taken of emerging policies.

### Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Local Plan development plan policies of most relevance to the determination of this application are:

Core Strategy (Adopted 2012):

- CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development)
- CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)
- CS3 (Distribution of growth in meeting housing aspirations)
- CS4 (Providing quality homes and housing choice in Barnet)
- CS5 (Protecting and enhancing Barnet's character to create high quality places)
- CS7 (Enhancing and protecting Barnet's open spaces)
- CS8 (Promoting a strong and prosperous Barnet)
- CS9 (Providing safe, effective and efficient travel)
- CS10 (Enabling inclusive integrated community facilities and uses)
- CS11 (Improving health and wellbeing in Barnet)
- CS12 (Making Barnet a safer place)
- CS13 (Ensuring the efficient use of natural resources)
- CS14 (Dealing with our waste)
- CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

- DM01 (Protecting Barnet's character and amenity)
- DM02 (Development standards)

DM03 (Accessibility and inclusive design)  
DM04 (Environmental considerations for development)  
DM08 (Ensuring a variety of sizes of new homes to meet housing need)  
DM10 (Affordable housing contributions)  
DM17 (Travel impact and parking standards)

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

#### Local Supplementary Planning Documents:

Colindale Area Action Plan (2010)

*The Colindale Area Action Plan sets out the Council's comprehensive but flexible long term strategy to manage change and deliver high quality sustainable development in Colindale.*

Grahame Park Supplementary Planning Document (2016)

*The Grahame Park SPD provided site specific advice for the development of Stage B of the Grahame Park Estate.*

Planning Obligations (April 2013)

Residential Design Guidance (April 2013)

Sustainable Design and Construction (April 2013)

Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)

#### Strategic Supplementary Planning Documents and Guidance:

Barnet Housing Strategy 2015-2025

Accessible London: Achieving an Inclusive Environment (April 2004)

Sustainable Design and Construction (May 2006)

Wheelchair Accessible Housing (September 2007)

Planning for Equality and Diversity in London (October 2007)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

All London Green Grid (March 2012)

Housing (March 2016)

Affordable Housing and Viability (August 2017)

The Control of Dust and Emissions during Construction and Demolition (July 2014)

Mayor's Transport Strategy (2018)

#### Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's Emerging Local Plan.

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

## The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. There are exemptions and relief available for certain developments, such as for the provision of affordable housing. However, these only come into effect if applied for and certain processes are followed. Therefore all such applications remain CIL liable until an application for relief has been submitted.

## **2. PLANNING CONSIDERATIONS**

### **2.1 Site Description**

The application site is 0.79ha in size located on Little Strand. This is a residential cul-de-sac immediately to the west off Great Strand and within the Grahame Park Estate in Colindale. There are essentially three plots which form the application site currently comprising of 46 garages and 8 bungalows.

Site 1 is located in the south east corner containing ten garages and surface level car parking. To the east is 'Douglas' a 3-storey block and sat perpendicular to the immediate south is the 2 storey block 'Cobham'.

Site 2 is at the north eastern corner comprising of 8 bungalows with a car parking court to the east. There is a small green space at the northern corner and to the west sits the 2-storey block 'Fairey' with rear gardens backing onto a small green amenity space. To the east is the 2-storey block 'Dyott'. There are also a number of large mature trees to the immediate east of this site along Great Strand.

Site 3 is situated to the west of the site at the end of the cul-de-sac, consisting of 36 garages, substation and car parking. To the north are 2 storey blocks 'Everett' which has its flank elevation to the site; and 'Farman' which has its rear and gardens backing onto the site. To the west is 'Dessouter' a 3-storey block and to the south is the 3 storey block 'Douglas' and a small block of garages.

The application site is not within a conservation area and there are no statutory or locally listed buildings on site. The application site is located within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding).

Within the wider context Little Strand is located to the north-east of Colindale underground station, and along the eastern edge of the Grahame Park estate. The Grahame Park Estate which is allocated within the Colindale Area Action Plan and identified for development. The Colindale Area Action Plan (2010) has been adopted to guide the regeneration of the area.

However the outline masterplan has become out of date and is no longer viable. An updated approach to the regeneration of the estate was needed, and LB of Barnet decided that, given the long-term nature of the project – a planning framework with greater flexibility than an outline permission was required. LB of Barnet therefore decided to produce a Supplementary Planning Document (SPD) for Grahame Park to set out the overall principles for regeneration.

Grahame Park Estate itself comprises a mixture of flats and houses, in buildings of varying heights and set in areas of open space. The central area, known as the Concourse, comprises mainly 5-7 storey apartment blocks and also contains almost all of the retail and community facilities. 4 and 5 storey apartment blocks extend to the north and south of the Concourse, whilst the remaining accommodation is generally 2-3 storey houses and flats. The main area of open space is known as Heybourne Park (formerly known as Grahame Park Open Space) which is located to the west of the Concourse, whilst other areas of informal open space exist between buildings.

To the south of the estate are Middlesex University student halls of residence, with blocks ranging between 3 and 4 storeys and the residential development known as Beaufort Park. Immediately to the east of the estate is Colindale Police Station, St James' School and the RAF Museum. The site is well served by the strategic road network, with good access to the A5 to the west and the A41/A1 to the east. The borough boundary with the London Borough of Brent runs along the A5, whilst the M1 and the Thameslink railway form the eastern boundary of the CAAP area.

### Background – Barnet Homes

Barnet Homes was created as an arms length management organization in 2004. They manage 15,000 council tenanted and leasehold homes as well as the Council's homelessness service, sheltered housing and a lifeline service known as Assist.

On behalf of the London Borough of Barnet, Barnet Homes is redeveloping a range of sites for much-needed affordable housing for rent. They have a development pipeline of over 700 new homes across almost 40 sites and continue to review options across their estates to better use the land available.

All the new homes for this development proposal would be for affordable rent, owned by London Borough of Barnet and managed by Barnet Homes.

## **2.2 Relevant Planning History**

There is no relevant planning history relating directly to the application site. However the site sits within the Grahame Park estate which has been subject to a major regeneration programme. Therefore there have been numerous planning permissions granted in order to deliver the masterplan comprising overall of circa 3,500 units, 9,000 sqm retail, office, food and drink, and social and community uses, along with associated public and private open space, car parking and access arrangements. These planning permissions include:

- W01731JS/04
- W01731LA/07
- W/01731/LB/07
- H/04448/10
- H/05110/10
- H/00308/11
- 15/04039/FUL

The first phase, Stage A is completed and an application to complete further phases, under Stage B was recently granted planning permission, Ref: 19/5493/OUT.

### **2.3 Proposed Development**

This application seeks planning permission for the demolition of 8no existing bungalows and 48 garages and erection of 35 new affordable homes (C3) across four buildings ranging from 2 to 4 storeys with associated landscaping, parking and ancillary works. The proposed 35 homes would comprise of 12 houses and 23 flats, all for affordable rent and managed by Barnet Homes.

Site 1 would comprise of a 3 storey terrace block forming 4 houses fronting Little Strand with private gardens to the rear. Site 2 would provide a 4 storey building containing 1-bed and 2-bed flats. Site 3 would consist of a 2-storey terrace block of 8 houses split into two blocks of 5 and 3 houses, fronting Little Strand with private gardens to the rear. 325 sqm of communal green space would be provided, through the creation of a new communal pocket park at the west of the development at site 3 and a semi-enclosed communal courtyard would be located in site 2.

A total of 56 (demarcated) car parking spaces are proposed in addition to significant changes to the road, parking layout and footpaths. This includes new 2m wide footpath along the north side of Little Strand and improvements all footpaths across the site. Road widening to a minimum 5.5m with the provision of a new turning circle at the end of the cul-de-sac with a controlled access gate.

### **2.4 Pre-application Consultation by the Applicant**

A Statement of Community Involvement has been submitted with the Planning Application which outlines the consultations which the applicant carried out prior to the submission of the application.

This document states that the applicant has undertaken consultations with local residents and held a public consultation event in January 2020. In addition to the invitation letters sent to residents in the surrounding area; Barnet Homes also contacted the tenants of the 8 bungalows at Dowding. This statement confirms that, individual site/home visits were undertaken and individual housing needs assessments will be done, which will enable these residents to be re-homed in accordance with their tenancies and specific need.

### **2.5 Public Consultations by the Council**

As part of the council's consultation exercise, 408 letters were sent to neighbouring properties and residents. In addition the application was advertised in the local press and site notices were posted around the site. 6 objections were received (4 of which came from 2 households). There was also 1 letter in support.

#### **Public Objections:**

The letters of objection received can be summarised as follows:

- Loss of parking
- Garages should not be demolished
- Estate is overcrowded and already being developed
- Garages are not used so should be turned into parking spaces and green spaces
- New homes not required in the area
- Fly-tipping & ASB is common, the area needs investment to improve amenity
- Overlooking back gardens (Farman)
- Removal of trees could do more damage to existing properties (Farman)

*Officer Comment:*

All of the above representations have been taken into account in the relevant sections of the report, which form part of the assessment below.

The applicant has confirmed that existing tenants of garages will be notified of the proposed demolition in advance and subject to availability, will be offered a garage nearby.

In Support

The letter of support received can be summarised as follows:

- The proposal is much needed and long overdue – garage blocks are barely used and creating areas for fly-tipping and ASB/crime
- Benefits outweigh any concerns around the parking issue

Following minor revisions to the layout of the scheme resulting in the addition of 6 car parking spaces, the application was subject to a further re-consultation period. In response, 2 further objections were received. One repeated an original objection and request to speak at committee. The second was a new objection requesting details of when the demolition would begin and also requesting to speak at committee.

Elected Representatives:

No comments received.

Neighbouring/Residents Associations & Local Amenity Groups:

No comments received.

Responses from External Consultees:

**UK Power Networks**

No objections to the proposal, general informative to be included.

**Thames Water**

No objections to the proposal. Given the proposed development is located within 15m of a strategic sewer a condition requesting a Piling Method Statement has been requested. An informative has also been requested to minimise groundwater discharges into the public sewer and a confirming that a permit would be required.

**London Fire Brigade**

No comments received.

**Transport for London (TfL)**

No objections or specific comments to make on this planning application.

**Environment Agency**

No comments received.

**Network Rail**

No objections or observations to make on this application.

**Metropolitan Police – Designing Out Crime**

No objections to the proposal and request that a planning condition is attached to any approval whereby the development must achieve Secured by Design accreditation prior to occupation.

**Natural England**

No objections/comments to make on this application.

Responses from Internal Consultees:**Ecology**

Ecological reports were reviewed and the surveys concluded that no bats were present within the buildings and that the majority of the site had low ecological value. It is considered that the information provided in the submitted reports are sufficient to support the application. As such, no further surveys are required.

They have advised that the following recommendations for biodiversity enhancements are implemented and should be secured via condition:

- Any new dwelling will require suitable bird and bat boxes/bat bricks to be incorporated into their design.
- Any soft landscaping to include native tree species of local provenance, berry bearing shrubs and hedges and wildflower areas where the sward height is allowed to grow higher than a managed lawn.

**Arboriculturalist**

There are no arboricultural reasons to object to this application, subject to the proposed replacement tree planting being fully implemented and a number of conditions relating to:

- Levels
- Hard & Soft landscaping
- Pre-commencement tree protection and method statement
- Landscape Management Plan to provide a system to manage the garden areas around the flats; and details of ecological enhancements to improve the bio-diversity on the site.



### **Green Spaces**

No objections subject to a total CAVAT payment of £140,389 (to be secured via a legal agreement) to compensate the loss of the three B rated trees and valued at:

T39. London Plane. £50,940

T40. London Plane. £35,375

T41. London Plane. £54,074

The loss of the small low value trees would be acceptable and in addition the 39 new trees would provide adequate compensation.

### **Environmental Health**

The proposed development has been reviewed and is considered acceptable subject to a number of standard conditions and informatives, which will be included.

### **Affordable Housing**

No objections – the proposal is entirely acceptable.

### **Travel Plan Coordinator**

No objections.

The development does not meet the thresholds whereby a Full Travel Plan is required. Therefore in this instance the submitted Travel Plan Statement is considered appropriate and acceptable to Highways as a means for measures to be put in place to reduce the number of single person car journeys and to increase the use of sustainable travel modes to and from the site.

### **Traffic and Development**

The site fronts onto Little Strand. It is in a CPZ and has a PTAL 2/3 (average). Five bus routes (204, 186, 303, 632, 642) can be accessed from stops within 3-7 minutes walking distance of the site. Colindale tube station is 11 minutes walking distance from the site.

This assessment is based on the layout shown on Dwg No. LIT\_XX\_DR\_0100 Rev N (Proposed site plan).

The proposed internal road and parking layout are acceptable and these are considered to be an improvement to the existing situation. The existing spaces are laid out well and the carriageway has been widened from 5.2m to 5.5m to meet the council's highways standards. Also, the proposed layout regularises the current ad-hoc parking in the road through the provision of 56 designated parking spaces. 21 of these come in the form of on-street parking spaces on Little Strand and the remaining 35 spaces are provided in two separate parking courts. The first is accessed from Little Strand with 21 spaces and the second from Great Strand with 14 spaces. The provision of a continuous 2.0m wide footway on the north side and a 1.5m wide footway on the south side of Little Strand is supported although Highways would prefer 1.75m wide footways on both sides of road, which is acceptable.

The proposed road widening and reconfiguration of the internal layout will involve works on the public highway and the stopping up of sections of adopted highway. Hence, the applicant will need to enter into a s278 agreement for works on the public highway. For stopping-up of the highway, a s247 would be required. A plan of the

areas to be stopped up is therefore requested. As the road is in a CPZ, the proposed internal layout may affect the CPZ layout. This will be subject to statutory consultation and making of a traffic regulation order.

Servicing is not expected to be a problem as arrangements will continue as existing. Swept path drawings submitted by the applicant demonstrate that both fire and emergency vehicles will be able to enter and exit the site in forward gear.

Trip generation analysis undertaken by the applicant indicate that the development will generate 46 two-way person trips during AM Peak and 30 two-way person trips during the PM Peak. The corresponding vehicle trips are 6 two-way movements during the AM Peak and 3 two-way movements during the PM Peak. This level of trip generation is unlikely to have a significant highway impact.

Electric vehicle charging points are proposed in accordance with London Plan standards (20% active and 20% passive). The proposed site plan shows 8 active and 12 passive points. 3 additional active electric vehicle charging points are requested.

Based on London Plan standards, a minimum of 62 cycle parking spaces are proposed. 42 for the flatted units and 20 within the curtilage of the proposed houses. The location of the cycle store for the flatted units is acceptable. There is direct access to the rear gardens of the proposed houses and so cycle storage for the proposed houses is acceptable. Elevations and the type of stands and minimum spacing, etc are proposed. 4 visitor spaces are proposed which is acceptable.

Based on Policy DM17, a maximum of 29 - 51 spaces are required for the development. 56 spaces including 5 disabled bays are proposed. For the 35 units, the provision of 4/5 disabled spaces is acceptable.

Out of the 56 spaces, 33 spaces will be allocated to existing residents with 23 to the residents of development. This means that potentially up to 45 vehicles could be displaced onto surrounding roads which are currently heavily parked. Two overnight surveys were carried out by officers. On both visits, vehicles were illegally parked on the pavement, as well as in obstructive and dangerous locations.

There were about 6 spaces available on Great Strand, all of which were located north of the junction with Broadhead Strand. Broadhead Strand itself was heavily parked, with cars parking on the footway/verges. Percival Avenue was also heavily parked. The number of spaces available at 03:00 were as follows: Little Strand (0 spaces), Great Strand (7spaces) Lower Strand (1space) and Broadhead Strand (5spaces). This makes a total of 13 spaces but with most roads registering a parking stress of over 90%.

Displacing residents who currently park on Little Strand into any of these roads, let alone roads further afield such as Graham Park Road, Cherry Close, Lanacre Avenue and Everglade Strand, which also happen to be heavily parked is considered unacceptable.

Notwithstanding the benefits of the scheme noted above, Highways object to the proposals in its current form due to under-provision of parking spaces which will result in unacceptable parking displacement onto surrounding streets which are already heavily congested.

In addition, a list of appropriate conditions and matters to be secured through a legal agreements have also been provided.

### **Drainage/SuDs**

No objections to the scheme following submission of additional information and subject to conditions.

### **Waste and Recycling**

No objections – the bin placement and collection strategy is in line with what is required by Street Scene operations team.

## **3. PLANNING ASSESSMENT**

### **3.1 Principle of development**

#### Housing Delivery

The National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Development that that accords with an up-to-date Local Plan should be approved.

Policy 3.3 of the London Plan recognises the pressing need for more homes in London and seeks to increase housing supply to in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford. The London Plan has set an annual monitoring target of 2,349 homes for Barnet between 2015-2025, with a minimum provision of 23,489 over the same 10 year period. In the draft London Plan (as set in the London Plan Intend to Publish), the 10 year target for 2019/20 – 2028/29 is 23,640 for Barnet.

Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The site also falls within the Grahame Park Estate which is allocated within the Colindale Area Action Plan and identified for development. The Colindale Area Action Plan (2010) and the Grahame Park Estate SPD have been adopted to guide the regeneration of the area. Given the current poor conditions of the site and sub-standard garages, the proposed infill development of this underutilised area is considered acceptable. Although there would be a loss of 8 houses the proposal would provide a net increase in the total number of residential homes both within the sub-plot itself and across the entire application site.

#### Residential density

London Plan policy 3.4 seeks to optimise the housing output of sites. This considers local context and character, the design principles outlined within chapter 7 of the London Plan (2016) and public transport capacity. Table 3.2 of the London Plan

(2016) sets out a density matrix which serves as guidance for appropriate densities in different locations and with varying levels of accessibility.

It should be noted that the Draft London Plan, takes a less prescriptive approach with Policy D6 stating inter alia, that the density of a development should result from a design-led approach to determine the capacity of the site. This again should consider site context, its connectivity and accessibility by walking and cycling, existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D6 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.

The application site has an area of 0.79ha and a PTAL of 2/3 and in accordance with Table 3.2 of the London Plan, is located within an 'Urban' setting. For sites such as these, the London Plan density matrix suggests a residential density of between 200 – 450 hr/ha and 55-145 units per hectare. The density of the proposed development would equate to 143 hr/ha or 44 u/ha, which falls below the advised guidance ranges within the density matrix.

### 3.2 **Housing Quality**

A high quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan Ch1 'Context and Strategy', Ch2 'London's Places', Ch 3 'London's People', and Ch 7 'London's Living Places and Spaces', and is explicit in policies 2.6, 3.5, 7.1, and 7.2. It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, Residential Design Guidance SPD and CAAP policy 5.2.

#### Unit Mix

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan Policy 3.8, and Barnet Development Management Policies DPD policy DM08). The Council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. Although, this should not be interpreted as implying that there is not a need for a full range of unit sizes.

The proposed development proposes the following unit mix across the application site:

<b>Tenure</b>	<b>1B 2P</b>	<b>2B 3P</b>	<b>2B 4P</b>	<b>3B 5P</b>	<b>4B 7P</b>	<b>Total Units</b>
London Affordable Rent (LAR)	8	3	12	8	4	35
Private	0	0	0	0	0	0
<b>Total</b>	<b>8</b>	<b>3</b>	<b>12</b>	<b>8</b>	<b>4</b>	<b>35</b>

In terms of dwellings types which constitute family accommodation provision, the London Housing Design Guide classifies family housing as all units upwards of 2 bedroom 3 person units. Based on this definition the proposal would provide a total of 24 family units equating to 68.5% of the total number of units on site. 12 of these units would be provided as houses.

The submitted planning statement also states:

“To allow mobility within the social housing sector, there is the need for Barnet’s Housing Team to continue the supply of smaller affordable units as part of their development proposals to support increased mobility for residents in the social housing sector who need to downsize. Therefore, the Applicant has used this site to include some one bed units, but has kept this to a minimum, so that the maximum number of two bed homes could be provided.”

Overall it is considered that the proposed scheme comprises a good mix of housing types and sizes to address the housing preference and need. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Policy DM08 of the Local Plan.

#### Affordable Housing

London Plan 2016 Policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. Council policies seek a tenure split of 60% social rented and 40% intermediate housing.

The proposal would provide 100% affordable housing and all at London Affordable Rent. This is an affordable social housing product which offers tenants rented accommodation which are almost as low as comparable Social Rent. The Council’s Affordable Housing team is therefore entirely satisfied with the proposal.

#### Residential Internal Space Standards

The London Plan and Barnet’s Sustainable Design and Construction SPD outlines the minimum gross internal floor area required for different dwelling sizes. All the dwellings in the detailed element of the development meet the minimum standards as demonstrated in the applicant’s supporting documents in relation to the unit sizes and also meet the minimum areas for bedrooms, bathrooms w/c’s and storage and utility rooms.

#### Wheelchair Accessible Housing

Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst Policy DM02 sets out further specific considerations. All units should have 10% wheelchair home compliance, as per London Plan Policy 3.8.

The planning submission sets out that 10% of the residential units would be provided as wheelchair adaptable in line with aforementioned policy context and in accordance with Part M4(3) of the Building Regulations. This is considered to be acceptable and a condition is attached which would secure these wheelchair units.

### Amenity space

Barnet's Sustainable Design and Construction SPD Table 2.3 outlines the minimum external amenity space standards required for new residential developments. For flats, the SPD requires 5sqm of space per habitable room for all minor, major and large-scale developments. Kitchens over 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space compliance. The minimum requirements are set out in the table below:

<b>Outdoor Amenity Space Requirements</b>	<b>Development Scale</b>
For Flats: 5m <sup>2</sup> of space per habitable room	Minor, major and large scale
For Houses: 40m <sup>2</sup> of space for up to four habitable rooms 55m <sup>2</sup> of space for up to five habitable rooms 70m <sup>2</sup> of space for up to six habitable rooms 85m <sup>2</sup> of space for up to seven or more habitable rooms	Minor, major and large scale
Development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards.	Householder

The Mayor's housing SPG sets out a requirement of 5 sqm of private amenity space for 1 and 2 person dwellings with a further 1 sqm per additional person.

The proposed amenity provision has been developed to ensure that each dwelling is provided with private outdoor amenity space. The houses are provided with private gardens to the rear and an additional outdoor space to the front. All the proposed flats would be provided with private terraces/balconies.

In addition the scheme also provides a communal amenity space of 325 sqm and a courtyard amenity space of 200 sqm. Overall, it is considered that acceptable levels of outdoor amenity space are afforded all future residents.

### Children's Play Space

London Plan Policy 3.6 requires housing development to make provisions for play and informal recreation based on child yield, referring to the Mayor's SPG Shaping Neighbourhoods: Play and Informal Recreation 2012. Barnet Core Strategy Policy CS7 requires improved access the children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan.

The submission states that 161 sqm of playspace for children 0 to 4 years olds would be provided along with 73 sqm of play provision for 5-11 years old. The under 5's play space would be split between the communal courtyard and the pocket park; with the 5-11's located within the pocket park.

Adults and the over 12+ age group would be provided for in the form of either formal sports facilities or open areas of Heybourne Park (which has benefitted from a number of improvements) for older children. Existing play and outdoor sports facilities include Hendon Football Centre, Grahame Park Community Pitch and the Youth

Zone in Montrose Park. Overall the level of play space provision is considered acceptable and details would be secured via condition.

### Secured by Design

Policy DM01 requires that the principles set out in the national Police initiative, 'Secured by Design' should be considered in development proposals. The proposed development was subject to consultation with the Met Police who have raised no objections subject to the standard condition. Therefore a condition would be attached to any permission requiring the proposed development and design to achieve Secured by Design accreditation.

## **3.3 Design**

The National Planning Policy Framework (revised 2019) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.

The London Plan 2016 also contains a number of relevant policies on character, design and landscaping. Policy 7.1 of the London Plan further emphasises the need for a good quality environment, with the design of new buildings supporting character and legibility of a neighbourhood. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment. Architectural design criteria are set out at Policy 7.6.

Draft Replacement London Plan (DRLP) policy D1B requires development to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives consideration to the use of attractive, robust materials which weather and mature well. Policy D2 (Delivering good design) requires masterplans and design codes to help bring forward development and ensure it delivers high quality design.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard Policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and

visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

The submitted Design and Access Statement (DAS) states that the design is based on a detailed survey of the existing buildings surrounding the site, to understand the local character of the area, the appropriate forms, appearance, layout and street patterns. As detailed in the DAS, to develop a design which respects the character of the local area, a detailed layout and massing study was undertaken and this has informed the location of development, heights and massing on each part of the site. A study of the roof designs and fenestration within the area suggests that overall there was a lack of unity and consistency in the local character. This is highlighted further with the new developments and additions in the surrounding pockets of the estate.

The proposed buildings will range from two to four storeys in height to mirror the surrounding context. The design is based upon the prevailing heights and simple material pallet, with the predominant material being brick. The small elements of detailed design will provide a reference to the existing local character of the site, while also create a unique character of development which ties the three sites together in a cohesive identity to the new additions to the site. The proposed houses are designed with a steep pitched roof from ground to first floor. Rooflights provide outlook and light to bedrooms and bathrooms without compromising the privacy of the existing houses and gardens.

It is considered that this would create a uniformed development which aims to restore the street frontage and the residential character and help mark the entrance to the cul-de-sac from Great Strand.

### Character/Appearance

In terms of materiality, the design and access statement illustrates that the materials have been informed from an analysis of the surrounding area and seek to help the development integrate in the area. It is considered that the use of high quality materials, predominantly brick, with the brick detailing forming a consistent design approach across the new buildings, whilst respecting the existing buildings within the estate. This is considered to be acceptable, however appropriate conditions requiring the submission of the final external materials and details for approval by the LPA would be required. The architecture presents a high-quality appearance which responds to its surroundings.

### Site 1

This site would comprise of four 3-storey family homes with front gardens/amenity space, facing Little Strand. The proposed height and building line would match the adjacent block 'Douglas' ensuring a consistent 1.7m footpath is provided. This also provides an active street frontage on the eastern part of the site by replacing the garages blocks/car parking area and extending the residential character.



Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development. The Barnet Residential Design Guidance SPD states there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

Given the site constraints, this site has a distance of 9.3m to the neighbouring gardens of 'Cobham'. In order to mitigate this, the Architects have incorporated a tapered roof design feature to the rear of the buildings, from the first floor. This would also provide high level roof lights to the bedrooms to rear of the houses. In doing so this would help to improve privacy at first floor level as well as prevent overlooking from the new houses into the existing gardens. The submitted drawings show that this design also means that there will be a minimum distance of 10.8m to the southern properties flank wall or garden. Furthermore there would be no adverse impact to the existing residential block of 'Cobham' as this sits perpendicular with its flank elevation facing the application site.

The proposed homes are dual aspect and all habitable floorspace in rooms are more than 2.5m in height and within habitable rooms with sloping ceilings, they are 1.5 m or more of ceiling height. Thereby meeting national space standards.

### Site 2

Site 2 would involve a 4-storey building in a L-shape with enclosed communal amenity and formalised parking forecourts. This would provide a range of 1 and 2 bed flats, including five new wheelchair accessible units. Each flat would have access to either a private terrace or balcony. The one bed units would be located in the south western corner with the two bed units running north-south parallel to Great Strand. A common stair and lift core access is provided from Great Strand. Deck access is provided on the western side of the block, overlooking the shared amenity space to help increase active/natural surveillance.

The south western element of this block would be around 16m away from the existing residential block 'Dyott', which is to the west. To mitigate against the potential privacy issues, the internal layout of the proposed 1-bed flats is designed with the kitchen and living area on the gable ends nearest to Dyott. The main windows are designed to provide a northerly and southerly outlook from the kitchen/dining areas, thus small frosted secondary windows would be sited on the gable ends, facing Dyott. This is therefore considered acceptable.

### Site 3

As the DAS and supporting submission set out, this is the most challenging site in regards to the constraints and restrictions to the proposed development. The main contention throughout the design of the layout has been the impact upon the privacy of residents at Farman and Everett based on Barnet's SPD standards, while also maximising car parking, a 2m pedestrian pathway and 5.5m carriageway as stipulated in Barnet's Highways design standards. The proposal here comprises of 8 two storey family homes in a block or terrace of 5 and 3. This site also incorporates

a new communal amenity area and the extension of the pedestrian path along the northern thoroughfare from Site 2.

The proposed terrace of 3 homes would result in a distance of 7.4m to the boundary wall at no. 1 Everett. Although it is noted that the existing garage blocks are located immediately adjacent to this boundary. The Everett block has been designed to have an easterly and westerly outlook and therefore there is only one secondary window on the flank wall of No1 Everett. This is 8.6m from the proposed window at first floor of proposed plot no.30. However the design of the upper floor layout is based on a tapered roof design with skylight providing an outward view towards the sky (the same for all the proposed homes). It is considered that this design would help mitigate against potential overlooking to the rear gardens of Everett. In addition the proposed side windows at either flank would be obscured glazing to again avoid any overlooking/privacy issues towards Dyott.

The proposed terrace of 5 homes would result in a distance of 9.1m to the boundary walls of 2-8 Farman and 18.7m habitable room window to habitable room. As with all the proposed homes, design of the upper floor layout is based on a tapered roof design with skylight providing an outward view towards the sky. The proposed skylights are set 1.5m however it is considered that should be raised to a minimum of 1.8m and secured by condition, to avoid potential overlooking/privacy concerns across the sites. These homes would front onto the new communal amenity space with front south facing gardens with defensible space.

### **3.4 Amenity Impact on Neighbouring Properties**

#### Daylight/Sunlight

The applicant has undertaken a Daylight, Sunlight and Overshadowing assessment for the proposed development and neighbouring residential properties based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'.

The proposed units have been tested in regards to daylight levels. A total of 97 rooms were tested and 97% of the rooms achieve the Average Daylight Factor (ADF) target. All of the rooms achieve the target for No-Sky line (NSL) test. The three rooms falling below the BRE recommendations are kitchen/living/dining spaces on the ground floor of Site 2. The depth of the room combined with the presence of the balcony above the main window is the cause of the failure, but all rooms achieve at least 1.5% of the ADF value, which is the recommended target for a living space. The report states that given the limited number of rooms achieving these lower values and the appropriateness of the results for a living space, the failure can be classified as acceptable.

The daylight analysis considered all the surrounding buildings with main windows facing the development. Whilst there were some reduction in a small number of windows in Dyott and Dessouter, the Vertical Sky Component (VSC) values calculated shows that the all the surrounding buildings achieve or exceed the BRE recommendations.

In regards to sunlight, BRE guide recommends that only living rooms that face within 90 degrees due south should be tested. For the proposed development, a total of 18

windows were assessed and they all meet the BRE criteria. The impact on the existing surrounding buildings was also undertaken and the results shows that the proposed buildings will not impact on the daylight and sunlight availability of the existing surrounding properties.

For outdoor spaces, the BRE guidelines state at least 50% of the open spaces should receive 2 hours of sunlight on the Equinox (21st March). The results show all the spaces in the existing surrounding properties comply with the BRE targets. The same was done for the proposed outdoor amenity spaces. The results show that some external amenity spaces on sites 1 and 2 achieve at least two hours of sunlight in at least 50% of their area on 21 March (the courtyard in site 2 and three of the four rear gardens in site 1 - spaces no. 9, 10, 11 and 12).

The north facing gardens at site 3 do not achieve the recommended sunlight levels, however their living rooms achieve and exceed the recommended targets for sunlight. These houses would also have an additional private south facing outdoor amenity space with defensible space overlooking the communal amenity space. In addition one rear garden (plot 13 in site 1) is partially overshadowed by the existing property to the south on Site 1. However all the amenity spaces in the proposed development receive sufficient sunlight during summertime (21st June) when this space will be mostly in use. Therefore in consideration of the above the proposed development is considered acceptable to both existing and future residents of the estate.

### Noise

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Whilst there is an increase in the intensity of use of the site, the use is consistent with the residential character of the wider area.

The proposal has been reviewed by the Council's Environmental Health team and conditions are recommended ensuring that any plant or machinery associated with the development, extract and ventilation equipment, achieves required noise levels for residential environment.

### Air Quality

The development proposal and details were reviewed by the Council's Environmental Health team who have advised that the proposed development is acceptable. The proposal does not, in air quality terms, conflict with national or local policies, or with measures set out in the London Borough of Barnet's Air Quality Action Plan. There are no constraints to the development in the context of air quality.

Suitable conditions are attached regarding ventilation and the submission of details of proposed plant and equipment. In respect of traffic and parking impacts on air quality, the levels of parking are controlled and the travel plan statement encourages sustainable travel modes to and from the site. In respect of the design, the scheme contributed towards overall reductions in CO<sub>2</sub> production, having regard to energy and sustainability policies.

### 3.5 Transport / Highways

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

#### Residential Car Parking

The London Plan sets out maximum parking standards which are outlined in Table 1.4 below. Explanatory text provided in the parking addendum sets out that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit.

Suburban	150–200 hr/ha	Parking provision	150–250 hr/ha	Parking provision	200–350 hr/ha	Parking provision
Parking for residential development						
3.1–3.7 hr/unit	40–65 u/ha	Up to 2 spaces per unit	35–65 u/ha	Up to 1.5 spaces per unit	45–90 u/ha	Up to one space per unit
2.7–3.0 hr/unit	50–75 u/ha		40–80 u/ha		55–115 u/ha	
			50–95 u/ha		70–130 u/ha	
Urban	150–250 hr/ha		200–450 hr/ha		200–700 hr/ha	
3.8–4.6 hr/unit	35–65 u/ha	Up to 1.5 spaces per unit	45–120 u/ha	Up to 1.5 spaces per unit	45–185 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–80 u/ha		55–145 u/ha		55–225 u/ha	
2.7–3.0 hr/unit	50–95 u/ha		70–170 u/ha	Up to one space per unit	70–260 u/ha	
Central	150–300 hr/ha		300–650 hr/ha		650–1100 hr/ha	
3.8–4.6 hr/unit	35–80 u/ha	Up to 1.5 spaces per unit	65–170 u/ha		140–290 u/ha	Up to one space per unit
3.1–3.7 hr/unit	40–100 u/ha		80–210 u/ha	Up to one space per unit	175–355 u/ha	
2.7–3.0 hr/unit	50–110 u/ha	Up to one space per unit	100–240 u/ha		215–405 u/ha	

Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the on a sites Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision is as follows:

- four or more bedroom units - 2.0 to 1.5 parking spaces per unit
- two and three-bedroom units - 1.5 to 1.0 parking spaces per unit
- one-bedroom units - 1.0 to less than 1.0 parking space per unit

Based on Policy DM17, a maximum of 29 - 51 spaces are required for the development. 56 spaces including 5 disabled bays are proposed. For the 35 units, the provision of 4/5 disabled spaces is considered acceptable by highway officers.

The proposal has been subject to extensive reviews and surveys undertaken by the applicant's team and transport consultants. Detailed discussions have also taken place with the council's highways team. The Applicant and their team have undertaken ongoing engagement with the Borough's Highways team on the appropriate parking strategy and layout for the site. Details of the engagement can

be found in the supporting Statement of Community Engagement prepared by HTA Design LLP. The original submission was accompanied with both a transport statement and travel plan statement although the proposal did not meet the threshold requirement for the latter.

Highways officer has confirmed that 40 spaces would be acceptable, however as according to their survey, 50 cars are parked in the road, hence a total of 90 cars are needed. Given that 56 car spaces are proposed, there would in their view be a shortfall of 34 spaces. Therefore highways remained concerned due to under-provision of parking spaces which would result in unacceptable parking displacement onto surrounding streets which are already heavily congested.

In response, the applicant has highlighted that Barnet parking management team currently support the issue of four parking permits per household, despite sites like Little Strand not having capacity to accommodate this. It is considered that enabling the supply of four parking permits per household, would be reasonably considered to be incompatible with both DM17 (1), which supports a maximum parking provision of between 1-2 spaces for flats and houses emerging London Plan and local presidents set in recently approved applications such as the Graham Park Phase 2 (19/5493/OUT) scheme, where a ratio of 0.4 parking provision is supported.

#### Grahame Park Estate Parking Strategy:

In accordance with the Draft London Plan, highways have accepted the maximum parking ratio of 0.5 for Colindale OAP through their support for Phase 2 of the Graham Park Estate, which has a parking ratio of 0.4. Little Strand is within the estate.

It is accepted that demand for parking is significant and that it is likely that there is additional parking on the site from the wider estate. However, it should be noted that this proposal cannot address the wider parking issues within the Grahame Park Estate. Following the initial feedback from highways, the applicant has taken two further steps in their approach to develop the parking strategy:

1. Determine which properties could reasonably park on the Little Strand site either because the property fronts on the Site or backs onto it with no available parking drive/court to the front;
2. Provide the maximum number of parking spaces that the site can accommodate, in order to re-provide for existing residents and meet the demands of new residents within the maximum parameters set out in the London plan, even if this requires some restrictions on access to permits for the smaller households.

#### Little Strand Parking Strategy:

There are no marked parking spaces along Little Strand/Great Strand and vehicles do not parallel park as spaces intend, but instead park at an angle over footway. It is acknowledged that pedestrian footways are obstructed resulting in pedestrian having to walk along the carriageway. It is also evident that parking also occurs within turning areas and 'KEEP CLEAR' areas which should provide access to service and emergency vehicles.

The submitted transport statement confirms that an initial parking beat survey was carried out to understand the parking demand on the site. As the CPZ covers a wide area surrounding the site, which is accessible to pedestrians via several interlinked

footpaths, it was considered prudent to extend the parking beat beyond the 200 meter walking distance between a parked car and residential property as stipulated by the Lambeth Methodology. The Parking Beat Inventory identified a total of 90 spaces on Little Strand and Great Strand. However, the traffic survey company that produced the inventory recorded and made assumptions on the number of parking spaces based on how vehicles were parked during the survey, rather than how the spaces were intended to be used to be used safely.

As a result, the transport consultant then carried out an onsite assessment of the parking capacity to observe the actual intended safe number of spaces available on the Little Strand based on measurements and keeping footways clear of obstruction. This study is presented in Chapter 4 of their supporting Transport Assessment. This begins with an assessment of the required number of parking spaces to accommodate surrounding residential properties fronting onto Little Strand or with limited or no available parking on to their frontage and therefore needing to use Little Strand for parking. It identified that there were 33 homes which could reasonably utilise Little Strand for parking (discounting Douglas as they had off-street parking). This concluded that within the redline boundary (Little Strand and part of Great Strand) of the proposal site, there is a total of 50 car parking spaces which provide safer car parking spaces and do not obstruct footway or turning areas for refuse and emergency vehicles.

This transport statement by Velocity also states that the number of parking spaces is based on the inaccurate observed parked spaces identified on the original parking beat survey. It therefore also concludes that there is spare capacity on Great Strand with between 16 to 26 spare spaces recorded on both weekday overnight beats at 0300 and 0500. Thus, there is some spare capacity on Great Strand and Broadhead Strand.

Following further discussions with highways, the applicant's team amended the layout in order to maximise the provision of car parking spaces within the site. The proposal now provides 56 new parking spaces, increased from 50.

However, in taking into consideration the local parking stress, Barnet Homes have agreed to the following additional mitigation measures:

- a) Restricting access to local parking permits by new residents in the one and two bed homes. This amounts to 18 properties; and
- b) Restricting access to parking permits to one permit per property for the 3 and 4 bed units, a total of 12 units.

With the above, 39 parking spaces would be for existing residents and 17 parking spaces for new residents. Overall, the parking ratio with restrictions to accessing parking permits will result in a parking ratio of 1.2 parking spaces for 50 homes (33 existing +12 homes +5 wheelchair units). This is above the Draft London Plan 0.5 and the approved 0.4 parking ratio accepted in Phase 2 of the Graham Park Estate masterplan. Officers consider given the proposals outlined above and further details and improvements highlighted below, that on balance the proposal would be acceptable.

