

MEETING

STRATEGIC PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 12TH JANUARY, 2022

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF STRATEGIC PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Eva Greenspan,
Vice Chairman: Councillor Melvin Cohen

Councillors

Golnar Bokaei	Reuben Thompstone	Nagus Narenthira
Mark Shooter	Tim Roberts	Jess Brayne
Stephen Sowerby	Claire Farrier	
Julian Teare	Laurie Williams	

Substitute Members

Councillor John Marshall	Councillor Helene Richman	Councillor Gill Sargeant
Councillor Thomas Smith	Councillor Daniel Thomas	Councillor Reema Patel
Councillor Anne Hutton	Councillor Gabriel Rozenberg	

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

Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

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	
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.	21/2485/FUL - Brent Cottage Brent Park Road London NW9 7AP (West Hendon)	5 - 64
7.	21/3936/FUL - Cricklewood Railway Yard (Plot 3), Land to the rear of 400 Edgware Road, London NW2 6NH (Childs Hill)	65 - 168
8.	Any item(s) that the Chairman decides are urgent	

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Location Brent Cottage Brent Park Road London NW9 7AP

Reference: 21/2485/FUL

Received: 4th May 2021

AGENDA ITEM 6

Accepted: 12th May 2021

Ward: West Hendon

Expiry: 11th August 2021

Case Officer: James Langsmead

Applicant: Alaris Properties Ltd

Proposal: Redevelopment of the site comprising of a part 1, part 8 and part 9 storey building (plus a basement level) to provide 63no. self-contained residential units and associated car parking; secure cycle parking; refuse and delivery bay; refuse storage; plant; landscaping and amenity space.

APPLICATION SUMMARY

Agenda Item 1 (Brent Cottage) of the Planning Committee C of the 25th November 2021 was unanimously voted for referral to the Strategic Planning Committee by members following the Chairman's motion to do so. The reason given was to allow for detailed consideration of the security of the neighbouring school.

The original Officer Recommendation report has been amended to incorporate the additional matters that were covered within the addendum that was published on 25th November 2021. This included: a correction to the wording condition 12 concerning a parking management plan; clarification on the sum Skills & Employment, Education and Training financial contribution; corrections/clarifications to site description; and, additional public representation comments 24/11/2021 and Officer response to these comments. The Officer report is included as Appendix A, and the Minutes of the Planning Committee C meeting are contained within Appendix B.

Since the Committee's decision to refer the application for hearing at Strategic Planning Committee, the applicant, of their own volition, has made minor amendments to the scheme to further mitigate the concerns raised with regards to overlooking, privacy, security and safeguarding of the school. These amendments / minor alterations to the design include:

- the addition of a privacy screen to 8th floor terrace (one private flat and communal amenity space);
- privacy louvres to 6th, 7th and 8th storey windows and balconies; and,
- the re-positioning of balconies on the 6th, 7th and 8th storeys.

The principle of development remains unchanged and the alterations were sufficiently minor in planning materiality to warrant a 7 day re-consultation with the public/neighbours which took place between the 15th December 2021 and 22nd

December 2021.

The Officer's consideration of these minor changes, together with a response to issues raised on the night 25th November 2021 Planning Committee Meeting, the summary of public consultation responses, and Officer response to these comments are considered in the following:

Revised Plans / Privacy, security, safeguarding

Officers maintain, as per the recommendation report to Committee on 25th November 2021, that adequate distances exist between the school and the proposed development to ensure that privacy and overlooking are not a significant material issue to warrant a reason for refusal.

Residential, commercial and mixed-use developments in close proximity to schools are ubiquitous throughout the Borough, and London as a whole. There are also recent and historical examples of Planning Committees granting permissions for similar developments where no additional mitigation and/or some minor mitigation has been provided. Some examples are as follows:

Ref:	Address	Description	Mitigation?
20/1111/FUL	46 Watford Way London NW4 3AL	Demolition of existing building and redevelopment of the site to provide a part-four, part-seven storey building including lower ground level, comprising 180 rooms of student accommodation (Sui Generis) with a commercial unit for flexible use (Use E shop, financial and professional services, café or restaurant, pub or drinking establishment) at ground floor level. Associated shared areas, amenity space including roof terrace, refuse storage and cycle parking	Yes – privacy louvres. Approved by Committee: 01/07/2021
20/4031/FUL	Land Between Broadfields Primary School And Hartland Drive Edgware HA8 8JP	Redevelopment of the site to provide 137 residential units (Use Class C3) comprising 51 houses and 86 apartments ranging from 2-5 storeys, 158 car parking spaces, cycle parking, landscaping, access improvements and other associated development. Extension of the Edgware Eruv to include the site and installation of poles and wire gateway.	No mitigation – similar distances between development considered appropriate Approved by Committee: 01/12/2020
20/4032/FUL	St Johns Church Hall Friern Barnet Lane	Replacement of existing building with a new mixed use development comprising a Class E use and 9no	No mitigation – although windows less prevalent on

	London N20 0LP	self-contained residential dwelling units (Class C3), with car parking, cycle parking, bin storage and landscaping.	school facing elevation. Approved by Officers: 29.10.2020
17/4335/FUL	Standard House 1 - 2 Church Way Edgware HA8 9AA (High relevance)	Creation of three storey roof extension to provide 9no self-contained flats at second, third and fourth floor levels with associated balconies, refuse/recycling and cycle storage	No mitigation Approved by Officers: 31.10.2017
N/A	Holmsdale House Coppies Grove London N11 1NX	Historic residential development, overlooking St Paul's school – no case file on hand, however was constructed in 70s/80s when the school was already in existence	No mitigation

Notwithstanding Officers' view that privacy / overlooking was not regarded as a demonstrable issue for the development, the applicant voluntarily made a number of modifications to the design by means of addition of a privacy screen to 8th floor terrace (one private flat and communal amenity space); privacy louvres to 6th, 7th and 8th storey windows and balconies; and, the re-positioning of balconies on the 6th, 7th and 8th storeys. These were detailed and submitted within the following plans:

- Drawing no. IF20-01 106 Rev. A Proposed 6th floor
- Drawing no. IF20-01 107 Rev. A Proposed 7th floor
- Drawing no/ IF20-01 108 Rev. A Proposed 8th floor
- Drawing no. IF20-01 200 Rev. A Proposed North West Elevation
- Drawing no. IF20-01 203 Rev. A Proposed North East Elevation
- Drawing no. AW.001.1100 Rev. E - Landscape Eighth Floor General Arrangements
- Document: Louvres and Details (December 2021)

These plan references have all been updated in Condition 1 (plan numbers) within the report at Appendix A.

The alterations are considered to be relatively minor in design and character terms, having little impact on the quality and overall appearance of the building and the wider street scene.

The louvres will be made of an obscured transparent material that will provide a fixed aspect for the window (i.e. away from the school and its court yard playground), without the occupiers being able to see through the louvre panels, although their semi-transparent nature will still allow light to permeate through. This will ensure that the occupiers still benefit from adequate outlook and access to natural light. A revised daylight and sunlight assessment has been provided which demonstrates that the units, where these measures are to be provided, will still pass the BRE standard guidelines.