## Access/Highways Improvements

It is accepted that the current situation within the application site is not safe nor provides an attractive friendly environment for residents and visitors alike. The proposal also highlights significant improvements, which will improve the local highway and public realm, supporting the transition to sustainable travel by existing and new residents. This includes the highway design which is consistent with Barnet Highways Design standards:

- improvements for pedestrian access with a 2m wide footway along the entire length of the northern side of the carriageway
- The footway adjacent to Site 1 residential properties is 1.7m wide
- Adoption of Barnet Highways design standards such as a minimum 5.5m wide carriageway throughout Little Strand, 6x2m parallel parking bays and a new parking court designed to achieve parking bays which are 5x2m with 6m wide aisle widths
- Increased width at western end to allow for a turning head
- Crossing points / breaks in parking to aide pedestrian access and servicing
- Demarcation of 56 parking spaces (including 5no. Wheelchair spaces) to inform correct and safe parking behaviour
- 20% of all spaces will have active charging facilities
- 66 residential cycle parking spaces (42 within the flatted block and 24 in the homes) + two visitor cycle parking spaces

Trip generation analysis undertaken by the applicant indicate that the development will generate:

- 46 two-way person trips during AM Peak and 30 two-way person trips during the PM Peak. The corresponding vehicle trips are 6 two-way movements during the AM Peak and 3 two-way movements during the PM Peak. Highways have confirmed that this is acceptable and this level of trip generation is unlikely to have a significant highway impact.
- a total of 18 and 16 public transport trips in the AM and PM peak, respectively, of these there would be 6 additional bus trips in the AM peak and 3 in the PM Peak. There would be 10 and 5 additional underground trips in the AM and PM peaks, and an additional 2 and 1 rail trips respectively.
- 18 and 16 walk trips in the AM and PM peak, no additional cycle trips will be generated in the peak hour.

This has been reviewed by highways officers and it is considered that these additional trips represent a minimal increase on the transport network and would therefore have no impact and are considered acceptable.

## Travel Plan

In addition to the above, a Travel Plan Statement has also been submitted which sets out a range of preliminary management strategies and measures to support and encourage sustainable travel. The overall aim/objective of the Travel Plan Statement is to minimise the impact of travel on the local and wider environment and to promote sustainable travel choices, such as walking, cycling and public transport.

The council's travel plan coordinator has confirmed that the development does not meet the thresholds whereby a Full Travel Plan is required. Therefore in this instance the submitted Travel Plan Statement is considered appropriate and acceptable to Highways as a means for measures to be put in place to reduce the number of single person car journeys and to increase the use of sustainable travel modes to and from the site. Measures outlined such as travel packs, notice boards along with all other relevant highway measures will be secured through appropriate conditions and the legal agreement.

#### Construction Management/Logistics Plans

Details should include limits on times of operation for the lorries and identify a designated safe route for lorries to ensure minimal impact on the public highway and to demonstrate how the operation and construction can be done safely. Therefore details will be confirmed with agreement with LBB and secured through appropriate conditions.

#### Delivery and Servicing

The submitted details have been reviewed by the council's waste team who have confirmed that there are no objections. However full details of the collection provision and collection point will be secured via condition.

### **3.6 Energy/Sustainability**

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

London Plan Policy 5.2 'Minimising Carbon Dioxide Emissions' requires all residential developments to achieve zero carbon on new residential developments post 2016. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation. The Further London Plan Chapter 5 policies detail specific measures to be considered when designing schemes including decentralised energy generation (Policies 5.5 and 5.6), renewable energy (Policy 5.7), overheating and cooling (Policy 5.9), urban greening (Policy 5.10), flood risk management and sustainable drainage (Policies 5.13 and 5.15).

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.



The proposed development is accompanied by an Energy Statement prepared by HTA Design LLP. The Energy Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO2 emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants.

In terms of carbon emissions, the report confirms that the development will achieve and exceed the national and regional targets. The development meets the zero-carbon standard and does not require any offset payments. The dwellings also achieve the new target set at the 'Be Lean' stage of a 10% reduction above Building Regulations. The proposed development will incorporate a range of energy efficiency measures including levels of insulation exceeding current Building Regulations requirement, the installation of high-performance glazing, energy efficient lighting and natural ventilation in all habitable spaces. The implementation of these measures would reduce regulated CO2 emissions by 39%, when compared to a notional built to current Part L Building Regulations (2013).

In addition, the report also confirms that the possibility of employing a decentralised energy network was investigated, as required by the current London Plan and Policy SI2 of the New Draft London Plan. Currently, there is an existing DHN to the north of the site around Withers Mead Road. However, it is stated that the plan is to decommission the network in the next phase of regeneration. Therefore, an alternative solution is proposed. ASHP systems will provide efficient heating and hot water, avoiding air quality issues in all spaces. The heating and hot water demand of the building will be provided using air-source heat pumps. ASHPs will contribute 100% of the heating and hot water annual demand. An overheating assessment has been carried out and this shows that all rooms comply with the criteria and therefore the risk of overheating during moderately warm summer conditions can be defined as low.

The proposal has been reviewed by the council's environmental health team who have confirmed the proposal is acceptable and have provided suitable conditions to be included.

### **3.7 Flood Risk / SUDS**

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The applicant has submitted a Drainage Strategy that has been reviewed by all parties concerned. Further details were requested along with a FRA. The council's drainage team have confirmed that the proposed details are broadly acceptable. Therefore further details are required and these details will be secured via condition.

### **3.8 Landscaping, Trees and biodiversity**

The 'sustainable development' imperative of NPPF 2012 includes enhancing the natural environment and improving biodiversity (para 7). London Plan 2016 policy 7.19 states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity. Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity.

The submitted DAS states the landscape strategy has been developed around three principles, which are to create new open space at the heart of the scheme, re-provide space for nature and to create tree lined streets to help build upon the existing character of the area which is dominated by large trees. A new communal pocket park is proposed at the heart of the development. It will provide a new usable open space for existing and new residents that will provide some opportunities for both active and passive recreations. Site 2 would also provide a communal courtyard providing opportunity for play and seating. Details for both would be secured via conditions.

#### Trees

The development proposal is outlined within the DAS and an Arboricultural Report has also been submitted. These outline that existing trees are to be retained wherever possible. In this instance, a total of 15 trees would be removed to facilitate the proposal. However only three of these have been valued as category B moderate value, a constraint. Furthermore the council's team has confirmed that all these trees are reduced on a regular basis.

Greenspaces have reviewed the proposal and have raised no objections subject to a total CAVAT payment of £140,389 (to be secured via a legal agreement) to compensate the loss of the three B rated trees and valued at:

T39. London Plane. £50,940

T40. London Plane. £35,375

T41. London Plane. £54,074

Furthermore greenspaces have confirmed that the loss of the small low value trees would be acceptable and in addition the 36 new trees to be planted around the site, would provide adequate compensation.

Accordingly the detailed landscaping and management scheme for the site; including tree planting, will be subject to a Landscape Management Plan to be submitted to the Council for their review and approval and secured through conditions.

The proposal has also been reviewed by the council's ecology team. Ecological reports were reviewed and the surveys concluded that no bats were present within the buildings and that the majority of the site had low ecological value. It is considered that the information provided in the submitted reports are sufficient to support the application. As such, no further surveys are required. The ecology team have no objections to the proposal and have recommended biodiversity enhancements which would be incorporated in the Landscape Management Plan, to be secured by condition.

## 4 **Planning Obligations & CIL**

### Planning Obligations

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

In accordance with development plan policies the list of obligations as set out in the heads of terms at the beginning of this report; are required to be secured through a legal agreement with the developer.

### Community Infrastructure Levy (CIL)

The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) at a rate of £135 per square metre. As noted in SPD para 2.2.11, the purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough.

Pursuant to the Table 3: Mayoral CIL Charging Rates of the Mayor's April 2013 SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', a flat rate charge of £35 applies to the application.

## 5 **Equality and Diversity Issues**

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

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

For the purposes of this obligation the term "protected characteristic" includes:

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

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning

permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site. The site will provide 10% wheelchair adaptable units.

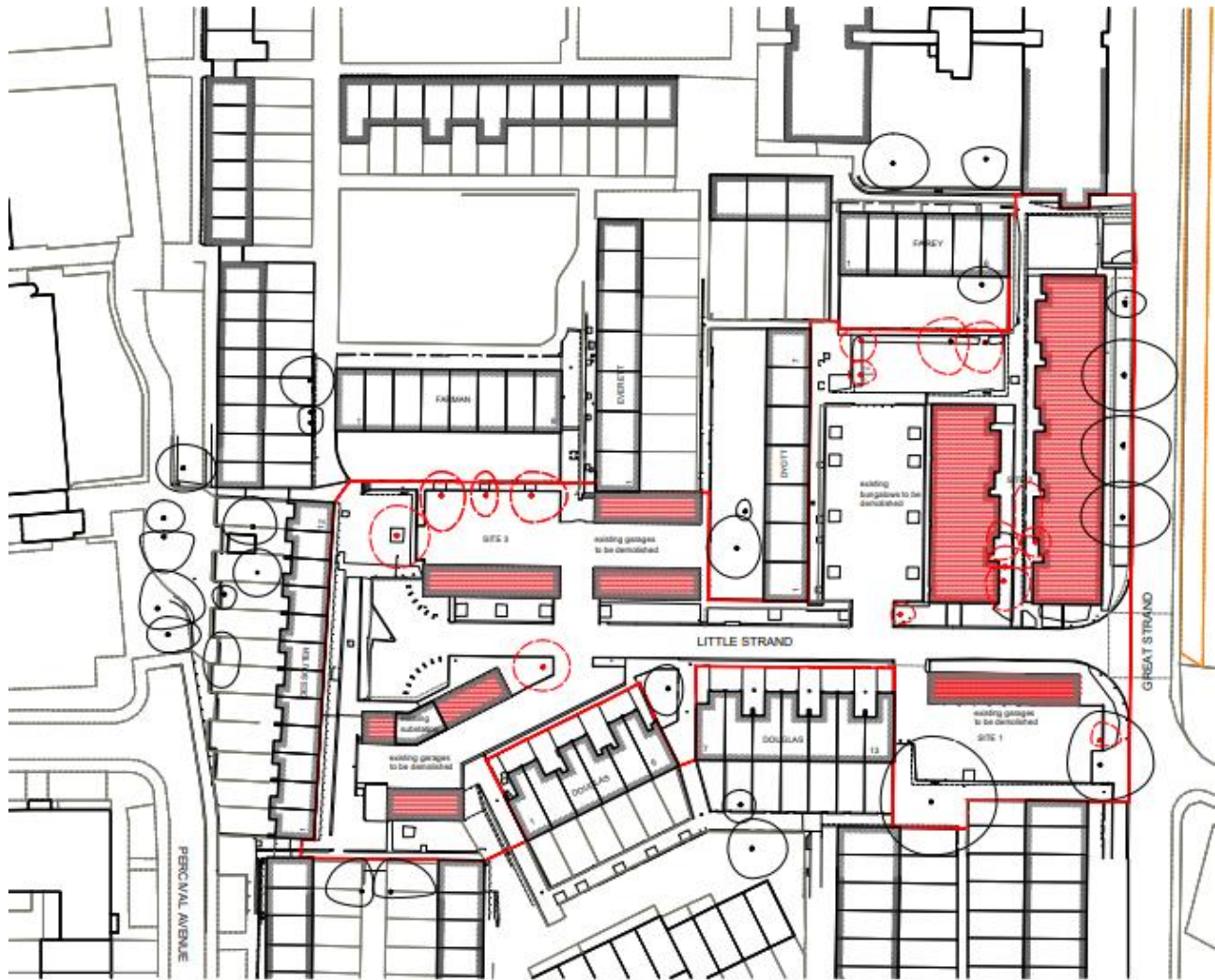
The development includes level, step-free pedestrian approaches to buildings to ensure that all occupiers and visitors of the development can move freely in and around the public communal spaces. Lift is also provided to provide step-free access between the ground and the upper levels at Site 2. Dedicated parking spaces for people with a disability will be provided in convenient locations.

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.

## **6 Conclusion**

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

**SITE LOCATION PLAN – Reference: 20/3098/FUL**



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<b>Location</b>	<b>231 Colney Hatch Lane London N11 3DG</b>	<b>AGENDA ITEM 7</b>
<b>Reference:</b>	<b>20/1610/FUL</b>	Received: 27th March 2020 Accepted: 21st April 2020
Ward:	Coppetts	Expiry 21st July 2020
Applicant:	Montreaux Colney Hatch Lane Ltd	
Proposal:	Demolition of existing buildings and redevelopment to provide 2no. buildings up to seven storeys high plus basement level comprising of 204 residential units (Class C3) and a food store (Class A1) with car and cycle parking, amenity space, refuse and recycling storage and associated access, servicing area, landscaping and boundary treatment	

**OFFICER’S RECOMMENDATION**

Approve subject to s106

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

**RECOMMENDATION I:**

The application being of strategic importance to London, it must be referred to the Mayor of London. As such, any resolution by the committee may be subject to a direction to call in or refuse the application being received from the Mayor of London.

**RECOMMENDATION II:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council’s legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Affordable Housing  
Provision of 73no units (16 affordable rent and 57 intermediate) with review mechanism.
4. Carbon Offset contribution  
Contribution of £133,415.03
5. Skills and Employment  
On-site or Off-site contribution
6. Waiting Restrictions  
Contribution towards the review and implementation of CPZ.
7. Restriction of Parking Permits  
Contribution of £1,033 towards the amendment of the Traffic Management Order to restrict future occupiers from obtaining residential parking permits.
8. Framework Travel Plan and Monitoring  
Provision of Residential Travel Plan with incentive of £300 per unit (max £60,000) and monitoring contribution of £15,000.
9. Transport Improvement Works  
Contribution for works to improvement the surrounding highways network.
10. Car Club  
Provision of 1 on-site car club space, with short term free membership to future residents of the proposed development and available to the wider local community.
11. S278 Works  
Associated highway works under S278.
12. Play Space  
Contribution towards off-site play space improvements.
13. Open Space Provision  
Contribution of £25,000 for Coppetts Wood for specific improvements/ maintenance/ upkeep.
14. Loss of Street Tree - CAVAT Value  
Financial contribution for the loss of Street Tree T9 Poplar.
15. Monitoring of Legal agreement  
Contribution towards monitoring of the legal agreement.

### **RECOMMENDATION III:**

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to



the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

CHL-AAA-ALL-ZZ-DR-A-1001 P2 (Existing floor plan)  
CHL-AAA-ALL-ZZ-DR-A-1002 P2 (Existing sections)  
CHL-AAA-ALL-ZZ-DR-A-1003 P2 (Existing elevations)  
CHL-AAA-ALL-ZZ-DR-A-1004 P1 (Existing site block plan)  
CHL-AAA-ALL-ZZ-DR-A-1005 P1 (Existing site location plan)

CHL-AAA-ALL-B1-DR-A-0200 P1 (Proposed Basement Floor Plan)  
CHL-AAA-ALL-00-DR-A-0201 P4 (Proposed Ground Floor Plan)  
CHL-AAA-ALL-MZ-DR-A-0202 P2 (Proposed Mezzanine Floor Plan)  
CHL-AAA-ALL-01-DR-A-0203 P3 (Proposed First Floor)  
CHL-AAA-ALL-02-DR-A-0204 P2 (Proposed Second floor)  
CHL-AAA-ALL-03-DR-A-0205 P2 (Proposed Third Floor)  
CHL-AAA-ALL-04-DR-A-0206 P2 (Proposed Maximised Fourth Floor)  
CHL-AAA-ALL-05-DR-A-0207 P2 (Proposed Maximised Fifth Floor)  
CHL-AAA-ALL-06-DR-A-0208 P2 (Proposed Maximised Roof Plan)  
CHL-AAA-ALL-ZZ-DR-A-2009 P1 (Proposed Site Block Plan)  
CHL-AAA-ALL-ZZ-DR-A-2010 P1 (Proposed Site Location Plan)

CHL-AAA-ZZ-ZZ-DR-A-0301 P2 (Elevations AA and BB)  
CHL-AAA-ZZ-ZZ-DR-A-0302 P2 (Elevations CC and DD)  
CHL-ASA-ZZ-ZZ-DR-A-0303 P2 (Elevations EE and FF)  
CHL-ASA-ZZ-ZZ-DR-A-0304 P2 (Existing and Proposed Street Scene)  
CHL-AAA-ZZ-ZZ-DR-A-8005 R5 (Aldi lease drawings East and west elevations)

CHL-AAA-ZZ-ZZ-DR-A-0401 P1 (Sections AA and BB)  
CHL-AAA-ZZ-ZZ-DR-A-0402 P1 (Sections CC and DD)  
CHL-AAA-ZZ-ZZ-DR-A-0403 P2 (Existing and Proposed Site Sections A-A)  
CHL-AAA-ZZ-ZZ-DR-A-0404 P3 (Existing and Proposed Site Sections B-B)  
CHL-AAA-ZZ-ZZ-DR-A-0405 P2 (Existing and Proposed Site Sections C-C & D-D)

CHL-AAA-ALL-ZZ-SC-A-701 P5 (Proposed Enhanced Area Schedule)

Air Quality Assessment, Air Quality Consultants (dated February 2020)  
Below Ground Drainage Strategy P03, Meinhardt Ltd (dated 15/09/2020)  
(Built) Heritage, Townscape and Visual Impact Assessment, Montagu Evans (dated January 2020)  
Daylight, Sunlight and Overshadowing Assessment, gia Chartered Surveyors (dated 14/02/2020)  
Design and Access Statement, Assael (dated 14/02/2020)  
Design and Access Statement Landscape Section, Gillespies (dated 17/02/2020)  
Energy Assessment and Sustainability Plan, Meinhardt Ltd (dated 14/02/2020)

Fire Strategy rev1.0, Cahill Design consultants (dated 23/12/19)  
 Flood Risk Assessment, Meinhardt UK (dated 31/01/2020)  
 Frame Travel Plan, Entran Ltd (dated February 2020)  
 Phase II Geoenvironmental Ground Investigation, agb Environmental Ltd (dated 13/12/2019)  
 Planning Noise Report, Sandy Brown (dated 14/02/2020)  
 Planning Statement, CBRE (dated March 2020)  
 Preliminary Ecological Appraisal V3.0, The Ecology Consultancy (dated 28/01/2020)  
 Retail Planning Statement, CBRE (dated January 2020)  
 Statement of Community Involvement, London Communications Agency (dated 1/01/2020)  
 Transport Assessment, Entran Ltd (dated February 2020)  
 Technical Note 2 – Further information in response to highways comments, Entran (dated September 2020)  
 Technical Note 3 – Heathy Streets and Active Travel Zone Assessments, Entran (dated November 2020)  
 Tree Survey, Arboricultural Implications Assessment & Method Statement Rev.A, Indigo Surveys Ltd (dated July 2020)  
 Utilities Report, Meinhardt UK (dated 25/10/2019)

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

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

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

- 3 a) No development or phase (other than demolition or site clearance works) shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 4 a) Before the relevant part of the above ground works are begun, details of the materials to be used for the external surfaces of the building(s), hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 5 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development or phase of development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 6 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been

erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 7 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 8 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 9 Prior to commencement of works, other than demolition or site clearance, details of foundations close to the development must be submitted and approved in writing by the Local Planning Authority. The foundations must take account of the trees growing in close proximity to the development (T1 to T6 as

shown on the tree protection plan submitted) and seek to minimise any harm to the root system.

Reason: Prevent harm to trees growing close to the development in accordance local planning policy DM01

- 10 Before the occupation of the development hereby approved, all biodiversity enhancement measures as set out in approved Preliminary Ecological Appraisal (The Ecology Consultancy) shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 11 All site works and works in connection with the development hereby approved shall be carried out in strict accordance with the recommendations set out in the approved Preliminary Ecological Appraisal (The Ecology Consultancy).

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 12 Prior to the first occupation of the development, hereby approved, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The strategy shall be designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bats - as set out within the approved Preliminary Ecological Appraisal (The Ecology Consultancy).

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that appropriate lighting is provided as part of the development and to ensure that any protected species present are not adversely affected in accordance with Policies DM01 and DM16 of the Development Management Policies DPD (adopted September 2012).

- 13 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a

- storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors' compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 14 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 15 Prior to occupation of the residential units, a Residential Car Parking Management Scheme shall be submitted to and agreed in writing for each Phase by the Local Planning Authority.

Reason: To ensure that parking is provided and managed in line with Barnet Council standards in the interests of highway and pedestrian safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012. To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 16 Prior to occupation of the new food store a Commercial Car Parking Management Scheme, shall be submitted to and agreed in writing for each Phase by the Local Planning Authority. The CCPMS shall include a plan identifying the disabled parking spaces to be delivered clearly marked with a British Standard disabled symbol and disabled parking shall be retained for the use of disabled persons and their vehicles and for no other purpose unless agreed in writing with the Local Planning Authority.

Reason: To ensure that parking is provided and managed in line with Barnet Council standards in the interests of highway and pedestrian safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012. To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 17 Prior to the first occupation of each phase; details of cycle parking and cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Such spaces shall be in accordance with the London Plan and London Cycle Design Standards (or any superseding guidance).

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2016.

- 19 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of

all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

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

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

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

## Part 2

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

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

- 20 The approved air quality mitigation measures and details set out in Chapter 8 of the Air Quality Assessment, Air Quality Consultants (dated 12/02/20) shall be implemented in its entirety before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).



- 21 Prior to the occupation of the food store, a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development from Class E use (food store) (and measures to be implemented to address its findings) has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by commercial noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016).

- 22 a) Prior to occupation, details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 23 a) Prior to occupation, details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2016.

- 24 The level of continuous noise emitted from fixed plant hereby approved shall be at least 5dB(A) below the background level, as measured or calculated from any point 1 metre outside the window of any room of a neighbouring residential property.

If the level of intermittent noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured or calculated from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 25 a) Prior to occupation of the food store, a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority

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

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 26 Development shall not begin until a Surface Water Drainage Strategy for the development have been submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is

completed.

Reasons: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan.

- 27 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.

- 28 a) Prior to carrying out above grade works of each building or part of any new building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full Secured by Design' Accreditation.

b) Prior to the first occupation of each residential building a 'Secured by Design' accreditation shall be obtained for the building.

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

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted September 2012).

- 29 a) The non-residential development is required to meet the BREEAM 'Very Good' level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2016).

- 30 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and

construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

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

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

- 32 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the approved details.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

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

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

policy DM04 of the Development Management Policies DPD (adopted September 2012).

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

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

- 35 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 36 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 56.1% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 37 The food store hereby approved, shall not be open to customers other than between the hours of 0700 and 2300 Mondays to Saturdays, and 0800 to 1700 Sundays and bank holidays and at no other times, unless otherwise approved, in writing, by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring residents and future

residents of the development

- 38 The food store premises shall be used for retail and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 39 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

The installation of any structures or apparatus for purposes relating to telecommunications or any part of the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that order.

Reason: To ensure that the development does not impact adversely on the character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies CS5 and DM01 of the Local Plan.

- 40 The new food store must be built out in accordance with the details of the planning permission and at no time shall there be any subdivision of the unit.

The maximum quantum of Class E retail floorspace for the new Lidl Store must not exceed 1,940 sqm GIA (or a net sales area of 1,220 sqm). Within the store, control over the proportions of net sales area devoted to the sale of convenience shall be 976 sqm net and 244 sqm net for comparison goods.

Reason: In order to protect the vitality and viability of existing town centres within the identified assessment area.

- 41 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity spaces provided on the site and a programme for their implementation shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved and the agreed programme of implementation.

Reason: To ensure that the development represents high quality design and to accord with policies DM01 and DM02 of the Barnet Local Plan and policy 3.6

of the London Plan.

- 42 Before the development hereby is occupied; details to show entering and egress arrangements and pedestrian walkways to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full in accordance with the approved details.

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

- 43 Prior to the occupation of the development a Waiver of liability and indemnity agreement must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

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

#### **RECOMMENDATION IV:**

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 March 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, carbon off-set, highways mitigation, provision of children's play space and loss of street tree. The proposal would therefore not address the impacts of the development, contrary to Policies CS1, CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM02, DM04 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

#### **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also

offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your



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

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

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

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

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

Please visit

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

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 5 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

- 6 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.
- Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 7 The submitted Construction Method Statement shall include as a minimum, details of:
- Site hoarding
  - Wheel washing
  - Dust suppression methods and kit to be used
  - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- For major developments only: confirmation that all Non- Road Mobile Machinery (NRMM) comply with the Non- Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 8 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts:  
a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in

the above list.

- 9 If a concrete pump lorry is operated from the public highway, surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

## **MATERIAL CONSIDERATIONS**

### **Key Relevant Planning Policy**

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

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

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

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

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

### **National Planning Policy Framework (February 2019)**

The 2019 NPPF was adopted in February 2019 replacing the 2012 NPPF and includes minor clarifications to the revised version published in July 2018. The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The NPPF states that, "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF also states that the purpose of the planning system is to contribute to the achievement of sustainable development. In addition, the NPPF retains a 'presumption in favour of sustainable development', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

### **The London Plan 2016**

The London Plan 2016 (Consolidated with Alterations since 2011) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

## Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

## London's Places:

2.2 (London and the Wider Metropolitan Area); 2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); 2.18 (Green Infrastructure: The Multi-Functional Network of Green and Open Spaces)

## London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); 3.16 (Protection and Enhancement of Social Infrastructure)

## London's Economy:

4.7 (Retail and town centre development); 4.8 Supporting a Successful and Diverse Retail Sector and Related Facilities and Services)

## London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); 5.21 (Contaminated land)

## London's Transport:

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

## London's Living Spaces and Places:

7.1 (Lifetime Neighbourhoods); 7.2 (An inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and Managing Noise); 7.17 (Metropolitan Open Land); 7.18 (Protecting Local Open Space and Addressing Local Deficiency); 7.19 (Biodiversity and Access to Nature); 7.21 (Trees and Woodland)

## Implementation and Monitoring Review:

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

## **Draft London Plan**

The draft New London Plan (DLP) is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

Due to the advanced nature of the DLP increasing weight should be attached to those policies which the Inspector's report considered sound. Nevertheless, the London Plan 2016 remains the statutory development plan until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2016 London Plan, while noting that account needs to be taken of emerging policies.

## **Barnet Local Plan**

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

### Core Strategy (Adopted 2012):

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

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

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

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

CS6 (Promoting Barnet's Town Centres)

CS7 (Enhancing and protecting Barnet's open spaces)

CS9 (Providing safe, effective and efficient travel)

CS11 (Improving health and wellbeing in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

### Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM08 (Ensuring a variety of sizes of new homes to meet housing need)  
DM10 (Affordable housing contributions)  
DM11 (Development principles for Barnet's town centres)  
DM15 (Green belt and open spaces)  
DM16 (Biodiversity)  
DM17 (Travel impact and parking standards)

Local Supplementary Planning Documents:

Affordable Housing (February 2007 with updates in August 2010)  
Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)  
Green Infrastructure (October 2017)  
Planning Obligations (April 2013)  
Residential Design Guidance (April 2013)  
Sustainable Design and Construction (April 2013)

Strategic Supplementary Planning Documents and Guidance:

Barnet Housing Strategy 2015-2025  
Accessible London: Achieving an Inclusive Environment (April 2004)  
Sustainable Design and Construction (May 2006)  
Wheelchair Accessible Housing (September 2007)  
Planning for Equality and Diversity in London (October 2007)  
All London Green Grid (March 2012)  
Housing (March 2016)  
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)  
Affordable Housing and Viability (2017)  
The Control of Dust and Emissions during Construction and Demolition (July 2014)  
Mayor's Transport Strategy (2018)  
Play and Informal Recreation (September 2012)

**Barnet's Local Plan (Reg 18) 2020**

Barnet's Local Plan Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's Emerging Local Plan.

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

**The Community Infrastructure Levy Regulations 2010**

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



## **Environmental Impact Assessment Regulations (2017)**

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (hereafter referred to as 'the EIA Regulations') requires that for certain planning applications, an Environmental Impact Assessment (EIA) must be undertaken.

The term EIA is used to describe the procedure that must be followed for certain projects before they can be granted planning consent. The procedure is designed to draw together an assessment of the likely environmental effects (alongside economic and social factors) resulting from a proposed development. These are reported in a document called an Environmental Statement (ES).

The process ensures that the importance of the predicted effects, and the scope for reducing them, are properly understood by the public and the local planning authority before it makes its decision. This allows environmental factors to be given due weight when assessing and determining planning applications.

The Regulations apply to two separate lists of development project. Schedule 1 development for which the carrying out of an Environmental Impact Assessment (EIA) is mandatory and Schedule 2 development which require the carrying out of an EIA if the particular project is considered likely to give rise to significant effects on the environment. The proposed development does not fall within Schedule 1 of the regulations.

The development which is the subject of the application comprises development within column 1 of Schedule 2 of the Regulations. The development is deemed to fall within the description of Infrastructure projects and more specifically urban development projects (paragraph 10(b)).

As a development falling within the description of an urban development project, the relevant threshold and criteria in column 2 of Schedule 2 of the Regulations is that the area of development exceeds 5 hectares or 150 residential units.

Given the nature and scale of the development, it was common ground with the applicant that the application would need to be accompanied by an ES in line with the Regulations. On this basis no Screening Opinion was sought from the LPA.

An EIA Scoping Report undertaken by Trium Environmental Consulting LLP, was submitted to the London Borough of Barnet (LBB) as the relevant planning authority by CBRE on behalf of Montreaux Developments Limited in December 2019.

The Report requested an EIA Scoping Opinion (under Section 13 of the Regulations) for a proposed development at 231 Colney Hatch Lane (the Site). The LPA subsequently issued a Scoping Opinion in January 2020 confirming that an Environmental Statement was not required.

## **PLANNING ASSESSMENT**

### **Site Description**

The site is located at No. 231 on the western side of Colney Hatch Lane and comprises of two commercial buildings, formerly occupied by a car show room with a service garage and surface level car parking. Vehicular access is obtained via a mini roundabout on Colney Hatch Lane (B550), with trees located along the eastern boundary separating and screening the site from the road.

Immediately to the north is a coach facility, with Friern Barnet Ambulance Station immediately south and Coppetts Wood fronting the western boundary. Residential areas are located north and east of the site.

The site is located in Flood Zone 1 and is not located in a Conservation Area and does not comprise of any Statutory or Locally Listed buildings. Coppetts Wood to the west is designated as Metropolitan Open Land (MOL), a Site of Borough Importance for Nature Conservation and a Local Nature Reserve.

### **Proposed Development**

The application seeks planning permission for the demolition of the existing buildings and redevelopment of the site to provide a mixed-use residential and retail development comprising of 204 residential units and a new food store.

The proposal is designed with two blocks (north and south), varying in height between 4 and 7 storeys. A central boulevard would separate the two blocks. The food store is proposed at ground floor level of the northern block and would measure 1,726sqm with the proposed occupier to be Lidl. Residential accommodation is proposed on the upper floors of the northern block above the food store. On the southern block at ground floor level there is a mix of residential accommodation, car parking and associated servicing, with residential accommodation above. There is a basement level below which provides further car parking spaces.

The main access into the site will be obtained from the proposed new central street. A total of 102 car parking spaces are proposed for the residential units, with 65 spaces for the food store. Secure cycle parking would be provided on site, as well as the provision of electric charging points, servicing area for the retail and refuse and recycling stores.

### **Revisions and additional information**

During the course of the application, the following amendments were submitted:

- Removal of the playspace from the highways verge along Colney Hatch Lane as requested by the Council's Highways service;
- Minor configurations to the central street; and

- Changes to the size of the affordable rent units following comments from the Council's Affordable Housing service.

### **Relevant Planning History**

Reference: 20/0080/ESR

Address: 231 Colney Hatch Lane, London, N11 3DG

Decision: Environmental Statement not Required

Decision Date: 08.01.2020

Description: Environmental Impact Assessment - Screening Opinion

### **Public Consultation**

As part of the consultation exercise, 240 letters were sent to neighbouring properties and residents. In addition, the application was advertised in the local press and a site notice posted.

Overall, 177 responses have been received, comprising of 177 letters of objection.

The objections received against the application can be summarised as follows:

- Contrary to Barnet policies;
- Proximity to other supermarkets nearby;
- Overdevelopment;
- Height out of keeping;
- Design not sympathetic to surrounding housing stock;
- Impact on privacy and amenities of existing residents;
- Overlooking;
- Overshadowing of neighbouring properties;
- Impact on air quality;
- Additional pollution;
- Noise pollution from food store and associated servicing;
- Insufficient parking provision;
- Parking overspill;
- Increase in volume of traffic;
- Add to existing congestion of Colney Hatch Lane;
- Road safety issues on Colney Hatch Lane;
- Impact on mini-roundabout road layout;
- Impact on Coppetts Wood;
- Impact on wildlife;
- Loss of trees;
- Impact on Ambulance station;
- Impact on local services;
- Impact on local drainage capacity;
- Disruption during construction phase.

Elected Representatives:

**Rt Hon Teresa Villers MP**

I oppose this development for the following reasons:

While I accept the need for new housing, this plan for two 7-storey buildings would be out of keeping in an area of predominantly low level residential housing, the highest nearby building being the 3-storey block of flats on Ribblesdale Avenue. This development is too dense to be accommodated by the surrounding neighbourhood.

The massing, bulk and density of the buildings proposed would be out of line with the character of the area and would contradict principles in the Barnet Local Plan which require new development to maintain and enhance character. Additionally, I note concerns from constituents that balconies facing Colney Hatch Lane will overlook many of the rear gardens of Firs Avenue.

*Parking*

The number of parking spaces for the new flats is insufficient, given that most households have at least one car. The site is some considerable distance from tube or rail stations and is therefore an inappropriate location for a development with such limited on-site parking. It would inevitably lead to overspill parking in nearby residential roads which are already crowded with parked cars. and evening rush hours and this proposed development would add to the congestion.

The additional vehicles entering and exiting the proposed supermarket and travelling along Colney Hatch Lane would also add to the traffic jams which frequently extend across the North Circular towards Muswell Hill and up Colney Hatch Lane towards New Southgate roundabout.

Constituents living in the area point out that the junctions with Firs Avenue and Ribblesdale Avenue have seen several major accidents in recent years. They are concerned that the level of traffic from the proposed development can only make that situation worse.

*Supermarket*

It is difficult to understand the need for a further supermarket in this area as there is a large Tesco not far from the proposed development; and a Tesco and Co-op near the old Town Hall. Constituents fear that the addition of another supermarket in this area will only add to the traffic congestion.

I gather that the supermarket opening hours will be 7.00am to 11.00pm six days a week. This will cause considerable noise disturbance, particularly from delivery lorries and staff arriving and leaving at antisocial hours.

*Local services*

GPs, dentists and schools are already oversubscribed in this area and the proposed increase in the local population will only add to the difficulties residents already face

in accessing these services not least because of the recent decision to allow the application relating to the North London Business Park.

### *Coppetts Wood*

Part of the proposed development adjoins Coppetts Wood which is one of the most important sites for wildlife within the Borough of Barnet. I am worried that the light spill at night from the development. This could damage considerable numbers of species of plants and animals. I understand that the effect on the bat population (which includes some rare species) would be significantly damaging.

### Neighbouring / Residents Associations and Local Amenity Groups

#### **Friern Village Resident's Association**

We, the Friern Village Resident's Association, do not support the current planning application for the following grounds:

- Contrary to NPPF policies on air and noise pollution;
- Existing excessive noise levels and impact on future residents;
- Unsafe levels of air pollution by worsening the already poor air quality;
- Poor design with excessive height and without due regard to appearance and the surrounding existing residential homes;
- Insufficient parking provision for the residential units;
- Existing traffic problems along Colney Hatch Lane;
- Unloading issues for the food store;
- Impact on local services;
- Concerns on drainage

#### **Coppetts Wood Conservationists**

We object to the proposed development on grounds that the developer has not accepted two essential wildlife-protection measures to prevent damage by the proposed development on its adjacent site – i.e. Coppetts Wood nature reserve.

We would like the applicant to take all reasonable steps to prevent bird strike against windows and to prevent / reduce light spillage onto the nature reserve site at night.

We object on the grounds of:

- Biodiversity;
- Nature reserve will be damaged by the proposed development;
- Air quality;
- Excavation of ground too close to the boundary within the wood

#### **Friern Barnet & Whetstone Residents Association**

The Friern Barnet & Whetstone Resident's Association object to the application on the following grounds:

- The potential adverse effect on the adjacent Coppetts Wood Nature Reserve;
- The increased congestion and pollution in Colney Hatch Lane (which is frequently gridlocked) that will result from the traffic generated by the development;
- Parking and congestion in neighbouring roads due to inadequate parking provision within the scheme;
- The already generous provision of supermarkets in the local area such that there is no need for another;
- The high-density nature of the development and the height of some of the proposed buildings, which will be out of keeping with the locality.
- Proposed housing mix is not compliant with the new emerging local plan, in terms of larger homes

### **Friern Barnet Ambulance Station**

The following concerns are raised:

- Echo other comments said about existing traffic congestion along Colney Hatch Lane that this development will only add to;
- Emergency ambulances often struggle to leave the station when responding to 999 emergencies;
- The proposal states the entrance to the site will be in the South East corner. This is immediately adjacent to the entrance/exit of the ambulance station and the inevitable queue to enter/leave the supermarket will block my entrance/exit entirely which will delay the response of my paramedics;
- Insufficient parking provision onsite will lead to poor inconsiderate parking, restricting obstructive parking for the ambulances;
- 24/7 use of ambulance station will affect future residents in terms of noise;
- cause friction between the ambulance station and new residents.
- The entrance/exit from the site is entirely wrong and should not be adjacent to the access/egress points for emergency ambulances.

### Responses from External Consultees

#### **Greater London Authority (GLA)**

Strategic issues summary

*Principle of development:* The principle of a residential led re-development of an under-utilised out-of-town-centre site is supported subject to further assessment of the balance of benefits arising from the scheme such as new housing and affordable housing against the additional impact of introducing a retail element of this size in an out-of-town-centre location.

*Housing:* The scheme provides 35% affordable housing by habitable room with a tenure split of 30% affordable rent and 70% shared ownership. The scheme could be eligible to follow the Fast Track Route, subject to confirmation of borough agreement of the tenure split, and that low cost rented units would be secured.

*Design:* The scale and massing is generally supported however the applicant should continue to explore ways to increase sunlight and daylight into the courtyards and residential units. The design of the shared surfaces needs to be carefully considered for pedestrian and cycle safety. A Fire Statement must be submitted. Play provision should be increased where possible and the design must provide safe play spaces.

*Transport:* The quantum of retail car parking should be reduced. The applicant should explore how the layout could improve pedestrian movement and safety and reduce conflict with vehicles. Further information is needed on the ATZ assessment, servicing arrangements and cycle design. Appropriate conditions must also be secured.

*Sustainable development:* Further information regarding energy is required.

*Summary:* That Barnet Council be advised that the application does not yet comply with the London Plan and the Mayor's Intend to Publish London Plan for the reasons set out in paragraph 80 of this report; but that the possible remedies set out in that paragraph could address these deficiencies.

### **Metropolitan Police - Designing Out Crime**

I do not have any major concerns regarding this proposal, and it was good to see that the agents were very keen to obtain some crime prevention and security recommendations, in order to incorporate within their development.

I do not object to this proposal, but due to the comments raised and crime rates within the ward, especially vehicle crime levels, I would respectively request that a planning condition is attached to any approval, whereby the development must achieve Secured by Design accreditation, prior to occupation.

### **Thames Water**

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

### **Transport for London**

The current proposed development is not considered London Plan compliant, and the following matters should be resolved before the application can be considered in line with the transport policies of the Intend to Publish London Plan:

1. Review access and internal layout to improve public realm and safety;
2. Reduce car parking significantly for the proposed food store to be in line with London Plan standards;
3. Secure a 'permit free' agreement to exempt future residents' eligibility for local parking permits;
4. Secure a 'Car Parking management plan' to regulate the use of car parking spaces and provision of electric vehicle charging points;
5. Review and improvement cycle parking arrangement for the proposal considering the comments made;
6. Undertake further investigation on the modelling assessment; and identify mitigation to address congestion issues resulted from the proposal;
7. Undertake further ATZ work and to identify local walking/ cycling improvement opportunities;
8. Secure the DSP and CLP by conditions;
9. Submit a detailed Travel Plan with ambitious targets and measure enabling the significant uptake of sustainable travel modes. The Travel should be secured by s106 agreement;
10. Secure appropriate Mayor CIL payment from the proposal toward Crossrail.