The screening added the 8th floor terrace area, coupled with the planting boundary will prevent any over-looking in the school's direction – particularly the courtyard playground - whilst still providing a satisfactory outdoor amenity space for the future residents. Again, the screen will be made of a semi-transparent/obscured material that will allow for light permeation and reduce the perception of bulk added at the top floor.

The reposition of the top three balconies, coupled with appropriate screening will prevent the overlooking towards the school and its courtyard playground from the 6th, 7th and 8th floors. There will be no loss of amenity for the future occupiers of the development as the quality of space is regarded as comparable.

Notwithstanding the assessment above, an additional planning condition (no. 37) has also been included requiring further details of the privacy measures incorporated in the amended plans to ensure that materials used do not compromise the amenity of the future occupiers or character, appearance or quality of the development and / or surrounding area. This condition is included at the bottom of this cover report.

Privacy measures, such as the ones detailed above, are not deemed to be appropriate on the 5th floor and below as there is no overlooking into the school courtyard play space from these levels, which is what the applicant has sought to address with the amendments. Views possible from the 5th and below are all within the public realm, and owing to the satisfactory separation distances, it would therefore not be reasonable to require mitigation at these levels. It is noted that concerns were raised at the Committee with regards to security and anti-Semitic terrorism, however, these are criminal matters that are governed by the relevant statutory enforcing agencies (such as the Metropolitan Police Service). Since the Committee of 25th November 2021 further correspondence from the Metropolitan Police Service has been received in respect of the proposed changes and they consider the measures to be reasonable and proportionate - raising no concerns regarding security and safety of the School, as a consequence of the proposed development.

It is important to point out that the process of renting or purchasing one of the units within the scheme to commit a criminal act would be unduly convoluted and onerous. A property could not be obtained without full disclosure of the personal details of the renter / purchaser, making any such person(s) known to the landlord / seller, and subsequently verifiable by relevant enforcement agencies. It is therefore considered unlikely that this would occur, and the Metropolitan Police Service have not suggested otherwise.

Overall, whilst Officers remain satisfied with the previous iterations of the scheme presented at Planning Committee C (on the 25th November 2021), on the basis of the buildings orientation and satisfactory distances between the development and the school, it is acknowledged that the proposed alterations minimise any minor residual risk even further, to ensure that no perceived adverse safety, security and privacy impacts remain. Officers maintain that there will be no harm to an extent that would warrant a reason for refusal of the application on such grounds.

During the 25th November 2021 Committee, a speaker (objector) presented an information pack to the Members which contained a proposed elevational drawing from a planning permission (Application ref: H/01324/13, granted 31/07/2013) for the existing school. The application was for “*Change of use to school with ancillary caretaker accommodation and associated works. Works to include: car and cycle parking facilities, fencing, hard and soft landscaping, gazebos, addition of an external staircase and provisions for refuse storage.*”

The pertinent details shown in the plan presented (Drawing No. L(0)024 Rev. B – ‘Proposed Elevation 4’), to which the Objector raised concerns in respect of privacy/security, were a “New partially glazed link between reception class and main school” and “New extension for staircase to be clad in aluminium cladding to match existing, with glazing to match main school” (as annotated on the plan). There are two things to consider here: the nature and purpose of the extensions; and, the existential presence of the extensions.

The ‘New partially glazed link between reception class and main school’ is as exactly as it described on the plan – a transitory route for children to access the first floor Reception classroom in a building that has no outlook towards the site. The glazed link is illustrated in plan on Drawing No. L(0)004 Rev. A. The route is so narrow (circa. 1.1m width) that it would rarely, if ever, be utilised as a space for anything other than providing access to the Reception classroom. It is therefore very unlikely that children would spend any significant amount of time in this part of the building, being a transitory space. Reception-aged children are also unlikely to be unsupervised and unaccompanied within this space. Accordingly the nature and purpose of this element would not present a safety/security risk that would required mitigation on the development. The additional floor to the stair core would also raise no further concerns, for a similar reason, and also, given it’s diagonal off-set from the proposed building. Notwithstanding, the latter issue of the existential presence of the extensions is non-existent, as the extensions do not exist at present. At the time of writing, more than 8 years on from the grant of permission, there is no construction taking place on site, to indicate that these proposals will come forward within a reasonable timeframe. Nevertheless, this is regarded as irrelevant to a degree, as already discussed above, such proposals would not be adversely impacted by the development by way of security / privacy, to an extent that would warrant a reason for refusal.

Overdevelopment

At the 25th November 2021 Committee, it was noted that objections were raised by Members with regards to overdevelopment of the site. It should be noted that the scheme is located within the Brent Cross / Cricklewood Regeneration Area, where redevelopment of sites, such as this one, for higher density residential development is considered to be appropriate. Officers do not consider the scheme to be an overdevelopment of the site as it is located within an urban area, where there are other medium-to-high density residential and mixed use developments. The height corresponds with recently approved and constructed / completed developments within the West Hendon Broadway Area, and it does not relate unacceptably in scale to the adjacent neighbouring buildings. No objections have been raised from consultees with regards to impact on existing infrastructure/services and subject to

the recommended conditions and s.106 obligations/contributions, it would not have an unacceptable impact on the function and amenity of the surrounding area.

Consultation Responses (as of Publication 04/01/2021)

An additional 22 comments of objection were received in response to the neighbour/public re-consultation on the amended plans, between the 15th December 2021 and 22nd December 2021, these can be summarised as follows:

- Overlooking the school
- Security of the school
- Blocking light to the school
- Additional traffic congestion
- Disruption during the construction phase
- Council is only interested in income
- Council is not interested in the objections of its residents
- Roads are not improved
- Pressure on local services
- Louvres / screening does not resolve the overlooking / security issues
- Overdevelopment which adversely impacts on the function and amenity of all neighbours
- Overcrowding
- Too big
- Road is too narrow for the development
- Noise, dust, odours and debris during the construction phase
- Children's education will be disrupted by construction noise/pollution
- Pressure on parking in the area
- Site is not suitable for this development
- Overshadowing / loss of light
- Privacy of the playground
- It would impact the wider highway network (Staples Corner)
- Jews are under constant threat from various extremist groups and the schools and children are targets for attacks and anti-Semitic abusive behaviour.
- The school is very exposed to the proposed development during drop-off and pick-up times, which takes place right across the street from the suggested development
- If a teacher decides to take a class out to the post-box, they will become exposed to the eyes of some 20 unvetted eyes right across the street.
- No amendments have been made to the road/traffic related matters

Officers respond to the above as follows:

- Overlooking and loss of privacy for the school is covered within the main the report, at depth, concluding that there are sufficient distances between the relevant parts of the school (i.e. class room windows / playground), and therefore, that there would not be demonstrable harm that would warrant grounds for refusal of the scheme on this basis. Furthermore, as discussed in this cover report, the applicant has made minor amendments to the scheme which further mitigates the perceived concern.

- Security of the school has been considered by Officers and by the Metropolitan Police Service, who consider that there would be no demonstrable risk to the school and its pupils, parents, and/or staff as a result of the proposed development. The scheme increases natural surveillance of an existing public space at the front/side of the school, which is beneficial - increasing safety and security. Matters concerning anti-Semitic act / behaviour, violence, and terrorism are criminal matters. These matters fall within the Statutory remit of the Metropolitan Police Service and the criminal justice system. The scheme's response to addressing issues of security are both reasonable and proportionate, and thus, to require any further controls or mitigation outside of this would be both unreasonable and disproportionate.
- Matters of overshadowing and loss of light have been considered within the main report and it is considered that the alterations to the scheme would not amount to any greater harm.
- Disruption during the construction phase, has previously been considered, and will be managed through a construction management and logistics plan, as per the original recommendation report. This will address concerns of, although no limited to: odour, dust, noise, vibration and construction traffic management (deliveries etc).
- The Council makes its decisions in line with national, regional and local development plan policies, and other relevant material planning considerations. The generation of income through Council tax, is not a material planning consideration that overrides the planning balance in decision making. Comments received from the public and consultees are also not overriding factors, but are material to the decision maker's consideration of the scheme, and are therefore part of the overall planning assessment.
- Matters concerning additional traffic congestion, parking stress, road widths, overdevelopment, overcrowding, design/size/height/mass, site suitability, and pressure on infrastructure and services have all been considered within this cover report and the main Officer report.

Equality Statement

The application site is situated adjacent to the Torah Vodaas school, an orthodox Jewish private school. Officers have taken into account the needs of the school and its parents, pupils, and staff, particularly with regards to security and safeguarding, and consider that the development would not compromise these, nor prejudice the religion, culture or beliefs of the community in which it serves.

Accordingly, in line with the statutory duty under the Equality Act 2010, Officers have taken into account the impact of the development on the school and community that it serves, and have made a recommendation without prejudice to any of the 'protected characteristics' set out within the Act.

Additional Planning Condition – Details of Privacy Measures

As per the discussion/assessment within the 'Revised Plans / Privacy, security, safeguarding' section above, the following additional planning condition is recommended.

37 *Notwithstanding details shown in the hereby approved plans, prior to occupation of the development, details of measures to the protect privacy of the adjacent school shall be submitted to and approved in writing by the Local Planning Authority.*

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

Provision of 12no. units (7 London Affordable Rent and 5 Intermediate). Early and late review mechanism.

4. Carbon Offset contribution

Contribution of £55,507.00 towards the Council's carbon offset fund.

5. Skills and Employment

On-site or Off-site contribution towards skills and employment.

6. CPZ Contribution

Contribution of £7,500.00 towards the review and extension of CPZ.

7. Restriction of Parking Permits

Contribution of £2392.01 towards the amendment of the Traffic Management Order to restrict future occupiers from obtaining residential parking permits.

8. Travel Plan and Monitoring contribution

Submission of a Residential Travel Plan and a monitoring contribution of £15,000.00.

Contribution of £9,450.00 (£150.00 per unit) for travel incentives

9. Parks and Open Space Improvement Works in lieu of amenity space

Contribution of £12,700.00 Index Linked towards the improvement and enhancement of the Welsh Harp Reservoir Area within the London Borough of Barnet, or other appropriate area within the Borough.

10. S.278/S.184 Works

Associated highway works under S278/S184

1. provision of two vehicular crossovers
2. provision of dropped kerbs/informal crossing point (location to be agreed)
3. Removal and replacement of street trees (to be agreed with tree officer)
4. Resurfacing of the footway along the site frontage

11. Loss of Street Trees

Compensation for the loss of the street trees removed to accommodate the development has been calculated at £15,000.00

12. Monitoring of Legal agreement

Contribution towards monitoring of the legal agreement.

RECOMMENDATION II:

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 and documents:

Plans:

- IF20-01 001 Location plan
- IF20-01 002 Rev C Proposed Site plan
- IF20-01 003 Proposed Block plan
- IF20-01 010 Rev. B Proposed Basement
- IF20-01 100 Rev. D Proposed Ground Floor
- IF20-01 101 Rev. A Proposed 1st floor
- IF20-01 102 Proposed 2nd floor
- IF20-01 103 Proposed 3rd floor
- IF20-01 104 Proposed 4th floor
- IF20-01 105 Proposed 5th floor
- IF20-01 106 Rev. A Proposed 6th floor
- IF20-01 107 Rev. A Proposed 7th floor
- IF20-01 108 Rev. A Proposed 8th floor
- IF20-01 109 Proposed Roof plan
- IF20-01 200 Rev. A Proposed North West Elevation
- IF20-01 201 Proposed South West Elevation
- IF20-01 202 Rev. A Proposed South East Elevation
- IF20-01 203 Rev. A Proposed North East Elevation
- IF20-01 204 Rev. A Proposed Street Elevation long
- IF20-01 300 Proposed Section AA
- IF20-01 301 Rev. C Proposed Section BB
- IF20-01 400 Existing Site plan
- DR-001 Rev. B - Surface Water Drainage Strategy
- DR-003 Rev. A - Surface Water Drainage - Details
- AW.001.1200 Rev. B - Landscape Roof Level General Arrangements
- AW.001.900 Rev. C - Landscape Illustrative Masterplan
- AW.001.1100 Rev. E - Landscape Eighth Floor General Arrangements

Documents:

- Daylight and Sunlight Report - 26 April 2021 - produced by Waldrams
- The Brent Cottage Landscape Strategy Document Revision 5 - 18.08.2021
- Brent Cottage - Urban Greening Factor Assessment (ref: 551595mcApr21FV02_UGF) - 19 August 2021 - Produced by Greengage
- Traffic and Pedestrian Counts Survey (Excel) - 7th July 2021 - Produced by Auto Surveys Ltd
- Schedule of Residential Units - Brent Park Road - 27 July 2021
- STORM SEWER DESIGN by the Modified Rational Method - 22/06/2021 - Pitman Associates Ltd
- Flood Risk Assessment (ref: RMA-C2127_4) - 22nd June 2021 - Produced by RMA Environmental
- Design & Access Statement - April 2021
- Wind Microclimate Review - 29th April 2021 - Produced by Urban Microclimate
- Utilities Appraisal (ref: RMA-C2127c) - produced by RMA Environmental
- Environmental Noise Assessment Ver. 1.1 - 28.04.2021 - produced by Entran Ltd
- Energy and Sustainability Statement Rev. B - April 2021 - produced by JS Lewis Ltd
- Draft Parking Management Plan - April 2021 - produced by YES Engineering Group Limited
- Draft Delivery and Servicing Plan - April 2021 - produced by YES Engineering Group Limited
- Air Quality Assessment Rev. 1.1 - 22.04.2021 - produced by Entran Limited

- Planning Statement - April 2021 - produced by Maddox Planning
- Transport Statement - April 2021 - produced by YES Engineering Group Limited
- Outline Construction Logistics Plan - April 2021 - produced by YES Engineering Group Limited
- Brent Cottage - Preliminary Ecological Appraisal - 3rd April 2021 - Greengage Ltd
- Biodiversity Impact Assessment - April 2021 - Greengage Ltd
- Draft Travel Plan - April 2021 - produced by YES Engineering Group Limited
- Fire Statement (Report Ref: 012/071021) Revision 1 - undated - produced by Know Fire Ltd

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

- 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) Notwithstanding the details shown on the hereby approved plans and documents, prior to any works above slab level, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved shall be 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 D1, D4 and D8 of the London Plan 2021.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7

of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

- 5 Notwithstanding details shown on the hereby approved plans, prior to occupation of the development, a final internal layout plan showing details of 37 off-street parking spaces, including disabled parking provision, adaptable enlarged spaces, and a loading area within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to for any purpose other than the parking and turning of vehicles in connection with 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.