### Responses from Internal Consultees

#### **Affordable Housing**

Understand that the submitted viability review states that the provision of 35% is providing a deficit. However, proposal does not comply with Barnet's mix requirements. The mix for shared ownership is fine but would prefer this is to be intermediate. We cannot accept 3b4p as this does not work with the allocation policy – they would need to be 3b5p minimum.

#### **Drainage**

No objections subject to the attachment of conditions.

#### **Ecology**

The report states that '*The buildings were all deemed to be of negligible roosting potential*'. Therefore, further bat presence/absence surveys on the buildings are not required.

In line with the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the recommendation made in Section 4 of the Ecology Consultancy Report (2020), is implemented in full. This included the installing a minimum of six integrated or wall mounted bat bricks or bat boxes, mounted on trees or buildings in the site.

No objections are raised subject to conditions and compliance with submitted reports.



## **Environmental Health**

No objection subject to conditions being attached.

## **Transport and Development**

No objections subject to appropriate conditions and planning obligations. Detailed comments are incorporated below in the highways section of the report.

## **PLANNING ASSESSMENT**

The NPPF states that planning law requires applications for planning permission to be determined in accordance with the development, unless material considerations indicate otherwise. Development that accords with an up-to-date Local Plan should be approved.

### **Principle of development / Land Use**

#### ***Demolition and Loss of Existing Use***

The site currently comprises of a former car show room and ancillary service garage, with surface level parking. Officers consider that the planning use is Sui Generis. The site is not restricted within Barnet's Local Plan for any land-use. Overall, there is no objection to the demolition of the existing buildings nor to the loss of the existing uses on the application site.

#### ***Retail***

The proposed development consists of the provision of a 1,726sqm food store which would be occupied by Lidl.

As the site is located outside of a town centre, Barnet Policy DM11 requires new retail development to consider the sequential test. With the proposal above 500sqm, a retail impact assessment is also required to assess any potential impact on Barnet's town centres. The applicant has submitted a Retail Statement which comprises both the sequential test and impact assessment.

Planning Practice Guidance (PPG) confirms that, in line with NPPF para.86, out of centre sites should only be considered if suitable sites in town centre or edge of centre locations are not available within a reasonable period.

In order to ensure that the sequential test and impact assessment was subject to critical assessment, the LPA instructed an independent Retail Planning Specialist Stantec to undertake a review of the submitted Retail Statement. Stantec (formally trading as Peter Brett Associates) were commissioned to prepare Barnet's Town Centre Floorspace Needs Assessment (TCFNA) published in December 2017 and as such are familiar with the retail geography of the area and have visited the relevant town centres.

## Sequential Test

At pre-application stage, the applicant undertook a scoping exercise with the Council's Planning Policy team to identify the relevant centres to be included in the retail assessment. The following town centres were agreed:

- Whetstone District Centre;
- North Finchley District Centre;
- Finchley Church End District Centre;
- East Finchley District Centre;
- Friern Barnet Neighbourhood Centre;
- New Southgate Neighbourhood Centre;
- Southgate District Centre (Enfield); and
- Muswell Hill District Centre (Haringey).

Scantec confirmed that the applicant has assessed a variety of existing sites and those within Barnet's Reg 18 draft local sites and SPD sites which ranged in size from 45sqm up to 9,900sqm. Following further justification submitted by the applicant to Stantec, they agreed that none of the sites identified with the applicant's assessment are suitable and available for the proposed development even when applying reasonable flexibility on format and scale. In conclusion, following the above, Stantec therefore agreed that the applicant has demonstrated compliance with the sequential approach with reference to paragraphs 86 and 87 of the NPPF.

## Impact Assessment

A proportionate impact assessment is included in Section 6 of the submitted Retail Statement which addresses the two elements to the impact test, namely;

- i. The impact of the proposal on existing, committed and planning public and private investment in a centre or centres in the catchment area of the proposal; and
- ii. The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

The Retail Statement concluded that the proposed food store will not generate any significant adverse impact on centres within the defined catchment area (Zone 3 and Zone 6) assuming the following pattern of trade diversion:

- Tesco Extra, Coppetts Corner – 60% (£5.93m)
- Surrounding district centres - 35% (£3.46m) in total including 25% (£2.47m) from North Finchley with the remaining 10% (£0.98m split between Whetstone, Southgate (Enfield) and Muswell Hill (Haringey) district centres.
- Local / neighbourhood centres – 5% (£0.49m) in total split between Friern Barnet, Colney Hatch Lane and New Southgate local centres.

Whilst Stantec have raised deficiencies in the impact assessment, they have considered whether a different conclusion on the acceptability of impact would be reached if these issues were resolved. The key issues Stantec identified were that a greater proportion of the proposed store's turnover would be diverted from North Finchley (including Aldi) and less from the adjacent out-of-centre Tesco Extra, Coppetts Corner.

Stantec comment that taking into account the performance of this centre as reported in the TCFNA, it is expected it is unlikely to have significantly adverse impact. Whilst Stantec consider that an impact would be felt by convenience operators in North Finchley, they consider that the impact on the viability and vitality of the centre overall would not be significantly adverse. In conclusion Stantec are of the view that the application complies with the impact test as set out in national and Barnet policies.

Stantec recommend that conditions are attached relating to the restriction of use as retail only, restriction on the net sales and gross floor area, control over the proportions of net sales area devoted to the sale of convenience and comparison goods, no subdivision of the unit and revoking permitted development rights.

The benefits arising from the scheme will be weighed against the additional impact of introducing a food retail element of this size in an out-of-centre location.

### ***Housing delivery***

Policy 3.3 of the London Plan recognises the pressing need for more homes in London and seeks to increase housing supply in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford. The London Plan has set an annual monitoring target of 2,349 homes for Barnet between 2015-2025, with a minimum provision of 23,489 over the same 10-year period. In the draft London Plan (as set in the London Plan Intend to Publish), the 10-year target for 2019/20 – 2028/29 is 23,640 for Barnet.

Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

It is noted that the surrounding area comprises of a mix of mainly residential and commercial uses. The site is an undesignated brownfield site and therefore the principle of a residential led redevelopment is strongly supported. The GLA are supportive in strategic terms, of the optimisation of this under-utilised out-of-town centre site for residential led re-development.

### ***Residential Density***

London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity. Taking into account these factors, Table 3.2 of the

London Plan sets out a density matrix which serves as guidance for appropriate densities in different locations dependent on the aforementioned factors. Paragraphs 8 and 122 of the NPPF encourage the efficient use of land.

It should be noted that the Draft London Plan, takes a less prescriptive approach and Policy D6 states inter alia that the density of a development should result from a design-led approach to determine the capacity of the site with particular consideration should be given to the site context, its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D6 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.

The application site has an area of 0.9 ha and a PTAL of 3 (moderate). The application site is best described as 'suburban' defined within the London Plan as "*areas with predominately lower density development such as, for example, detached and semi-detached houses, predominately residential, small building footprints and typically buildings of two to three storeys.*"

For sites such as these, the London Plan density matrix suggests a residential density of between 150 – 250 hr/ha and 50-95 units per hectare.

The density of the net residential area would equate to 599 hr/ha or 226 u/ha which falls out-with the advised guidance ranges within the density matrix. The proposed density is therefore in excess of this optimum range.

Notwithstanding the exceedance of the optimum density range set out above, the London Housing SPG sets out that development which exceeds the density ranges will not necessary be considered unacceptable, but will require particular clear demonstration of exceptional circumstances and a sensitive balance must be struck.

In this instance, the application site has been subject to a design-led approach to optimise the potential of the site which is also identified as a vacant brownfield site. The application is also accompanied by a Visual Impact Assessment which demonstrates that the proposed development integrates within the surrounding landscape and does not detrimentally harm the character of the surrounding area. Whilst full assessment is set out within the relevant sections of this report, in all respects, Officers consider that the scheme delivers a high-quality development which fully justifies an increased density. The London Plan also outlines that the density matrix should not be applied mechanistically and in this case it is considered that, notwithstanding the proposed density being in excess of the optimum range, it is appropriate for the site and in accordance with Policy 3.4 of the London Plan.

### **Housing Quality**

A high quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan Ch1 'Context and Strategy', Ch2 'London's Places', Ch3 'London's People', and Ch7 'London's Living Places and Spaces', and is

explicit in policies 2.6, 3.5, 7.1, and 7.2. It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD and Residential Design Guidance SPD.

### ***Unit Mix***

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan Policy 3.8, and Barnet Development Management Policies DPD Policy DM08). The Council’s Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. Although, this should not be interpreted as implying that there is not a need for a full range of unit sizes.

The development proposes the following unit mix across the application site:

Unit Mix								
Unit type	1B1P	1B2P	2B3P	2B4P	3B4P	3B5P	3B6P	Totals
Number	3	81	21	89	0	7	3	204
Percentage	1.5%	39.7%	10.3%	43.6%	0%	3.4%	1.5%	100%

Whilst there is a large proportion of 1 and 2-bedroom units, this is considered to be appropriate given the site’s characteristics and location. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Barnet policy DM08.

### ***Affordable Housing***

London Plan 2016 policy 3.12 advises that the maximum reasonable amount of affordable housing should be sought when negotiating on private residential and mixed use schemes, having regard to local and strategic affordable housing requirements; affordable housing targets; the need to encourage rather than restrain development; the need to promote mixed and balanced communities; the size and type of affordable housing needed in particular locations; the specific site circumstances; the resources available to fund affordable housing; and the priority to be accorded to affordable family housing.

The current application is referable to the GLA and as such the Mayors Affordable Housing and Viability SPG (2017) is relevant. The SPG (2017) introduces a ‘threshold approach’, whereby schemes meeting or exceeding 35 per cent affordable housing without public subsidy can follow a ‘Fast Track Route’. This means applicants are not required to submit viability information at the application stage, and applications are subject to review mechanisms only if an agreed level of progress on implementation has not been achieved within two years of consent being granted or as agreed with the LPA.

Policy H6 of the draft London Plan sets out a ‘threshold approach’, where schemes on private, non-industrial sites meeting or exceeding 35% affordable housing by habitable room without public subsidy that meet other criteria are eligible for the Fast Track

Route. Such applications are not required to submit viability information to the GLA and are also exempted from a late stage review mechanism.

The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings with a tenure split of 60% social rented and 40% intermediate housing.

The scheme proposes the following affordable housing provision:

Type	No. Shared Ownership	No. Affordable Rented
1B2P	40	4
2B3P	2	0
2B4P	14	3
3B5P	1	6
3B6P	0	3

The proposal would deliver 35.8% affordable housing by units (equating to 73 units) with a tenure split of 78.1% Intermediate and 21.9% Affordable Rent. By habitable room, the scheme would deliver 34.8%, with a split of 70.2% intermediate and 29.8% affordable rent. The GLA welcome the provision of 35% by habitable room as a starting point. However, the proposal not would qualify for the GLA's fast-track route as it's not London Affordable Rent proposed and the tenure split would need to be compliant with Barnet policy.

Based on the above provision, the proposed affordable mix does not meet the Barnet's 60/40 tenure split in terms of affordable rent / intermediate.

As such the applicant has submitted a viability review which concludes with the proposed 35% affordable housing provision and tenure, there would be a viability deficit. The report comments that the food store element of the proposed development is valuable and facilitates the provision of 35% affordable housing. The report continues that if the proposed development did not include a food store, then it would deteriorate the affordable housing element further.

In order to robustly scrutinise the viability report, the LPA instructed an independent planning viability specialist, BNP Paribas, to undertake a review of the submitted viability statement. Following their review, BNP Paribas agree that the proposed development with 35% affordable housing in the proposed tenure would generate a viability deficit.

The Council's affordable housing officer in reviewing the unit types, had commented that the Council cannot accept 3B4P units for affordable rent as this does not work with its allocation policy. The Officer requested that these be 3B5P. The applicant has reviewed the provision in light of these comments and has amended the proposal to remove the 3B4P units as affordable rent and they have been replaced by 2B4P and 3B5P units.

Both BNP Paribas and the affordable housing officer have requested the inclusion of a review mechanism. The applicant has agreed to the inclusion of a review mechanism

with the details to be agreed with officers and the independent viability consultants.

### ***Residential Internal Space Standards***

The London Plan and Barnet’s Sustainable Design and Construction SPD outlines the minimum gross internal floor area required for different dwelling sizes.

All the dwellings in the detailed element of the development meet the minimum standards as demonstrated in the applicant’s supporting documents in relation to the unit sizes and also meet the minimum areas for bedrooms, bathrooms w/c’s and storage and utility rooms.

The provision of dual aspects outlooks has been provided where possible with 51% of the units benefitting from dual aspects. There are no single aspect units facing north. Officers are satisfied that the level of accommodation proposed is of a high quality in terms of space standards and outlook.

### ***Wheelchair Access Housing***

Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessibility and inclusive design, whilst policy DM02 sets out further specific considerations. All units should have 10% wheelchair home compliance, as per London Plan Policy 3.8.

The submission sets out that 10% of the residential units would be provided as wheelchair adaptable in line with aforementioned policy context and in accordance with Part M4(3) of the Building Regulations. This is considered to be acceptable and a condition is attached which would secure these wheelchair units.

### ***Amenity space***

Barnet’s Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sq.m are counted as a habitable room and habitable rooms over 20sq.m are counted as two habitable rooms for the purposes of calculating amenity space requirements. The minimum requirements are set out in table below:

<b>Outdoor Amenity Space Requirements</b>	<b>Development Scale</b>
For Flats: 5m <sup>2</sup> of space per habitable room	Minor, major and large scale
For Houses: 40m <sup>2</sup> of space for up to four habitable rooms 55m <sup>2</sup> of space for up to five habitable rooms 70m <sup>2</sup> of space for up to six habitable rooms 88m <sup>2</sup> of space for up to seven or more habitable rooms	Minor, major and large scale

Development proposals will not normally be permitted if it comprises the minimum outdoor amenity space standards	Householder

The Mayor’s Housing SPG sets out a requirement of 5 sq.m of private amenity space for 1 and 2-person dwellings with a further 1 sq.m per additional person.

The proposed amenity provision has been developed to ensure that each dwelling is provided with private outdoor amenity space, with either a balcony, patio or terrace. The total amount of private amenity measures at 1896sqm.

In addition, shared amenity space is provided at podium level in the form of residential courtyards and roof terraces. This amounts to 1003sqm of communal amenity space.

Overall, 2899sqm of amenity space is provided within the development which is compliant with Barnet SPD requirements. Overall, it is considered that acceptable levels of outdoor amenity space are afforded to all future residents.

***Children’s Play Space***

London Plan Policy 3.6 requires housing development to make provisions for play and informal recreation based on child yield, referring to the Mayor’s SPG Shaping Neighbourhoods: Play and Informal Recreation 2012. Barnet Core Strategy CS7 requires improved access to children’s play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan.

The Landscape Design and Access Statement identifies existing play within the surrounding area. It identifies that there is no play provision for under 5s or 5-11 within acceptable walking distances (100m and 400m respectively) but there are a couple of larger open space areas for ages 12+ within 800m of the application site.

The proposed development provides 157sqm of doorstep play (ages 0-4), provided within the proposed residential courtyards. This is a reduction compared to the quantum originally proposed as a result of the removal of play space along the highways verge. The report states that the applicant has prioritised the provision of doorstep play for ages 0-5. Whilst the amended provision is also below the London Plan standard, the applicant is proposing to make an in lieu off-site financial contribution that can be used to enhance existing play space or provide new play space offsite. Officers are satisfied with this approach in this instance given that additional on-site provision is not possible.

***Privacy and overlooking of future residents***

Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development.



The Council's Sustainable Design and Construction SPD (2016) sets that in new residential development, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking.

The Design and Access Statement provides a design response into the positioning of units within the upper level courtyard within the development to ensure that there is adequate provision of privacy. This illustrates that the scheme predominately meets the 21m separation distance with the exception of one section of the northern block where the distance is 18.6m. However, this is explained as a result of the inclusion of projecting bays which were requested by officers in order to increase dual aspects units. Overall, Officers consider that the scheme is well designed so to ensure that future occupiers of these units would be likely to enjoy good levels of privacy.

### ***Daylight/ Sunlight and overshadowing***

The application is accompanied by a Daylight, Sunlight and Overshadowing report which has assessed all habitable rooms and concludes that good daylight and sunlight amenity is achieved for future residents.

In terms of daylight, the relevant assessment criterion is the Average Daylight Factor (ADF) as recommended by the BRE. In terms of ADF, 93% of the 541 rooms assessed meet or exceed the recommended levels of ADF, which is considered to be a very good level of compliance.

In terms of sunlight, the relevant assessment criterion is Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). The report concludes that 68% of the assessed living areas will meet the recommended levels of annual sunlight and 79% having good access to winter sunlight. The report identifies that the provision of external balconies is a reason for lower summer levels, as they intercept high-angle sunlight.

In terms of overshadowing, the relevant assessment relates to the communal amenity areas and the assessment criterion is set out in Section 3.3 of the BRE guidelines and states that "at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March". As set out above, BRE guidelines recommend that in order for an area to be well sunlit throughout the year, at least 50% of the space should see two or more hours of direct sunlight on 21st March. The report acknowledges that the courtyard arrangement of both blocks will inherently restrict the sunlight availability at ground level. The results find that both courtyards fall short of the BRE recommendation due to the southern part of each courtyard being in shade in winter and mid-season. However, in the summer, both areas, sunlight reaches these areas much easier, with more than 4 hours being achieved.

Having regard to the above and on balance, acknowledging the site context and form of development proposed, it is considered that the development would achieve good

levels of daylight, sunlight and overshadowing compliance.

### ***Noise impacts on future residents***

In relation to noise impacts on the proposed development, the application is accompanied by a Planning Noise Report by Sandy Brown.

The assessment concludes that the site is suitable for both a residential and retail development subject to appropriate mitigation measures being adopted. Internal sound levels can achieve acceptable levels and provide adequate accommodation for future occupiers.

The report identifies that some of the balconies facing Colney Hatch Lane would exceed the upper noise limits in terms of external amenity noise. However, all residents will benefit from the use of the residential courtyards which have been found to have acceptable noise levels where it is well screened from traffic noise.

Subject to further detailed measures to be incorporated within the design of the proposed development and attachment of relevant conditions, adequate levels of noise for future occupiers is on balance considered to be acceptable.

### ***Air Quality impacts on future residents***

An Air Quality Assessment has been submitted in support of the application. The report concludes that the resulting air quality effect of the proposed development for future residents is acceptable.

The submitted air quality assessment is considered to be acceptable in terms of air quality and recommended a number of conditions.

### ***Secure by Design***

Policy DM01 requires that the principles set out in the national Police initiative, 'Secure by Design' should be considered in development proposals. The proposed development was subject to consultation with the Met Police who have raised no objections subject to the standard condition. Therefore, a condition would be attached to any permission requiring the proposed development and design to achieve Secure By Design Accreditation.

### **Design**

The National Planning Policy Framework (revised, 2019) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic

considerations.

The London Plan 2016 also contains a number of relevant policies on character, design and landscaping. Policy 7.1 of the London Plan further emphasises the need for a good quality environment, with the design of new buildings supporting character and legibility of a neighbourhood. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment. Architectural design criteria are set out at policy 7.6.

Draft Replacement London Plan (DRLP) policy D1B requires development to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives consideration to the use of attractive, robust materials which weather and mature well. Policy D2 (Delivering good design) requires masterplans and design codes to help bring forward development and ensure it delivers high quality design.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard Policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high-quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

### ***Design Concept***

The submitted Design and Access Statement (DAS) and Landscape Design and Access Statement outlines the evolution of the design concept which identifying an opportunity to open up views of Coppetts Wood from Colney Hatch Lane and to try and incorporate characteristics of the woodlands within the proposal.

### ***Layout, scale and massing***

The development is proposed in the form of 2no. blocks with a central boulevard acting as the main access into/out of the site and also as the visual separation between the blocks. Whilst the proposed development occupies a large proportion of the site,

extending out to the site boundaries, this in itself it not necessary seen as an issue. Considering the context of built form on this side of Colney Hatch Lane, there is no uniform footprint within only fairly small buildings north and south of the site. Therefore, in terms of footprint, the proposed development is seen to be acceptable.

The proposed scheme varies in height from 4 storeys up to 7 storeys. The proposed development seeks to concentrate height on the southern block and steps down towards the northern building. The southern block has a maximum height of 7 storeys on both the front and rear elements, with a 5-storey linking section in the middle. The topmost 7<sup>th</sup> storey is stepped back. The northern building is approx. 5 storeys in height at the front, with the larger retail façade on the ground floor. There is a 4-storey linking element, with the rear element extending up to 6 storeys. In order to help reduce the impact, the site level is proposed to be reduced by approx. 1100mm. It is considered that the proposed heights are acceptable and reflect the heights of the surrounding trees and woodlands. The surrounding area is not considered to be particularly sensitive in terms of its character and the submitted viewpoints within the submitted Visual Impact Assessment demonstrate that there are no adverse impacts to views and the skyline. The GLA are also supportive of the proposed height and massing and comment that the proposed buildings respond well to the context of surrounding building heights.

In terms of massing, the proposed buildings are broken up by a number of recessed and projecting sections and balconies, inset link blocks and a setback top floor. These elements are considered to successfully articulate the external elevations and break up and reduce the visual massing and bulk of the proposed buildings.

### ***Appearance and materials***

The architectural expression follows a very formal approach with bays and windows appearing in consistent intervals. The Council's Urban Design Officer is supportive of the development and the proposed architecture.

The predominate material is a buff brick with a green coloured metal cladding on the stepped back top floor. The residential quarters, the retail use and the public spaces incorporate different materials to respond to the architecture and use of respective spaces. The proposed palette of materials is welcomed and is considered to help stitch the proposal within the context of the surrounding area.

Overall, in terms of layout, scale, massing and design, the proposed development is considered to be of a high quality and is acceptable in terms of design policies.

### **Impact on Metropolitan Open Land (MOL)**

Whilst the site is not located within the MOL designation, the adjacent area of Coppetts Wood falls within this designation.

Barnet Policy DM15 states that the same level of protection will be given to MOL as Green Belt Land with criterion vi. stating that "development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the

character of its surroundings.

The proposal has incorporated a number of design features to help minimise any adverse visual impact on Coppetts Wood:

- The overall site level will be reduced by 1100mm;
- Parapet heights have been reduced where possible;
- A green buffer will be introduced between the wood and the buildings which will incorporate a green screen; and
- The transfer slab between the food store and the first-floor residential units has been reduced in height.

A Townscape and Visual Impact Assessment has been prepared and submitted in support of this application. In agreement with officers, a series of viewpoints were selected and the impact tested from these locations. Four of these views were from within the Woodland. The majority of views of the proposed development from Coppetts Wood would be largely screened and views unimpacted and only the upper level of the proposed development may be visible from some views. Therefore, Officers are satisfied that the openness of the MOL from within Coppetts Wood would be maintained and unimpacted by the presence of the proposed development.

Three other viewpoints were assessed from Colney Hatch Lane, looking north and south towards the application site and the other from Ribblesdale Avenue looking down towards the site. From these views, the proposed development is more visibly evident, however, it is not of scale which dominates or detracts from the surrounding area. Officers are in agreement with the report's opinion that the set-back top floor which incorporates the use of green copper cladding helps reduce the buildings perception. When viewing the proposed development in context, its overall height is experienced against the top levels of the tree canopies, again with the green copper cladding helping blend the proposal into the landscape context.

The conclusions of this visual assessment are that the proposed development does not impact the openness, character and tranquillity of the MOL. Officers are in agreement with the report's findings and consider that the proposed development successfully responds and integrates within the immediate site context. Officers are satisfied that it has been demonstrated that the proposed development does not have a detrimental impact on the visual amenity of the MOL and is in accordance with Barnet policy DM15.

### **Amenity Impact on Neighbouring Properties**

Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment (para 127). Amenity is a consideration of London Plan policy 2.6 'Outer London: Vision and Strategy' and is implicit in Chapter 7 'London's Living Places and Spaces'. In addition, Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

### ***Privacy, overlooking and Outlook***

The Barnet Residential Design Guidance SPD states that there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

The nearest neighbouring properties are located on the opposite site of Colney Hatch Lane. A study of privacy and overlooking is set out in the submitted Design and Access Statement which illustrates distances of between 35m to 55m between the nearest residential properties. In addition, there are significant mature street trees in front of the proposed development, so with the considerable separation distances, there are no considered impacts on the neighbouring residential properties in terms of overlooking.

The submitted Daylight and Sunlight report states that only 2 neighbouring properties are relevant for testing: 2 Firs Avenue and 22 Firs Avenue. These were the only properties measured which the proposed development subtends more than 25 degrees at their lowest windows due to the closer proximity to the site. The results find that the vast majority of windows and rooms within these properties would not experience noticeable alterations in their daylight/sunlight levels. Only 1 window, within the conservatory of 2 Firs Avenue, would see a VSC reduction of 21.7% which is marginally above the 20% threshold. However, given it is only marginal and it is one of many windows within the conservatory with the other windows and the room as a whole retains sky visibility from its entire area. For 22 Firs Avenue, the results show that none of the windows and rooms would experience noticeable alterations in VSC and NSL levels. Sunlight alterations have also found to be compliant with BRE guidance.

The overshadowing impact from the proposed development has been assessed from the private gardens of Firs Avenue, Howeth Court and Ribblesdale Avenue. The results showed there would be losses of between 0-3%, which is well below the 20% threshold for any loss of sunlight to be noticeable.

Taking account of the above, there are no considered impacts on other amenity issues such as overbearing and loss of light.

### ***Noise and General Disturbance***

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Whilst there is an increase in the intensity of use of the site, the servicing for the food store is located at the back of the site, furthest away from existing properties. A proposed intensification of residential use is not considered to be harmful and is in keeping with the residential character of the wider area on the opposite side of Colney Hatch Lane.

In considering the potential impact to neighbours, conditions are recommended to ensuring that any plant or machinery associated with the development achieves required noise levels for residential environment. As stated above the servicing of the food store is located at the back of the site and the associated activities/noise can be

suitably managed by a management plan. The types of vehicles for the proposed use would be different to the Car Showroom/Service, with the latter having large articulated transporters, as well as deliveries for parts. It is considered this would be benefit to residents with these larger vehicles no longer arriving or departing the site.

A series of conditions relating to noise reporting and impact mitigation, extract and ventilation equipment and plant noise are proposed to be attached. It should be noted that any excessive or unreasonable noise is covered by the Environmental Protection Act 1990.

### ***Air Quality***

In respect of air pollution, the submitted Air Quality Assessment does not find that the pollutant concentrations resulting from the proposed development to be exceeding of air quality objectives or significantly harmful at existing residential properties. Overall, the report concludes that the construction and operation air quality effects of the proposed development are judged to be 'not significant'.

It recommends that in relation to construction, a package of mitigation measures to minimise dust emissions will be required, and once applied should not result in any significant residual effects.

In respect of traffic and parking impacts on air quality, the levels of parking are controlled and there is provision within the proposal for cycle parking facilities, car club, electric vehicle charging points which help promote more sustainable forms of transport. In addition, a detailed travel plan will be secured as part of planning obligations will encourage transport by other modes.

In respect of the design, the scheme contributed towards overall reductions in CO2 production, having regard to energy and sustainability policies.

### **Transport, highways and parking**

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies CS9 and DM17 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

### ***Residential car parking***

London Barnet Local Plan Policy recognises that its residential parking standards will be applied flexibly based on different locations and issues related to public transport

accessibility, parking stress and controls, ease of access by cycling and walking, and population densities. Appropriate parking for disabled people should always be provided. Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the site's Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision as follows:

- four or more bedroom units - 2.0 to 1.5 parking spaces per unit
- two and three-bedroom units - 1.5 to 1.0 parking spaces per unit
- one-bedroom units - 1.0 to less than 1.0 parking space per unit

Residential development may be acceptable:

- i) With limited or no parking outside a CPZ but only where it can be demonstrated through a survey that there is sufficient on street parking capacity;
- ii) With limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the application will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Based on the above requirements, the proposed development has a parking provision range between 120 and 264 spaces for the residential element. The proposed development is located in a location with a PTAL rating of 3 (moderate). This would result in maximum permissible spaces of 0.82 spaces per dwelling; however, this exceeds the London Plan maximum provision. In addition, due account needs to be taken of location, local vehicle ownership levels, allocation of spaces and other contributory factors.

In January 2020, LBB published the Preferred Approach Draft Local Plan (Reg 18) which (among other things) responds to the draft London Plan parking standards. The LBB plan accepts the London Plan maximum standards for non-residential uses but states that LBB propose to adopt local standards for residential car parking. The LBB plan states that the accessibility of each site should be taken into consideration, including the PTAL, local population density and vehicle ownership, access on foot and by bike and other relevant transport considerations. The revised standards are still maxima and are lower than those in the current Local Plan. For a PTAL 3 site, the maximum standards would be up to 0.75 spaces for 1 and 2-bed units, and up to a maximum of 1 space per dwelling for 3-bed units. The revised standards do not differentiate between flats and houses and do not take account of tenure.

The LBB plan also states that levels of car parking provision can be reduced through the delivery of car club parking bays and pool cars which promote more efficient use of parking spaces. The plan also states that developers providing car club membership can assist residents in moving away from dependence on private vehicles.



During pre-application discussions the applicants sought the Council's view on whether a lower provision than would normally be required would be acceptable; and they put forward an overall ratio of 0.5 for the site. The Council has recently been moving towards TfL's position on reducing the level of residential car parking and managing demand through active travel measures and travel plans. Several applications have been approved during 2018/19 at lower ratios than would normally be expected under standard DM17 PTAL requirements (including car-free). Officers therefore advised that if an evidence-based assessment of potential demand was supportive of a lower ratio and appropriate mitigation measures could be secured, then this would be acceptable in principle.

The applicant undertook census and tenure assessments, which indicated that parking demand on site would be for 96 car parking spaces plus one on-site Car Club space (97 in total) and provision for one off-site Car Club vehicle. The development provides 102 residential car parking spaces at basement and ground floor level (of which one will be a Car Club space and 8 will be accessible spaces), thereby providing on-site parking for visitors. In accordance with the London Plan, 8 of the parking spaces will be suitable for disabled drivers; 20% (20 spaces) will have active Electric Vehicle Charging Points (EVCP) and the remainder will have passive EVCP provision.

Officers are satisfied that the proposed level of residential car parking will be adequate to address forecast demand. A Car Parking management plan and Travel Plan should be prepared to ensure that demand is monitored, and spaces are allocated in an appropriate manner.

Parking enforcement across the residential parking will be the responsibility of the residential management company. In the basement this could be done remotely using ANPR, or directly in the form of parking enforcement operatives carrying out beat surveys. Residents' parking will be for permit holders only. Priority will be given to the three-bed dwellings; however, if any of the households in three-bed units do not have need of a parking space then the permit will be made available for other units.

For this reason, the leasehold agreement for purchasers buying a flat with a parking space will be structured so that the leasehold on the parking space can be divorced from the leasehold on the flat. This could apply when the leaseholder sells the flat, or if they sell their vehicle and no longer require the permit. By this method the communal parking area can be used as efficiently as possible but still guaranteeing a space for each permit holder rather than operating on a 'first-come first-served' basis.

The Car Club space will only be available for authorised Car Club vehicles. Each eligible resident will be given three years' free membership of the Car Club but it will be also available to the wider local community.

The management measures will be included in a Car Park Management Plan and should be secured by condition.

### ***Retail parking***

Retail parking standards are set out by the London Plan and require a maximum threshold of up to 1 space per 50sqm.

During pre-planning discussions and in response to the submitted proposals TfL have requested a significant reduction in the retail parking from the proposed 65 spaces, down to 36. The applicant has included representations to the London Plan EiP. They make a very clear case that the significant reduction in car parking standards for food-retail uses compared to the adopted (2016) London Plan are not supported by any evidence base and take no account of the varying needs of families, elderly and disabled customers. They also set out a strong case on viability and explain how a heavy restriction on parking numbers will 'lock the door on competition' in areas not yet served by discount retail stores such as the Proposed Development.

The applicant has provided evidence both from legal cases and other similar developments that demonstrate that the choice of site is the only one viable based on the sequential testing and that the parking provision is in keeping with a level that will allow the store to be competitive as well as ensure that potential customers do not merely divert to their current stores of choice.

LBB Officers consideration is that the evidence submitted in support of the proposed parking provision is technically sound and also ensures that potential customers arriving by road are not forced into making longer journeys or circulating in the network due to an inability to find a suitable parking space. However, it is acknowledged that they do not meet TfL's aspirations for reduced parking.

### ***Cycle parking***

The development includes the provision of a total of 460 cycle spaces which is in compliance and exceeding the London Plan policy standards.

### ***Traffic Impact***

Future forecast scenarios, based on work undertaken prior to March 2020, indicated that the local network would be saturated by 2025 absent any further development. Surveys and on-site inspections indicate that a significant part of the congestion problems observed on Colney Hatch lane and Friern Barnet more widely are as a result of the operation of the A406 North Circular Road. Any potential disruption along the A406 has a disproportionate effect on adjacent highways, especially from diversionary movements and rat-running. In this context arriving at a standard base modelling traffic scenario is challenging and depends on conditions along the A406 during any given day/Peak hour assessment period.

The impacts of Covid-19 on future traffic patterns have not yet been fully taken into consideration by policy makers, however early indications are that there has been a significant shift in people's travel behaviours, and it is likely that many of these will be long-term. Several organisations, including LBB, are encouraging home working and rationalising office space requirements. Similarly, there has been an increase in online shopping, which will affect retail store trip generation. Therefore, it is expected that the current assessment is based on level of background traffic growth that is a probable "worse-case scenario", the time horizon of which is likely to be extended beyond 2025.

Based on the evidence submitted the net-effect of the predicted road-based trips is of a level that would be managed via the proposed highways improvements and the overall comprehensive mitigation package that LBB is seeking and have been put forward below.

### ***Proposed Transport Improvements***

Following submission of the application and Transport Assessment Borough Officers provided feedback on additional requirements to ensure that the development impacts are adequately mitigated. This included a requirement to undertake an ATZ/Healthy Streets assessment and report on recommendations that can be secured through a legal agreement.

The Healthy Streets assessment demonstrates that the proposed development will result in an overall improvement to the public realm local to the site, and that the internal street has been designed in accordance with the Healthy Streets principles. The ATZ assessment has shown that an improved form of pedestrian crossing cross Colney Hatch Lane would benefit the development and that barriers on routes to the Station should be addressed.

The proposed development will improve the pedestrian crossing point south of the site access. The development will also improve the route to the station for cyclists.

The proposed development will deliver improvements to the two mini-roundabout junctions adjacent to the Site to enhance their visibility and alignment, thereby improving local safety concerns, in keeping with Vision Zero objectives.

The development will provide a new Car Club space on site and (if required) an additional space on-street close to the site. The Car Club will ensure that those residents who do not own a car would still have access to one for essential journeys. The Car Club will be available to anyone in the local community, thereby providing an opportunity to reduce parking pressure on local streets.

A Framework Travel Plan has been submitted in support of the planning application which includes ambitious sustainable mode share targets and extensive measures in the form of infrastructure, information and incentives. The Travel Plan will be secured via a legal agreement.

In addition to the robust targets and measures contained in the Travel Plan, the proposed development will deliver a suite of transport improvements designed to promote sustainable travel behaviour. The original suite of improvement were set out in full in the TP and Section 14 of the TA, but these have now been expanded following the ATZ assessment as summarised below:

- Residential cycle parking in excess of the adopted and ITP LP standards;
- Commercial cycle parking in excess of the adopted and ITP LP standards;
- Residential parking for electric vehicles in excess of the adopted and ITP LP standards;
- Commercial parking for electric vehicles in excess of the adopted LP standards<sup>1</sup>

- Commercial car parking suppressed below 'predict and provide' levels, while ensuring sufficient supply to avoid displaced parking;
- Developer to fund post-occupation parking survey and any necessary TROs;
- On-site Car Club parking space;
- Free Car Club membership to residents; plus Car Club available to wider local community;
- Developer to fund TRO to upgrade footpath link to shared cycle route to provide 'missing link' between Colney Hatch Lane and rail station;
- Two bus stops to be upgraded;
- Pedestrian crossing on Colney Hatch Lane to be upgraded;
- Pedestrian public realm improvements on Colney Hatch Lane;
- Work to reduce street furniture clutter on and around Colney Hatch Lane;
- Safety improvements to two roundabouts;
- Suite of 'soft' incentives and measures to encourage sustainable travel patterns.

The Proposed Development has been designed from the outset to encourage sustainable travel behaviour and to reduce the need to travel, especially by car. This primary objective is balanced with the practical requirements of a development in this location; in particular, the proximity of existing retail stores with large car parks, and the need to avoid displaced parking.

The above measures should be secured by means of a Legal Agreement. Officers are satisfied that the mitigation measures proposed are comprehensive and will ensure that the development is sustainable and minimises impact to the surrounding area. Accordingly, Transport Officers recommend approval on Transport grounds.

In response to the concerns raised by the Friern Barnet Ambulance Station, Officers would like to clarify that the vehicle access into the site will remain in the same location as the existing access. The access will not move any closer to the ambulance station and no new vehicle access are being proposed. As part of the transport improvements sought as part of this application, there will be improvements to the two mini-roundabouts, enhancing their visibility and alignment. It has been tested and demonstrated through the modelling in the Transport Assessment, that with and without development traffic, the difference in operational capacity between the existing car showroom and the proposed development is negligible. Concerns have been raised about displaced parking caused by insufficient parking provision, the applicant has agreed to fund additional traffic regulation orders to mitigate any concerns about displaced parking, with future occupiers exempt from obtaining residential parking permits. The proposal will also fund pedestrian and cycle enhancements as well as de-clutter the public highway in the vicinity of the site to improve the public realm as well as improving highway safety for all users.

Having considered all the factors above, it is considered that the proposed development is acceptable on transport matters.

### **Landscaping, trees and biodiversity**

The 'sustainable development' imperative of NPPF 2019 includes enhancing the

natural environment and improving biodiversity (para 7). London Plan 2016 policy 7.19 states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity. Barnet Local Plan Policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity.

### ***Landscape***

The application proposes the creation of several areas of open space within the development site. The submitted Landscape Design and Access Statement provides a comprehensive and detailed breakdown of the proposed landscaping provision:

- Central streetscape;
- Buffer landscape;
- Residential courtyards;
- Growing garden; and
- Biodiverse roof.

It is evident from the submission, that the relationship between the site and Coppetts Wood has been a key consideration in the landscape approach. The existing large retaining wall and palisade fencing is to be screened by a new landscape buffer which will run along the north and western boundaries of the site. This will comprise of vertical greening along the walls with additional native planting to help soften the interface between the two sites.

Officers consider that the provision of new publicly open space is appropriate in terms of its size and consider that the proposed landscaping is of a high quality and will result in highly valued open space for existing and new residents. The proposed use of green and brown roads is supported.

The application originally proposed enhanced landscaping along the street frontage of Colney Hatch Lane, but as it was located on Highways verge, the Council's Highways team requested the removal of this element of the proposal, so that a consistent verge could remain along Colney Hatch Lane.

### **Trees**

There are no trees within the application but there are trees located on the public highway. The proposal seeks to remove one of these trees, T9 Poplar tree, which the applicant will be required to pay the CAVAT value for the loss of this tree.

The applicant has submitted further Arboricultural information which is deemed to be acceptable by the Council's Arboricultural Officer.

There are no impacts or proposals to affect any of the trees located within Coppetts Wood.

## **Ecology**

The Council's Ecology Consultants have reviewed the submitted Preliminary Ecology Appraisal. Their comments are as follows:

The report states that '*The buildings were all deemed to be of negligible roosting potential*' Therefore, further bat presence/absence surveys on the buildings are not required.

Conditions should be sought in relation to;

- A lighting strategy that seeks to minimise impacts on bats and their insect food;
- Reinforcement of the provision of boundary treatments along the Coppetts Wood and Scrubland LNR/SBINC;
- Any demolition/ removal works should be carried out outside of the nesting bird season;
- Enhancements of biodiversity.

## **Biodiversity Enhancement Recommendations**

In line with the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the recommendation made in Section 4 of the Ecology Consultancy Report (2020), is implemented in full. This included the installing a minimum of six integrated or wall mounted bat bricks or bat boxes, mounted on trees or buildings in the site.

Overall, taking into account the advice received and stated above, Officers do not find that the proposed development would detrimentally harm the special nature of Coppetts Wood.

## **Urban Greening**

London Plan policy requires new developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The GLA comments the proposed development presents a very well-considered approach to integrating urban greening within the design, which is strongly supported. Following the amendments to remove the proposed play within the highways verge, the proposal achieves a score of 0.52 which is higher than the target of 0.4 set by Policy G5 of the Mayor's Intend to Publish London Plan.

Officers agree with the GLA that considerable new green infrastructure has been proposed as part of the proposed development.

## **Energy and Sustainability**

London Plan Policy 5.2 requires development proposals to make the fullest

contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

London Plan Policy 5.2 'Minimising Carbon Dioxide Emissions' requires all residential developments to achieve zero carbon on new residential developments post 2016. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation. The Further Draft London Plan Chapter 5 policies detail specific measures to be considered when designing schemes including decentralised energy generation (Policies 5.5 and 5.6), renewable energy (Policy 5.7), overheating and cooling (Policy 5.9), urban greening (Policy 5.10), flood risk management and sustainable drainage (Policies 5.13 and 5.15).

Local Plan Policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.

An Energy Strategy has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO<sub>2</sub> emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L 2013 (with 2016 amendments) of the Building Regulations and in line with the London Plan to achieve a minimum of 58.3% CO<sub>2</sub> reduction for the domestic elements and delivers 40.1% for the non-domestic elements.

In order to achieve zero carbon for the residential elements, the developer will need to make a carbon offset contribution to bridge this gap. This has been calculated as a payment of £133,515.03.

### **Flood Risk / SuDS**

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage

Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Flood Risk Assessment and Below Ground Drainage Strategy. This has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development. If permission were granted, a condition securing the submission of a further details of the surface water drainage scheme would be attached.

### **Equality and Diversity Issues**

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

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

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

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

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

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

A minimum of 10% of units will be wheelchair adaptable.

The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Dedicated parking spaces for people with a disability will be provided in locations convenient to



the entrances to the parking area.

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.

## **Conclusion**

In conclusion, officers consider that the development is acceptable having regard to the relevant local, regional and national policies.

Having weighed the material planning considerations, the scheme would deliver many benefits including the following:

- A new food store of 1,726sqm which would employ approx. 40 people;
- The comprehensive redevelopment of a vacant brownfield site which would optimise housing delivery and makes a significant contribution to the Council's annual housing delivery targets;
- Provision of affordable housing comprising of 73 units;
- Visual landscape enhancements around the boundaries of the application site as well as opportunities for further biodiversity enhancements
- A financial contribution towards enhancements of Coppetts Wood;
- The development would also be liable for a CIL contribution which would be payable to the Council and would allow for significant investment in local infrastructure.

Whilst the introduction of a new retail store has been assessed by having some harm to nearby town centres, the independent retail consultant did not conclude that this would be significantly adverse. Applying a planning balance of this harm against the proposed benefits listed above, the proposed development is acceptable and the benefits are considered to outweigh this harm.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to a Stage 2 referral to the Mayor of London and subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.



**LOCATION:** Cricklewood Sidings, Land Rear of Brent Terrace (SAGENDA ITEM 8)  
Terrace, Cricklewood, London NW2 1BX

**REFERENCE:** 20/4055/S73 **Received:** 02/09/2020

**Validated:** 24/09/2020

**WARD:** Childs Hill **Expiry:** 14/01/2021

**Final Revisions:** N/A

**Date of Recommendation:** 09/12/2020

**APPLICANT:** London Borough of Barnet

**PROPOSAL:** Application pursuant to Section 73 of the Town and Country Planning Act to vary Conditions 2, 3, 5, 7, 10, 14(a) and 14(b) of planning permission 18/5647/EIA dated 14th December 2018 (as amended by 20/1837/NMA) for 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. The amendments sought are to allow for the provision of an alternative noise attenuation barrier as mitigation for the consented development and to amend the wording of Conditions 3, 5, 7, 14(a) and 14(b) to reference the plans, statements and strategies previously approved in discharging the requirements of those Conditions.

## **RECOMMENDATION**

**APPROVE** planning application 20/4055/S73 subject to the recommended conditions listed in Appendix A of this report, which includes changes to Conditions 2, 3, 5, 7, 14(a) and 14(b) of planning permission 18/5647/EIA only. For the avoidance of doubt this does not permit any change to Condition 10 of planning permission 18/5647/EIA (as amended by 20/1837/NMA).

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

## 1. APPLICATION SUMMARY

- 1.1 The Local Planning Authority ('LPA') have received an application pursuant to Section 73 of the Town and County Planning Act 1990 (as amended) ('TCP Act 1990') to propose a material amendment to planning permission 18/5647/EIA dated 14<sup>th</sup> December 2018, which granted planning permission for the following development:

*'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. This application is accompanied by an Environmental Statement.'*

- 1.2 The substantive planning application (ref. 18/5647/EIA) was submitted to the LPA as a 'drop-in application' as part of the Brent Cross Cricklewood regeneration scheme authorised by planning permission F/04687/13 – this is further described in Section 3 of this report. The drop-in application was received on 20<sup>th</sup> September 2018 and, after completion of the requisite consultations, LPA Officers presented the proposed development to the Council's Planning Committee for consideration at their meeting on 11<sup>th</sup> December 2018. Planning permission was subsequently issued on 14<sup>th</sup> December 2018 subject to a number of conditions.
- 1.3 The proposed amendment relates principally to the provision of alternative noise mitigation measures to offset the impact of the consented development and a variation to Condition 10 to enable the removal of such mitigation on the production of further evidence to demonstrate that an acoustic barrier is no longer necessary. The application also proposes a variation to the wording of Conditions 2, 3, 5, 7, 14(a) and 14(b) to reflect details previously discharged pursuant to the requirement of those Conditions.
- 1.4 This S73 Application has been submitted to the LPA by planning consultants Amos Ellis Consulting on behalf of the Applicant, the London Borough of Barnet. The Application is accompanied by the following documents including appropriate environmental information as the substantive development was considered to be EIA Development by virtue of paragraph 7(1) of Schedule 1 and paragraph 10(d) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended):
- Cover Letter from Amos Ellis Consulting, dated 23<sup>rd</sup> September 2020;
  - Application Form, declaration dated 23<sup>rd</sup> September 2020;
  - Planning Statement Addendum (Amos Ellis Consulting, dated 22<sup>nd</sup> September 2020);
  - Design and Access Statement Addendum (Amos Ellis Consulting, dated 10<sup>th</sup> August 2020);

- Community Involvement Statement Addendum (Amos Ellis Consulting, dated 10<sup>th</sup> August 2020);
- Brent Cross and Cricklewood: Phase 2 (South) Midland Main Line Train Stabling and Track Realignment – Supplementary Environmental Statement Addendum (Capita, document ref. 96200-CAP-EGN-ZZ-R-Z-0141\_P02, dated August 2020);
- Specification Sheet: Noise Defender dB RS 200 Series;
- Document titled: ‘Brent Cross Thameslink – Planning Application for Development of Sidings for Train Operating Companies and Freight Operating Companies – Indicative High Level Construction Programme’; and
- The following new (in bold) and revised drawings:

<b>P1082-AJMS-DRG-ECV-000018</b>	<b>B02</b>	<b>Standard Details Acoustic Barrier</b>
144918-3133-000-ZZZ-DRG-R-MF-000002	P06	South Reception Roads and Mainlines Key Plan
144918-3133-DSD-ZZZ-DRG-R-MF-000006	P06	South Sidings 3 of 7
144918-3133-DSD-ZZZ-DRG-R-MF-000007	P07	South Sidings 4 of 7
144918-3133-DSD-ZZZ-DRG-R-MF-000008	P10	South Sidings 5 of 7
144918-3133-DSD-ZZZ-DRG-R-MF-000009	P09	South Sidings 6 of 7
144918-3133-DSD-ZZZ-DRG-R-MF-000010	P10	South Sidings 7 of 7
144918-3133-000-ZZZ-DRG-R-MF-000010	P07	South Sidings Existing Arrangements
144918-3133-000-ZZZ-DRG-R-MF-000002	P06	South Sidings Key Plan
144918-3133-MNL-ZZZ-DRG-R-MF-000001	P07	North Reception Roads and Mainlines 3 of 8

1.5 In addition to these documents, the Applicant has also submitted documents associated with the substantive planning permission, some of which have been updated to reflect the proposed amendments to the consented development (as indicated in bold text below). These include the following:

- **‘Planning Statement Midland Main Line Train Stabling Facility’ (GL Hearn, dated 12<sup>th</sup> September 2018);**
- ‘Design and Access Statement: Midland Mainline Train Stabling Facility & Track Realignment’ (Arup, document ref. 144918-ARP-REP-PPL-000001 Rev. P03, dated 23<sup>rd</sup> August 2018);
- ‘Phase 2 (South) (Thameslink Station) Drop-In Application Transport Report: Sidings’ (Capita, document ref. BXT-CAP-0000-B-RP-Z-0097 Rev. P01, dated July 2018);
- ‘Phase 2 (South) (Thameslink Station) Sidings Travel Plan’ (Capita, document ref. BXT-CAP-0000-B-RP-Z-0097 Rev. P01, dated July 2018);
- ‘Brent Cross Rail Sidings Drop-in 2 Compound development – ES Flood Risk Assessment’ (Capita, document ref. CS091397-BXRS-CAP-00-XX-D2-01 Rev. P01, dated August 2018);

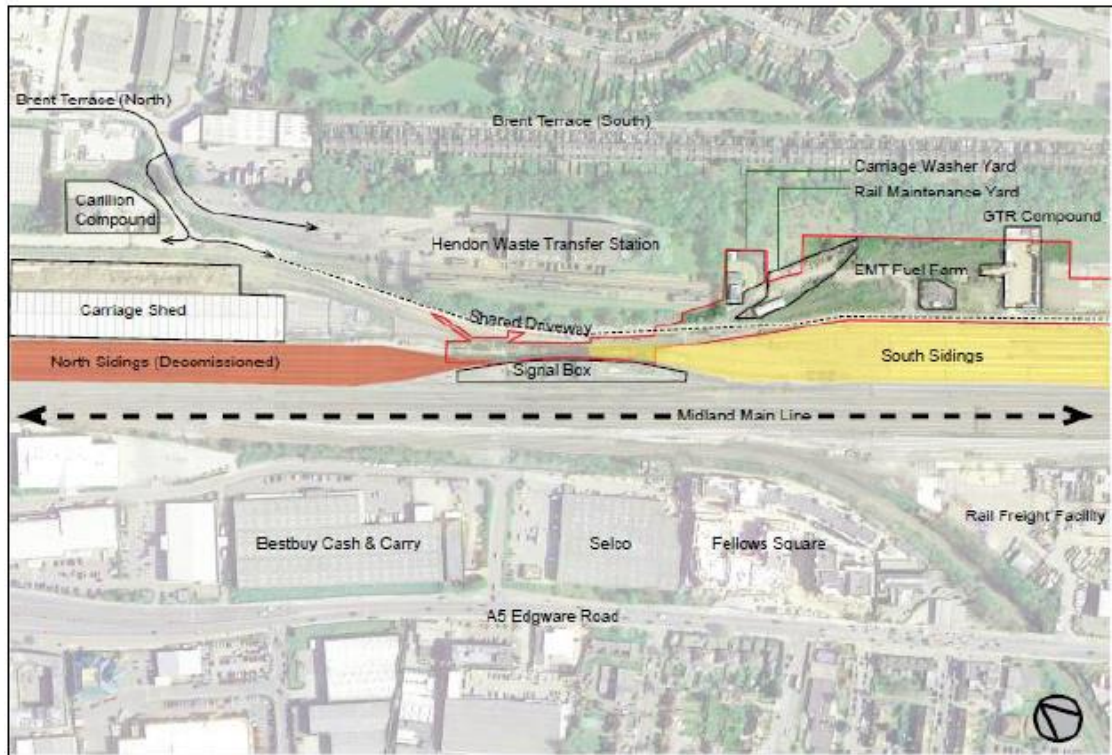
- **‘Construction Transport Management Plan for the Midland Mainline Stabling Facility & Track Realignment Works (part of the Brent Cross Thameslink Programme)’ (Amey, Issue 2, dated 7<sup>th</sup> August 2018);**
- ‘Record of Engagement: Station Sidings – Rail Realignment’ (GL Hearn, dated September 2018);
- Capita Memo titled: ‘Brent Cross Sidings – Drop-in 2 – Construction Noise Statement’ (dated 28<sup>th</sup> November 2018);
- Brent Terrace Reconciliation Feasibility Study (Capita, dated August 2018);
- **‘Supplementary Environmental Statement (Volume 1) – Brent Cross Cricklewood: Midland Main Line Train Stabling Facility and Track Realignment’ (Capita, document ref. CS095428 Version 2, dated September 2018);** and
- **‘Non-Technical Summary – Brent Cross Cricklewood: Midland Main Line Train Stabling Facility and Track Realignment’ (Capita, document ref. CS095428 Version 1, dated September 2018).**

## 2. DESCRIPTION OF THE SITE AND SURROUNDINGS

- 2.1 The Application Site covers an area of land measuring approximately 10 hectares (ha) incorporating the access arrangements off Brent Terrace (North) and temporary access off Brent Terrace (South), areas required for the provision of construction compounds, works to the existing Midland Main Line railway tracks, and construction of new South Sidings. The Site is located at the south-western extent of the BXC regeneration scheme and consists of land forming part of Network Rail’s operational land in association with the Midland Main Line railway corridor that provides services between London St Pancras and the East Midlands and Yorkshire, in addition to existing freight lines. The Site is bound to the east by residential properties off Brent Terrace, Hendon Waste Transfer Station and part of Claremont Way Industrial Estate; to the north by the A406 North Circular and Junction 1 of the M1 motorway (Staples Corner); to the south by Cricklewood Railway Station; and to the west beyond the Midland Main Line railway by a number of commercial and industrial units situated off the A5 Edgware Road, including the recently consented Rail Freight Facility (ref. 17/5671/EIA) and Waste Transfer Station (ref. 17/6714/EIA) as part of the BXC regeneration scheme.
- 2.2 The Application Site comprises land designated and operated as ‘operational railway land’ and provides train presentation, stabling and refuelling facilities for two Train Operating Companies, including Govia Thameslink Railway (GTR) and East Midlands Railway (EMR). The area also provides accommodation for the local Network Rail Track Maintenance Team who are based on the ground floor of signal box with the signaller occupying the upper floor.
- 2.3 Following the implementation of the substantive planning permission 18/5647/EIA, the Application Site is in the process of being developed to deliver a new MML Train Stabling Facility in connection with the wider BXC regeneration scheme. Specifically, the development consists of the construction of five new ‘South Sidings’ positioned



adjacent to the existing sidings at the southern extent of Cricklewood Siding (to replace the decommissioned North Sidings), and track realignment works to the Midland Main Line to enable delivery of the New Train Station also as part of the wider BXC regeneration scheme. At the time of writing, construction of the new South Sidings is complete, and the Train Stabling Facility has been partially operational since June 2020 with trains entering and stabling from the southern access only. The Site is illustrated in Figure 1 below.



**Figure 1: Area of the New South Sidings and MML Track Realignment Works development as consented by planning permission 18/5647/EIA.**

- 2.4 Main access to the site 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. There is no access to the site for the general public.
- 2.5 Land forming the Application Site and associated areas within the vicinity of it have historically been utilised for railway related land uses and activities, comprising engine sheds, rail related storage areas, rail related mechanical equipment and former freight sidings. 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.
- 2.6 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 and roughly accords with the areas illustrated as Plots 38, 39, 40, 47, 48, 55 and open

space in the form of a Nature Park (NP2). The BXC Development as permitted by the S73 Permission is further described below (see Section 3 of this report).

2.7 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 300 metres to the northwest of the red line;
- Grade II\* The Old Oxgate – approximately 500 metres to the west-southwest;
- Grade II Church of St Michael – approximately 700 metres to the south-southwest;
- Grade II Milestone outside 3 & 4 Gratton Terrace – approximately 400 metres to the south;
- Grade II Dollis Hill Synagogue and forecourt railings – approximately 1 kilometre to the southwest;
- Cricklewood Railway Terraces Conservation Area – approximately 200 metres at the closest point to the south west across the Midland Main Line.

2.8 In respect of the heritage assets described above, it is worth noting that these are located within a highly urbanised environment that has experienced significant change over the years. Plus, some of these assets are situated in relation to the existing and well-established railway infrastructure and have indeed been designated in response to their connection to the railway (the Cricklewood Railway Terraces Conservation Area, for example). Given that the Midland Main Line lies in between the Application Site and the abovementioned assets, the proposed development would not be likely to materially alter the character or setting of the area; particularly as the proposal represents the re-provision of existing railway infrastructure and facilities that are already present on land to the east of the Midland Main Line.

### **3. BRENT CROSS CRICKLEWOOD REGENERATION SCHEME**

3.1 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.’*

- 3.2 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. As illustrated on Parameter Plan 001 of the Revised Development Specification Framework (‘RDSF’), the area associated with the Phase 2 (South) (Thameslink Station) sub-phase (i.e. the sub-phase within which the required New MML Train Stabling Facility is to be delivered) falls within two development zones: Brent Terrace Development Zone and Railway Lands Development Zone.
- 3.3 To facilitate redevelopment of the BXC regeneration area as permitted by the S73 Permission, the delivery of a ‘New MML Train Stabling Facility’ was considered necessary to enable construction of the New Train Station. Given the extensive railway infrastructure in the southwest quadrant of the regeneration area, the S73 Permission therefore granted outline planning consent for a ‘New MML Train Stabling Facility’ to be provided within the ‘Railway Lands Development Zone’. This was originally intended to be delivered in Phase 4 (circa 2029) ahead of the New Train Station in Phase 5; however, along with the New Train Station and other associated infrastructure, the New MML Train Stabling Facility was re-phased into the newly created sub-phase within Phase 2 (South) – namely, Phase 2 (South) (Thameslink Station) sub-phase. Such changes to the timing of the BXC regeneration scheme was considered appropriate to enable early delivery of the New Train Station in 2022 and to, therefore, derive the sustainable transport benefits at an earlier point in the scheme<sup>1</sup>.
- 3.4 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 (i.e. the delineation between the Railway Lands Development Zone and Brent Terrace Development Zone) 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 illustrated boundary was indicative with the exact location of the rail operations

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<sup>1</sup> Re-phasing of the MML Train Stabling Facility (and New Train Station) was achieved through the submission and approval of an application pursuant to Conditions 4.2 and 4.4 of the S73 Permission, which enables the phasing of the BXC scheme to be adjusted subject to the tests imposed by those conditions (see planning application 17/3661/CON).

boundary to be agreed with Network Rail at the appropriate stage of the redevelopment scheme.

- 3.5 Delivery of the New MML Train Stabling Facility was intended to be controlled through Conditions 47.5 and 47.6 of the S73 Permission. Condition 47.5 controls the carrying out of Rail Enabling Works, which includes 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 requires the details of the New MML Train Stabling Facility to be submitted to the LPA for approval.
- 3.6 However, as described fully within the Officer's Report associated with substantive planning application 18/5647/EIA (contained at Appendix B of this report), since the S73 Permission was granted the Applicant and its relevant stakeholders have been engaged in the detail design of the New Train Station and the associated railway infrastructure. Through this process it became apparent that the New MML Train Stabling Facility could not be positioned solely within the Railway Lands Development Zone and, therefore, to be feasible, its design encroached onto land originally indicated to deliver residential-led Plots 38, 39, part of Plot 47, and the Railway Lands Nature Park (Nature Park 2) of the BXC scheme. Consequently, planning permission was sought by way of drop-in planning application 18/5647/EIA which, amongst other material considerations, was assessed against the development's impact on the ability to deliver the comprehensive redevelopment of the regeneration area and whether there were any new or different environmental impacts that necessitated mitigation.
- 3.7 It is noted that the BXC regeneration scheme as permitted by the 2014 S73 Permission is governed by several control documents, including a Revised Development Specification Framework (RDSF), Revised Design and Access Statement ('RDAS') and Revised Design Guide ('RDG') all of which describe and define the principles and parameters of the BXC Development. The consented BXC Development is also informed by a number of other technical assessments relating to, inter alia, traffic and transport, noise and vibration, air quality and design.
- 3.8 The original 2010 outline planning consent and subsequent 2014 S73 Planning Application was also accompanied by, and determined on the basis of, conclusions contained within an Environmental Statement.

#### 4. DESCRIPTION OF PROPOSED DEVELOPMENT:

- 4.1 The application seeks permission to materially amend planning permission 18/5647/EIA for the Train Stabling Facility and Midland Main Line ('MML') Realignment Works to serve the New Train Station development by an amendment to various conditions attached to that permission. Principally, the proposed amendments relate to the provision of alternative operational noise mitigation measures in the form of an acoustic barrier in a revised location, alternative alignment and at a different height compared to that illustrated on approved drawing number 144918-3133-000-ZZZ-DRG-R-MF-000012 Rev. A02 titled 'Noise Barrier Location & Details'. The proposal description is as follows:

*'Application pursuant to Section 73 of the Town and Country Planning Act to vary Conditions 2, 3, 5, 7, 10, 14(a) and 14(b) of planning permission 18/5647/EIA dated 14th December 2018 (as amended by 20/1837/NMA) for 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. The amendments sought are to allow for the provision of an alternative noise attenuation barrier as mitigation for the consented development and to amend the wording of Conditions 3, 5, 7, 14(a) and 14(b) to reference the plans, statements and strategies previously approved in discharging the requirements of those Conditions.'*

- 4.2 The proposed amendments to the consented development comprise the following components:

- Removal of the requirement to erect an acoustic fencing along the alignment (and at various heights) as illustrated on drawing number 144918-3133-000-ZZZ-DRG-R-MF-000012 Rev. A02 titled 'Noise Barrier Location & Details';
- Use of an acoustic barrier erected by Network Rail as alternative mitigation to offset the operational noise impacts of the consented development, which were identified within the substantive planning application and associated Supplementary Environmental Statement;
- The deletion of the abovementioned drawing number 144918-3133-000-ZZZ-DRG-R-MF-000012 Rev. A02 listed under Condition 2 of planning permission 18/5647/EIA and insertion of a new drawing **P1082-AJMS-DRG-ECV-000018 Rev. B02** (titled 'Standard Details Acoustic Barrier') illustrating the alignment of the alternative Network Rail acoustic barrier;
- Replacement of the following approved drawings listed under Condition 2 of planning permission 18/5647/EIA (as amended by 20/1837/NMA) to reflect the proposed alternative noise attenuation barrier (as set out in Table 1A). The

Applicant has also provided updated plans to illustrate the proposed alternative noise attenuation barrier but these plans were not originally submitted for approval (these are listed in Table 1B):

**Table 1A: Proposed drawings to supersede those listed under Condition 2 of Planning Permission 18/5647/EIA (as amended by 20/1837/NMA).**

Approved Drawing	Drawing Title	Proposed Revised Drawing
144918-3133-DSD-ZZZ-DRG-R-MF-000006 Rev. P05	South Sidings 3 of 7	144918-3133-000-ZZZ-DRG-R-MF-000006 <b>Rev. P06</b>
144918-3133- DSD-ZZZ-DRG-R-MF-000007 Rev. P05	South Sidings 4 of 7	144918-3133-000-ZZZ-DRG-R-MF-000007 <b>Rev. P07</b>
144918-3133-DSD-ZZZ-DRG-R-MF-000008 Rev. P07	South Sidings 5 of 7	144918-3133-000-ZZZ-DRG-R-MF-000008 <b>Rev. P10</b>
144918-3133-DSD-ZZZ-DRG-R-MF-000009 Rev. P06	South Sidings 6 of 7	144918-3133-000-ZZZ-DRG-R-MF-000009 <b>Rev. P09</b>
144918-3133-DSD-ZZZ-DRG-R-MF-000010 Rev. P07	South Sidings 7 of 7	144918-3133-000-ZZZ-DRG-R-MF-000010 <b>Rev. P10</b>
144918-3133-MNL-ZZZ-DRG-R-MF-000001 Rev. A05	North Reception Roads and Mainlines 3 of 8	144918-3133-MNL-ZZZ-DRG-R-MF-000001 <b>Rev. P07</b>

**Table 2B: Proposed updated drawings to supersede those originally submitted with planning application 18/5647/EIA – these plans were not submitted for approval and are not, therefore, listed under Condition 2.**

Submitted Drawing	Drawing Title	Proposed Revised Drawing
144918-3133-000-ZZZ-DRG-R-MF-000002 Rev. A04	South Reception Roads and Mainlines Key Plan	144918-3133-000-ZZZ-DRG-R-MF-000002 <b>Rev. P06</b>
144918-3133-000-ZZZ-DRG-R-MF-000010 Rev. P05	South Sidings Existing Arrangement	144918-3133-000-ZZZ-DRG-R-MF-000010 <b>Rev. P07</b>
144918-3133-000-ZZZ-DRG-R-MF-000002 Rev. A04	South Sidings Key Plan	144918-3133-000-ZZZ-DRG-R-MF-000002 <b>Rev. P06</b>

- To amend the wording of Condition 10 of planning permission 18/5647/EIA (as amended by 20/1837/NMA) to reference provision of the proposed alternative noise attenuation barrier and to allow for its future removal following the submission and approval of appropriate environmental information to demonstrate that such mitigation is no longer necessary. The proposed wording of Condition 10 is as follows (proposed new text underlined):

*'10. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no train shall be permitted to enter the Site from the northern alignment of the South Sidings within the development hereby permitted (as indicated by the area hatched blue on drawing number BXT-CAP-0000-B-DR-Z0053 P03) until details, including technical specifications and surface density, of all acoustic walls, fencing and other*

*acoustic barriers to be erected on the Site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in their entirety prior to the commencement of the use or first occupation of the area of the development hatched blue on drawing number BXT-CAP-0000-B-DR-Z-0053 P03 and retained as such thereafter or until evidence of the withdrawal of diesel trains, including noise survey data demonstrating the amenities of the noise-sensitive receptors of Brent Cross Terrace would not be affected, has been submitted to and approved in writing by the Local Planning Authority, such approval may only be given where it has been demonstrated to the satisfaction of the Local Planning Authority that the approval will not give rise to any materially new or materially different noise effects from those assessed in the environmental statement. For the avoidance of doubt, trains shall be permitted to enter the Site from the southern alignment of the South Sidings within the development hereby permitted (as indicated by the area within the redline not marked in blue hatch on drawing number BXT-CAP-0000-B-DR-Z-0053 P03) prior to the approval of details required by this Condition.*

*Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Local Plan Development Management Policies DPD (2012) and Policy 7.15 of the London Plan (2016).'*

- To revise the wording of Conditions 3, 5, 7, 14(a) and 14(b) to insert references to the documents approved pursuant to the requirements of those conditions following determination of the substantive planning application. For clarity, the proposed wording of those conditions are as follows as set out in the revised Amos Ellis Consulting Letter dated 4<sup>th</sup> November 2020 submitted to the LPA after validation of the application<sup>2</sup> (text proposed to be deleted struck through; proposed new text underlined):

Condition 3 (Servicing and Delivery Strategy):

- ~~3. Prior to the operation of the~~ The development hereby permitted shall be carried out in accordance with the document titled 'Phase 2 (South) (Thameslink Station) Sidings Compound and Stabling Facility Servicing and Delivery Strategy' (Revision P04, dated September 2019) as approved under Local Planning Authority application reference 19/5182/CON on 17<sup>th</sup> October 2019 throughout the duration of the development. ~~a Servicing and Delivery Strategy shall be submitted to and approved in writing by the Local Planning Authority. This Servicing and Delivery Strategy shall include an enforceable route management strategy relating to the routing of Heavy Goods Vehicles (any vehicle over 3.5 tonnes unladen weight) and other vehicles to and from the Site.~~

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<sup>2</sup> Updated to reflect approval of an updated Construction Environmental Management Plan on 3<sup>rd</sup> November 2020 as required by Condition 7 of planning permission 18/5647/EIA (LPA reference 20/4115/CON); and to respond to the LPA's feedback on the proposed condition wording for Conditions 3, 5, 7, 14(a) and 14(b).

*Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway; and, insofar as is practicable, to ensure that vehicles remain on the Strategic Road Network (SRN) and Transport for London Road Network (TLRN) to minimise congestion and highway safety on local roads in accordance with Policy DM17 of the Local Plan Development Management Policies DPD (2012) and Policy 6.3 of the London Plan (2016).'*

Condition 5 (Supplementary Construction Transport Management Plan):

- '5. The development hereby permitted shall be carried out in accordance with the 'Brent Cross Thameslink Project: Supplementary Construction Traffic Management Plan (S&C Deliveries)' (document reference 144918-NWR-PLN-DEL-000001, Version 7, dated 31/05/2019), Drawing number 144918-3133-DSD-ZZZ-DRG-C-HW-000001 (Rev. P01.3) - titled 'Vehicle Tracking S&C Deliveries', and Email from GL Hearn dated 20th June 2019 (subject: 'RE: Sidings Supplementary CTMP & Swept Path Analysis') approved under Local Planning Authority application reference 19/3135/CON on 24<sup>th</sup> June 2019 throughout the duration of the construction works. Prior to the delivery of the switch and crossing units to the site, a Supplemental Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This Supplemental Construction Traffic Management Plan shall, as a minimum, include manoeuvring tracks of the size of the transporting vehicles to be used, number of vehicles, times of deliveries and any highway traffic management orders that may be required to enable vehicle turning and passage on local roads. The Supplemental Construction Traffic Management Plan shall be implemented as approved.*

*Reason: To minimise traffic congestion associated with the proposed development and to ensure that the wider and local highway network is able to accommodate the size of vehicle that is proposed to be used and that the highway infrastructure and safety is not compromised during these deliveries in accordance with Policy 6.14 of the London Plan (2016); and to accord with the Mayor's The Control of Dust and Emissions During Construction and Demolition SPG (2014).'*

- '7. The development hereby permitted shall be carried out in accordance with the document titled 'Construction Environmental Management Plan (CEMP): Project Name – Brent Cross West Station and Sidings Work Package 1' (Amey Consulting, document reference 144918-AME-PLN-EEN-000001, Issue no. 14, dated 20<sup>th</sup> August 2020) as approved under Local Planning Authority application reference 20/4115/CON on 3<sup>rd</sup> November 2020 throughout the duration of the construction works. Prior to the commencement of the development other than the erection of any means of temporary enclosure or security hoarding a Construction Environmental Management Plan ('CEMP') shall be submitted to and approved in writing by the Local Planning Authority. The Construction*

*Environmental Management Plan shall include, but not be limited to, the following:*

- a) A detailed programme of works;*
- b) A statement of the construction method(s);*
- c) Hours of construction including deliveries and the loading and unloading of plant and materials;*
- d) Access arrangements;*
- e) Location of parking for site operatives and visitors;*
- f) Details of all plant and machinery to be used during construction of the development, including details relating to their location during the construction works, storage and measures to be implemented to minimise noise from use of that plant or machinery;*
- g) Details of the piling method(s) to be used;*
- h) Details of the Best Practicable Means to be employed during all construction activities;*
- i) Measures to prevent any light spill beyond the Site boundary;*
- j) Measures to prevent mud and debris being carried onto the public highway;*
- k) Measures to minimise dust, noise and vibration pollution; and*
- l) Details of a resident liaison and communication strategy.*

*Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Local Plan Development Management Policies DPD (2012); and to accord with the Mayor of London's The Control of Dust and Emissions During Construction and Demolition SPG (2014).'*

Condition 14(a) (Contamination Remediation Method Statement) and Condition 14(b) (Contamination Remediation Verification Report):

'14. Remediation works required for the development hereby permitted shall be carried out in accordance with the document titled 'Remediation Method Statement: Brent Cross Stabling Works' (document reference COBCX4STA201/CON-GE-BHAM-COBCX4STA201-202, Rev. 004, dated 30/04/2019 approved under Local Planning Authority reference 19/2233/CON on 10<sup>th</sup> May 2020 and as verified by the document titled 'Amey OW Limited Brent Cross Stabling Works: Remediation Verification Report' (document reference 1920918 R01(01), dated April 2020) including Appendices A-L approved under Local Planning Authority application reference 20/1768/CON approved on 29<sup>th</sup> May. Prior to the commencement of any remediation works other than for investigative works:

- a) A Method Statement detailing the remediation requirements using the information obtained from the site investigation, including that contained within Chapter 10 of the 'Supplementary Environmental Statement (Volume 1) - Brent Cross Cricklewood: Midland Main Line Train Stabling Facility and Track Realignment' (Capita, document reference CS095428 (Version 2), dated September*

~~2018), and also detailing any post remedial monitoring shall be submitted to and approved in writing by the Local Planning Authority prior to any remediation works being carried out on site.~~

- ~~b) Where remediation of contamination on the Site is required, completion of the remediation works detailed within the approved Method Statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied.~~

*Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (2012), DM04 of the Local Plan Development Management Policies DPD (2012), the Council's Sustainable Design and Construction SPD (2013) and Policy 5.21 of the London Plan (2016).'*



## 5. MATERIAL CONSIDERATIONS

- 5.1 The following provides an overview of the matters that constitute material considerations in the determination of this application pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended).

### Key Relevant Planning Policy

- 5.2 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 currently 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).
- 5.3 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 consideration of this planning application.
- 5.4 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 3: Summary of the development plan policies most relevant to the determination of planning application 20/4055/S73**

<b>The London Plan (March 2016)</b>	
<b>London's Places</b>	
Policy 2.13	Opportunity Areas and Intensification Areas
<b>London's Living Spaces and Places</b>	
Policy 7.4	Local Character
Policy 7.15	Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
<b>Implementation and Monitoring Review</b>	
Policy 8.2	Planning Obligations
<b>Barnet Local Plan – Core Strategy DPD (September 2012)</b>	
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 CS13	Ensuring the Efficient Use of Natural Resources
<b>Barnet Local Plan – Development Management Policies DPD (September 2012)</b>	
Policy DM01	Protecting Barnet's Character and Amenity
Policy DM04	Environmental Considerations for Development
<b>Unitary Development Plan (2006) – Chapter 12: Cricklewood, Brent Cross and West Hendon Regeneration Area</b>	
Policy GCrick	Cricklewood, Brent Cross, West Hendon Regeneration Area
Policy C1	Comprehensive Development

Policy C2	Urban Design – High Quality
Policy C3	Urban Design – Amenity

5.5 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 (February 2019);
- National Planning Practice Guidance;
- Noise Policy Statement for England (DEFRA, 2010);
- LB Barnet Planning Obligations SPD (2013); and
- The Mayor’s Land for Industry and Transport SPG (2012).

5.6 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 London Environment Strategy (May 2018)

5.7 Since 2017 the Mayor of London has been preparing a draft new London Plan to supersede the currently adopted version, London Plan (March 2016). From December 2017 to March 2018 a draft new London Plan was published for initial consultation. A further draft with the Mayor’s minor suggested changes was published on 13<sup>th</sup> August 2018, along with consultation responses received by the Mayor on the draft new London Plan. This modified new London Plan underwent an Examination in Public between January to May 2019 with the Panel’s official report being issued in October 2019. The Mayor of London subsequently published an Intend to Publish version of the new London Plan in December 2019. Whilst this new London Plan remains unadopted at the time of writing, this Plan is at an advanced stage in the local plan process and the draft policies contained within the Intend to Publish version of the London Plan (December 2019) that are not subject to a direction from the Secretary of State carry significant weight in the determination of planning applications.

5.8 On that basis, the following policies contained within the draft new Intend to Publish London Plan (December 2019) are considered to be relevant to consideration of this application:

**Table 4: Draft planning policies of the Intend to Publish London Plan (December 2019) most relevant to the determination of planning application 20/4055/S73**

<b>Intend to Publish London Plan (December 2019)</b>	
<b><i>Growth Corridors and Opportunity Areas</i></b>	
Policy SD1	Opportunity Areas
Policy SD10	Strategic and Local Regeneration
<b><i>Design</i></b>	
Policy D14	Noise

## Other Relevant Council Decisions

- 5.9 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.
- 5.10 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 17<sup>th</sup> March 2016 and Policy and Resources Committees on 17<sup>th</sup> May 2016 and 28<sup>th</sup> June 2016) and also from DCLG grant funding and public sector borrowing.
- 5.11 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.
- 5.12 On the 11<sup>th</sup> July 2016 and again on the 5<sup>th</sup> 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 Planning Inspector appointed by the Secretary of State in September 2017. Subsequently on 15<sup>th</sup> May 2018, the Secretary of State for Housing, Communities and Local Government confirmed CPO3 in full.
- 5.13 On the 27<sup>th</sup> 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 18<sup>th</sup> December 2018 following consideration by Policy and Resources Committee on the 11<sup>th</sup> 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.
- 5.14 On 3 October 2019, the Policy and Resources Committee (P&R) approved the appointment of Volker Fitzpatrick Ltd as the preferred bidder to design, build and hand back the Brent Cross West Station and Vinci Taylor Woodrow as reserve bidder. The Committee also authorised the Deputy Chief Executive in consultation with the Chairman of the Committee to finalise and enter into the NEC contract to deliver the Brent Cross West Station with the preferred bidder (or with the reserve bidder should

it prove not to be possible to complete contracts with the preferred bidder).

- 5.15 The contract between the Council and Volker Fitzpatrick was signed on the 23rd December 2019 for Volker Fitzpatrick to design, build and hand-back the Brent Cross West Station.
- 5.16 Volker Fitzpatrick are now progressing the detailed design of the station, taking into consideration the separate ongoing agreements relating to ownership and maintenance arrangements. Regular meetings are taking place between the Council, Network Rail, Volker Fitzpatrick and BXS LP to ensure that the station, pedestrian bridge and access buildings come forward in an integrated way.