- 6 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 80% passive electrical charging facility (8 active and 29 passive). 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 T6.1 of the London Plan 2021

- 7 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 Policies SD1 and D10 of the London Plan 2021.

- 8 Details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 119 cycle parking spaces (116 long-stay and 3 short stay) 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.

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

- i. details of the routing of construction vehicles to the site, hours of

access, access and egress arrangements within the site and security procedures;

- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractor's 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.
- xi. 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 policies Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 10 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to occupation of the site, details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 11 Before the permitted development is occupied an updated Delivery and Servicing

Plan (DSP) 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 delivery service 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.

- 12 Before the permitted development is occupied an updated Parking Management Plan (PMP) 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.

- 13 Prior to the occupation of the development, a, Manufacturer's specification and warranty, Maintenance Agreement, repair response times and a traffic light warning system for the operation of the car lifts and shutters must be submitted to and approval by the Local Planning Authority.

Reason: In the interests 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.

- 14 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, in accordance with Policy DM17 of Barnet's Local Plan Development Management Policies (adopted September 2012).

- 15 The noise mitigation measures outlined in the Environmental Noise Assessment by Entran Ltd dated 24.04.2021 shall be implemented in their entirety, prior to 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 (2016), and D14 of the London Plan 2021.

- 16 The level of noise emitted from any mechanical ventilation plant associated with the development 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 D14 of the London Plan 2021.

- 17 a) No development, except site clearance, shall commence until a scheme for protecting the proposed development from vibration associated with the adjacent railway line, has been submitted to and approved in writing by the Local Planning Authority.

The vibration protection scheme shall include such combination of land separation, vibration control techniques and other measures, as may be approved by the Local Planning Authority, in the light of current guidance on vibration levels. The said scheme shall include such secure provision as will ensure that it endures for so long as the development is available for use and that any and all constituents parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

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 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 occupiers are not prejudiced by rail and/or road traffic vibration in the immediate surroundings, in accordance with Policy DM04 of Barnet's of the Development Management Policies DPD (adopted September 2012)

- 18 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.

- 19 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 Policy DM04 of Barnet's adopted Development Management Policies DPD (2012) and Policy SI1 of the London Plan 2021.

- 20 a) Prior to carrying out works above slab level, 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.

- 21 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.

Tree and shrub species selected for landscaping/replacement planting must provide long term resilience to pest, diseases and climate change. A 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 immediately 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.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G7 of the London Plan 2021

22 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 Policy G7 of the London Plan 2021.

23 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 G7 of the London Plan 2021.

- 24 No development shall commence until an Ecological Management Plan, has been submitted to and approved by the Local Planning Authority. The plan should be in accordance with the recommendations laid out in the Preliminary Ecology Appraisal and Biodiversity Impact Assessment and shall be implemented in full and shall thereafter be so maintained.

Reason: To ensure the proposed development does not prejudice the adjacent SSSI and that onsite ecological features are created, enhanced and managed; and, and to ensure the proposed development does not prejudice existing protected species and ecological features in accordance with Policies DM16 of the Barnet Local Plan (2012) and Policies G5 and G6 of the London Plan 2021.

- 25 Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall include details of the construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments and will demonstrate consultation with the Asset Protection Project Manager at Network Rail.

The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the structural integrity and safety of the railway siding and railway line is not prejudiced by the development in accordance with Policies D9, D10 and D11 of the London Plan 2021

- 26 Details of any external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the development.

Reason:

To protect the safety and function of the railway network.

- 27 a) Notwithstanding the approved plans, prior to the occupation of the development, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved play equipment should be implemented no later than 3-months post practical completion of the entire development.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2016), the Planning Obligations SPD (adopted April 2013) and Policy S4 of the London Plan 2021.

- 28 a) The development shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and acoustic fencing, 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 the development 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 and railway network 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).

- 29 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:

To avoid significantly impact / cause failure of local underground sewerage utility infrastructure.

- 30 No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until:
- a) Drainage Strategy detailing all drainage works to be carried out in respect of the development and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.
- b) 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 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 and DM04 of the Barnet Local Plan

- 31 Prior to the first occupation of the development, the dwellings 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 above mentioned 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 Policy DM03 of Barnet's Local Plan (Development Management Policies) DPD 2012 and Policy D7 of the London Plan 2021.

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies SI2 of the London Plan 2021.

- 33 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 wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 34 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.

- 35 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).

- 36 Prior to works above slab level, a final fire statement shall be submitted to and agreed in writing by the Local Planning Authority. In addition to the details within the Fire Statement (Report Ref: 012/071021; Revision 1 - undated - produced by Know Fire Ltd) hereby approved, the final fire statement shall contain:

- detailed sections of the different external wall types and specified attachments that make up the building and the products and materials to be used
- details of the fire evacuation procedures for the occupiers of the development

The development shall be implemented and managed in perpetuity in accordance with the details approved.

Reason: To ensure that sufficient precautions have been taken with respect to fire safety of the building, in accordance with Policy D12 of the Mayor's London Plan (2021).

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.

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. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please visit

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

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 or by telephoning 0208 359 4500.

- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 6 Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.
- 7 If a pump lorry is to be operated from the surface of the public highway, 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.
- 8 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.
- 9 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.

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

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

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

- 11 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.

- 12 The applicant is advised that due to the large number of schools and school children in the area, site deliveries during the construction period should not take place between 0800hrs - 0900hrs and 1500hrs - 1600hrs. Careful consideration must also be given to the optimum routes for construction traffic and the Traffic and Development section should be consulted in this respect.
- 13 Drainage associated with the site should not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail.
- 14 The developer must provide a suitable trespass proof fence adjacent to Network Rails boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rails existing fencing/wall must not be removed or damaged.
- 15 The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.
- 16 The application does not include a specific glint and glare study to ascertain the effect the proposal will have on the operation of the adjacent railway particularly in terms of signal sighting and driver distraction. Reflective surfaces and building materials can cause significant problems for train drivers and railway operations (please see attached example from The Shard in London). The applicant should supply further details at the discharge of condition stage.
- 17 Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in Bridge strikes. Vehicles hitting railway bridges cause significant disruption and delay to rail users. The site is adjacent to the railway bridge on Brent Park Road which has a limited clearance of 10.9 which could be problematic if large construction vehicles

associated with the site are to be routed under the structure. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developers expense.

RECOMMENDATION III:

1 That if the above agreement has not been completed has not been submitted by 31 December 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, and loss of street trees. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04, DM10 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

2. The proposed development would fail to provide adequate private amenity space for the occupiers of the development contrary to Council's standards set out within the adopted Sustainable Design and Construction SPD (2016). The lack of a formal undertaking to meet the costs in lieu of this shortfall, would mean the development would fail to provide adequate mitigation, contrary to Policies DM01 and DM02 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013)

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.

Revised National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

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

The following Policies are relevant:

- GG2 (Making Best Use of Land),
- SD1 (Opportunity Areas),
- G5 (Urban Greening),
- G6 (Biodiversity and access to nature),
- G7 (Tree and woodlands),
- D1 (London's form, character and capacity for growth),
- D2 Infrastructure requirements for sustainable densities,
- D3 (Optimising site capacity through the design-led approach),
- D5 (Inclusive design),
- D6 (Housing quality standards),
- D7 (Accessible housing),
- D8 (Public realm),
- D9 (Tall buildings),
- D10 (Basement development),
- D11 (Safety, security & resilience to emergency)
- D12 (Fire safety)
- D13 (Agent of change),

D14 (Noise),
H1 (Increasing housing supply),
H4 (Delivering affordable housing),
H5 (Threshold approach to applications),
H6 (Monitoring affordable housing),
H10 (Housing size mix),
S4 (Play and informal recreation),
T5 (Cycling),
T6.1 (Residential Parking),
SI1 (Improving air quality),
SI2 (Minimising greenhouse gas emission),
SI5 (Water infrastructure),
SI12 (Flood risk management),
SI13 (Sustainable drainage),
DF1 (Delivery of the plan and Planning Obligations).

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

Relevant Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development)
CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)
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)
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)

Relevant Development Management Policies:

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)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Barnet's Local Plan (Reg 22) 2021

The Council is in the process of reviewing and updating the Brough's planning policies in a

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

Barnet's Draft Local Plan -Reg 22 – Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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

Supplementary Planning Documents

- Delivery Skills, Employment, Enterprise, and Training from Development through S106 SPD (October 2014)
- Green Infrastructure SPD (October 2017)
- Planning Obligations SPD (April 2013)
- Residential Design Guidance SPD (April 2016)
- Sustainable Design and Construction SPD (April 2016)
- Affordable Housing SPD (February 2007)

PLANNING ASSESSMENT

Site Description

The application site is comprised a parcel of land known as Brent Cottage located off Brent Park Road.

The site has been used to house a number of static caravans for a number of years for residential use - evidenced as far back as 2008 by available historic imagery.

The surrounding area is mixed in character, with no predominant use class. That said, there is a greater presence of commercial properties within the immediate vicinity of site, with new residential development coming forward to the north west.

To the west and north-west, opposite the site lies a builders merchants and the Torah-Vodaas School which is accommodated in a four-storey building that used to be office premises. Directly adjacent to the east/north east of the site is the Thameslink railway, to the south is the London Brent Cross Travelodge and to the south adjacent to the site is a bathroom supply and tile shop.

The site does not contain any statutory listed buildings, and is not within a conservation area. The site falls within the Brent Cross - Cricklewood Regeneration Area (Opportunity Area) designation, wherein Policy CS2 of Barnet's Local Plan Core Strategy DPD Document (2012) applies.

Proposed Development

This application seeks planning permission for the erection of a part single, part 8 and part 9 storey building, including a basement, to facilitate accommodation for 63no. self contained flats with private amenity space by way of balconies, and 316sqm of communal amenity space.

Parking is proposed at basement level, providing 36no. spaces (including disabled parking spaces), accessed by car lift. A single car parking space and secure cycle parking, for 6no. mobility scooters and 42no. bicycles would be provided at ground level.

It should be noted that during the lifetime of the application the scheme was reduced from 64no. residential units to 63no. units, in order to accommodate the Housing Officer's request for a larger affordable housing unit and also to address that the refuse and recycling area was not large enough to accommodate the requisite number / size of refuse and recycling provisions.

Site History

No relevant prior planning history.

Public Consultation

Consultation letters were sent to 13 neighbouring properties. The application was also advertised by Site Notice displayed 20.05.2021, and by press notice.

48 responses have been received, comprising 48 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of the site
- Insufficient parking
- Impact on road congestion
- Incompatible with the school
- Impact on surrounding and existing users
- Site is too constrained / small for this type of development
- Narrow road
- Construction traffic will create further congestion
- Site should remain as parking / storage
- Site should only be developed for a single house
- Area is industrial, it is not appropriate for residential in this location
- The existing area already struggles with traffic
- Adverse impact on children of the school
- Travel Plan does not have adequate regard for the school
- Traffic and road safety implications for children and cyclists
- Insufficient access and egress arrangements i.e. One access and exit.
- No indication of how they will work with the school to secure children's safety
- Not clear if a traffic assessment has taken place on the effect on the A5 roundabout
- Not a sustainable location
- Severe congestion at rush hour peak times (start/close of the school day)
- Human traffic creating undue congestion and safety implications

- Detrimental to the function of the school and local merchants.
- Security risk, as the development will overlook the school.
- Infrastructure does not have the capacity to accommodate the site
- The needs and rights of existing users in the area would be ignored, if the development is approved.
- Increase in vehicular pollution

Representation received 24/11/2021 – as reported in the published report addendum for Planning Committee C on 25th November - objection summary:

- The school has circa 356 students and more than 112 staff, the majority of which commute by car, creating congestion in Brent Park Road.
- Traffic from Staples Corner roundabout is regularly backed up past the Brent Park Road, encouraging parents of school children to drive back through Hendon.
- The school works in collaboration with Busy Bee Builders Merchants to ensure that the operations of either do not compromise safety, function and convenience of the school and businesses.
- The development proposes 119 cycle parking spaces however the local roads are not suitable for cyclists.
- Highways Authority has not referenced the school in its response, and Officer report relies on this report
- The road is too narrow and the introduction of 63 residential units, together with associated refuse vehicle servicing (which will cross the centre line of the road) will increase the risk of adverse road safety conditions.
- Torah Vodaas is an Orthodox Jewish school where security is a major concern – the development is a risk to safeguarding and security
- The developer has not reached out to work with the school
- The building overshadows / results in loss of light to the school and its playground
- The proposal has adverse impact on rights of light; is overdevelopment of a small site; and is not suitably located i.e. it is not within a residential area

Responses from Internal/External Consultees

Environmental Health

No objections, subject to conditions relating to contaminated land, air quality and noise mitigation.

Drainage / Lead Local Flood Authority

No objections, subject to condition.

Traffic and Development

No objections subject to conditions and the completion of a legal agreement. Comments detailed further within the assessment of the application.

Highways England

No objections.

Travel Plan Team

No objections. Travel plan should be secured by legal agreement and obligations sought for £15,000.00 toward travel plan monitoring; and £150.00 per unit for travel incentives.