### Relevant Planning History

- 5.17 For the purposes of this application, the table below sets out the planning history that is relevant to the Application Site:

**Table 5: Planning history of the Application Site**

LPA Application Reference	Description of Development	Decision Status
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 (Early Works) relating to the Phase 2 (South) (Thameslink Station) sub-phase of planning permission F/04687/13 dated 23.07.2014 for the Brent Cross Cricklewood regeneration area.	Approved 20/07/2018
18/5244/EIA	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.	Approved 14 <sup>th</sup> December 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;	Approved 14 <sup>th</sup> December 2018

	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. This application is accompanied by an Environmental Statement.	
18/7633/CON	Submission of details pursuant to Condition 7 (Construction Environmental Management Plan) of planning permission 18/5647/EIA dated 14/12/2018 for 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.	Approved 1 <sup>st</sup> March 2019
19/2233/CON	Submission of details pursuant to Condition 14(a) (Contamination Remediation Method Statement) of planning permission 18/5647/EIA dated 14th December 2018 for 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	Approved 10 <sup>th</sup> May 2019
19/3135/CON	Submission of details pursuant to Condition 5 (Supplementary Construction Transport Management Plan) of planning permission 18/5647/EIA dated 14th December 2018 for 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	Approved 24 <sup>th</sup> June 2019
19/5182/CON	Submission of details pursuant to Condition 3 (Servicing and Delivery Strategy) of planning permission 18/5647/EIA dated 14 December 2018 for the construction of a train stabling facility involving the installation of railway tracks, vehicle barriers and bollards and a buffer stop; construction of pedestrian	Approved 17 <sup>th</sup> October 2019

	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	
19/5761/CON	Submission of details pursuant to Condition 13 ( External Lighting Design) of planning permission 18/5647/EIA dated 14 December 2018 for 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	Approved 25 <sup>th</sup> November 2019
20/1768/CON	Submission of details pursuant to Condition 14(b) (Contamination Remediation Verification Report) of planning permission 18/5647/EIA dated 14th December 2018 for 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	Approved 29 <sup>th</sup> May 2020
20/1837/NMA	Application pursuant to S96A of the Town and Country Planning Act for non-material amendments to planning permission 18/5647/EIA dated 14th December 2018 for for 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. The proposed amendments relate to Condition 2 (Approved Plans) and Condition 10 (Acoustic Attenuation Specifications) to enable the partial operation of the development by allowing trains to enter the New South Sidings from the south prior to satisfying the requirements of Condition 10.	Approved 28 <sup>th</sup> May 2020

20/2661/CON	Submission of detail pursuant to Condition 6 (Travel Plan) of planning permission 18/5647/EIA dated 14th December 2018 for 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.	Pending Consideration
20/4040/CON	Submission of details pursuant to Condition 10 (Acoustic Barrier Technical Specifications) of planning permission 18/5647/EIA dated 14/12/2018 for 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.	Pending Consideration
20/4115/CON	Submission of details pursuant to Condition 7 (Construction Environmental Management Plan) of planning permission 18/5647/EIA dated 14/12/2018 for 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.	Approved 3 <sup>rd</sup> November 2020

### Pre-Application Engagement

- 5.18 Prior to submission of this Application, the LPA note that the Applicant has engaged in pre-application discussion with the Council in respect of the proposed amendments, the necessary planning process to seek approval for those changes, and the information required to support such an application.

## Pre-Application Public Consultation

5.19 The Applicant has submitted a 'Community Involvement Statement Addendum' (Amos Ellis Consulting, 10<sup>th</sup> August 2020) which outlines the pre-application engagement carried out prior to submitting this Application, as recommended by paragraphs 38-40 of the NPPF (2019). This engagement was adapted due to the Covid-19 pandemic and is summarised below:

- In July 2020, current occupiers of numbers 1 to 105 Brent Terrace were identified, which coincide with the properties listed as the nearby noise-sensitive uses within the original planning application and accompanying Supplementary Environmental Statement (LPA ref. 18/5647/EIA);
- On 16<sup>th</sup> July 2020, letters were distributed to the occupiers of 1-105 Brent Terrace explaining the proposed development now the subject of this Application and inviting residents to attend a tour of the Cricklewood Sidings site scheduled for 28<sup>th</sup> July 2020. This was followed by a virtual briefing on 29<sup>th</sup> July 2020 via Microsoft Teams;
- There was no attendance at the site tour on 28<sup>th</sup> July 2020.
- Four residents participated in the virtual briefing hosted by the Applicant and their acoustician and technical consultant from GL Hearn. Issues and questions raised by the participants related to:
  - Use of a haul road adjacent to Brent Terrace and its permanence;
  - What the noise barrier is made of and how thick is it; and
  - Would generators be housed in acoustic containment?
- The virtual briefing was recorded and made available for viewing on the Applicant's website <https://transformingbx.co.uk/>.

## Statutory and Other Technical Consultation Responses

5.20 In accordance with 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') carried out consultations with both the relevant statutory and non-statutory bodies. The consultation responses received by the LPA are summarised below:

### ***External Consultations:***

5.21 The **Greater London Authority** have advised that, given the nature and scale of the proposals, the proposed amendments do 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.

5.22 **Brent Council** has not provided any comments in response to the LPA's consultation.



- 5.23 Having assessed the proposals, **Transport for London (TfL)** have stated that they do not wish to make any comments on the application.
- 5.24 **Network Rail** support the planning application to regularise the position of the acoustic fence as an acoustic barrier in this location will provide the best noise abatement measures associated with the train stabling facility.
- 5.25 The **Environment Agency (EA)** have not responded to the LPA's consultation.
- 5.26 **Natural England** have stated that they have no comments to make on the proposed variation of Conditions 2, 3, 5, 7, 10, 14(a) and 14(b) set out in the application.
- 5.27 **National Grid** have not responded to the LPA's consultation
- 5.28 **Thames Water** have not responded to the LPA's consultation.
- 5.29 **Affinity Water** have not responded to the LPA's consultation.
- 5.30 The **London Fire Brigade** have not responded to the LPA's consultation

***Internal Consultations:***

- 5.31 The Council's **Environmental Health Officer** considers the amendments for an alternative noise barrier and associated variation to conditions to be satisfactory. It should be noted that Officers have further engaged with the Council's Environmental Health Officer in formulating the relevant sections of the Planning Appraisal.
- 5.32 The Council's **Transport Planning and Regeneration Officer** has confirmed there are no highway or transport impacts as a result of the proposed amendments and, therefore, raises no objection.
- 5.33 The **Lead Local Flood Authority** raise no objection to the planning application.

***Member Consultations:***

- 5.34 All **Ward Councillors** for **Childs Hill** and **Golders Green** were notified of the planning application.

***Resident Associations and Community Forums:***

- 5.35 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, Cricklewood Railway Terrace Community Association, Brent Terrace Residents Association**. However, no comments have been received from these particular organisations.

***MHCLG Secretary of State:***

- 5.36 As this S73 application was accompanied by an Addendum to the Supplementary Environmental Statement that accompanied the substantive planning application 18/5647/EIA, the Ministry for Housing, Communities and Local Government's National Planning Casework Unit were also notified on validation in accordance with Regulation 19 (3) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

**Public Consultation Response**

- 5.37 Upon validation of the planning application, the LPA notified **568** properties within the vicinity of the Application Site. The Application was advertised in the Local Press Newspaper and by site notice, which was erroneously posted on 1<sup>st</sup> October 2020 and re-posted on 3<sup>rd</sup> November 2020. The public consultation ran for a period of 28 days between **25<sup>th</sup> September to 23<sup>rd</sup> October 2020**; and the requisite 21-days required in respect of the site notice coincided with 3<sup>rd</sup> to 24<sup>th</sup> November 2020.
- 5.38 No representations in relation to this planning application have been received by the LPA. However, it is understood that as part of the ongoing engagement with local residents, correspondence has been provided directly to the Applicant to express concern about noise emissions from the Site. Those concerns relate to noise heard during day and night at properties on Brent Terrace in relation to current activity at the Cricklewood Sidings site – which in part constitutes the construction phase of the Train Stabling Facility and MML Track Realignment Works development. Reference was also made to noise from the operation of the existing Hendon Waste Transfer Station as well as general noise in the wider area such as from reversing vehicles. Finally, reference was made to noise from idling by diesel trains on the new Sidings and the effect of providing an alternative noise barrier. The correspondence requested that: an investigation be completed into the noise that is heard on Brent Terrace, which includes during the night/early morning; shrubs to be replaced along the length of the palisade fence between Brent Terrace and the sidings; more effective acoustic barriers in general, an acoustic barrier along the palisade fence, thick double row fast growing hedging along the palisade fence; and for noise survey to be revisited in the Spring.
- 5.39 Whilst these comments haven't been submitted formally as representations against this application, aspects relevant to the consideration of the proposals are covered in the Planning Appraisal section of this report. However, it should be noted that the matter under consideration by the LPA is the acceptability of the proposed alternative acoustic barrier in mitigating the operational noise impacts of the Train Stabling Facility as identified during determination of the substantive planning application. The purpose of this barrier is not to mitigate existing noise in the area including noise associated with other operations such as the Hendon Waste Transfer Station or existing train movements on the Midland Mainline. Furthermore construction-related noise issues have been dealt with, and continue to be managed through, the approved Construction Environmental Management Plan ('CEMP') and Section 61 consents process under the Control of Pollution Act (1974). If the LPA consider that the CEMP is not being fully complied with, it is able to take enforcement action if considered expedient to do so to ensure compliance with the planning permission.

## **6. PLANNING APPRAISAL**

- 6.1 This Application has been submitted to the LPA pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended) seeking permission to develop land without complying with conditions subject to which a previous planning permission was granted – in this instance this is the Train Stabling Facility and MML Track Realignment Works authorised by planning permission 18/5647/EIA issued on 14<sup>th</sup> December 2018 and as amended by Section 96A approval 20/1837/NMA issued on 28<sup>th</sup> May 2020. On consideration of such an application, in accordance with subsection S73(2), the LPA shall only consider the question of the condition(s) subject to which planning permission was granted.
- 6.2 The primary purpose of this Application proposes to vary the wording of Conditions 2 and 10 of planning permission 18/5647/EIA (as amended) in order to regularise the provision of alternative noise mitigation measures compared to that previously consented; and to facilitate future changes to, and potential removal of, the proposed alternative mitigation through the provision of further environmental information. Therefore, the principal matters to consider relate to noise impacts including whether this alternative noise mitigation measure would result in any new or different environmental impacts compared to that assessed as part of the substantive application (as set out within the Supplementary Environmental Statement that accompanied it); if the alternative noise mitigation would result in any adverse impacts on the amenity of nearby sensitive receptors; and the acceptability of a proposed obligation to facilitate potential removal of the acoustic barrier following the submission and approval of future noise assessment evidence pursuant to Condition 10 (as proposed). The Application also proposes to amend the wording of Conditions 3, 5, 7, 14(a) and 14(b) to reflect details previously approved pursuant to the requirements of those conditions through separate applications to the LPA. The acceptability of these amendments are considered in more detail below. All other aspects of the development previously consented by planning permission 18/5647/EIA (as amended by 20/1837/NMA) would remain unaffected by the proposals within this Section 73 planning application.
- 6.3 Other material considerations appropriate to appraise include whether the proposed development affects the ability to deliver comprehensive redevelopment of Brent Cross Cricklewood regeneration area and the regeneration scheme consented by planning permission F/04687/13 issued on 23<sup>rd</sup> July 2014; and the effect of the alternative noise barrier in respect of any visual amenity on nearby sensitive receptors.

### **Principle of the Proposed Development**

- 6.4 Given the purpose of this Application and the scope of the LPA's consideration as described in paragraph 6.1 – 6.2 above, the principle of the Train Stabling Facility and MML Track Realignment Works development has already been established as acceptable in planning terms by virtue of 'drop-in' planning permission 18/5647/EIA being granted on 14<sup>th</sup> December 2018. The Officer's report associated with this application and presented to the Planning Committee on 11<sup>th</sup> December 2018 for determination is contained within Appendix B to this report.

- 6.5 It is nonetheless useful to remind Members that 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 23<sup>rd</sup> July 2014 (planning reference F/04687/13) ('2014 S73 Permission') and is the planning permission currently being implemented for the comprehensive redevelopment of the BXC regeneration area.
- 6.6 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 the Station Quarter Development Zone would be facilitated by relocation of the existing train stabling facilities (previously situated immediately to the west of the recently demolished Jerich Shed) to within the Railway Lands Development Zone. The broad location of the New MML Train Stabling Facility is 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 (Bridge Structure B2) and between the MML railway corridor and the rear of the Development Plots off the proposed Spine Road South. This area is consistent with existing operational railway land owned by Network Rail and currently utilised by Train Operating Companies Govia Thameslink Railway ('GTR') and East Midlands Railway ('EMR').
- 6.7 As explained at paragraph 3.6 of this report, key changes and events between the time the BXC outline planning permissions were granted and delivery of the New MML Train Stabling Facility (including subsequent agreement over the alignment of Network Rail's operational railway boundary and the additional requirement to re-provide train operating companies' compound areas and rail-related equipment) meant that this part of the BXC scheme could not be delivered under the terms of the BXC S73 Permission. Therefore, planning permission was instead sought (and obtained) via a drop-in planning application 18/5647/EIA.

#### **Compatibility of the Proposed Development to the Brent Cross Cricklewood Regeneration Scheme Consented by the 2014 S73 Permission**

- 6.8 Through consideration of the aforementioned drop-in planning application, the now consented Train Stabling Facility and MML Track Realignment Works development was judged to be compatible with the S73 Permission and that it would not impinge upon nor prejudice delivery of the wider BXC regeneration scheme. Therefore, although consented by way of a drop-in planning permission, the development authorised by planning permission 18/5647/EIA nonetheless seeks to deliver the New

MML Train Stabling Facility as part of the BXC Development to facilitate the construction of the New Train Station, which has already been deemed to be acceptable in principle.

- 6.9 This Section 73 Application seeks to provide alternative noise mitigation measures compared to that approved as a consequence of drop-in planning permission 18/5647/EIA (as amended by 20/1837/NMA), which were deemed necessary to minimise the operational noise impacts of the development to acceptable levels. No other aspect of the consented development is proposed to be amended by this Application and, regardless of the LPA's decision, the Train Stabling Facility and MML Track Realignment Works development would remain substantially as originally consented. On that basis, the proposals set out in this Application (i.e. to utilise an alternative acoustic barrier as mitigation) are not judged to materially change or affect the conclusions previously reached by the LPA in respect of compatibility of the development with the BXC S73 Permission. The proposals would not therefore affect the ability to comprehensively redevelopment the regeneration area nor prejudice the delivery of the consented BXC regeneration scheme.

#### **Provision of Alternative Noise Mitigation Measures**

- 6.10 As described in Section 4 of this report the proposed development seeks to utilise Network Rail's acoustic barrier, which has been erected adjacent to the new Train Stabling Facility under their permitted development rights inferred in Class A of Part 8 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as a statutory railway undertaker, as an alternative noise mitigation measure to offset the predicted operational noise impacts of the Train Stabling Facility and MML Track Realignment Works development originally consented by planning permission 18/5647/EIA. This acoustic barrier extends a total length of 300 metres along the alignment illustrated in Figure 3 below and has been constructed using a scaffold structure embedded in concrete pits, standing at a height of 2.4 metres above ground level; with noise absorption panels attached to create a continuous noise attenuating barrier. Condition 10 of planning permission 18/5647/EIA (as amended by 20/1837/NMA) requires the technical specifications of this (or any other acoustic barrier or fence) to be submitted to the LPA for approval. It is noted that an application pursuant to Condition 10 has been made including details relating to the Network Rail acoustic barrier. This application is pending consideration under LPA application ref. 20/4040/CON.
- 6.11 During consideration of substantive planning application 18/5647/EIA, the Applicant's 'Supplementary Environmental Statement – Brent Cross Cricklewood: Midland Main Line Train Stabling Facility and Track Realignment' (Volume 1, Version 2 dated September 2018) identified that the Train Stabling Facility and MML Track Realignment Works development had the potential to cause adverse noise impacts on nearby sensitive residents during its operation – namely the occupants of residential properties off Brent Terrace. It is noted that construction-related noise impacts were not considered to be significantly adverse on any nearby sensitive receptor and any adverse impacts could be adequately mitigated through the implementation of best practicable means, which were subsequently secured through the submission and approval of an appropriate Construction Environmental Management Plan pursuant to

the requirements of Condition 7 attached to planning permission 18/5647/EIA<sup>3</sup>. In addition to this, any construction activities outside of normal construction working hours (as was identified as necessary given the nature of the development on parts of a live railway) are required to obtain consent from the Local Authority under Section 61 of the Control of Pollution Act 1974. Therefore, this Application considers the mitigation measures necessary to offset operational-related noise impacts only.

6.12 As set out at Chapter 6 of the aforementioned Supplementary Environmental Statement accompanying planning application 18/5647/EIA, operation of the Train Stabling Facility aspect of the development was predicted to generate adverse or significantly adverse noise impacts<sup>4</sup> at the noise sensitive receptors/residential properties located along Brent Terrace. On the basis of a number of assumptions, including the use of both diesel and electric locomotives by the appointed train operating companies East Midland Railway (EMR) and Govia Thameslink Rail (GTR) (respectively), the modelled noise at these receptors was predicted to be between 5-10 dB above existing background levels. Consequently, the Applicant sought to minimise and mitigate these impacts through the provision of an acoustic barrier situated between the Train Stabling Facility and Brent Terrace. As informed by noise modelling, that acoustic barrier was approved to be erected along the alignment illustrated on approved plan no. 144918-3133-000-ZZZ-DRG-R-MF-000012 Rev. A02 (as also replicated in Figure 2 below) and at varying heights necessary to reduce noise emissions to more acceptable levels. The noise modelling contained within the Supplementary Environmental Statement demonstrated that the suggested acoustic barrier would have the effect of reducing noise levels at the nearby sensitive receptors at Brent Terrace by up to 15dB (i.e. 5dB below background noise levels).

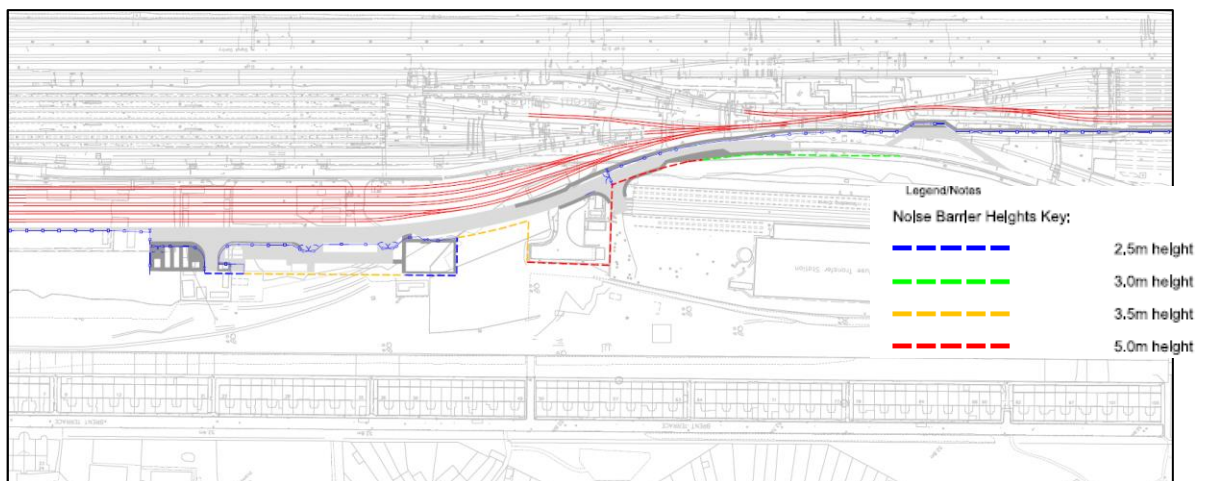


Figure 2: Extract of approved plan no. 144918-3133-000-ZZZ-DRG-R-MF-000012 Rev. A02 showing the alignment and height of the currently consented acoustic barrier (Source: Network Rail, 2018).

6.13 On the grant of planning permission and given the lack of specific details within the substantive application, a condition was imposed requiring the technical specifications of this acoustic barrier to be submitted to and approved by the LPA in consultation with the Council's Environmental Health Officer. That requirement is governed by Condition

<sup>3</sup> As initially approved under LPA application reference 18/7633/CON on 1<sup>st</sup> March 2019 and subsequently revised under LPA application reference 20/4115/CON on 3<sup>rd</sup> November 2020.

<sup>4</sup> As defined under British Standard BS4142.

10 of planning permission 18/5647/EIA (as amended by 20/1837/NMA), which requires that such detail be approved, and the acoustic barrier installed to that specification, prior to trains entering the new Train Stabling Facility from the northern track alignment. It is noted that a concurrent application pursuant to the requirements of Condition 10 has been submitted to the LPA (ref. 20/4040/CON) and is pending consideration, and that this submission provides the technical specifications for the proposed alternative Network Rail acoustic barrier.

6.14 Since the granting of planning permission 18/5647/EIA in December 2018, the Applicant has stated that previously assumed operational aspects of the Train Stabling Facility and MML Track Realignment Works development have evolved which has, therefore, warranted a review of the noise assessment associated with the substantive planning application. This, in turn, has led to a reconsideration of the effectiveness of the consented acoustic barrier as mitigation to nearby sensitive receptors on Brent Terrace. These evolved aspects relate to the following:

- Prevalence of 'wheel squeal' noises:

The previously assumed principal source of noise was associated with 'wheel squeal' caused by friction as trains travelled along the curved portion of the tracks at the Train Stabling Facility along with idling engines. Planning application 18/5647/EIA therefore proposed acoustic barriers relative to these curved railway tracks extending the length of the new South Sidings and southward (at varying heights) along the western extent of the Train Operator Companies compound approved under separate planning permission 18/5244/EIA. Since construction and partial operation of the Train Stabling Facility<sup>5</sup> (with MML Track Realignment Works construction works still ongoing), the Applicant has conducted extensive noise assessments to corroborate the prevalence of wheel squeal noises. The outcome of these assessments identified that the GTR trains utilise self-lubricating wheels and do not squeal at the curved tracks; and the EMR trains produce limited wheel squeal noises.

- Noise arising from the idling of diesel engines:

Following further noise testing and data collection, the Applicant states that the principal source of noise from the development instead arises from the idling of stationary diesel engines, differing from the assumptions used to inform the substantive planning application and associated noise assessment. The Applicant has clarified that GTR use only electric trains, and that the EMR trains have diesel locomotives that must remain switched on to enable refuelling. It is further stated that the EMR diesel trains (and therefore the need to idle locomotives during refuelling) will remain in operation until the introduction of Bi-Mode trains which are part electric.

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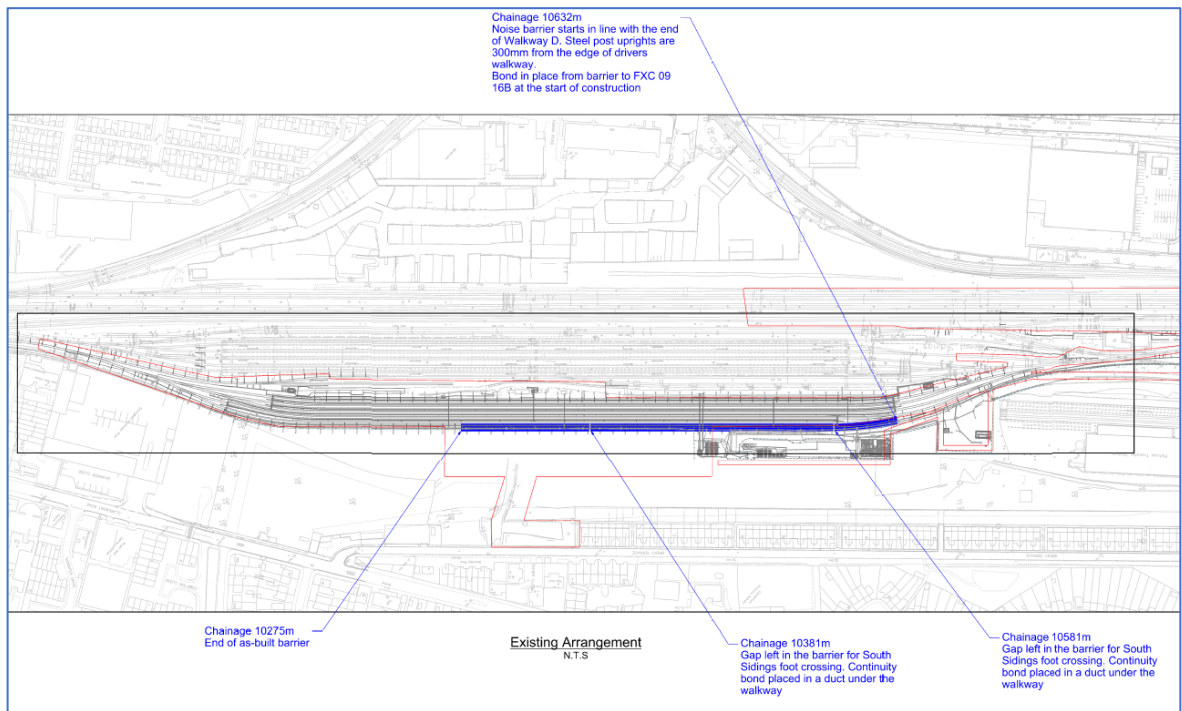
<sup>5</sup> As permitted following amendments to the wording of Condition 10 under LPA application ref. 20/1837/NMA.

- The phasing out of diesel engines and replacement with Bi-mode Trains:

The Applicant advises that Bi-Mode trains are required to be delivered by Train Operating Companies operating on the MML from 2022 onward, as directed by the Department of Transport. Bi-Mode trains are powered by both diesel and electric, with the diesel component necessary to operate trains on any non-electrified railway line. The new sidings (tracks) associated with the consented Train Stabling Facility are electrified through the provision of Overhead Electric Lines (OLE) and, therefore, any Bi-Mode trains are capable of being powered by these OLEs. The Applicant asserts that this would reduce the need for any diesel locomotive to idle at the Train Stabling Facility. However, as set out in the Applicant's Appendix A to the submitted 'Planning Statement Addendum' – which contains a letter from a representative of EMR – it is expected that the use of diesel locomotives would decrease between 2021 to 2023 but will not be completely eliminated. It is further added that, as a 'network sidings', there is the potential for any open access or similar operator to stable (and therefore idle during refuelling) other diesel locomotives.

- 6.15 Based on these changed factors and associated noise assessment evidence accompanying this Section 73 Application ('Brent Cross and Cricklewood: Phase 2 (South) Midland Main Line Train Stabling and Track Realignment – Supplementary Environmental Statement Addendum' (August 2020)), the Applicant asserts and proposes that the consented acoustic barrier (see Figure 2 above) would no longer provide effective noise mitigation by virtue of its position. Instead, the Applicant states that the acoustic barrier erected by Network Rail (see Figure 3 below) provides more effective noise mitigation because its position would be relative to the now understood principal source of noise from the development (idling of engines from stabled trains on the new South Sidings, rather than 'wheel squeal' as they enter the Sidings from the northern track alignment) and, therefore, would be more effective in abating noise from idling engines.





**Figure 3: Extract from proposed drawing number 144918-3133-000-ZZZ-DRG-R-MF-000010 Rev. P07 showing the alignment of the acoustic barrier erected by Network Rail (solid blue line) and proposed to be used as alternative noise mitigation to the operational impacts of the Train Stabling Facility and MML Track Realignment Works development.**

- 6.16 Therefore, focusing on the noise effects during the operational phase of the consented development and use of the new train stabling tracks (i.e. the new South Sidings) for the aforementioned reason, the Applicant has submitted a re-assessment of noise impacts as contained within Chapter 3 of the ‘Brent Cross and Cricklewood: Phase 2 (South) Midland Main Line Train Stabling and Track Realignment – Supplementary Environmental Statement Addendum’ (Capita, August 2020) and associated Appendix 3.1.
- 6.17 For the reasons described in paragraph 6.14 above, this revised assessment considers the idling of diesel engines as the more likely, alternative principal noise source following additional noise surveys that have been carried out since planning permission 18/5647/EIA was granted and operation of the Train Stabling Facility partially commenced in June 2020 (noise surveys were conducted in January and July 2020). During consideration of the substantive planning application, the principal noise source was instead assumed to arise from a ‘wheel squeal’ noise caused by friction as trains travelled along curved portions of the South Sidings tracks. However, as advised by the Applicant as part of this Section 73 Application, it has come to light that GTR trains are equipped with a self-lubricating system to alleviate the prevalence of wheel squeal; and EMR trains have been observed to cause minimal or no wheel squeal which is unlikely to be heard at nearby residential properties. On that basis, the Applicant has assessed the revised predicted operational noise levels at various sensitive receptors (the same receptors as previously assessed) and the effect of those noise levels compared to the existing background levels.
- 6.18 In the absence of any mitigation measures, the Applicant’s conclusions are summarised below:

- The modelled noise effects at Brent Terrace were predicted to be above existing background noise levels during the night-time period (23:00 – 07:00) in the event of no mitigation being provided. In particular, this would be up to 5dB above the background levels opposite the new South Sidings (equivalent to between numbers 5 and 30 Brent Terrace). By comparison, the predicted effects at these receptors within the substantive planning application was 5-10dB above background levels during both the daytime and night-time. As a consequence of this revised assessed, the development would be likely to have an adverse effect on these receptors in line with BS4142 ('Lowest Observed Adverse Effect Level' (LOAEL) as defined by the national Planning Practice Guidance (PPG)) and should, therefore, be mitigated and minimised in line with London Plan Policy 7.15B(b).
- In respect of other properties along Brent Terrace (numbers 69 to 104), the revised predicted noise levels from idling engines and reduced prevalence of wheel squeal would be approximately 5dB below existing background noise levels. This is considered to be a low impact with no adverse effects ('No Observed Adverse Effect' as defined by the NPPG).
- As per the previous noise assessment accompanying planning application 18/5647/EIA, the modelled noise effects at the Fellows Square residential development to the west of the MML railway corridor continue to be below the designed building envelope. The predicted noise level from the development are approximately 40dB  $L_{Ar,Tr}$  and the building is designed to withstand noise levels of 69dB  $L_{Aeq}$ . Therefore, there would continue to be no adverse effects at the Fellows Square development.
- The modelled noise effects at residential properties off Claremont Road during both the daytime and night-time from the development are expected to be around 10dB below existing background levels. This is considered to be negligible particularly when taking the context of existing rail traffic noise and road traffic from Claremont Road itself into account. The Applicant does, however, note that operational noise may be heard (i.e. noticeable but not intrusive) during the quieter night-time periods – where ambient noise levels are lower – if any diesel trains were to idle in a position south of the Network Rail noise barrier. On consideration of additional physical mitigation (i.e. erection of a further acoustic barrier), the Applicant's acoustician considers that any such mitigation would have a negligible impact on reducing noise emissions from this part of the Site. Instead, it is recommended that alternative mitigation be considered in the form of appropriate management of the development (i.e. to ensure drivers do not idle diesel trains south of the Network Rail barrier).
- At Handley Grove the predicted noise level as a result of the development is expected to be between 30-35dB  $L_{Ar,Tr}$ , which is well below the prevalent background levels of 65dB  $L_{Aeq,8h}$  during the night-time and 70dB  $L_{Aeq,16h}$  during the daytime. By comparison to the development as previously assessed as part

of planning application 18/5647/EIA, these noise levels 20dB lower as a result of the primary noise source arising from idling engines instead of wheel squeal.

- Similarly, the revised modelled noise levels at receptors within the Railway Terraces Conservation Area is predicted to be under 35dB  $L_{Aeq,15min}$  compared to between 35-47dB  $L_{Aeq,15min}$  as previously assessed. As such, the noise levels are at least 5dB below existing background levels and, therefore, no adverse effects are expected.
- At the future Plots 53 and 54 of the BXC Development, the existing background noise levels are expected to be 54dB  $L_{Aeq,16h}$  during the daytime and 51dB  $L_{Aeq,8h}$  during the night-time. The predicted noise levels from operation of the development at the location of these receptors (measured at 10 metres above ground level to represent the multi-storey development already consented) is expected to be 42dB  $L_{Ar,Tr}$ , which is in the order of 10dB below the background levels. As such, the effect of noise at these future receptors would be negligible during both the daytime and night-time periods and no adverse effects are expected. This modelled assessment remains the same as previously set out in planning application 18/5647/EIA.

6.19 With the only adverse noise effects being potentially experienced at residential properties off Brent Terrace between numbers 5 to 30, the Applicant has considered the mitigating effects of Network Rail's acoustic barrier in minimising noise impacts from the operational phase of the Train Stabling Facility development. In principle, the acoustic barrier installed by Network Rail should achieve a minimum acoustic performance of reducing noise by 27dB ( $R_w$ )<sup>6</sup>. The Applicant has modelled the effect of this barrier concluding that predicted noise levels at 5-30 Brent Terrace would instead be between 2-4dB below background levels. The barrier would also have the effect of further reducing noise levels at 69-100 Brent Terrace to between 4-6dB below background levels. Although the Train Stabling Facility was consented by way of a drop-in planning permission, it is noted that Condition 29.5 the BXC S73 Permission states that *'Where...other external noise sources are to be installed, the total noise level of such items shall be at least 5dB(A) below the prevailing background LA90 noise level, measured at the nearest Noise Sensitive Premises, in accordance with BS4142 or successive guidance.'* Whilst the predicted noise levels only satisfy this expectation at some of the receptors along Brent Terrace, it is also recognised that the effect of the Network Rail acoustic barrier as mitigation would continue to ensure that operation of the Train Stabling Facility would not have any adverse noise impacts on these residential properties in line with British Standard 4142 and the national Planning Practice Guidance (PPG) (i.e. the noise levels experienced at Brent Terrace would be considered to be at the Lowest Observed Effect Level).

6.20 In respect of the length of Network Rail's acoustic barrier (Figure 3) compared to that approved under planning permission 18/5647/EIA (Figure 2), it is understood this change in length is directly relevant to the principal noise source. The proposed Network Rail acoustic barrier (illustrated on submitted plan no. 144918-3133-000-ZZZ-DRG-R-MF-000010 Rev. P07) would attenuate a stationary point source of noise (i.e.

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<sup>6</sup> '(Rw)' refers to the weighted sound reduction index in decibels (dB).

stationary idling diesel engines); whereas, the previously approved barrier illustrated on approved plan no. 144918-3133-000-ZZZ-DRG-R-MF-000012 Rev. A02, was designed to attenuate a moving line source associated with the wheel squeal noise as trains travelled along curved portions of the new South Sidings tracks. It is also noted that additional clarifying information submitted in respect of the concurrent application pursuant to the requirements of Condition 10 (LPA ref. 20/4040/CON) provides an explanation as to the height of Network Rail barrier. The Applicant's Acoustician states that, taking into account the change in the most dominant noise source from the operation of the development (now diesel engines idling), the height of the Network Rail barrier (2.4 metres above ground level) has been calculated based on the position of the noise source in relation to the nearby sensitive receptors at Brent Terrace. The previously consented barrier ranged from a height of 2.5 to 5.0 metres as mitigation for an alternative primary noise source (i.e. wheel squealing).

- 6.21 Taking into account the now better understood likely sources of noise from the consented development (i.e. from idling engines instead of wheel squeal caused by track friction), and the benefit of noise surveys during the partial operation of the new South Sidings, it is considered that the Applicant has provided a robust noise impact assessment to demonstrate that the acoustic barrier installed by Network Rail immediately adjacent to the new South Sidings would continue to provide adequate mitigation to minimise noise levels from the operational phase of the Train Stabling Facility and MML Track Realignment Works development to acceptable levels. The impact of noise emissions from the Site have been considered against the relevant national PPG, Noise Policy Statement for England and British Standard 4142. As set out in paragraph 5.28 above, the Council's Environmental Health Officer has reviewed the amendments sought by this Section 73 Application and considers the alternative noise barrier to be satisfactory. It should also be noted that the LPA have been in liaison with the Environmental Health Officer in formulating this planning appraisal.
- 6.22 As was assessed during determination of the substantive planning application (see Appendix B), it is appropriate to consider the impact of the Train Stabling Facility and MML Track Realignment Works development (as amended by this Section 73 Application) against relevant development plan policies. In the case of the main material consideration – impact of local amenity as a result of noise – 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 3 of the Supplementary Environmental Statement Addendum (August 2020).

- 6.23 Given the noise impact assessment submitted with this Application and the analysis of that described above, it is considered that the proposed amendment to the Train Stabling Facility and MML Track Realignment Works development (including the provision of an alternative acoustic barrier in a different position and revised height) would remain in compliance with the above-stated development plan policies insofar as it has been demonstrated that, with the implementation of this revised mitigation measure, noise effects at nearby sensitive receptors are not predicted to be significantly adverse. Consequently, the development is not likely to adversely injure the amenity of local residents.
- 6.24 In conclusion, and based on the Applicant's assessment, which has been corroborated by the Council's Environmental Health Officer, it appears that the alternative Network Rail acoustic barrier would be effective in mitigating the (updated) identified operational noise impacts of the consented development to acceptable levels. By comparison, and by virtue of the better understood primary source of noise, it is apparent that the acoustic barrier currently permitted would not be positioned to effectively mitigate the noise generated by idling diesel engines stabled at the Train Stabling Facility. As such, the LPA consider the revised position and alignment of the acoustic barrier as set out within this Section 73 Application and illustrated in revised drawing numbers listed in the third column of Table 1A and Table 1B of this report to be acceptable. Therefore, the proposed variation to the wording of Condition 2 (Approved Plans) to regularise use of the Network Rail acoustic attenuation barrier as appropriate noise mitigation for the consented development is considered to be acceptable.

**Proposed Amendments to Condition 10 of Planning Permission 18/5647/EIA (as amended by 20/1837/NMA)**

- 6.25 In association with the proposed use of Network Rail's acoustic barrier as mitigation for the operational noise impacts of the Train Stabling Facility and MML Track Realignment Works development, the Applicant is also seeking to amend the wording of Condition 10 to facilitate the future removal of this barrier. The proposed wording is as follows:

*'10. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no train shall be permitted to enter the Site from the northern alignment of the South Sidings within the development hereby permitted (as indicated by the area hatched blue on drawing number BXT-CAP-0000-B-DR-Z0053 P03) until details, including technical specifications and surface density, of all acoustic walls, fencing and other acoustic barriers to be erected on the Site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in their entirety prior to the commencement of the use or first occupation of the area of the development hatched blue on drawing number BXT-CAP-0000-B-DR-Z-0053 P03 and retained as such thereafter or until evidence of the withdrawal of diesel trains, including noise survey data demonstrating the amenities of the noise-sensitive receptors of Brent Cross Terrace would not be affected, has been submitted to and approved in writing by the Local Planning Authority, such approval may only be given where it has been demonstrated to the*

satisfaction of the Local Planning Authority that the approval will not give rise to any materially new or materially different noise effects from those assessed in the environmental statement. For the avoidance of doubt, trains shall be permitted to enter the Site from the southern alignment of the South Sidings within the development hereby permitted (as indicated by the area within the redline not marked in blue hatch on drawing number BXT-CAP-0000-B-DR-Z-0053 P03) prior to the approval of details required by this Condition.

*Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Local Plan Development Management Policies DPD (2012) and Policy 7.15 of the London Plan (2016).'*

- 6.26 The Applicant proposes that the acoustic barrier remain in place for as long as necessary or until alternative mitigation can be provided, which would be tested and justified through the submission of further noise survey reports pursuant to the proposed Condition 10. The Planning Statement Addendum (AEC, September 2020) sets out the possible changes in circumstances that could lead to alternative noise mitigation being justified. This includes:
- The use of Bi-Mode trains – highly likely from 2022 onward – engine idling would cease; and
  - Build out of BXC Development Plots 38, 39, 47, 48 and 55 – medium to highly likely – new development would reduce the line of sight from the Sidings to Brent Terrace and provide some attenuating effects.
- 6.27 The LPA consider the proposed approach to securing changes to what has been identified as a Schedule 1 EIA Development<sup>7</sup> via the use of a condition to provide further environmental information would circumvent proper consideration of any future amendments to the consented development in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). This includes the carrying out of necessary publication requirements, transmission of any further environmental statement to the Secretary of State and consultation with the necessary statutory consultation bodies in accordance with those Regulations. Also, the purpose of a planning condition is to make a development acceptable where it might not otherwise be considered so and must satisfy the six tests set out in the national PPG. It is noted that LPAs should limit the use of conditions requiring the approval of further matters after permission has been granted (PPG paragraph 006); and, whilst it may be possible to impose conditions enabling minor modifications to the development permitted, it would not be appropriate to allow the modification of the development in a way that makes it substantially different (PPG paragraph 012). The LPA are also mindful that regulatory mechanisms exist to facilitate changes to planning permissions, this is either by way of Section 96A of the Town and Country Planning Act 1990 (as amended) to make non-material amendments; or Section 73 of the Town and Country Planning Act 1990 (as amended) to make minor or other material amendments.

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<sup>7</sup> As confirmed by EIA Scoping Opinion 18/3433/ESC issued by the LPA on 25<sup>th</sup> July 2018.