Metropolitan Police Service

No objection, subject to a condition requiring the building to achieve the Secure by Design Accreditation.

Thames Water

Waste comments: No objection, subject to a condition.

Water comments: No objection, subject to a condition.

Affordable Housing

No objection, subject to a legal agreement committing to the agreed 19% affordable housing contribution.

Arboricultural Officer

No objection, subject to conditions and a financial contribution of £15,000.00 towards street tree planting off-site, secured by S.106 agreement.

Ecology

No objection, subject to conditions ensuring that the recommendations of the Preliminary Ecological Appraisal and Biodiversity Impact Assessment.

Natural England

No objection, subject to conditions.

Network Rail

No objection, subject to conditions relating to works in proximity to the operational railway environment (asset protection and drainage); and, boundary treatments, landscaping and lighting. Informatives also provided.

TFL

No objection in principle. Conditions recommended for a construction management and logistics plan, and a delivery and servicing plan, which should be in line with TFL's guidance.

Green Spaces

No objection, subject to a financial contribution of £12,700.00 towards off site landscape improvements, in lieu of amenity space shortfall, secured by S.106 agreement.

Environment Agency

No comment.

OFFICER ASSESSMENT

Principle of development

The site falls within one of three regeneration and development areas designated within the current Barnet Local Plan (2012) under Core Strategy Policy CS3, where it is envisaged that a significant number of new homes (16,000 across the three areas) will be provided between 2011/12 and 2025/26. Although still in gestation, this regeneration site remains a part of the Regulation 22 draft of Barnet's updated Local Plan document.

The 2005 Brent Cross Cricklewood Development SPG sets out the vision, framework, and design guidelines for the regeneration area. The SPG is actively encouraging and supporting regenerative sustainable development in this area; with an estimated 10,000 new homes to come forward, a new town centre and market square, new transport interchanges, provision of new public open space, and enhancements to existing green spaces

The Brent Cross - Cricklewood Regeneration Area, is also identified strategically in the London Plan as an Opportunity Area for the creation of new jobs and homes. The Mayor's London Plan Table 2.1 sets out the indicative capacity of Opportunity Areas in London. The Brent Cross/Cricklewood Opportunity Area has an indicative capacity set out in the London Plan of 9,500 homes.

In light of the above, subject to compliance with relevant local plan policies and other material considerations, it is considered that there would be no objection in principle to the redevelopment of the site for the erection of an entirely residential scheme in this location.

Principle of Tall Buildings

Policy D9 of the Mayor's London Plan (2021) establishes the expectations for the location and impact of tall buildings, requiring Borough's to identify where tall buildings may be an appropriate form of development. It further stipulates that development proposals should address visual impacts (immediate, mid and long range views of the building); spatial hierarchy of local / wider context; architectural quality and materials; harm to significance /setting of heritage assets; functional impacts (i.e. safe access/egress, maintenance and management to minimise disturbance and inconvenience; avoidance of overcrowding/isolation of the development; avoid overloading of local infrastructure; maximisation of jobs, services, facilities and economic activity; avoid interference with aviation, navigation, telecoms and detrimental effect on solar energy generation on adjoining buildings); environmental impacts (wind, air movement, noise; sunlight penetration and temperature conditions); and cumulative impacts.

Barnet's adopted Core Strategy (2012) Policy CS5 and development management Policy DM05, identify that tall buildings (greater than 8 storeys or 26 metres) may be acceptable in the Brent Cross - Cricklewood Regeneration Area, subject to them demonstrating

- i) An active street frontage, where appropriate;
- ii) Successful integration into the existing urban fabric
- iii) A regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- iv) That there is no harm to heritage assets and their setting

v) That the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.

In principle, it is considered that tall buildings are acceptable in this location, subject to the above criteria, and other relevant design considerations, which will be considered within the design / layout section of this assessment.

Impact on the character of the area

Density:

The Council's approach to density is set out in Policy CS3 of Barnet's adopted Local Plan Core Strategy DPD Document (2012) which refers to the superseded density matrix of the London Plan (2016), however, it subsequently states that the Council will seek to optimise density to reflect local context, public transport accessibility and provision of social infrastructure. It is considered that the latter three principles of this policy broadly align with the objectives of Policies GG2, D2, and D3 of the Mayor's London Plan 2021, which requires developments to make the best use of land, through a design-led approach - i.e. density being informed by good, sustainable design that reflects and respects local character and distinctiveness. Policy D6, inter alia, states that particular consideration 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.

With regards to public transport accessibility and access to social infrastructure, the application site is located within an area that has a PTAL rating of 2, which is regarded as poor, although the area immediately adjacent to the site, on the junction between Edgware Road and Brent Park Road, is classified as PTAL 3 (moderate). Despite the PTAL ratings, Hendon Thames Link is within 0.7 miles (approx. 13 min by foot); Staples Corner Bus stop is 0.3miles (approx. 7min by foot); and Brent Cross Shopping Centre is 0.7miles (approx. 13min by foot). All of these public transport nodes are accessible by pedestrian friendly routes. Accordingly, it is considered that there are no objections to the scheme when having regard to the public transport and social infrastructure accessibility dimensions of both the London Plan and Local Plan density criteria.

The site is situated within an urban area, immediately surrounded by the A5 and M1 / North Circular interchange, the Midlands Mainline rail route and a number of commercial units, although it is close to the extensive ongoing developments (residential/mixed use residential) at West Hendon Broadway. Read in conjunction with the wider urban landscape, where there are a number of high density residential developments, it is considered that the residential density proposed would not be out of keeping with the surrounding context.

Overall, it is considered that the proposed development would be of an acceptable density.

Design / Layout:

High quality design underpins the sustainable development imperative of the NPPF and Policies D1, D3, D5, D6, D7, D8, and D9 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high- quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics.

Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

The development is proposed as a single part 1, part 8 and part 9 storey building, the basement of which occupies the entirety of the application site's extent. The ground floor of the building however occupies significantly less of the site's extent, and this is slightly reduced from first floor (2nd storey) upwards, reducing again in size at the 8th floor (9th storey). The areas around the building at ground floor level are used for landscaped amenity space enhancements, both private and communal, which help add visual interest and soften the mass of the building at ground/street level.

The staggered footprint, created through a combination of the buildings projections and returns, winter garden recesses and balconies, all help to break up the massing of the building's visible 8 storey height. Design of the footprint and massing in this way creates visual interest that achieves a proportionate and satisfactory spatial relationship between the development and its visible site extents, but also an acceptable relationship with neighbouring adjacent buildings of which are not as tall (i.e. circa 4-5 storeys in height) as the proposed building. A sectional drawing across the wider area has been provided within the Design & Access Statement which illustrates that the building would fit in with the surrounding wider built environment, where there are similarly tall buildings in West Hendon Broadway, just a short distance away. As such it is considered that the proposed building would comfortably sit within the wider context without appearing overly dominant and out of keeping with the surrounding area. Overall, it is considered that the layout, massing and height, avoids creating an overdeveloped and visually cramped form of development.

With regards to articulation and materials, the architectural expression follows a very logical approach, with windows, balconies and winter gardens at regular intervals between brickwork in a clear linear pattern. The development is proposed to be a contemporary industrial style building which is predominantly finished in a grey / dark brickwork and dark cladding and significant glazing. In principle, the materials are considered to be acceptable, and the extent of glazing and lighter mortar (brick pointing) will create the required lighter contrast to break up the dark tonality of the buildings elevations. The recess of the top floor and it's cladding in a lighter and different type of material reduces the bulk and mass of the building at its 8th storey. Comparative to surrounding buildings within the immediate street scene and nearby, which are comprised of brickwork, metal and other forms of cladding of varying colour palettes, it is considered that the proposed development's proposed material selection would not be demonstrably out of keeping with the character and appearance of the surrounding area.

Notwithstanding the above assessment, it is recommended that further details and samples of the final materials to be used in the external elevations are required to be submitted to, and agreed in writing by the Local Planning Authority, through a planning condition. This is to ensure that an acceptable palette of materials is selected that will achieve a satisfactory visual appearance for the building upon its completion, and for the future to come.

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 the residential amenities of neighbours

Part of the 'Sustainable development' imperative of the NPPF 2021 is pursuing

improvements to amenity through the design of the built environment (para 127). In addition, Policy DM01 of Barnet's Development Management Policies DPD (2012), as well as the Sustainable Design and Construction SPD (2016), provide further requirements and guidance, to avoid and mitigate against harmful impacts on neighbouring residential amenities.

The application site does not abut any residential curtilages, and thus, the closest residential properties would be circa 130 metres north-east on Dallas Road - on the other side of the railway and M1 flyover; and, 160 metres west/north west at Verulam Court, off Woolmead Avenue (adjacent to the A5). The most immediate neighbouring buildings are occupied for commercial (TBK Tiles factory outlet at Elite House, Edgware Road, Busy Bee Builders merchants at 1A Brent Park Road; and Travel Lodge at Denmark House, Edgware Road) and educational (Torah Vodaas School, Brent Park Road) purposes.

The application is supported by a daylight and sunlight assessment which indicates that the nearest residential receptors would not be unduly impacted in this regard by the proposed development. Such is the distance from the nearest neighbouring residential receptors (circa. 130m), that even despite the proposed building's part 8, part 9 storey height, it would not have any demonstrable impact on their residential amenities.

Officers are satisfied that the proposed development would not adversely impact the amenities of neighbouring residential occupiers, in accordance with Policy DM01 of Barnet's adopted Development Management Policies DPD (2012) and Policy D9 of the Mayor's London Plan (2021).

Impact on existing businesses / community uses

Whilst amenity impacts (e.g. loss of light, overshadowing, loss of privacy, overlooking and overbearing impact and sense of enclosure) are not a material planning consideration for commercial and educational uses, it is material to consider the impact that the development could have on existing businesses and community facilities.

Paragraph 182 of the National Planning Policy Framework (2021) states that existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established, and it subsequently places the responsibility on the applicant to provide suitable mitigation, where this may be identified as an issue. This policy has been transposed and adopted within the Mayor's London Plan (2021) Policy D13 (Agent of Change), with a particular focus on design-integrated mitigation and management of noise and other nuisance.

It is noted that several objections have been received from interested parties of the Torah Vodaas school, opposite the application site. The majority of these objections focus on the impact that the development will have on the safety, function, and convenience of the local highway network (with particular regard parents and children accessing and egressing the school), and these matters are considered elsewhere in this report, however, several objections cite concerns about the development's incompatibility with the school - with regards to the children's security and safeguarding (from overlooking of the school); and, the impact of the development on the function and 'needs' of the existing merchants and businesses within the area.

With regard to the specific matter of overlooking of, and security of, children that attend the school, there are no specific local plan policies or adopted guidance that provide minimum overlooking metrics to minimise associated impact. Policy DM01 of Barnet's Development

Management Policies Document DPD (2012) states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users' and, in respect of tall buildings, Policy D9 (Tall buildings) of the Mayor's London Plan (2021) states that "*where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy*". There are minimum overlooking distances set out within the Council's adopted Sustainable Design and Construction SPD (2016), with respect to overlooking distances between proposed development and residential development, to ensure the protection of privacy for both existing and proposed residential receptors. Although not strictly applicable in this instance, the minimum criteria set out in Table 2.4 (Daylight, Privacy [minimum distance], Outlook and Light Pollution Requirements - Pg 12) of the SDC SPD (2016) provides a useful benchmark for assessing overlooking / loss of privacy. It establishes that there should be 21m between properties with facing windows, and at least 10.5m to rear-side neighbouring gardens.

The principal part of the school as observed from the street sits on the corner of the junction of Brent Park Road and Edgware Road. Four storeys in height, it is the tallest element of the school building and is the part of the school which contains the most windows. This part of the school building sits entirely opposite Elite House (No.50 Edgware Road) which is adjacent to the application site. The corner-to-corner distance from this element is circa 25m, meaning that there would be an acceptable distance relationship in terms of overlooking, if the residential standards were to be applicable. In addition, it sits at an oblique angle, and thus would be outside any perpendicular views from windows/balconies facing north-west or south-west. The parts of the school that are immediately opposite the site are lower in height (circa 2 storeys in height), with very few openings on the facing elevation. There is a standard door opening on the ground floor and a secure vehicular-style, undercroft access to the internal courtyard; and, a two-pane width first floor window, surrounded by a small projecting balcony. The distances from the windows/balcony area to this part of the school building are circa 18 - 21m, which again, considered to be acceptable, using the SPD's residential standards as a benchmark. Whilst the windows and balconies can overlook the street outside the school, where children and parents frequent to access the school, this falls within the public realm, and thus, it is considered overlooking of this area could not be reasonably objectionable.

The application building will be notably taller than the school building, and it may be possible for some overlooking of the central courtyard area that is used for play time by the school. Notwithstanding, the distances at a minimum of 24m and 27m, are such that there would not be an unacceptable compromise of child security. In addition, the active frontage of the building will positively bring an element of natural surveillance to an area which currently has very little natural surveillance, ensuring that security is actually increased, rather than compromised.

A daylight and sunlight report has been provided in support of the application which indicates that the playground would meet the standards of the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011) (the "BRE Guidelines") with regards to sunlight and daylight, and would therefore not be unacceptably impacted by the proposed development.

With regards to the impact of the development on the function and needs of existing merchants and business, Busy Bee Builders merchants opposite, and the immediately adjacent Tiles & Baths Direct / TBK Tile Factory Outlet are the only commercial operators that are likely to present implications to the future occupiers i.e. by means of noise

disturbance and general operational disruption (e.g. through deliveries and collections by larger commercial vehicles).