- 6.28 The future removal of the Network Rail acoustic barrier could be deemed to be a material amendment, but this a matter which can only be determined following the presentation of appropriate environmental information to the LPA. This would include a noise impact assessment that considers the impact of the barrier's removal supported by appropriate surveys and updated background noise level data. It is likely that the ambient noise environment at the Site and in the vicinity of it will change, particularly as the associated BXC regeneration scheme progresses. Even if the acoustic barrier's removal were contemplated as a non-material amendment, the LPA would still need to have sight of sufficient information in order to form the necessary judgement on materiality. The provision of information to simply satisfy an obligation contained within a planning condition may prevent or prejudice the LPA's ability to determine if the acoustic barrier's removal is material or otherwise. Plus, if such a change were considered to be material, the LPA would be required to assess the proposals in line with the relevant regulations which include particular publication and consultation requirements. Along with requirements set out within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), this includes consideration as to whether such a change would constitute a change or amendment to a Schedule 1 EIA Development. For this reason, the LPA do not consider the proposed wording to Condition 10 of planning permission 18/5647/EIA (as amended by 20/1837/NMA) to be acceptable.
- 6.29 Furthermore, the information provided within this Section 73 Application to support the proposed amendments to Condition 10 is somewhat refutable. The Applicant asserts that the Supplementary Environmental Statement Addendum (August 2020) accompanying this Application provides a noise assessment for a scenario where there would be no diesel trains idling and no acoustic barrier. This scenario is not quantifiably tested through noise modelling within that document. Additionally, the Applicant considers it 'highly likely' that diesel EMR trains would be phased out from 2022 and replaced with Bi-Mode trains stating that engine idling would cease and the principal source of noise from this development would therefore be removed. However, an email from a EMR representative contained within Appendix A of the submitted Planning Statement Addendum states that the use of diesel engines cannot be eliminated completely and that any other train operating company may be able to stable their trains at these sidings who may use diesel locomotives and, therefore, idle their engines during refuelling. An extract of that email is provided in Figure 4 below:

In May 2021 we are planning the introduction of Class 360 electric trains on our Corby services, these trains will be using the sidings at Cricklewood. This will see an overall increase in terms of EMR trains using the sidings but they will be a mixture of the current diesel operations and the new electric operations.

During 2023 we plan to replace the current diesel fleet with a brand new bi-mode fleet being built and designed by Hitachi. These will be used in both diesel and electric mode on the MML. Whilst use of electric will be maximized there will still be a need to fuel these trains at Cricklewood and some operation is expected to need to take place in diesel mode.

So the message is that diesel operation is expected to decrease in two steps in 2021 and 2023 but is not expected to be eliminated completely. It is also worth noting that these sidings are network sidings and any open access or similar operator may come along with diesel trains and legitimately stable them.

Figure 4: Extract from Appendix A to the Planning Statement Addendum (AEC, September 2020).



### **Visual Impacts of the Alternative Acoustic Barrier**

- 6.30 Given the proposed 'relocation' of the currently consented acoustic barrier to the alignment shown in Figure 3 above, it is appropriate to consider any visual impacts as a consequence of this proposed amendment. Consideration of the substantive planning application included appraisal of the local character, landscape, visual impact and design in line with Policy CS5 of the Core Strategy DPD, Policy DM01 of the Development Management Policies DPD and, more strategically, Policy 7.4 of the London Plan. It was concluded that the substantive development (including the acoustic barrier as currently consented) would deliver railway infrastructure within the confines of the existing operational railway corridor and would not therefore be incongruous with the surrounding urban context.
- 6.31 The proposed amendment sought by this Section 73 Application would result in the use of Network Rail's 2.4 metre high acoustic barrier, which is positioned immediately adjacent to the new South Sidings for a length of approximately 350 metres, instead of an acoustic barrier of between 2.5-5.0 metres in height which follows the eastern extent of the Train Operating Companies Compound, and circumnavigates various railway equipment and store areas (see Figure 2). In relation to the nearest visually sensitive receptors at Brent Terrace, the proposed alternative acoustic barrier would therefore be positioned further away from these residential properties and amidst the existing railway sidings infrastructure. Whilst the currently consented acoustic barrier might have been considered to offer some visual protection from views overlooking the railway sidings, it is important to remember that the land between the railway sidings and Brent Terrace will undergo further development as the BXC regeneration scheme progresses. This will include further Plot development, delivery of Spine Road South and provision of Brent Terrace Linear Park. Therefore, the proposed amendment in respect of this alternative acoustic barrier would continue to complement the local urban landscape and immediate railway environment.

### **Proposed Amendments to Conditions 3, 5, 7, 14(a) and 14(b) of Planning Permission 18/5647/EIA**

- 6.32 The final element of this Section 73 Application is to seek to make amendments to the wording of Conditions 3, 5, 7, 14(a) and 14(b) of planning permission 18/5647/EIA to reflect the details subsequently approved by the LPA in response to those conditional obligations. As fully referenced in Table 4 of this report (Relevant Planning History), this includes the discharge of Condition 3 in respect of a Servicing and Delivery Strategy; Condition 5 in respect of a Supplemental Construction Transport Management Plan related to the delivery of Switch and Crossing Units; Condition 7 in respect of a Construction Environmental Management Plan, reflecting the latest version approved on 3<sup>rd</sup> November 2020 under application ref. 20/4115/CON; and Condition 14(a) and 14(b) in respect of a Contamination Remediation Method



Statement and subsequent Verification Report. The proposed wording of the abovementioned Conditions is replicated in paragraph 4.2 of this report.

- 6.33 Given that the obligations of Conditions 3, 5, 7, 14(a) and 14(b) of planning permission 18/5647/EIA have been satisfactorily discharged by the LPA through the consideration of the relevant applications, the proposed amendment to the wording of said Conditions to reflect those approved details/documents is considered to be acceptable.

### **Planning Obligations**

- 6.34 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 (as varied from the substantive planning permission 18/5647/EIA) 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.
- 6.35 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 is adequate in this instance to control the development, Officers do not recommend that any Planning Obligations should be sought.

## **7. ENVIRONMENTAL IMPACT ASSESSMENT**

- 7.1 The substantive planning application (ref. 18/5647/EIA) was accompanied by a Supplementary Environmental Statement (dated September 2018) which assessed the impact of the proposed development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 7.2 This Supplementary Environmental Statement ('SES') had been prepared in cognisance of a formal Scoping Opinion issued by the LPA on the 25<sup>th</sup> July 2018 and 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;
- Noise and vibration;
- Biodiversity;
- Water and flood;
- Air quality and dust;
- Ground contamination;
- Major accidents and disasters; and
- Cumulative effects.

7.3 Given the relationship with the BXC regeneration scheme and the fact that the Train Stabling Facility and MML Track Realignment Works 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. The relevant assessments and conclusions from those assessments as contained within the SES (September 2018) were considered by the LPA in consultation with the appropriate statutory and other technical advisers in determining substantive planning application 18/5647/EIA. It was ultimately concluded that the 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 were secured through appropriately worded planning conditions.

7.4 In support of the proposed amendments sought by this Section 73 Application, the Applicant has submitted a 'Supplementary Environmental Statement Addendum' (dated August 2020). This addenda to the previously submitted SES (September 2018) re-assesses the noise impacts of the development as proposed to be varied through the amendments sought. In combination with the environmental information already before the LPA and in accordance with Regulation 9(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), it is considered that the environmental information before the LPA is adequate to assess the environmental effects of the development as proposed via this subsequent application.

## 8. EQUALITY AND DIVERSITY ISSUES

8.1 Section 149 of the Equality Act 2010, which came into force on 5<sup>th</sup> 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."*

8.2 For the purposes of this obligation the term "protected characteristic" includes:

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

- 8.3 In considering this planning application and preparing this report, Officers have had regard to the requirements of this section and have concluded that 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.
- 8.4 Notwithstanding that the proposed development seeks to deliver a railway infrastructure which would not ordinarily be accessible to members of the public, the site would be accessible by various modes of transport, including by foot, bicycle, public transport, private vehicle and commercial vehicles. A range of transport choices are therefore available for all users of the site. As such, and as far as is practicable taking into account the nature of the proposed development, 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.
- 8.5 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.

## **9. CONCLUSION**

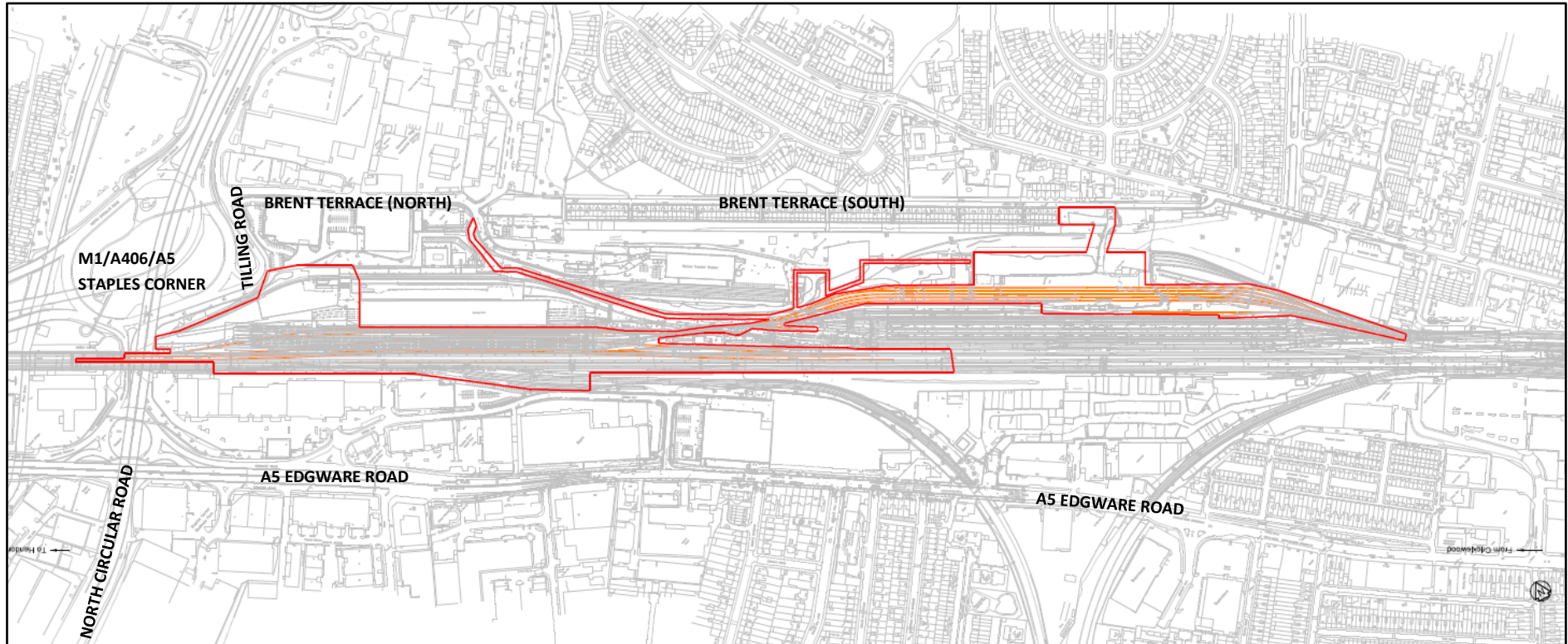
- 9.1 This Section 73 Application seeks permission to develop land without complying with conditions subject to which a previous planning permission was granted – in this instance this is the Train Stabling Facility and MML Track Realignment Works authorised by planning permission 18/5647/EIA issued on 14<sup>th</sup> December 2018 and as amended by Section 96A approval 20/1837/NMA issued on 28<sup>th</sup> May 2020. On consideration of such an application, in accordance with subsection S73(2), the LPA shall only consider the question of the condition(s) subject to which planning permission was granted.
- 9.2 The proposed amendments set out within this Application can be divided into three broad aspects: (1) The primary purpose of this Application proposes to vary the wording of Conditions 2 and 10 of planning permission 18/5647/EIA (as amended by

20/1837/NMA) in order to regularise the provision of alternative noise mitigation measures compared to that previously consented. (2) The next amendment seeks changes to the wording of Condition 10 of planning permission 18/5647/EIA (as amended by 20/1837/NMA) to facilitate future changes to, and potential removal of, the proposed alternative noise mitigation through the provision of further environmental information. (3) The final amendment proposes changes to the wording of Conditions 3, 5, 7, 14(a) and 14(b) to reflect the details subsequently approved by the LPA under separate applications discharging the necessary obligations.

- 9.3 On the first proposed amendment, the Applicant has submitted environmental information in the form of a 'Supplementary Environmental Statement Addendum' (Capita, August 2020), including an updated noise impact assessment. This assessment reappraises potential operational noise impacts of the consented development on nearby sensitive receptors on the basis that previously assumed operational aspects of the Train Stabling Facility and MML Track Realignment Works development have evolved and are now better understood with the support of further noise surveys. With the primary noise source understood to arise from the idling of diesel engines instead of 'wheel squeal' caused by friction between the train wheels and curved portions of the new South Sidings tracks, the previously approved acoustic barrier is not considered to be effective mitigation in its currently approved position and alignment. On assessment of this alternative noise source, the Applicant instead proposes that an acoustic barrier recently erected by Network Rail would offer appropriate mitigation to nearby sensitive receptors. In line with the relevant sections of the national Planning Practice Guidance (PPG), the Noise Policy Statement for England and British Standard 4142, the effect of Network Rail's acoustic barrier has been demonstrated to be sufficient in ensuring that the development would not result in any significantly adverse impacts. This aspect of the Application is therefore considered to be acceptable.
- 9.4 In respect of the proposed amendment to Condition 10 of planning permission 18/5647/EIA (as amended by 20/1837/NMA), the LPA are not in agreement with the proposed wording. The materiality of any future amendment to the consented development in respect of any changes or removal of Network Rail's acoustic barrier cannot be determined at this stage and, therefore, enabling such an amendment to be sought through the submission of details to satisfy the obligation(s) of a condition may prejudice the LPA's ability to form a judgement on the materiality of such an amendment. Furthermore, the LPA would need to be furnished with appropriate evidence in the form of updated noise surveys and further noise modelling in order to come to that judgement. This does not, however, preclude the Applicant seeking future amendments to the development which can be still be achieved through an application either pursuant to Section 96A of the Town and Country Planning Act 1990 (as amended) in respect of non-material amendments; or Section 73 of the Town and Country Planning Act 1990 (as amended) where such an amendment is considered to be material.
- 9.5 The proposed amendments in respect of the wording to Conditions 3, 5, 7, 14(a) and 14(b) to reflect details subsequently approved by the LPA are considered to be acceptable.

- 9.6 On the basis of the Officer's assessment of the proposed amendments, Application 20/4055/S73 is recommended for approval in respect of amendments to the wording of Conditions 2, 3, 5, 7, 14(a) and 14(b) of planning permission 18/5647/EIA (as amended by 20/1837/NMA). For the avoidance of doubt, Officer's do not recommend approval of proposed changes to the wording of Condition 10 of planning permission 18/5647/EIA (as amended 20/1837/NMA). Therefore, Application 20/4055/S73 is recommended for **APPROVAL subject to the conditions set out in Appendix A of this report**, which sets out changes to Conditions 2, 3, 5, 7, 14(a) and 14(b) of planning permission 18/5647/EIA (as amended by 20/1837/NMA) only. Condition 10 of planning permission 18/5647/EIA (as amended by 20/1837/NMA) would remain as previously approved under LPA application ref. 20/1837/NMA.

**SITE LOCATION PLAN – CRICKLEWOOD SIDINGS, LAND TO THE REAR OF BRENT TERRACE (SOUTH), LONDON NW2 1BX**  
**PLANNING APPLICATION 20/4055/S73**



**APPENDICES:**

Appendix A: Draft Planning Conditions

Appendix B: Officers Report for Planning Application 18/5647/EIA presented to Planning Committee on 11<sup>th</sup> December 2018

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## APPENDIX A:

APPLICATION PURSUANT TO SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT TO VARY CONDITIONS 2, 3, 5, 7, 10, 14(A) AND 14(B) OF PLANNING PERMISSION 18/5647/EIA DATED 14TH DECEMBER 2018 (AS AMENDED BY 20/1837/NMA) FOR 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. THE AMENDMENTS SOUGHT ARE TO ALLOW FOR THE PROVISION OF AN ALTERNATIVE NOISE ATTENUATION BARRIER AS MITIGATION FOR THE CONSENTED DEVELOPMENT AND TO AMEND THE WORDING OF CONDITIONS 3, 5, 7, 14(A) AND 14(B) TO REFERENCE THE PLANS, STATEMENTS AND STRATEGIES PREVIOUSLY APPROVED IN DISCHARGING THE REQUIREMENTS OF THOSE CONDITIONS.

AT:

LAND REAR OF BRENT TERRACE (SOUTH) CRICKLEWOOD LONDON NW2 1BX

PLANNING APPLICATION REF: 20/4055/S73

### DRAFT PLANNING CONDITIONS

1. This development must be begun within three years from the date of the original planning permission 18/5647/EIA dated 14<sup>th</sup> December 2020.

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

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

144918-3133-000-ZZZ-DRG-R-MF-000009 Rev. A04	Combined Redline Boundary
144918-3133-MNL-ZZZ-DRG-R-MF-000013 Rev. A01	North Reception Road and Mainlines 1 of 8
144918-3133-MNL-ZZZ-DRG-R-MF-000012 Rev. A01	North Reception Road and Mainlines 2 of 8
144918-3133-MNL-ZZZ-DRG-R-MF-000001 Rev. P07	North Reception Road and Mainlines 3 of 8
144918-3133-MNL-ZZZ-DRG-R-MF-000002 Rev. A04	North Reception Road and Mainlines 4 of 8

144918-3133-MNL-ZZZ-DRG-R-MF-000003 Rev. A04	North Reception Road and Mainlines 5 of 8
144918-3133-MNL-ZZZ-DRG-R-MF-000004 Rev. A04	North Reception Road and Mainlines 6 of 8
144918-3133-MNL-ZZZ-DRG-R-MF-000005 Rev. A04	North Reception Road and Mainlines 7 of 8
144918-3133-MNL-ZZZ-DRG-R-MF-000006 Rev. A04	North Reception Road and Mainlines 8 of 8
144918-3133-DSD-ZZZ-DRG-R-MF-000004 Rev. P05.1	South Sidings 1 of 7
144918-3133-DSD-ZZZ-DRG-R-MF-000005 Rev. P05.1	South Sidings 2 of 7
144918-3133-000-ZZZ-DRG-R-MF-000006 Rev. P06	South Sidings 3 of 7
144918-3133-000-ZZZ-DRG-R-MF-000007 Rev. P07	South Sidings 4 of 7
144918-3133-000-ZZZ-DRG-R-MF-000008 Rev. P10	South Sidings 5 of 7
144918-3133-000-ZZZ-DRG-R-MF-000009 Rev. P09	South Sidings 6 of 7
144918-3133-000-ZZZ-DRG-R-MF-000010 Rev. P10	South Sidings 7 of 7
144918-3133-000-ZZZ-DRG-R-MF-000003 Rev. A02	South Sidings Indicative Section
BXT-CAP-0000-B-DR-Z-0053 Rev. P03	North/South Sidings Operation Plan
P1082-AJMS-DRG-ECV-000018 Rev. B02	Standard Details Acoustic Barrier

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

3. The development hereby permitted shall be carried out in accordance with the document titled 'Phase 2 (South) (Thameslink Station) Sidings Compound and Stabling Facility Servicing and Delivery Strategy' (Revision P04, dated September 2019) as approved under Local Planning Authority application reference 19/5182/CON on 17<sup>th</sup> October 2019 throughout the duration of the development

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway; and, insofar as is practicable, to ensure that vehicles remain on the Strategic Road Network (SRN) and Transport for London Road Network (TLRN) to minimise congestion and highway safety on local roads in accordance with Policy DM17 of the Local Plan Development Management Policies DPD (2012) and Policy 6.3 of the London Plan (2016).

4. The development hereby permitted shall be carried out in accordance with the document titled 'Construction Transport Management Plan For Midland Mainline Stabling Facility & Track Realignment Works - December 2018 - December 2020' (Amey, Issue 2) throughout the duration of construction works.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012); to minimise traffic congestion associated with the proposed development in accordance with Policy 6.14 of the London Plan (2016); and to accord with the Mayor of London's The Control of Dust and Emissions During Construction and Demolition SPG (2014).

5. The development hereby permitted shall be carried out in accordance with the 'Brent Cross Thameslink Project: Supplementary Construction Traffic Management Plan (S&C Deliveries)' (document reference 144918-NWR-PLN-DEL-000001, Version 7, dated 31/05/2019), Drawing number 144918-3133-DSD-ZZZ-DRG-C-HW-000001 (Rev. P01.3) - titled 'Vehicle Tracking S&C Deliveries', and Email from GL Hearn dated 20th June 2019 (subject: 'RE: Sidings Supplementary CTMP & Swept Path Analysis') approved under Local Planning Authority application reference 19/3135/CON on 24<sup>th</sup> June 2019 throughout the duration of the construction works.

Reason: To minimise traffic congestion associated with the proposed development and to ensure that the wider and local highway network is able to accommodate the size of vehicle that is proposed to be used and that the highway infrastructure and safety is not compromised during these deliveries in accordance with Policy 6.14 of the London Plan (2016); and to accord with the Mayor's The Control of Dust and Emissions During Construction and Demolition SPG (2014).

6. Within three months of occupation of the development a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include, but not be limited to, surveys of staff modes of travel, objectives, targets and a monitoring regime. The approved Travel Plan shall be updated within 6 months of approval pursuant to this Condition and then annually thereafter. The Travel Plan (and any update to it) shall be implemented as approved for the duration of the development hereby permitted.

Reason: To encourage the use of sustainable forms of transport to the Site in accordance with Policy CS9 of the Local Plan Core Strategy DPD (2012) and Policy DM17 of the Local Plan Development Management Policies DPD (2012).

7. The development hereby permitted shall be carried out in accordance with the document titled 'Construction Environmental Management Plan (CEMP): Project Name – Brent Cross West Station and Sidings Work Package 1' (Amey Consulting, document reference 144918-AME-PLN-EEN-000001, Issue no. 14, dated 20<sup>th</sup> August 2020) as approved under Local Planning Authority application reference 20/4115/CON on 3<sup>rd</sup> November 2020 throughout the duration of the construction works.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Local

Plan Development Management Policies DPD (2012); and to accord with the Mayor of London's The Control of Dust and Emissions During Construction and Demolition SPG (2014).

8. Any piling associated with the construction of the development hereby permitted carried out during the hours of 23:00 to 07:00 shall be limited to no more than 10 nights in any consecutive 15-day period and no more than 40 nights in any six-month period.

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

9. The free field level of noise emitted from construction works, site engineering or preparation works, whether from fixed plant, vehicles, equipment or other noise generating activity on site shall not exceed 75dB LAeq (10 hour) during the hours of 08:00 to 18:00 on Mondays to Fridays and 75dB LAeq (5 hour) during the hours of 08:00 to 13:00 on Saturdays. The free field level of noise emitted from construction works, site engineering or preparation works, whether from fixed plant, vehicles, equipment or other noise generating activity on site shall not exceed 55dB LAeq (9 hour) during the hours of 22:00 to 07:00 on Mondays to Sundays and Bank Holidays unless such works have the prior approval of the Local Authority under Section 61 of the Control of Pollution Act 1974. Noise levels shall be as measured from any point 1 metre outside the window of any habitable room of a nearest noise sensitive receptor. Existing background noise levels used for comparison shall be as reported in the Planning Application.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Local Plan Development Management Policies DPD (2012) and Policy 7.15 of the London Plan (2016).

10. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no train shall be permitted to enter the Site from the northern alignment of the South Sidings within the development hereby permitted (as indicated by the area hatched blue on drawing number BXT-CAP-0000-B-DR-Z- 0053 P03) until details, including technical specifications and surface density, of all acoustic walls, fencing and other acoustic barriers to be erected on the Site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in their entirety prior to the commencement of the use or first occupation of the area of the development hatched blue on drawing number BXT-CAP-0000-B-DR-Z-0053 P03 and retained as such thereafter. For the avoidance of doubt, trains shall be permitted to enter the Site from the southern alignment of the South Sidings within the development hereby permitted (as indicated by the area within the red line not marked in blue hatch on drawing number BXT-CAP-0000-B-DR-Z-0053 P03) prior to the approval of details required by this Condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Local Plan

Development Management Policies DPD (2012) and Policy 7.15 of the London Plan (2016).

11. All Non-Road Mobile Machinery (NRMM) of net power 37kW and up to and including 56kW using during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in Chapter 7 of the Mayor of London's Supplementary Planning Guidance ('SPG') 'Control of Dust and Emissions During Construction and Demolition' (July 2014), or subsequent guidance as applicable at that time. Unless it complies with the standards set out in this SPG (or other subsequent guidance), no NRMM shall be on site at any time, whether in use or not, without the prior written consent of the Local Planning Authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

Reason: In the interests of good air quality with regard to Policies 5.3 and 7.14 of the London Plan (2016).

12. Heavy Goods Vehicles (HGVs) (any vehicle over 3.5 tonnes unladen weight) shall not be permitted to idle while on Site and all HGVs operating in association with the construction and operation of the development hereby permitted shall be Euro VI Standard (or equivalent) as a minimum.

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

13. Prior to the erection of any external lighting detailed lighting designs including measures to prevent light spill shall be submitted to and approved in writing by the Local Planning Authority. The lighting designs shall thereafter be implemented as approved for the duration of the development.

Reason: To ensure the development does not adversely affect protected species utilising the identified Priority Habitat and Core Sustenance Zone in accordance with Policy CS7 of the Local Plan Core Strategy DPD (2012), Policy DM16 of the Local Plan Development Management Policies DPD (2012), and Policy 7.19 of the London Plan (2016); and to ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Local Plan Development Management Policies DPD (2012) and Policy 7.15 of the London Plan (2016).

14. Remediation works required for the development hereby permitted shall be carried out in accordance with the document titled 'Remediation Method Statement: Brent Cross Stabling Works' (document reference COBCX4STA201/CON-GE-BHAM-COBCX4STA201-202, Rev. 004, dated 30/04/2019) approved under Local Planning Authority application reference 19/2233/CON on 10th May 2020 and as verified by the document titled 'Amey OW Limited Brent Cross Stabling Works: Remediation Verification Report' (document reference 1920918 R01(01), dated April 2020) including Appendices A-L approved under Local Planning Authority application reference 20/1768/CON on 29th May 2020.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (2012), DM04 of the Local Plan Development Management Policies DPD (2012), the Council's Sustainable Design and Construction SPD (2013) and Policy 5.21 of the London Plan (2016).

## INFORMATIVES

1. In accordance with paragraph 38 of the NPPF, the Local Planning Authority (LPA) has taken a positive, proactive and creative approach to development proposals, being focused on finding solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting planning applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submission of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
2. To carry out any construction works outside the hours of 08:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 Saturdays or on Sundays or Bank Holidays the Applicant will be required to obtain consent under Section 61 of the Control of Pollution Act 1974. To carry out construction works outside of these hours, you are advised to contact the Council's Scientific Services - Environmental Health Team at: Department of Development and Regulatory Services, London Borough of Barnet, 2 Bristol Avenue, Colindale NW9 4EW.
3. Any changes to the public highway to facilitate deliveries will require the approval of the Local Highway Authority and must not be undertaken without their approval. The Local Highway Authority can be contacted at: Traffic and Development Section - Development and Regulatory Services, London Borough of Barnet, 2 Bristol Avenue, Colindale NW9 4EW, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
4. In complying with Condition 13 (Land Contamination), reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2018) / National Planning Practice Guidance;
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings; and
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

5. Planning Permission 20/4055/S73 is granted based on the recommendation of the Officer's report dated 9<sup>th</sup> December 2020 associated with this Application 20/4055/S73 which recommends approval of changes to the wording of Conditions 2, 3, 5, 7, 14 (a) and 14 (b) of planning permission 18/5647/EIA only. For the avoidance of doubt this does not permit any change to Condition 10 of the previous planning permission 18/5647/EIA (as amended by 20/1837/NMA).

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## APPENDIX B:

**LOCATION:** Cricklewood Sidings, Land Rear of Brent Terrace (South)  
London NW2

**REFERENCE:** 18/5647/EIA **Received:** 19/09/2018  
**Validated:** 20/09/2018

**WARD:** Childs Hill **Expiry:** 10/01/2019

**Final Revisions:** N/A

**APPLICANT:** London Borough of Barnet

**PROPOSAL:** 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.

This application is accompanied by an Environmental Statement.

### 1. **RECOMMENDATION:**

**APPROVE** planning application 18/5647/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 2014 via 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 Thameslink train line that runs along the western boundary of the regeneration area, which will also be supported by a new transport interchange. The delivery of the new Thameslink train station will significantly enhance the accessibility and the attractiveness of the BXC scheme 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 both the residential and commercial development 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. 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?**

2.6 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 (referred to as the 'Jerich Shed') and further siding operated by GB RailFreight 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. This is referred to in the Section 73 Planning Permission for BXC as New MML Train Stabling Facility. The replacement sidings comprise two components:

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

This application relates to component (b) and seeks planning permission for the construction and operation of new sidings, realignment of the existing Midland Main Line railway track and provision of associated infrastructure to ensure the continued delivery of a number of rail related services, which are currently provided at the Cricklewood North Sidings. The Site would be utilised and operated by two Train Operating Companies ('TOCs'): Govia Thameslink Railway ('GTR') and East Midlands Trains ('EMT').

2.7 The proposed new sidings and train stabling facility would include:

- 5 no. new sidings adjacent to the existing South Sidings, which are proposed to be used for the stabling and servicing of trains, to re-provide the existing North Sidings that are required to be decommissioned;
- 6 no. North Sidings and 6no. Midland Mainline Lines which are proposed to be decommissioned, realigned and slewed to accommodate construction the New Thameslink Station;
- 2no. North Reception Roads;
- New driver's walkway;
- Signallers' Parking Bay;
- Vehicle barriers, bollards and a buffer stop;
- Pedestrian access gates;
- Overhead line equipment;
- Noise barrier;
- Lighting columns and external lighting; and
- Construction compounds facilities including single storey modular buildings and parking.

2.8 The replacement sidings compound under item (a) is the subject of a separate planning application (ref. 18/5244/EIA) which is also before the Planning Committee for consideration as part of the same agenda.

### **Who has submitted this application?**

2.9 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

## APPENDIX B:

Network Rail, and occupied by Govia Thameslink Railway ('GTR') and East Midlands Trains ('EMT').

- 2.10 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 application been submitted?**

- 2.11 The Section 73 Planning Permission includes consent for the relocation of the existing MML Train Stabling Facility within the Railway Lands Development Zone. The S73 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*'. Parameter Plan 002 indicates an approximate location of the boundary of the railway land which divides developable land from land required for rail-related development (including the New MML Train Stabling Facility). However, the outline planning application acknowledged that the exact location of the rail operations boundary is to be agreed with Network Rail through the detailed design stages.
- 2.12 As a result of the detailed design process and engagement of Network Rail and other key stakeholders, it has become apparent that not all of the New MML Train Stabling Facility can be located within the Railway Lands Development Zone as originally envisaged in the S73 Permission. This is due to the constraints of the site including the extent of the operational railway boundary, 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 existing sidings and Midland Main Line railway. The proposed new South Sidings would therefore be partly located on land within the adjacent Brent Terrace Development Zone which was originally envisaged to be developed for predominantly residential uses (i.e. no rail-related development). Consequently, it is evident that the proposed development would not be within the confines of the principles and parameters established by the S73 Permission. As such, planning permission cannot be sought through the mechanisms provided for within the S73 Permission (i.e. Conditions 47.5 and 47.6) and is therefore being sought by way of a 'drop-in planning application'. This will effectively drop the new proposal into the masterplan for Brent Cross. This is not unusual for large developments such as the BXC regeneration scheme and is an acceptable planning method provided 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 approximately 10 hectares (ha) incorporating the proposed access arrangements off Brent Terrace (North) and temporary access off Brent Terrace (South), areas required for the provision of construction compounds, works to the existing Midland Main Line railway tracks, and construction of new South Sidings. The Site is located at the south-western extent of the BXC regeneration scheme and consists of land forming part of Network Rail's operational land in association with the Midland Main Line railway corridor that provides services between London St Pancras and the East Midlands and Yorkshire, in addition to existing freight lines. The Site is bound to the east by residential properties off Brent Terrace beyond an area of existing trees, Hendon Waste Transfer Station and part of Claremont Way Industrial Estate; to the north by the A406 North Circular and Junction 1 of the M1 motorway (Staples Corner); to the south by Cricklewood Railway Station; and to the west beyond the Midland Main Line railway by a number of commercial and industrial units situated off the A5 Edgware Road, including the recently consented Rail Freight Facility (ref. 17/5671/EIA) and the Waste Transfer Station (ref. 17/6714/EIA) as part of the BXC regeneration scheme.

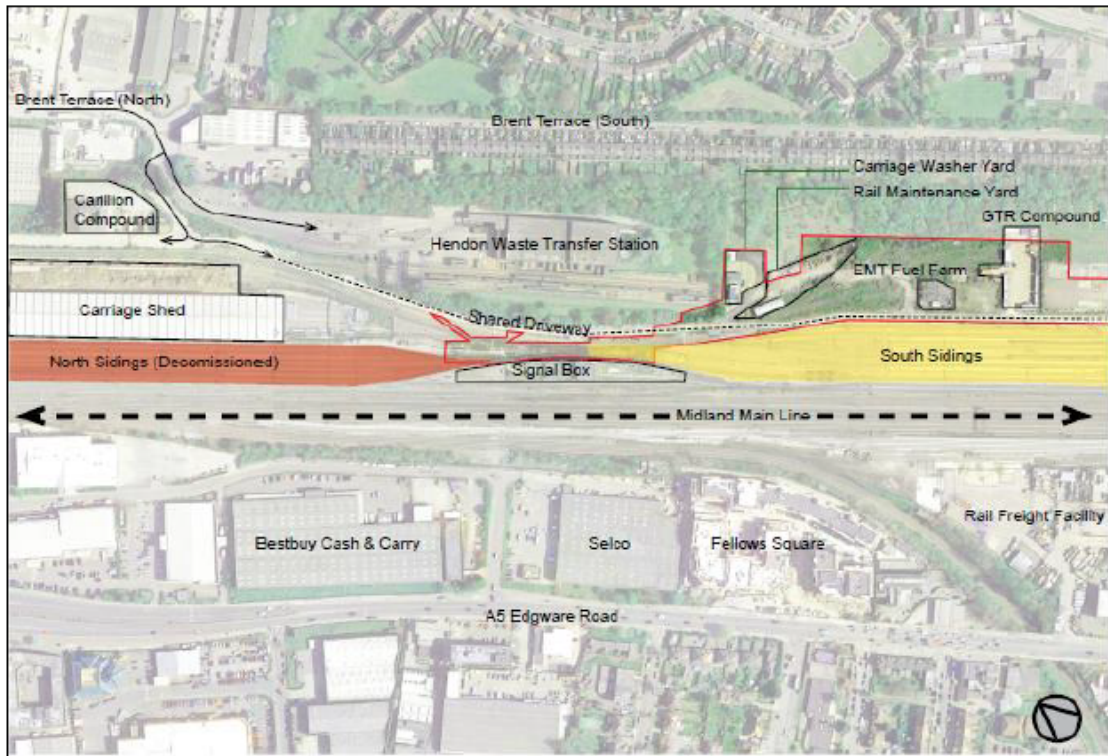
3.2 The Application Site comprises land designated and operated as 'operational railway land' and provides train presentation, stabling and refuelling facilities for two Train Operating Companies, including Govia Thameslink Railway (GTR) and East Midlands Trains (EMT). The area also provides accommodation for the local Network Rail Track Maintenance Team who are currently based on the ground floor of signal box with the signaller occupying the upper floor. In summary, the Application Site currently consists of the following:

- Carriage washer, power Supply and signalling equipment yard;
- Rail Maintenance Yard (associated with track team materials storage);
- GTR compound, including offices, WCs and storage facilities accommodated in a series PortaKabins. The site also contains a compactor and waste bins located adjacent to the main yard;
- EMT Fuel farm, including three 55,000L fuel tanks, dedicated power supply and a small accommodation building; and
- 5 no. South Sidings, which are used for the stabling and servicing of trains and are to be expanded to the northeast to accommodate the proposed additional Sidings in order to decommission the North Sidings.
- 6 no. North Sidings and 6no. Midland Mainline Lines which are proposed to be decommissioned, realigned and slewed to accommodate and construct the New Thameslink Station.

3.3 The extent of the proposed development is shown on the Combined Redline Boundary Plan Drawing no. 144918-3133-000-ZZZ-DRG-R-MF-000009. Figure 1 below is an extract from the *'Brent Cross Phase 2 (South) (Thameslink Station)*

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*Drop – in Transport Report: Rail Sidings, July 2018'* illustrating the immediate site context, highlighting the key features related to the site.



- 3.4 Main access to the site 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. There is no access to the site for the general public.
- 3.5 Land forming the Application Site and associated areas within the vicinity of it have historically been utilised for railway related land uses and activities, comprising engine sheds, rail related storage areas, rail related mechanical equipment and former freight sidings. 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.
- 3.6 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 roughly accords with the areas illustrated as Plots 38, 39, 40, 47, 48, 55 and open space in the form of a Nature Park (NP2). The BXC Development as permitted by the S73 Permission is further described below (see Section 4 of this report).
- 3.7 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 300 metres to the northwest of the red line;

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- Grade II\* The Old Oxgate – approximately 500 metres to the west-southwest;
- Grade II Church of St Michael – approximately 700 metres to the south-southwest;
- Grade II Milestone outside 3 & 4 Gratton Terrace – approximately 400 metres to the south;
- Grade II Dollis Hill Synagogue and forecourt railings – approximately 1 kilometre to the southwest;
- Cricklewood Railway Terraces Conservation Area – approximately 200 metres at the closest point to the south west across the Midland Main Line.

3.8 In respect of the heritage assets described above, it is worth noting that these are located within a highly urbanised environment that has experienced significant change over the years. Plus, some of these assets are situated in relation to the existing and well-established railway infrastructure and have indeed been designated in response to their connection to the railway (the Cricklewood Railway Terraces Conservation Area, for example). Given that the Midland Main Line lies in between the Application Site and the abovementioned assets, the proposed development would not be likely to materially alter the character or setting of the area; particularly as the proposal represents the re-provision of existing railway infrastructure and facilities that are already present on land to the east of the Midland Main Line.

#### 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.



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- 4.4 As illustrated on Parameter Plan 001 of the RDSF, the area of Phase 2 (South) (Thameslink Station) primarily comprises two development zones: Brent Terrace Development Zone and Railway Lands Development Zone.
- 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 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<sup>1</sup> 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.*
- 4.7 The 2014 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.
- 4.8 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.
- 4.9 The 2014 S73 Planning Application was also accompanied by, and determined on the basis of, conclusions contained within an Environmental Statement.

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<sup>1</sup> Plan ref. 224\_PD\_IF\_000 Rev. G referred to in Condition 47.5 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 The application seeks planning permission for the following proposed development:

*“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”*

5.2 The proposal comprises the following rail components:

- 5 no. new sidings (*low-speed track section separate from the main running line where trains are able to be parked*) adjacent to the existing South Sidings, which are proposed to be used for the stabling and servicing of trains, to re-provide the existing Cricklewood Down Sidings (also known as North Sidings) that are required to be decommissioned;
- 6 no. North Sidings and 6no. Midland Mainline Lines which are proposed to be decommissioned, realigned and slewed to accommodate construction the New Thameslink Station;
- 2no. North Reception Roads;
- New driver’s walkway;
- Signallers’ Parking Bay;
- Vehicle barriers, bollards and a buffer stop;
- Pedestrian access gates;
- Overhead line equipment;
- Noise barrier;
- Lighting columns and external lighting; and
- Construction compounds facilities including single storey modular buildings and parking.

5.3 The MML Train Stabling Facility is proposed to be approximately 1800m long, with the realignment works approximately measuring 1200m long. The facility would consist of five new sidings, (each approximately measuring 500m long and capable of accommodating 3 x 8 car trains per track or 2 x 12 car trains; a maximum of 15 trains at any time). The proposed rail infrastructure is required for the operation of both the Thameslink and MML Railway, and would be utilised and operated by two Train Operating Companies: Govia Thameslink Railway and East Midlands Trains.

5.4 All trains currently stabled on the North Sidings would be relocated to the new facility which would also be utilised to stable two Network Rail Tamper Trains. It is understood the new facility would accord to the current timetable, which envisages that only 13

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EMT trains and 2 GTR rains would utilise the facility with in a 24-hour period and only 5 trains would be stabled overnight. The timetable may vary or be amended in the future, however, would not significantly differ and would not increase the number of trains stabled.

- 5.5 The new proposed level crossing would provide a safe track crossing point for the railway operational staff and vehicles, which are required to cross the tracks to access the new Compound and TOC accommodation building. Details of the operational railway and the new Train Stabling Facility are shown on the following plans: 'South Reception Roads and Mainlines Drawing Sheets 1 to 7' and the realignment of the existing railway to serve the new Train Station are shown on the 'North Reception Roads and Mainlines Drawings sheets 1 to 8'. The main elements of the proposed development are further described below.

### Track Re-alignment works including North Reception Roads

- 5.6 It is understood four mainline tracks are required to be realigned to accommodate the platforms for the proposed new Thameslink Train Station, and two reception lines are required to be aligned to connect the stabling facility to the existing Midland Mainline Railway. The MML Track re-alignment and North Reception Roads have been designed to allow for a temporary tie-in with the existing Scissor Crossing (*two pairs of switches that cross cover over between two parallel train tracks forming an X*), which would be replaced at a later stage of the development when the crossing will no longer be required for the rail operations of this Application site. It is understood the proposed new North Reception Roads will be constructed with the permissible limits of Adjacent Line Open (ALO) working.
- 5.7 The new rail track will connect to the existing rail track from the Cricklewood end and will reduce to a single track to connect back to the MML. Once the MML Stabling Facility has been constructed, the existing North Sidings will be de-commissioned.

### Supporting Rail Infrastructure

- 5.8 The proposal includes new and modified Overhead Line Equipment, which are electrified by means of a 25kV supply. New and modified signalling power points, heating, lighting and modification to the existing South Sidings substation are proposed. In addition to the relocation of the Auto Transformer Feed (ATF) to allow for the new Thameslink Train Station, the proposal also includes New Relocatable Equipment Buildings (REBs), cabinets and signals to accommodate the changes made to the MML Train Stabling Facility and Track Re-alignment works. The position of the supporting rail infrastructure would follow the profile of the new MML Train Stabling Facility and Track re-alignment.
- 5.9 The Driver's walkway, 1.5m in width was initially envisaged to provide access to the new compound and GTR accommodation via the existing Cricklewood Station; however, would now extend further to provide future access to the Thameslink Train Station and include secure entrance and exit points to meet GTR Requirements. This access will only be used by drivers and in the future, it is envisaged that a secure

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turnstile gate and secure door would be proposed; to allow drivers to access the rear of the station eastern entrance.

- 5.10 To support the end of the Tamper Sidings, a Buffer stop is proposed which is a device that prevents the trains going past the physical section of the end of the track.
- 5.11 A Noise barrier is proposed along the eastern perimeter of the operational rail boundary, whereby the height varies between 2.5m and 5m high.
- 5.12 Three parking spaces (one with passive charging facility), associated with the existing signal box are proposed and would be located outside the railway fenced area. Access from the Signaller's parking bay would be via a security controlled turnstile and controlled from the Signal Box. In the interim period, the security controlled turnstile would adjoin the private access road via Brent Terrace (north), with the long-term provision adjoining to the new Spine Road (both to be constructed and assessed as part of the Phase 2 (South) (Thameslink Station Approach).
- 5.13 The Application site would be bounded by a security fence to prevent public access and would only be accessible by authorised personnel via a fob or card access system. Pedestrian safety would be achieved through the use of a kerbed and tactile paving, and clear road markings separating pedestrians from the vehicles. An extensive Armco barrier would run parallel to the sidings to guard pedestrians and vehicles. The level crossing over the MML Train Stabling Facility would have a textured rubber finish and inspection walkways would have a textured concrete finish to provide a non-slip surface.

### Construction Compounds

- 5.14 Two temporary construction compounds and two construction worker car parking areas are proposed along the east of the application site. These will include:
- Printing and Network Connection;
  - Parking, Plant and Material Storage areas;
  - Welfare, toilets, changing facilities and drying rooms.
- 5.15 The construction compound would be divided between the Main Compound and the Satellite compound; whereby the main compound would be constructed in two phases. A modular office building is proposed, circa being 36m x 24m situated within the footprint of the existing scarp yard. The modular office would initially accommodate 50 people until March 2019. Car parking spaces for approximately 100 vehicles are proposed, although it is understood that this number of vehicles is not expected during the construction of the sidings due to travel plan initiatives and through encouraging car share opportunities.
- 5.16 The secondary compound is proposed to facilitate the initial main works for the sidings and will provide car parking facilities for 30 vehicles. Access to the car park would be via Brent Terrace (South), through an existing access point which would be reinstated. This car park would be controlled on a permit system. It is understood no HGV vehicles

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are proposed to access this car park and no vehicles would park on Brent Terrace itself. A safe walkway would be erected and managed to ensure vehicle and pedestrian segregation is adequately maintained. To mitigate any potential impact to Brent Terrace (South) residents, the access will only be utilised during daytime midweek hours and access for night-time of weekend works is proposed to be via Tiling Road.

## 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 application site falls within the Railway Lands Development Zone as identified on Parameter Plan 001 of the S73 Permission. This zone spans the western boundary of the Masterplan and contains the rail related infrastructure and land uses.
- 6.3 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<sup>2</sup> 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.
- 6.4 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,

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<sup>2</sup> 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.

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detailed approval is sought by way of this 'drop-in' planning application.

- 6.5 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.
- 6.6 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<sup>3</sup>. 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.
- 6.7 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).

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<sup>3</sup> 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**

<b>The London Plan (March 2016)</b>	
<b><i>London's Places</i></b>	
Policy 2.13	Opportunity Areas and Intensification Areas
Policy 2.18	Green Infrastructure: The Multi-functional Network of Green and Open Spaces
<b><i>London's Response to Climate Change</i></b>	
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
<b><i>London's Transport</i></b>	
Policy 6.1	Strategic Approach
Policy 6.3	Assessing Effects of Development on Transport Capacity
Policy 6.9	Cycling
Policy 6.13	Parking
<b><i>London's Living Spaces and Places</i></b>	
Policy 7.4	Local Character



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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
<b>Implementation and Monitoring Review</b>	
Policy 8.2	Planning Obligations
<b>Barnet Local Plan – Core Strategy DPD (September 2012)</b>	
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
<b>Barnet Local Plan – Development Management Policies DPD (September 2012)</b>	
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
<b>Unitary Development Plan (2006) – Chapter 12: Cricklewood, Brent Cross and West Hendon Regeneration Area</b>	
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 &

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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 2<sup>nd</sup> March 2018. A further draft with the Mayor's minor suggested changes was published on 13<sup>th</sup> 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<sup>4</sup>. Given the 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 17<sup>th</sup> March 2016 and Policy and Resources Committees on 17<sup>th</sup> May 2016 and 28<sup>th</sup> 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 11<sup>th</sup> July 2016 and again on the 5<sup>th</sup> 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

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<sup>4</sup> 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](https://www.london.gov.uk/sites/default/files/ex01_lp_panel_note_no.1_final.pdf)).

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September 2016 and a public inquiry into CPO3 was conducted by an independent Planning Inspector appointed by the Secretary of State in September 2017. Subsequently on 15<sup>th</sup> May 2018, the Secretary of State for Housing, Communities and Local Government confirmed CPO3 in full.

- 7.12 On the 27<sup>th</sup> 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 18<sup>th</sup> December 2018 following consideration by Policy and Resources Committee on the 11<sup>th</sup> 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 railway 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
18/5244/EIA	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.	Current application pending consideration

**Pre-Application Public Consultation**

- 7.14 As set out in the ‘Record of Engagement, Station Sidings – Rail Realignment’ (prepared by GL Hearn, dated September 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 posted 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.

Stakeholder engagement and Public Engagement

- 7.17 Residents and key stakeholders were invited to attend a dedicated stakeholder event, which took place on 21<sup>st</sup> 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 the 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** did not provide any comments in response to the LPA's consultation.
- 7.22 **Transport for London** (TfL) is supportive of the proposed development and have requested clarification regarding the Construction Transport Management Plan (CTMP) provided with the planning application. The document generally accords with TfL Construction Logistic Guidance subject to the following clarifications raised:
- Demonstrate how the contractors will comply with Construction Logistics and Community Safety standard (CLOCS) (TfL guidance on Construction Logistics Plan), Fleet Operator Recognition Scheme, application of HGV Direct Vision Standard and limits to using of off road vehicles on the highway.
  - Delivery management system details should be provided.
  - For the designated routes and times of operation they should identify where there are potential vulnerable road uses e.g. vehicles turning across cycle routes, routes sensitive receptors (e.g. primary schools).
  - Demonstrate the feasibility of movement by rail as part of the journey to site for each stage of construction and phase of construction.
  - Design for Manufacture and Assembly (DfMA) and off-site manufacture for each stage of construction and phase of construction.
  - How the opportunities to re-use materials on site has been considered.
  - Smart procurement to help minimise vehicle movements, this can apply to main contractor, sub-contractors and suppliers. CTMP should show how minimising vehicle movements and safety is embedded into procurement.

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- The CTMP should set out how each contractor on site will be encouraged to collaborate with other contractors within the BXC regeneration area will co-operate and set out how liaison with adjacent sites will be managed. There is some positive statements on this aspect.
  - The CTMP should include information on staff travel or reference the Construction Workers Travel Plan
- 7.23 **Network Rail** is supportive of the proposal and acknowledge relevant Train Operating Companies have been consulted. The application is without prejudice to Network Rail's permitted development rights as enshrined in parts 8a and 18a of the General Permitted Development Order 1995.
- 7.24 **Environment Agency (EA)** raise no objection to the proposed development, and note the proposed development is sited with Flood Zone 1, which is land assessed as having less than 1 in 1,000 annual probability of river or sea flooding in any year. To reduce risk to the water environment the EA have recommended that surface water drainage from areas of hardstanding should be passed through oil separators prior to being discharged into any watercourse, soakaway or surface water sewer. Clean roof water or vehicle wash downs and detergents should be drained to foul sewer or a sealed system.
- 7.25 **Natural England** raise no objection and considers that the proposed will not have significant adverse impacts on statutorily protected sites or landscapes.
- 7.26 **National Grid** raised no objection to the proposed development, although noting that an operational gas apparatus is located within the application site boundary. An informative is suggested whereby the applicant is required to notify National Grid for approval prior to works commencing on site and ensuring requirements are adhered to.
- 7.27 **Thames Water** did not provide any comments in response to the LPA's consultation.
- 7.28 **Affinity Water** did not provide any comments in response to the LPA's consultation.
- 7.29 The Council's **Environmental Health Officer** provided comments in relation to air quality, noise and contaminated land impacts and concluded that further information was required to assess the impact of the proposed development. The comments are summarised below:
- **Noise and Vibration:** Clarifications are required for the proposed night time construction works and demonstrate how the predicted noise levels at the nearest sensitive receptors have been calculated; demonstrate whether the proposed noise barrier would provide sufficient mitigation; clarifications regarding piling methods and night time works trigger the need for a Section 61.

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- **Air Quality:** All HGV's vehicles should be Euro VI/6 compliant. Submission and approval of a Construction Environmental Management Plan requested prior to works commencing on site and other conditions including that all HGVs are Euro VI compliant as a minimum and emissions standards for Non-Road Mobile Machinery.
- **Land Contamination:** The assessment submitted is considered to be satisfactory. A condition is recommended requiring the submission and approval of a remediation method statement. Where remediation of contamination on the site is required, completion of the remediation detailed in the method statement shall thereafter be carried out and a report that provides verification that the required works have been carried out, shall also be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

### Officers Response:

*Further to the Environmental Health Officer's consultation response, the Applicant provided clarification in respect of all matters raised, including clarification regarding the potential noise and vibration impacts of the proposed development. As discussed in paragraphs 8.28-8.50 below, the Council's Environmental Health Officer is now content with the information submitted.*

- 7.30 The Council's **Transport Planning and Regeneration Team** raised no objections to the proposed development subject to the following clarifications regarding the Construction Impact Assessment, construction traffic and general traffic once the development is built and in operational, effect of construction HGV on Brent Terrace North and any nearby sensitive receptors; and suggested 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;
  - A submission and approval of a Supplemental Construction Traffic Management Plan for the transportation and delivery for the transporting of the switch and crossing units prior to these arriving on site; and
  - Details of cycle and parking facilities prior to occupation.
- 7.31 The **Lead Local Flood Authority** did not provide any comments in response to the LPA's consultation.
- 7.32 The Council's **Development Travel Plans Team** did not provide any comments in response to the LPA's consultation.
- 7.33 All **Ward Councillors** for **Childs Hill** and **Golders Green** were notified of the planning application.
- 7.34 Based on the Council's current database, a number of other residents' associations

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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.** However, no comments have been received from these particular organisations.

- 7.35 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 in accordance with Regulation 19 (3) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

### **Public Consultation Response**

- 7.36 Upon validation of the planning application, the LPA notified **568** properties within the vicinity of the Application Site. The Application was advertised in the Local Press Newspaper on **25<sup>th</sup> September 2018** and by site notice. The public consultation ran for a 4-week period between **20<sup>th</sup> September to 18<sup>th</sup> October 2018**.
- 7.37 No representations in relation to this planning application have been received by the LPA.



## 8 PLANNING CONSIDERATIONS

- 8.1 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

- 8.2 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 23<sup>rd</sup> July 2014 (planning reference F/04687/13) ('2014 S73 Permission') and is the planning permission currently being implemented for the comprehensive redevelopment of the BXC regeneration area.
- 8.3 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 and currently utilised by Train Operating Companies Govia Thameslink Railway ('GTR') and East Midlands Trains ('EMT').
- 8.4 The proposed development seeks to deliver the New MML Train Stabling Facility as part of the BXC Development (in addition to consideration of the concurrent planning application 18/5244/EIA for the relocation of an existing compound and facilities utilised by GTR and EMT) to facilitate the construction of the New Thameslink Train Station. It also seeks permission for associated track realignment necessary to accommodate the new station platforms. Both are permitted by the s73 Planning Permission for BXC and therefore it is considered that the principle of the proposed development is acceptable.

London Borough of Barnet's Planning Policy Framework

- 8.5 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.
- 8.6 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 Midland Main Line (MML) and the Cricklewood Down Sidings are required to be relocated to ensure land can be made available to construct the New Train Station. The proposed development seeks to achieve this by re-providing this railway infrastructure adjacent to the existing South Sidings.

The London Plan (March 2016)

- 8.7 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.
- 8.8 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)

- 8.9 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**

- 8.10 The Application Site falls entirely within the boundary of the BXC regeneration scheme which benefits from outline planning permission by virtue of the 2014 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, which 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. The Council acknowledges that regeneration schemes of this scale and nature are typically carried out over a number of years from its initial conception, through detailed design stages, multi-stage planning consenting process, and thereafter implementation of the approved development. The permitted BXC regeneration scheme is projected to be completed beyond 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 the 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 key changes since the S73 Permission was granted in respect of this drop-in planning application are: 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.
- 8.11 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, the proposed development consequently encroaches 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. As a result of this divergence from the approved parameters of the S73 Permission, the Applicant is seeking permission for the relocation of the existing Cricklewood Down Stabling's and the MML Railway within the Railway Lands Development Zone and provide a similar function, by virtue of a 'drop-in planning application' as opposed to through the mechanism provided by Condition 47.6 of the S73 Permission.
- 8.12 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:

- 8.13 In regard to the first consideration, the applicant has submitted evidence to

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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 form a Reconciliation Feasibility Study: Report titled '*Brent Cross Thameslink Works Package B: Sidings, Brent Terrace Reconciliation Feasibility Study, August 2018*' which was prepared by Capita Property and Infrastructure Limited.

- 8.14 The core principles of the study were to examine the effect of locating the Compound (subject of a separate planning application – 18/5244/EIA) and the existing MML Railway and the Cricklewood Down Stabling and sidings (subject of this planning application) 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 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<sup>5</sup>), 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. The Study therefore illustrates various permutations to demonstrate that the permitted floorspace, infrastructure and open space provisions could be redistributed elsewhere within the Brent Terrace Development Zone in accordance with the approved parameters.
- 8.15 The S73 Permission approves the BXC masterplan on the basis of development within 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.
- 8.16 Development Zones are sub-divided into Building Zones (zones in which buildings will be built) as informed by the location and extent of the approved highway 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.
- 8.17 The floorspace area permitted within the Brent Terrace Development Zone is a total of 200,022m<sup>2</sup>, 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 in the 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 envisaged

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<sup>5</sup> Nature Parks are classified as an 'open space typology' within the Public Realm and Open Space Strategy.

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to be developed is 199,418m<sup>2</sup>. 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<sup>2</sup> of community use in BT3 and 372m<sup>2</sup> 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<sup>2</sup>.

**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 <sup>2</sup> (Primary Use)	Remaining Floorspace m <sup>2</sup>
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

- 8.18 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<sup>2</sup>), 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).
- 8.19 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.
- 8.20 As such, it is considered that the proposed development would not prejudice the

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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).

- 8.21 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:

- 8.22 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.
- 8.23 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**

- 8.24 The proposed development seeks to replace existing train stabling facilities to enable the release of land required to deliver the new Thameslink Train Station, along with the amendments to the Midland Mainline railway tracks to make way for the installation of the new station platforms. Although the proposed development would result in the re-provision of existing rail-related development and sidings, the planning application describes these as being relocated and situated parallel to existing residential properties off Brent Terrace. The proposed development therefore has the potential to generate impacts relating to noise and vibration, air quality 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:

- 8.25 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<sup>6</sup>. 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)*.
- 8.26 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 immediately to the east of the Application Site<sup>7</sup>, and the Midland Mainline 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 from the boundary of Network Rail's land toward Brent Terrace.
- 8.27 Although planning permission is being sought for the BXC New MML Train Stabling Facility by virtue 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...*'<sup>8</sup>. The proposed development seeks to deliver railway infrastructure within the confines of the existing, operational railway corridor and indeed re-provides infrastructure that is currently provided at the existing Cricklewood Down Sidings. As such, based on the characteristics of the area and nature of the proposed development, the development would not be incongruous within the surrounding urban context. The proposal would therefore be complimentary to the area by virtue of it being required to facilitate continued operation of the railway network within operational railway land.

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<sup>6</sup> Paragraph 10.5.5 of the Core Strategy DPD (2012).

<sup>7</sup> 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.

<sup>8</sup> Sourced from paragraphs 3.14-3.17 of Annex H in Volume 2 of the 'Section 73 Environmental Statement (Vol. 2)' (BXC02, October 2013).

Air quality

- 8.28 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.
- 8.29 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).
- 8.30 The Applicant has provided an assessment of air quality and dust impacts of the proposed development within Chapter 9 of the Supplementary Environmental Statement ('SES') (September 2018). This assessment considers the impact of the proposal on nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) emissions in relation to nearby sensitive receptors, including properties off Brent Terrace to the east and Claremont Primary School beyond Brent Terrace (South), for both the construction and operational phases of the proposed development. For the construction phase, the Applicant has identified a peak of 5 train deliveries per day and around 10 HGVs per day to facilitate the construction of the proposed development and translated these into anticipated emissions. In terms of the operational phase of the proposed development, the Applicant has modelled five scenarios to consider the cumulative impacts of the proposal alongside Phase 1 of the BXC Development and the wider Phase 2 (South) (Thameslink Station) sub-phase developments. These scenarios include a 2012 baseline, a 2021 'Do Nothing' scenario, a 2021 'Do Something' scenario, and two 2017 sensitivity tests for both 'Do Nothing' and 'Do Something' scenarios. The operational phase assessment is principally related to a 'Roads Modelling Assessment' as the proposed development would not result in any change to existing movements of trains (i.e. quantity nor frequency) once the proposed rail tracks become fully operational.
- 8.31 The Applicants' assessment concludes that the construction phase of the proposed development in terms of air quality would have a negligible to low risk of dust soiling and human health effects subject to the application of mitigation measures set out within the Appendix 9C of the SES. These mitigation measures would typically form part of a Construction Environmental Management Plan.



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- 8.32 In terms of the operational phase, the Applicant has conducted a focussed cumulative assessment considering sensitive receptors within 500 metres of the Site and, in particular, assessing changes in traffic movements as a consequence of the proposed development. For NO<sub>2</sub> concentrations, the modelling concludes in the 2021 Do Something scenario that 7 of the 32 modelled receptors would result in an exceedance of the NAQO for NO<sub>2</sub> (40 micrograms/m<sup>3</sup>) resulting in 1 substantially adverse, 6 moderately adverse and 11 slightly adverse impacts. However, compared to the 2012 baseline, where 26 of the identified receptors exceed the NAQO for NO<sub>2</sub>, 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, the impact of the proposed development is considered to be negligible. With the application of appropriate mitigation measures (including, but not limited to, all HGVs being Euro VI compliant) it is considered that any residual impact of the proposed development itself would also be negligible.
- 8.33 In regard to impacts arising from PM<sub>10</sub> emissions, the Applicant's assessment concludes that the predicted annual mean PM<sub>10</sub> 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 and no intensification in the use or operation of those sidings, the impact of the proposed development in this respect is also considered to be negligible.
- 8.34 With regard to nearby ecological receptors, the cumulative impacts of the proposed development in addition to the wider Phase 2 (South) (Thameslink Station) sub-phase of the BXC Development would result in a slight reduction in NO<sub>x</sub> emissions at the Brent Reservoir SSSI. Albeit, it is acknowledged that the baseline indicates an exceedance of the relevant NAQO notwithstanding the proposed development nor wider BXC regeneration scheme.
- 8.35 In terms of the Air Quality Neutrality test, the proposed development would be for the re-provision of existing sidings facilities (North Sidings being decommissioned and replaced by the new South Sidings) and realignment of the existing Midland Main Line tracks. The proposal would not, therefore, result in any intensification or other change to the operation of the sidings or the adjacent railway. As such, the proposed development is not anticipated to cause additional emissions of NO<sub>x</sub> or PM<sub>10</sub>s from either road or rail sources and, as a result, the air quality neutral assessment is not necessary.
- 8.36 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. In her view, the mitigation measures proposed

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for the construction phase are acceptable subject to the imposition of conditions relating to: the provision of a Construction Environmental Management Plan (as referred to in paragraph 8.30 above), all HGVs being Euro VI compliant and preventing the idling of engines on-site, and compliance to the relevant emissions standards for all Non-Road Mobile Machinery ('NRMM'). Operationally, it is recognised that the proposal would otherwise result in a continuation of the existing operations at the sidings.

- 8.37 In view of the foregoing, it is considered that the proposed development would not result in the worsening of existing air quality and would not result in any significant increase in NO<sub>x</sub> or PM<sub>10</sub> emissions. This consideration is based on the proposal resulting in the re-provision and relocation of existing rail infrastructure and facilities that currently operate out of Cricklewood Down Sidings; and that the proposal would not result in any intensified use of the railway sidings. Any such emissions, including dust, prevalent during the construction phase can be adequately managed through the application of good site working practices and this can be secured by way of an appropriately worded planning condition requiring the submission, approval and implementation of a Construction Environmental Management Plan. As recommended by the Environmental Health Officer, conditions requiring all HGVs associated with the proposed development to be Euro VI standard, as a minimum, and NRMM emission standards should also be imposed on any planning permission granted to ensure the proposal does not worsen local air quality. Therefore, subject to the imposition of such conditions, the proposed development is therefore considered to be in compliance with the relevant abovementioned development plan policies.

### Noise and Vibration

- 8.38 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 6 of the SES (September 2018).
- 8.39 The Applicant's assessment of noise impacts considers such emissions during both the construction and operational phases of the proposed development; whereas vibration impacts are considered for the construction phase only as per the scope of the assessment agreed with the LPA through a formal Scoping Opinion in accordance

with the EIA Regulations 2017<sup>9</sup> (see Section 10 below for further information).

*Operational Impacts:*

- 8.40 With regard to operational noise levels, the Applicant has advised that the proposed development would result in the removal of the existing North Sidings and construction and operation of 5no. new sidings (referred to as 'Roads 6-10') adjacent to the existing South Sidings (referred to as 'Roads 1-5'), and that Roads 6-8 would be used by GTR operating electric powered trains, and Roads 9-10 (closest to Brent Terrace) would be used by EMT operating diesel trains. The proposed new sidings would be used to stable these trains only, with any other associated operations continuing to operate on the existing South Sidings (Roads 1-5). The main source of operational noise would therefore be the movement of trains. The anticipated noise levels from operation of the proposed sidings has been considered in respect of the nearest sensitive receptors including residential properties off Brent Terrace and Claremont Road to the east, Handley Grove to the south and Fellows Square and the Cricklewood Railway Terraces Conservation to the west beyond the Midland Main Line railway.
- 8.41 Noise levels at Handley Grove and Claremont Road were modelled as being below existing background levels during both the daytime and night time and, therefore, any impact on these properties is considered to be negligible. In respect of Fellows Square, the anticipated noise levels from the proposed development (circa 50dB LAeq) would be below baseline level for which the development has been insulated for (69dB LAeq); therefore, the proposed development is not expected to give rise to any adverse impacts at these receptors. For the Cricklewood Railway Terraces Conservation Area, the assessment indicates that noise levels are anticipated to be 5dB above background levels; however, this needs to be considered in context of the existing noise environment, and the Applicant has suggested that the noise levels from the proposed development (Roads 6-10) would be similar to (and therefore indistinguishable from) noise levels currently experienced from the existing South Sidings (Roads 1-5). Consequently, it is considered that the proposed development may result in noticeable but not intrusive noise impacts at these receptors but such impacts are not considered to be adverse in accordance with BS:4142 (2014) and would not necessarily require any specific measures in accordance with the national Planning Practice Guidance.
- 8.42 The most significant noise impact has been identified at Brent Terrace, where the levels anticipated would be 5-10dB above existing background levels. This indicates that there is likely to be an adverse impact which, in accordance with the national Planning Practice Guidance and Policy 7.15 of the London Plan, should be mitigated. Therefore, in order to mitigate this impact, the Applicant has proposed the erection of a noise attenuation barrier (varying between 2.5 to 5.0 metres in height) along part of the eastern and north-eastern boundary of the Site (as shown on drawing no. 144918-3133-000-ZZZ-DRG-R-MF-000012 Rev. A02). The effect of this barrier is reported as resulting in noise levels from operation of the proposed development being 5dB below background levels (i.e. a reduction of up to 15dB). The Council's Environmental Health

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<sup>9</sup> As a result of the distance between the proposed sidings and residential receptors and low speeds at which trains would travel during operational phase, it was accepted that the proposed development would be unlikely to give rise to any significant vibration effects.

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Officer has reviewed the assessment of operational noise impacts and appropriateness of mitigation proposed and considers that the noise barrier would be sufficient to reduce operational noise to acceptable levels.

### *Construction Impacts – Noise:*

- 8.43 In assessing construction noise levels, the Applicant has considered a worst-case scenario taking into account cumulative construction activities (i.e. several items of plant operating simultaneously). The extent of construction works has been categorised into four broad phases: (1) formation and drainage for the new sidings; (2) overhead line equipment for new sidings; (3) civil works for new sidings; and (4) formation of drainage and overhead line equipment for realignment of the existing Midland Main Line tracks. The first three phases are expected to be carried out mostly in the daytime during the hours of 08:00-17:00. As set out in Appendix 6.2 to the SES (September 2018), the predicted worst case noise levels arising from these works would be no more than 71dB LAeq,T at the nearest receptors along Brent Terrace. This predicted noise level would not exceed the limitation permitted by Condition 28.9 of the BXC S73 Permission in relation to BXC-related construction, demolition or engineering works, which specifies a noise limit of 75dB during normal construction hours (08:00-18:00) in relation to nearby residential properties. This is a limit that the LPA has previously considered to be acceptable for construction works. Furthermore, the Applicant has advised that the assessment contained within Chapter 6 of the SES (September 2018) is a worst-case scenario based on noise levels for plant and equipment set out in BS:5228 (2014), where the values contained within this standard are generally considered to be out of date as quieter equipment is available for use. The specific details of the plant and equipment to be used during the construction phase can be reasonably conditioned through the requirement to provide a Construction Environmental Management Plan. The Council's Environmental Health Officer is satisfied that the proposed daytime construction activities would not exceed acceptable noise levels.
- 8.44 The fourth phase relates to works on the Midland Main Line (i.e. the live tracks with existing train services running on them) and can therefore only be carried out once rail services have ceased (at 23:00) and prior to their recommencement the following morning (at 05:00). The noisiest operation during this night-time period has been identified as piling works to install overhead line equipment. The levels predicted at source (i.e. 10 metres from the piling equipment) is 88dB LAeq,T which translates to 56dB LAeq,T at the nearest receptor in Brent Terrace (130 metres away). However, cumulatively, without mitigation, the proposed night time construction works are expected to generate noise levels of 65dB LAeq,T. The Council's Environmental Health Officer has identified that these modelled noise levels during the night-time would cause a significantly adverse impact over the proposed construction phase between January 2019 to December 2020. In response to these concerns, the Applicant has provided further clarification in respect of the proposed night-time working including information about the proposed piling, worst-case assumptions used to inform the noise assessment and an indicative construction programme.
- 8.45 In respect of piling works, the Applicant has stated that the proposed development

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would require a total of 70no. piles to be driven to install the overhead line equipment and, taking into account the limited duration of working on the railway during the night (23:00-05:00), it would only be feasible to drive a maximum of 2no. piles per night. This equates to a maximum of 35 nights over a two-year period where piling activity would take place. The Applicant has also confirmed that this would not happen over 35 consecutive nights and, as per the indicative construction programme provided for clarification purposes, is likely to occur within approximately six two-week periods over the first half of the overall construction phase (i.e. spread between February 2019 to January 2020). Furthermore, the Applicant has clarified that piling works would not take place for more than 10 nights in any 15-day period or over more than 40 nights in any six-month period. Noise impacts from piling (the noisiest night time activity) would therefore be intermittent and not continuous over the entire construction phase. The Applicant has also provided additional explanation regarding the noise assessment stating that the assessment is very much worst case assuming that all piling works would be carried out at 130 metres away from all properties. In practice, this would not be the case as piles would need to be driven along the length of the proposed new sidings resulting in the noise source moving closer or further away from different properties. The anticipated difference between the location of any pile driving (and the nearest residential receptor) and the residential properties on Brent Terrace furthest away from the noise source is expected to be around 15dB quieter. On recalculation of predicted noise levels from piling activity, the Applicant has also confirmed that noise levels would not be expected to exceed 60dB LAeq,1hr at the nearest Brent Terrace receptors.

- 8.46 To address the predicted significant adverse noise impacts during the night-time construction works, the Applicant has proposed a number of mitigation measures, including: opting for lower-noise equipment, use of repositionable acoustic screening systems, use of hybrid generators that operate off a battery during the night, monitoring ambient noise levels prior to and during construction works, and issuing of notifications and liaison with the local community. Details of such measures can be provided as part of a Construction Environmental Management Plan which can be secured by way of a pre-commencement condition. The Council's Environmental Health Officer has been engaged in discussions with the LPA and the Applicant who, overall, recognises the potentially significant impact of the proposed development from noise during the night-time but considers that the implementation of proposed mitigation measures would result in a reduction of the predicted impact. Furthermore, the Environmental Health Officer has advised that Section 61 of the Control of Pollution Act 1974 provides a control mechanism outside of the planning process that would be applicable to the construction phase of the proposed development. This mechanism enables the Local Authority to issue prior consent to the developer for works on construction sites and facilitates the ability to attach conditions relating to measures that are required to be implemented (including noise mitigation), to limit or qualify any change in circumstance and to limit the duration of any such consent. It is also considered reasonable to attach conditions to any forthcoming planning permission which have the effect of setting appropriate noise limitations and restricting the frequency of piling works to ensure that the proposed development would not be unacceptable in planning terms.
- 8.47 Overall it is acknowledged that it would not be possible to carry out the proposed work to the operational railway tracks during the day when the live railway is in operation,

and that night time working is therefore a necessity. Whilst noise emissions from night time construction works associated with the proposed development would have a noticeable and potentially intrusive impact on residents of Brent Terrace, the Council's Environmental Health Officer has indicated that the reported noise levels would be reduced by the application of mitigation measures proposed. Furthermore, such impacts would ultimately be for a temporary period and would cease upon completion of the construction of the proposed new sidings. It is also noted that such construction works on the railway can, in most circumstances, be carried out under permitted development rights by Network Rail where it would not be possible to control such works by means of the planning conditions proposed to be imposed on this application.

- 8.48 As described above, the proposed development is a key component of the BXC regeneration scheme and the delivery of these rail works (as well as the proposed Sidings Compound which is the subject of planning application 18/5244/EIA also before the Planning Committee) is fundamental to facilitate the construction of the new Thameslink train station. As expressed within the Council's evidence for Compulsory Purchase Order 3, early delivery of the new train station is a key catalyst to the delivery of the BXC Development, and particularly thousands of new homes, office and employment development as part of Brent Cross South.

*Construction Impacts – Vibration:*

- 8.49 Chapter 6 of the SES (September 2018) states that the principal cause of vibratory impacts would be the driving of piles to install the overhead line equipment. Various piling methods have been proposed and the assessment indicates that percussive piling would not cause any perceptible impacts on the nearest sensitive receptors. Vibratory piling does, however, have the potential to result in adverse impacts that should therefore be mitigated and minimised. The Applicant has stated that such impacts would be for short durations and completed on a limited number of nights (see paragraph 8.44 above). Mitigation proposed to offset this impact includes the provision of notification to the nearest residential receptors. The Council's Environmental Health Officer is satisfied that any vibratory impacts would be broadly acceptable given the limited duration, subject to the proposed mitigation being secured as part of a Construction Environmental Management Plan to be approved prior to commencement of the development.

*Overall Conclusion for Protecting Barnet's Character and Amenity:*

- 8.50 In view of the potential noise and vibration impacts arising from the proposed development, it is considered that the most adverse impacts are only likely to occur during the construction phase and would therefore be temporary. Furthermore, the Applicant has confirmed that such impacts would arise during relatively short timeframes within the overall construction programme, rather than for the entire two-year period. The impact of the proposed development during the operational phase is considered to be acceptable. Subject to the imposition of appropriate conditions, the Council's Environmental Health Officer is broadly content with the predicted impacts of the proposed development, which are considered to be a worst-case scenario. As such, the proposed development is considered to be broadly in compliance with the abovementioned development plan policies.

### Highways and Transport Impacts

- 8.51 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.
- 8.52 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.’*
- 8.53 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.
- 8.54 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 detailed approvals for the BXC regeneration scheme 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.
- 8.55 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

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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.

- 8.56 The Applicants Transport Assessment demonstrates that the proposed development would result in minimal operational traffic on the highway network. There are no highway works proposed on the London Borough of Barnet Highway network. No road closures, nor diversions are envisaged to facilitate the proposed works. However, if required, the appropriate application and notice periods should be applied for from London Borough Barnet as Highway Authority and local residents should also be informed in advance of any forthcoming public highway road closures.
- 8.57 The submitted Construction Traffic Management Plan ('CTMP') estimates that the maximum number of HGV movements generated by the proposed development would be 15 vehicles per weekday (30 two-way movements). No HGV access would be permitted via the Brent Terrace (South), although approximately 2 No. 7tonne box vans per day would utilise this entrance for delivery of office supplies etc. Waste skip delivery or collection lorries would only enter the application site when required. The majority of deliveries of material and removal of spoil associated with construction would arrive/be exported via rail, whereby approximately 125 trains are expected throughout the construction period. Some permanent way materials (items for the rail tracks) would need to be delivered by road, as they would be too large to be transported by train. However, these vehicles (60ft articulated lorries) would be scheduled for delivery with agreement with the Highway Authority, and would not pass through residential areas but utilise the mixed industrial and commercial area by the North Circular Road. This reduces the amount of road movement and no adverse effects are expected along public highway roads.
- 8.58 Construction delivery vehicles would generally arrive between 9am-4pm, although there would be the occasional requirement for deliveries during evenings or overnight (when night works are planned). No construction delivery vehicles would arrive, or depart site between the hours of 08:00 and 09:00 or between 17:00 and 18:00 to avoid peak times for the road network.
- 8.59 The main construction compound, north of the proposed development would initially accommodate 50 people until March 2019, thereafter the facility is envisaged to double in capacity to facilitate approximately 100 people. The car park associated with this compound would consist of 100 car parking spaces, whereby access would be via Brent Terrace (North), off Tilling Road. The secondary compound, south of the proposed development would accommodate 30 car parking spaces accessed via Brent Terrace (South). To mitigate any potential impact to Brent Terrace residents, access would only be utilised during normal daytime midweek hours and for night-time or weekend works, access would be via Tilling Road. No vehicles would be permitted to park on Brent Terrace South. No HGV vehicles are proposed to access the secondary car park and a permit system would be in place, which would be managed by security to control the number of vehicles. All workers would be encouraged to utilise local transport or car share to minimise traffic movements on the local highway network.



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The vast majority of staff would access/egress outside peak hour periods and, non-office staff would arrive prior to 07:00 hours start and leave before 17:00 hours.

- 8.60 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 development in relation to construction traffic. The proposed development would help contribute to a higher proportion of travel by public transport in this part of London by facilitating the development of a new Train Station. However, as recommended by the Council's Transport Planning and Regeneration team, any forthcoming planning permission should be subject to 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 transportation and delivery for the transporting of the switch and crossing units prior to these arriving on site. Liaison with the Applicant in regard to such controls has resulted in their indication that such conditions would be acceptable.
- 8.61 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.
- 8.62 The Council's Transport Planning and Regeneration Team are 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 and Cycling Provisions**

- 8.63 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.
- 8.64 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

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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.

- 8.65 Three parking spaces (one with passive charging facility), associated with the existing signal box are proposed and would be located outside the Railway fence. Access from the Signaller's parking bay would be via security controlled turnstile, which would be controlled from the Signal Box. In the interim period, the security controlled turnstile would adjoin the private access road via Brent Terrace (north); with the long-term provision adjoining a new access road through the development connecting to the new Spine Road (both to be constructed and assessed as part of the Phase 2 (South) (Thameslink Station Approach)).
- 8.66 The Council's Transport Planning and Regeneration Team required details of cycle and parking facilities for the signal box prior to occupation, as within the immediate vicinity of the development no cycle parking provisions are proposed. However, the applicant does not anticipate that staff would cycle to work, given the nature of the development and type of vehicles accessing the main access route. Nevertheless, the ancillary planning application (ref. 18/5244/EIA) for the relocation compound, which is also before the Planning Committee for consideration, provides sufficient cycling parking provisions should the member of staff located at the signal box intend to cycle.
- 8.67 It is considered the proposed parking 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**

- 8.68 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 SINC's. 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.
- 8.69 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 the Welsh Harp SSSI and Brent Reservoir LNR which is located approximately 300 metres to the northwest of the Site's redline boundary. A further 14 non-statutory designated sites (including one Local Nature Reserve) were also recorded within 1.5 km. 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. This vegetated

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corridor is considered to be of regional importance for bats and other protected species.

- 8.70 The Application is supported by an assessment of Biodiversity impacts as contained within Chapter 7 of the SES (September 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).
- 8.71 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 and 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.
- 8.72 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 Applicant's 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. The Applicant recognises the importance of this existing bat flight line and has proposed directional lighting that is directed away from the vegetation corridor. Nevertheless, there is a lack of detail within the planning application and a condition should be imposed on any planning permission granted to mitigate any potential light spill beyond the application boundary. As such, it is considered that any impacts on protected bat species can be reasonably mitigated through the provision of appropriately designed lighting.
- 8.73 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

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Policies DPD and Policy 7.19 of the London Plan.

### Lighting

- 8.74 Lighting is currently provided on the existing MML Stabling Facility and the North Sidings. As part of the decommissioning works, it is understood new lighting would be installed within the proposed inspection walkways located in between the new MML Train Stabling Facility sidings, comprising 6m tall raised and lower lighting columns. Each column would have luminaire fittings with 60 watts (230V) LED luminaires. The lighting illumination level for the inspection walkways located within the South Sidings are proposed to be 30lux. The walkways shall be used for the yard operator to inspect and access trains stabled within the facility.
- 8.75 Lighting is also proposed within the signallers parking bay and would run along the length of the proposed Drivers Walkway at suitable intervals. The lighting illumination level proposed would be 10lux, which shall comprise 6m tall lighting columns. These columns shall be mounted LED Platform Lights, which are proposed to be installed to ensure that when in their lowered position there is no clash with other infrastructure and that, where relevant, minimum clearance dimensions would be achieved.
- 8.76 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). In respect of residential receptors at Brent Terrace and 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.
- 8.77 There is a lack of detail within the planning application with regards to mitigations and any potential light spill beyond the application boundary. As the proposed Sidings facility would operate 24 hours a day, light spill from the Application Site towards 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 (see paragraph 8.71 above). However, as described under the 'Biodiversity' section above, such an impact can be reasonably mitigated through the provision of detailed lighting designs in order to mitigate any potential light spill. It is therefore recommended that a condition be imposed on any planning permission requiring the submission and approval of details pertaining to external lighting. Therefore, subject to this condition it is considered the development would accord with the abovementioned development plan policies.

### **Sustainable Construction and Climate Change**

- 8.78 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.

- 8.79 The application solely relates to the construction, operation and realignment of new and existing railway track and associated infrastructure to accommodate a number of rail related services, which are currently provided at the Cricklewood North Sidings. The development proposal does not therefore involve the construction of any building nor permanent structure. Nevertheless, a Construction Environmental Management Plan (CEMP) in line with the British Standard 42020.2013 'Biodiversity – Code of Practice for Planning and Development' is required to be submitted to the LPA for approval prior to commencement of the development.

#### **Flood Risk and Drainage**

- 8.80 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, away from Zone 2 and 3 and is therefore at the lowest risk of flooding from fluvial sources (below 0.1% chance of occurring each year). 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 updated Flood Map for Surface Water identifies minor flood risk across the proposed Application Boundary, only the extent of the railway lines located to the north-west of the application site are at low to high risk of flooding; particularly under the North Circular Road. The two areas which are proposed for the welfare, parking and storage facilities are not illustrated at risk of surface water flooding.
- 8.81 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

## APPENDIX B:

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.

- 8.82 The Applicant's assessment demonstrates that the main source of flooding around the Application Site is surface water; however only a minor section of the proposed development area is at risk of flooding. The construction of the new south sidings, in addition to the realignment of the existing MML includes the construction of a drainage network. The proposed surface water system has been designed to collect runoff generated on the railway line with manhole chambers and convey them within linear drains placed along the railway line during the construction phase. For the new sidings, three parallel pipe lines would be constructed. Water within the pipe network would be conveyed in a north-west direction towards a common outfall which, at this stage is unknown; however, a typical detail for the proposed drainage network has been presented on Figure 8.4 within Chapter 8 (Water and Flood Risk) of the Applicant's SES (September 2018). For the realignment of the MML, three parallel pipe lines would be constructed, whereby water would be collected in manhole chambers and conveyed within the pipe network in a northerly direction towards a common outfall located east of the railway line and south of the crossing with the North Circular Road.
- 8.83 Taking into account the design of the proposed development and mitigation measures proposed alongside the relatively low vulnerability of the Site in flood risk; 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**

- 8.84 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

## APPENDIX B:

permitted. As contained within Chapter 10 of the SES (September 2018), the Applicant has carried out an assessment of the potential for land contamination arising from the proposed development.

- 8.85 An assessment of potential cumulative impacts arising from the wider Thameslink Phase of the BXC Regeneration Scheme in the context of the 2014 S73 Permission together with neighbouring developments has been undertaken. 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; drain cleaning to remove excessive oil in the drainage system; suitable PPE, and contamination remediation method statement. 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.
- 8.86 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.
- 8.87 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**

- 8.88 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

## APPENDIX B:

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.

- 8.89 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.



## 9 ENVIRONMENTAL IMPACT ASSESSMENT

- 9.1 The planning application is accompanied by a Supplementary Environmental Statement (dated September 2018) which assesses the impact of the proposed development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 9.2 This Supplementary Environmental Statement has been prepared in cognisance of a formal Scoping Opinion issued by the LPA on the 25<sup>th</sup> July 2018. The submitted SES covers 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;
  - Noise and vibration;
  - Biodiversity;
  - Water and flood;
  - Air quality and dust;
  - Ground contamination;
  - Major accidents and disasters; and
  - Cumulative effects.
- 9.3 Given the relationship with the BXC regeneration scheme and the fact that the proposed 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 Considerations section of this report having regard to the relevant material considerations.
- 9.4 The relevant assessments and conclusions from those assessments as contained within the SES (September 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.

## 10 EQUALITY AND DIVERSITY ISSUES

10.1 Section 149 of the Equality Act 2010, which came into force on 5<sup>th</sup> 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.”*

10.2 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.

10.3 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.

10.4 Notwithstanding that the proposed development seeks to deliver a railway infrastructure which would not ordinarily be accessible to members of the public, the site would be accessible by various modes of transport, including by foot, bicycle, public transport, private vehicle and commercial vehicles. A range of transport choices are therefore available for all users of the site. As such, and as far as is practicable taking into account the nature of the proposed development, 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.

10.5 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.

**11 CONCLUSION**

- 11.1 The application seeks planning permission for the construction and operation of new sidings, realignment of the existing Midland Main Line railway track and provision of associated infrastructure to ensure the continued delivery of a number of rail related services, which are currently provided at the Cricklewood Down Sidings.
- 11.2 The existing Cricklewood Down Sidings (also known as North sidings) are required to be relocated further south to a location adjacent to the existing South Sidings, to make way for the new Thameslink train station (to be known as Brent Cross West); which is being delivered as part of the wider Brent Cross Cricklewood (BXC) regeneration scheme. The new station would 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.
- 11.3 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, the relocated sidings encroach onto land within the Brent Terrace Development Zone (i.e. outside the Railway Lands Development Zone). As a result, the proposed development would deviate from a number of the S73 Permission Parameter Plans, and therefore it cannot be considered through the mechanisms provided for within the S73 Permission (Conditions 47.5 and 47.6). Instead a stand-alone 'drop-in' application has been submitted which effectively drops the new proposal into the masterplan for BXC. 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.
- 11.4 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 would remain capable of implementation in the context of the proposed railway infrastructure. 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).
- 11.5 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

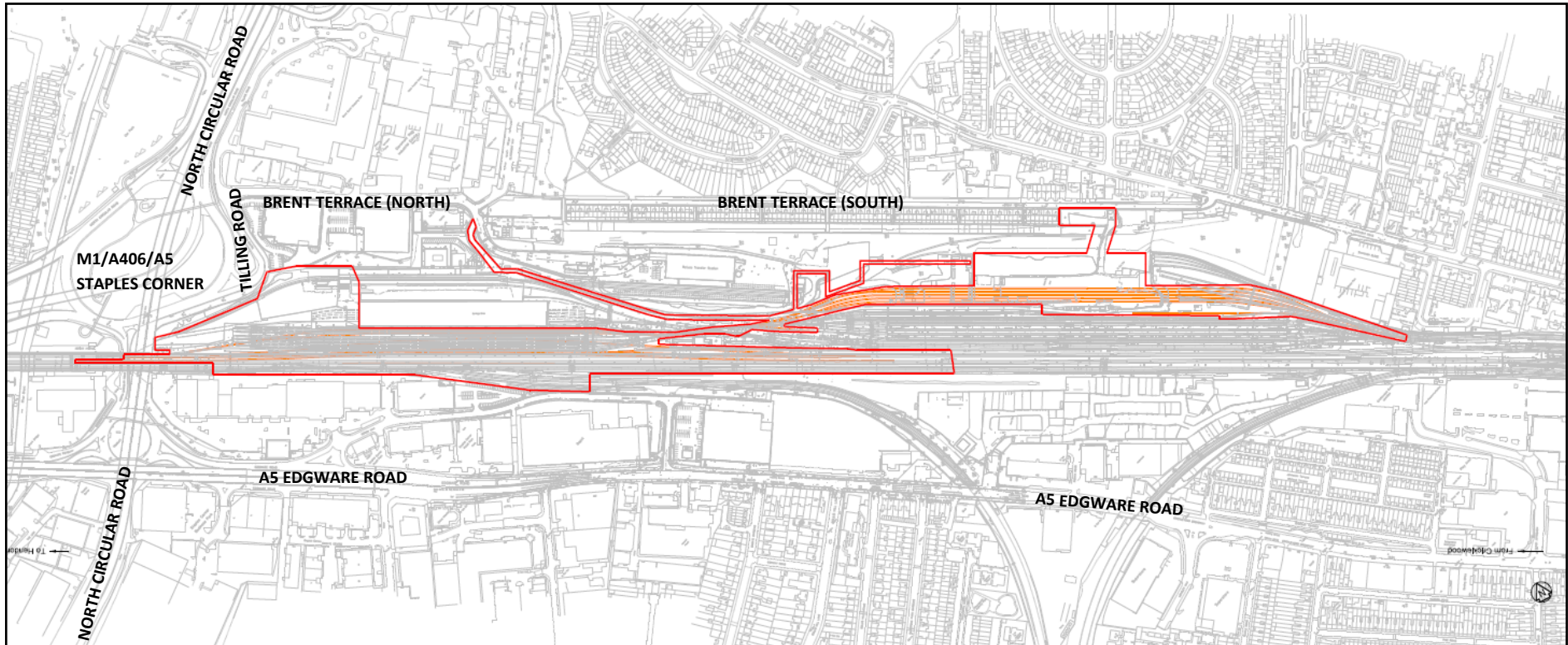
## APPENDIX B:

report. The assessment has considered the key material considerations relating to the principle of the proposed development, local character and amenity (including air quality, noise and vibration), highways and transport impacts, biodiversity, 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.

- 11.6 It is concluded that the proposed development therefore generally accords with the relevant development plan policies and 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.

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**SITE LOCATION PLAN – CRICKLEWOOD SIDINGS, LAND TO THE REAR OF BRENT TERRACE (SOUTH), LONDON NW2 1BX  
PLANNING APPLICATION 18/5647/EIA**



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## Strategic Planning Committee

9<sup>th</sup> December 2020



<b>Title</b>	<b>Brownfield Land Register</b>
<b>Report of</b>	Deputy Chief Executive
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	<i>Appendix A – Brownfield Land Register</i>
<b>Officer Contact Details</b>	<b>Nick Lynch – Planning Policy Manager 020 8359 4211</b> <a href="mailto:Nick.Lynch@barnet.gov.uk">Nick.Lynch@barnet.gov.uk</a>

### Summary

The Housing and Planning Act 2016 introduced a requirement for local planning authorities to produce a register of particular kinds of land. This was reinforced by The Town and Country Planning (Brownfield Land Register) Regulations 2017, which now requires local planning authorities to prepare, maintain and publish registers of previously, developed (brownfield) land. This provides up-to-date, digitally and publicly available information on brownfield land that is suitable for new homes, helping to provide certainty for developers and communities, encouraging investment in local areas.

The Brownfield Land Register only includes sites within Part 1 with either an extant unimplemented planning permission for residential use or Local Plan residential site allocation. There are no entries included in Part 2 as to date no sites have been granted Permission in Principle.

## Officers Recommendations

### 1. That the Strategic Planning Committee approves the updated 2020 Brownfield Land Register (BLR) (as set out in Appendix A) for publication.

#### 1. WHY THIS REPORT IS NEEDED

- 1.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 (“Regulations”) introduced a new requirement on local planning authorities to prepare, maintain and publish registers of previously developed<sup>1</sup> (brownfield) land. The Council published its first Register in December 2017 and has updated it annually in accordance with Regulation 17.
- 1.2 Part 1 of a Brownfield Land Register (“the Register”) can include sites with extant full planning permission, outline planning permission and also sites without planning permission deemed suitable for residential development. Although not mandatory to include, any sites entered in Part 2 comprise a subset of those in Part 1 and that, by virtue of their inclusion, are granted ‘Permission in Principle’ for residential development.
- 1.3 The Council is required to include sites in the Register that it considers meet criteria in the Regulations<sup>2</sup>. Sites should be at least 0.25 hectares in size or capable of supporting at least 5 dwellings and suitable, available and achievable for residential development.
- 1.4 The following methodology is used in site selection for Part 1 of the Register:
- i) Sites with planning consent as part of the London Development Database (LDD) in November 2020 that have not yet been completed and meet the above criteria have been included.
  - ii) Undeveloped residential site proposals which form part of Barnet’s Housing Trajectory by virtue of allocations in Development Plan Documents (Mill Hill East and Colindale Area Action Plans), Supplementary Planning Documents, as well as Town Centre Frameworks / Strategies have been reviewed and where meeting the Regulations criteria, have been included. All of these sites are considered suitable, available and achievable.
- 1.5 This Register is in the prescribed format set out in the MHCLGs Brownfield Land Register Data Standard. For sites of 0.25 ha or more the best available information is used to ascertain if they are ‘deliverable’. The Council will continue to gather intelligence on these sites when updating the Register.
- 1.6 Smaller sites of less than 0.25 ha sites where planning permission has been granted for 5 or more residential units have also been included in the Register based on the assumption that they are likely to be completed within the next five years. Details of Part 1 sites are attached at Appendix A.

<sup>1</sup> As defined in annex 2 of the NPPF

<sup>2</sup> These criteria are set out in Regulation 4 of [The Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#)



- 1.7 In order to identify and justify site proposals in the Local Plan the Council has conducted an extensive site selection process. The methodology used for selecting appropriate sites to meet identified housing and other development needs, including for employment, community and leisure, is set out in the Site Selection Background Report (2019). Barnet's Local Plan (Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012)) underwent public consultation from 27<sup>th</sup> January to 16<sup>th</sup> March 2020. The majority of sites promoted through this exercise are residential led proposals on previously developed land, and following examination and adoption of the Local Plan will be eligible for inclusion within the Register.
- 1.8 Part of the 2020 Register contains 94 sites, all of which are in the public domain. The majority of these sites already have planning permission and a number are under construction. The largest proportion of this capacity is from Brent Cross, Colindale and Mill Hill East growth areas.
- 1.9 As part of the proposals for transformation of the English planning system, as reflected in the Government's White Paper 'Planning for the Future,' and 'Changes to the current planning system' published in August 2020 the Government has highlighted the need for a more efficient system, driven more by data rather than documents. Although it is looking again at the role of the Register the Government plans to publish a national brownfield map to provide a clearer picture of brownfield sites.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 As set out above it is recommended that entries included in Part 1 of the 2020 Register remain limited to those sites with an existing planning allocation and/or extant residential led planning consent.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Not to approve publication of the updated Register. Failure to update the Register within a year of its previous approval would be in breach of the Regulations<sup>3</sup> which stipulate that the Register should be reviewed at least every 12 months.
- 3.2 To publish the Register subject to amendments. It is strongly advised not to add additional sites to the Register because of the relationship with Local Plan proposals and the robust site selection process that this necessitates.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Publication of the initial Register in December 2017 provided the basis for applications to be submitted for Permission in Principle (PiP). Following formal notification and consultation in accordance with Regulations the Council would be able to add suitable PiP sites to Part 2 of the BLR. No applications for PiP have been submitted in Barnet since publication of the initial Register.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

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<sup>3</sup> The Town and Country planning (Brownfield Land Register) regulations 2017 - Regulation 3(2) refers

5.1.1 The Brownfield Register helps to support delivery of the Corporate Plan 2019-2024, particularly the following stated corporate priority:

- Ensuring decent quality housing that buyers and renters can afford, prioritising Barnet residents
- Responsible delivery of our major regeneration schemes to create better places to live and work, whilst protecting and enhancing the borough

## 5.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 The cost for producing the Register will be contained within existing resources.

## 5.3 **Social Value**

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to consider how they can also secure wider social, economic and environmental benefits.

5.3.2 Through the use of the Brownfield Register social and economic benefits will principally be secured through opportunities to increase housing delivery (including affordable housing) and make more efficient use of previously developed land. Focusing housing development on brownfield rather than greenfield sites will help to protect Barnet's Green Belt and Metropolitan Open Land. New homes will be energy efficient and designed in accordance with Council guidance on Sustainable Design and Construction.

## 5.4 **Legal and Constitutional References**

5.4.1 The requirement for all local planning authorities to publish a Brownfield Land Register and update at least annually is stipulated in the Regulations<sup>4</sup>. Details on publication of the Register are set out above.

5.4.2 Under Article 7 of the Council's Constitution the functions of the Planning Committee include: To consider additions, deletions or amendments to the entries in the Council's Register, including any referrals from the Area Planning Committees, and conduct any other functions related to the Register.

## 5.5 **Risk Management**

5.5.1 Limiting site entries in the Register to those with an extant planning permission for residential use is considered to pose the least risk of subsequent challenge. Including sites in the Register without extant planning permission could be seen as prejudicial to the consideration of residential site allocations included in the new Local Plan, and potentially result in a legal challenge. It is important therefore that the identification of sites in both the BLR and Local Plan is arrived at through a consistent and transparent process and following a robust assessment.

5.5.2 To date the Council has not received any requests to grant Permission in Principle. Any

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<sup>4</sup> Regulation 3(2) refers

requests received must be subject to notification and consultation procedures set out in The Town and Country Planning (Permission in Principle) Order 2017 and the Regulations prior to consideration being given to entering in Part 2 of the BLR.

## 5.6 Equalities and Diversity

5.6.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups.

The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies and the delivery of services.

5.6.2 Register sites are determined by regulatory criteria. Part 1 of the Register has no statutory weight in either decision taking or plan making. At present there are no sites in Part 2 of the Register (which grants PiP). Sites coming forward for planning permission may require a more detailed equalities and diversity assessment relating to the specifics of the site and development in question. Officers consider that there are no specific equality and diversity implications arising from production of this Register.

## 5.7 Corporate Parenting

5.7.1 N/A

## 5.8 Consultation and Engagement

5.8.1 There is no express statutory requirement to consult on Part 1 of the Register.

## 5.9 Insight

5.9.1 N/A

## 6. BACKGROUND PAPERS

- Planning Committee 14<sup>th</sup> January 2020 – Brownfield Land Register 2019 <https://barnet.moderngov.co.uk/documents/s57073/Brownfield%20Land%20Register.pdf>
- The Town and Country Planning (Brownfield Land Register) Regulations 2017 <sup>5</sup> <http://www.legislation.gov.uk/uksi/2017/403/contents/made>
- The Town and Country Planning (Permission in Principle) Order 2017 <sup>6</sup> <http://www.legislation.gov.uk/uksi/2017/402/made/data.pdf>

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<sup>5</sup> Regulations require local planning authorities to prepare, maintain and publish registers of brownfield land suitable for residential development

- Planning Practice Guidance Brownfield land registers published 28<sup>th</sup> July 2017  
<https://www.gov.uk/guidance/brownfield-land-registers>
- Planning Practice Guidance Permission in principle published 28<sup>th</sup> July 2017  
<https://www.gov.uk/guidance/permission-in-principle>
- Brownfield Land Registers Data Standard: preparing and publishing a register – July 2017  
<https://www.gov.uk/government/publications/brownfield-land-registers-data-standard>
- Policy and Resources Committee 6<sup>th</sup> January 2020 – Barnet’s Local Plan – Preferred Approach (Reg 18 Stage)  
<https://barnet.moderngov.co.uk/documents/s56947/Reg%2018%20PR%20Committee%20Report2.pdf>
- Site Selection Background Paper (2019)  
[https://www.barnet.gov.uk/sites/default/files/site\\_selection\\_background\\_document.pdf](https://www.barnet.gov.uk/sites/default/files/site_selection_background_document.pdf)

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<sup>6</sup> Order enables local authorities to grant permission in principle on suitable sites in their registers

Newly added sites for 2020 BLR update in **bold**

OrganisationURI	OrganisationLabel	SiteReference	SiteNameAddress	SiteplanURL	Coordinate ReferenceSystem	GeoX	GeoY	Hectares	OwnershipStatus	PlanningStatus	MinNet Dwellings	FirstAdded Date	LastUpdated Date	Ward
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	18/5666/FUL	Sir Thomas Lipton Memorial Hospital, Osidge, 151 Chase Side, Southgate, London, N14 5HE	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	529026	194545	2.002		permitted	30	26/11/2019	16/11/2020	Brunswick Park
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	16/3377/FUL	Garages Off Linden Road And Pine Road, London, N11 1ER	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	528035	193911	0.08		permitted	6	26/11/2019	16/11/2020	Brunswick Park
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	15/07932/OUT	North London Business Park	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.151803	51.625913	16.49	not owned by a public authority	permitted	1000	26/11/2019	16/11/2020	Brunswick Park
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	15/04442/FUL	Imperial House, The Hyde, London, NW9 5AL	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	520621	189957	0.348		permitted	81	26/11/2019	16/11/2020	Burnt Oak
<b><a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a></b>	<b>Barnet London Borough Council</b>	<b>19/1049/FUL</b>	<b>100 Burnt Oak Broadway, Edgware, HA8 0BE</b>	<b><a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a></b>	<b>OSGB37</b>	<b>520183</b>	<b>190452</b>	<b>0.28</b>		<b>permitted</b>	<b>100</b>	<b>16/11/2020</b>	<b>16/11/2020</b>	<b>Burnt Oak</b>
<b><a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a></b>	<b>Barnet London Borough Council</b>	<b>19/2657/FUL</b>	<b>Colesworth House, Crokesley House, Curtlington House, Clare House and Kedyngton House, Burnt Oak Broadway, HA8</b>	<b><a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a></b>	<b>OSGB38</b>	<b>520318</b>	<b>190247</b>	<b>0.78</b>		<b>permitted</b>	<b>18</b>	<b>16/11/2020</b>	<b>16/11/2020</b>	<b>Burnt Oak</b>
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	F/04474/14	Granville Road Estate, Granville Road, Childs Hill London, NW2	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	524786	186629	2.323		permitted	132	26/11/2019	16/11/2020	Childs Hill
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	15/05969/FUL	Church Walk House, Church Walk, London, NW2 2TJ	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	524959	186257	0.42		permitted	35	26/11/2019	16/11/2020	Childs Hill
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/2690/PNO	220 The Vale, London, NW11 8SR	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	523959	186425	0.035		permitted	14	26/11/2019	16/11/2020	Childs Hill
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/0233/FUL	194 - 196 Cricklewood Broadway, London	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	523761	185820	0.612		permitted	97	26/11/2019	16/11/2020	Childs Hill
<b><a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a></b>	<b>Barnet London Borough Council</b>	<b>18/4674/FUL</b>	<b>Hermitage Lane</b>	<b><a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a></b>	<b>OSGB39</b>	<b>525087</b>	<b>186393</b>	<b>0.25</b>		<b>permitted</b>	<b>52</b>	<b>16/11/2020</b>	<b>16/11/2020</b>	<b>Childs Hill</b>
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	14/07064/FUL	Buildings D3 To D8, Beaufort Park, Aerodrome Road, Colindale, NW9	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	522064	189874	0.81		permitted	237	26/11/2019	16/11/2020	Colindale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	H/05828/14	Homebase, Rookery Way, London, NW9 6SS	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	521604	188746	1.44		permitted	387	26/11/2019	16/11/2020	Colindale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	W01731JS/04	Grahame Park Estate - Bounded By Lanacre Avenue To The West, Grahame Park Way To The South And Field Mead To The North London NW9	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	521650	190812	34		permitted	2977	26/11/2019	16/11/2020	Colindale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	W00198AA/04	Former Raf East Camp Site, Aerodrome Road, Grahame Park Way, London NW9	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	521891	189978	10		permitted	2800	26/11/2019	16/11/2020	Colindale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	H/04753/14	Peel Centre, Peel Drive, Colindale, London, NW9 5JE	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	521806	189735	15.961		permitted	2900	26/11/2019	16/11/2020	Colindale

<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	H/05833/14	126 Colindale Avenue, London, NW9 5HD	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	521225	189787	0.204		not owned by a public authority	not permitted	35	26/11/2019	16/11/2020	Colindale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	16/6222/FUL	Land Behind Sheaveshill Court , The Hyde, London, NW9 6SJ	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	521094	189311	1.632		not owned by a public authority	not permitted	34	26/11/2019	16/11/2020	Colindale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	18/0352/FUL	Colindale Telephone Exchange, The Hyde, London, NW9 6LB	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	521633	188697	1.007		not owned by a public authority	not permitted	220	26/11/2019	16/11/2020	Colindale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	Colindale AAP 2010	McDonalds Site, 157 Colindeep Lane	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.25501	51.591038	0.50		not owned by a public authority	not permitted	175	26/11/2019	16/11/2020	Colindale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	Colindale AAP 2010	Burger King/ Eyeland Site NW9 5EB	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.258575	51.593726	0.40		not owned by a public authority	not permitted	162	26/11/2019	16/11/2020	Colindale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	Colindale AAP 2010	Middlesex University Halls	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.228441	51.589714	2.66		not owned by a public authority	not permitted	190	26/11/2019	16/11/2020	Colindale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	Colindale AAP 2010	Merit House, Edgware Road, NW9 5AB	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.258746	51.59416	1.00		not owned by a public authority	not permitted	180	26/11/2019	16/11/2020	Colindale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	Colindale AAP 2010	Kwik Fit, The Hyde	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.257853	51.59296	0.10		not owned by a public authority	not permitted	60	26/11/2019	16/11/2020	Colindale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	19/0859/OUT	Colindale Station Colindale Avenue NW9 5HR	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB40	521308	189957	0.76		not owned by a public authority	not permitted	303	16/11/2020	16/11/2020	Colindale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	19/6786/FUL	45-47 Friern Barnet Road, N11 3EG	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB41	528487	192377	0.115		not owned by a public authority	not permitted	22	16/11/2020	16/11/2020	Coppetts
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	B/04834/14	Land Formerly Known As British Gas Works Albert Road, Albert Road, Barnet, Herts	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526477	196498	2.2		not owned by a public authority	not permitted	305	26/11/2019	16/11/2020	East Barnet
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	B/02366/13	11-13 Approach Road, Barnet, Herts, EN4 8FG	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526539	196082	0.068		not owned by a public authority	not permitted	15	26/11/2019	16/11/2020	East Barnet
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	16/3262/FUL	Land Adjacent To 106 -128 Mount Pleasant And 27-37 Langford Road , Barnet, EN4 9HG	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	527460	196460	0.424		not owned by a public authority	not permitted	12	26/11/2019	16/11/2020	East Barnet
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	New Barnet Town Centre Framework 2010 - Site 3	Sainsburys, East Barnet Road	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.171474	51.64943	1.02		not owned by a public authority	not permitted	199	26/11/2019	16/11/2020	East Barnet
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/5522/FUL	Salvation Army Hall, Albert Road, EN4 9SH	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB42	526518	196240	0.29		not owned by a public authority	not permitted	39	16/11/2020	16/11/2020	East Barnet
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/1409/FUL	Land Adj To 1 - 12 Norfolk Close, London, N2 8ET	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	527090	189752	0.039		not owned by a public authority	not permitted	8	26/11/2019	16/11/2020	East Finchley
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	H/05563/14	2 Ashcombe Gardens, Edgware, Middx, HA8 8HS	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	519232	192804	0.079		not owned by a public authority	not permitted	6	26/11/2019	16/11/2020	Edgware

<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	15/01294/PNO	42-46 Station Road, Edgware, Middlesex, HA8 7ZZ	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	519359	191702	0.025		permitted	8	26/11/2019	16/11/2020	Edgware
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	15/03137/FUL	Land At Broadfields Primary School, Roseberry Drive, Edgware, HA8 8JP	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	519584	193723	2.05		permitted	112	26/11/2019	16/11/2020	Edgware
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	16/0112/FUL	102-124 Station Road And Car Park To Rear, Edgware, Middlesex, HA8 7BJ	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	519418	191763	0.6		permitted	123	26/11/2019	16/11/2020	Edgware
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/1065/FUL	80 The Grove, Edgware, HA8 9QB	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	519846	192865	0.196		permitted	6	26/11/2019	16/11/2020	Edgware
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	18/2839/FUL	Land At The Rectory, Rectory Lane, Edgware, HA8 7LG	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	519416	192111	0.339		permitted	52	26/11/2019	16/11/2020	Edgware
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	Edgware Town Centre Framework 2013	Edgware Forumside	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.278344	51.61077	1.00	not owned by a public authority	not permitted	240	26/11/2019	16/11/2020	Edgware
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	18/4685/FUL	186 High Street, HA8 7EX	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB43	519035	191950	0.12		permitted	20	16/11/2020	16/11/2020	Edgware
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	18/2839/FUL	Land at the Rectory, Rectory Lane, HA8 7LG	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB44	519416	192111	0.33		permitted	51	16/11/2020	16/11/2020	Edgware
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	16/3417/PNO	Dove House, Gadd House And Cooper House, Arcadia Avenue, London, N3 2JU	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	525121	190496	0.21		permitted	88	26/11/2019	16/11/2020	Finchley Church End
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/0047/PNO	298 - 304 Regents Park Road, London, N3 2SZ	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	525078	190448	0.531		permitted	130	26/11/2019	16/11/2020	Finchley Church End
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	F/05720/14	Dryades, The Bishops Avenue, London, N2 0BA	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526881	188282	0.49		permitted	9	26/11/2019	16/11/2020	Garden Suburb
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	F/04857/14	The Towers, The Bishops Avenue And 1-5 Arden Court Gardens, London, N2 0BJ	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526887	188079	1.67		permitted	44	26/11/2019	16/11/2020	Garden Suburb
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	F/01413/13	R/O 698 Finchley Road, London, NW11 7NE	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	525091	187930	0.036		permitted	9	26/11/2019	16/11/2020	Garden Suburb
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	15/00720/RMA	Land Off Brent Terrace, London, NW2, (The Brent Terrace Triangles)	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	523450	186817	0.77		permitted	47	26/11/2019	16/11/2020	Golders Green
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	16/3806/FUL	290-294 Golders Green Road, London, NW11 9PY	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	524177	188326	0.42		permitted	60	26/11/2019	16/11/2020	Golders Green
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/6662/RMA	Brent Cross Cricklewood Regeneration Area, North West London	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	523359	187350	0.77		permitted	292	26/11/2019	16/11/2020	Golders Green
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	15/03138/FUL	Land Adjacent Northway And Fairway Primary School, The Fairway, Mill Hill, London, NW7 3HS	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	520783	193503	1.8		permitted	120	26/11/2019	16/11/2020	Hale



<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	16/7594/FUL	The Vicarage , Deans Lane, Edgware, HA8 9NT	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	520481	192102	0.275		permitted	9	26/11/2019	16/11/2020	Hale
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	H/03301/14	73-77 Brent Street, London, NW4 2EA	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	523373	188988	0.032		permitted	9	26/11/2019	16/11/2020	Hendon
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/2709/FUL	Craymere Cottage And Fordfield Cottage, 9-11 Parson Street, London, NW4 1QE	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	523282	189469	0.02		permitted	6	26/11/2019	16/11/2020	Hendon
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	<b>Barnet London Borough Council</b>	<b>18/7495/FUL</b>	<b>Westhorpe Gardens and Mills Grove NW4 2TU</b>	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	<b>OSGB45</b>	<b>523504</b>	<b>189659</b>	<b>2</b>		<b>permitted</b>	<b>149</b>	<b>16/11/2020</b>	<b>16/11/2020</b>	<b>Hendon</b>
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	18/4700/FUL	Brake Shear House, 164 High Street, Barnet, EN5 5XP	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	524550	196758	0.398		permitted	40	26/11/2019	16/11/2020	High Barnet
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	15/06410/FUL	Land At 1-7 Moxon Street And At 44 Tapster Street Including Land To The Rear Of 1-11 Moxon Street And Opposite The Old Printworks, Barnet, EN5 5TY	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	524567	196557	0.17		permitted	12	26/11/2019	16/11/2020	High Barnet
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	15/03115/PNO	Ocean House, R/O 2-24 Lytton Road, Barnet, EN5 5BY	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526387	196252	0.15		permitted	29	26/11/2019	16/11/2020	High Barnet
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	<b>Barnet London Borough Council</b>	<b>18/1337/FUL</b>	<b>Moxon Street Garage, EN5 5TY</b>	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	<b>OSGB46</b>	<b>524582</b>	<b>196521</b>	<b>0.06</b>		<b>permitted</b>	<b>10</b>	<b>16/11/2020</b>	<b>16/11/2020</b>	<b>High Barnet</b>
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	H/04017/09	Inglis Barracks, Mill Hill, London, NW7 1PX	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	523847	191996	24.23		permitted	2174	26/11/2019	16/11/2020	Mill Hill
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	15/06417/OUT	Milbrook Park, Mill Hill, London, NW7 1SJ	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	524204	191458	0.42		permitted	66	26/11/2019	16/11/2020	Mill Hill
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/3796/FUL	141-143 Dollis Road, London, NW7 1JX	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	524260	191109	0.278		permitted	26	26/11/2019	16/11/2020	Mill Hill
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	B/06116/13	1060A-1072 High Road, London, N20 0QP	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526430	193338	0.578		permitted	56	26/11/2019	16/11/2020	Oakleigh
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/3106/FUL	Development Site East Of 23 Formerly Known As 25, Oakleigh Road North, London, N20 9HE	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526519	193973	0.056		permitted	9	26/11/2019	16/11/2020	Oakleigh
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	18/5067/PNO	Kingmaker House, Station Road, Barnet, EN5 1NZ	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526326	196092	0.26		permitted	94	26/11/2019	16/11/2020	Oakleigh
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	14/07670/FUL	1201 High Road, London, N20 0PD	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526398	193746	0.95		permitted	124	26/11/2019	16/11/2020	Totteridge
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/1313/PNO	Barnet House, 1255 High Road, London, N20 0EJ	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526405	193867	0.624		permitted	254	26/11/2019	16/11/2020	Totteridge
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/5615/FUL	Friern Court, Friern Barnet Lane, London, N20 0NJ	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526626	193421	0.422		permitted	11	26/11/2019	16/11/2020	Totteridge



<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	18/6390/FUL	Myddleton Tennis Club, 1060 High Road, London, N20 0QP	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526429	193295	0.283		permitted	8	26/11/2019	16/11/2020	Totteridge
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	19/1950/FUL	70-84 and Land R/O Oakleigh Road North, N20 9EZ	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB47	526637	193955	0.8		permitted	107	16/11/2020	16/11/2020	Totteridge
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	19/6833/FUL	66 Woodside Park Road, N12 8RY	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB48	525965	192561	0.06		permitted	13	16/11/2020	16/11/2020	Totteridge
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	15/03139/FUL	Land Adjacent To Whitings Hill Primary School, Whitings Road, Barnet, EN5 2QY	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	523367	195631	0.66		permitted	33	26/11/2019	16/11/2020	Underhill
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	B/00354/13	Dollis Valley Estate, Including Former Barnet Hill School, Barnet South Community Association Hall And 131-135 Mays Lane, Barnet, EN5	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	524622	195695	10.36		permitted	631	26/11/2019	16/11/2020	Underhill
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	18/5926/FUL	Marie Foster, Wood Street, EN5 4BS	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.204056	51.652721	1.00	owned by a public authority	permitted	100	26/11/2019	16/11/2020	Underhill
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	15/02178/PNO	354 Ballards Lane, London, N12 0EH	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526333	192065	0.018		permitted	8	26/11/2019	16/11/2020	West Finchley
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	15/02177/PNO	Apex House, Grand Arcade, London, N12 0EH	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526376	192072	0.03		permitted	8	26/11/2019	16/11/2020	West Finchley
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/5180/FUL	105A Ballards Lane, London, N3 1XY	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	525476	191064	0.107		permitted	10	26/11/2019	16/11/2020	West Finchley
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	Finchley Church End Town Centre Strategy 2012 - Site 5	Finchley Central Station Car Park	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.190755	51.600442	0.90	owned by a public authority	not permitted	556	26/11/2019	16/11/2020	West Finchley
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	Finchley Church End Town Centre Strategy 2012 - Site 8	Tesco, 21-67 Ballards Lane	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.192257	51.603343	0.84	not owned by a public authority	not permitted	170	26/11/2019	16/11/2020	West Finchley
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	North Finchley SPD Site 1	Tally Ho Triangle & Artsdepot	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.176152	51.613174	1.15	mixed	not permitted	281	26/11/2019	16/11/2020	West Finchley
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	North Finchley SPD 2018 Site 2	307-319 Ballard's Lane North Finchley N12 8LY	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.17818	51.613017	0.43	not owned by a public authority	not permitted	130	26/11/2019	16/11/2020	West Finchley
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	North Finchley SPD 2018 Site 3	Finchley House, High Rd & Kingsway North Finchley N12 0BT	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.176381	51.612153	0.28	not owned by a public authority	not permitted	34	26/11/2019	16/11/2020	West Finchley
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	North Finchley SPD 2018 Site 6	799-811 High Rd North Finchley & Lodge Lane Carpark, N12 8JT	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	-0.177913	51.616448	0.81	mixed	not permitted	132	26/11/2019	16/11/2020	West Finchley
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	19/2079/FUL	Former Police Station 193-195 Ballards Lane N3 1LZ	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB49	525628	191262	0.19		permitted	41	16/11/2020	16/11/2020	West Finchley
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	16/3265/PNO	110 - 124 West Hendon Broadway, London, NW9 7AA	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	522297	187746	0.28		permitted	22	26/11/2019	16/11/2020	West Hendon

<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	H/01054/13	West Hendon Estate, West Hendon, London, NW9	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	521949	188068	12.99		permitted	2000	26/11/2019	16/11/2020	West Hendon
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/2355/PNO	1,3,4 And 5 The Exchange, Brent Cross Gardens, London, NW4 3RJ	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	523540	188002	0.309		permitted	89	26/11/2019	16/11/2020	West Hendon
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/2963/RMA	Brent Cross Cricklewood Regeneration Area, London, NW4	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	523181	187889	0.69		permitted	52	26/11/2019	16/11/2020	West Hendon
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/2581/PNO	242 - 246 Ballards Lane, London, N12 0EP	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526042	191644	0.074		permitted	5	26/11/2019	16/11/2020	Woodhouse
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/0594/FUL	744 High Road, London, N12 9QG	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526375	192241	0.028		permitted	8	26/11/2019	16/11/2020	Woodhouse
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/6150/PNO	Broomhills, Woodside Lane, London, N12 8RB	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526278	193123	0.051		permitted	9	26/11/2019	16/11/2020	Woodhouse
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/0786/PNO	869 High Road, London, N12 8QA	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526301	192627	0.037		permitted	10	26/11/2019	16/11/2020	Woodhouse
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	North Finchley SPD 2018 Site 4	East Wing Building, 672-708 High Rd North Finchley N12 9PT/9QL	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526424	192018	0.56	not owned by a public authority	not permitted	125	26/11/2019	16/11/2020	Woodhouse
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	North Finchley SPD 2018 Site 5	744-776 High Rd North Finchley N12 9QG/9QS	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB36	526364	192259	0.61	not owned by a public authority	not permitted	175	26/11/2019	16/11/2020	Woodhouse
<a href="http://opendatacommunities.org/id/london-borough-council/barnet">http://opendatacommunities.org/id/london-borough-council/barnet</a>	Barnet London Borough Council	17/6593/FUL	Britannia House, 960 High Road, N12 9RY	<a href="https://data.london.gov.uk/dataset/brownfield-land-register">https://data.london.gov.uk/dataset/brownfield-land-register</a>	OSGB50	526361	193040	0.1		permitted	23	16/11/2020	16/11/2020	Woodhouse