In particular the latter of the two neighbouring commercial sites has a rear servicing and delivery area that would be immediately overlooked by the development. Notwithstanding, the location of the site, i.e. surrounded by a number of busy roads and the railway line, is going to be subject to a high ambient noise level at all times, with large vehicles passing nearby and trains passing relatively frequently. Accordingly, in order to protect these established commercial uses and avoid undue pressures on their operational function as a result of the introduction of a sensitive use (residential development), there is a need to ensure that the building materials including insulation and glazing, are of a standard that will mitigate the impacts of noise from the surrounding environment. The applicant has supplied an environmental noise survey which identifies the sides of the building that will require glazing and mechanical ventilation to meet the requisite internal noise standards. Suitably worded conditions will be recommended to ensure that the requisite standards will be met, and this will avoid any undue constraints or future pressure on any of the adjacent commercial uses which have long been established. Accordingly, the burden will be placed on the proposed development to ensure that the scheme meets the objectives of Paragraph 182 of the NPPF (2021) and Mayor's London Plan (2021) Agent of change policy (D13).

Housing Quality

Unit Mix / Dwelling Sizes:

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 2021 Policy H10, 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:

Type	Number of Units	Percentage
1 bed 2 person	23	36.5%
2 bed 3 person	6	9.5%
2 bed 4 person	19	30%
3 bed 4 person	7	11%
3 bed 5 person	8	13%
Total	63	

It is considered that the proposed development provides a good mix of home sizes, and whilst 1 bed 2 person units account for more than a third of the units proposed, the larger family size units (i.e. 2 bed 4 person, 3 bed 4 person, and 3 bed 5 person) account for 54% of the dwellings that would be delivered. 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:

Policy H4 of the London Plan 2021 sets a strategic target of 50% of all new homes to be

delivered across London to be genuinely affordable. Policy H5 provides a threshold approach, allowing the provision of a minimum of 35% affordable housing, subject to the development adhering to the tenure mix requirements of Policy H6; adherence to other relevant policy requirements; and, not receiving any public subsidy. Where this cannot be met then the development must be assessed under the Viability Tested Route.

The Barnet Core Strategy and Development Management policies (2012) (CS4 and DM10) seek 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 to deliver 19% (12 units, 21% by habitable room) affordable housing across the ground, first and second floors, in the following configurations:

	Market	Intermediate	Social Rent	Total
1 bed	21	0	1	22
2 bed	19	3	4	26
3 bed	11	2	2	15
Total units	51	5	7	63
Habitable rooms	143	17	22	182
% by habitable room	79%	9%	12%	100%

The affordable housing provision proposed falls short of the expectations of Policies CS4 and DM10 of Barnet's Core Strategy and Development Management Policies (2012); and Policy H5 of the Mayor's London Plan (2021). Both policy sets allow for a financial viability case to be put forward to justify any shortfall in affordable housing provision, which would be subject to an independent review of this justification. In support of the application, the applicant has supplied a Financial Viability Assessment (prepared by DS2), which has been subsequently reviewed independently by Savills (UK) Limited. The conclusion of the independent report was that the scheme would generate a positive land value (+£432,000.00) and that it could support on-site affordable housing; or a payment in lieu of affordable housing of £1.4 million, in addition to CIL contributions. Notwithstanding, it concluded that 20% affordable housing provision, would be both fair and reasonable. Officers accept the findings of the independent viability review. Notwithstanding, a 19% affordable housing provision (by unit) has been agreed, following the Affordable Housing Officer's request for an improved affordable housing mix - thereby securing an additional larger (3 bed) family unit.

Standard of accommodation

In terms of the standard of accommodation for the future occupiers of the proposed development, the Council expects a high standard of internal design and layout in new residential development. The standards expected are set out within Barnet's adopted Sustainable Design & Construction SPD (2016), and these align with the objectives and standards that are stipulated in Policy D6 of the Mayor's London Plan (2021), and Policy DM02 of Barnet's adopted Development Management Policies DPD (2012).

All of the proposed residential units would meet the minimum internal space standards, as set out within the policies referenced above. In terms of ceiling heights and addressing the Urban Heat Island affect, as required by Policy D6 of the Mayor's London Plan (2021), all units will have a ceiling height of 2.5m for at least 75% if the gross internal floor areas. This will ensure that the new housing is of adequate quality, especially in terms of daylight

penetration, ventilation and cooling, and sense of space.

Daylight & Sunlight:

With regards to daylight and sunlight access, the applicant has provided a Daylight & Sunlight report, which assesses the development against the BRE's site layout planning for daylight and sunlight guidelines (BR 209, 2011). BRE guidelines state that Average Daylight Factor (ADF) is the primary measure for daylight in new build accommodation. It states that a kitchen should enjoy daylight levels of 2% ADF; a living room levels of 1.5% ADF; and, bedrooms a level of 1% ADF. Reasonably the assessment provided uses an averaged ADF factor of 1.5% for the combined kitchen / living / dining rooms proposed. The assessment indicates that all habitable rooms examined meet the requisite ADF requirements and daylight distribution target values.

With regards to sunlight (Annual Probable Sunlight House - 'APSH') the assessment indicates that 52 out of 63 main living rooms meet the target value for annual sunlight and 48 out of 63 main living rooms meet the target value for winter sunlight. The rooms that do not meet the annual target, their primary window faces within 90 degrees of due north, which compromises the level of sunlight that can be expected within these rooms. Given there is a good standard of 75% or more across the development for annual and winter sunlight, the provision is considered to be acceptable.

The majority of the units benefit from dual aspect, which improves light access into the units, but it also provides a satisfactory level of outlook for the future occupiers of the development. Overall, Officers are satisfied that the proposed units would receive good levels of light.

Privacy / Overlooking

As noted in the residential amenity section above (concerning neighbour amenities) it is considered that the proposed development would achieve a satisfactory degree of privacy for the future occupiers and that there would be no harmful overlooking on the development. The hotel site to the rear would be at least 23m from the development, avoiding any unacceptable privacy relationships. Further, there are no windows within the rear of the TBK Tiles Factory Outlet warehouse building that would create an unacceptable overlooking and loss of privacy issue. Overall, it is considered that the proposed development would achieve a satisfactory standard of privacy in accordance with the objectives of DM01 of Barnet's adopted Development Management Policies DPD (2012).

Amenity Space

Policy D6 (Housing quality & standards) of the Mayor's London Plan (2021) and Barnet's adopted Sustainable Design and Construction (SDC) SPD (2016) require that sufficient, functional amenity space be provided for all new homes and flats wherever possible. Amenity space is provided to each unit, by means of balconies and enclosed roof garden terraces, and shared communal space (communal space totalling 322m², on the ground floor and eight floor). The Council's adopted SDC SPD (2016) requires 5m² of space per habitable room, but recognises that this is not always achievable in dense forms of flatted residential development. Based on the SDC SPD (2016) standards the requisite amount of amenity space required across the entirety of the scheme is 1240m². Only two units on the ground floor; one unit on the first floor; and, one unit on the 8th floor, meet the adopted standards, however every unit benefits from at least 5m².

In total only 986m² (inclusive of the 322m² communal space) of amenity space is provided, meaning there is a shortfall of approximately 254m². In lieu of this shortfall the SDC SPD (2016) advises that the Council will seek a planning obligation. The Council's Greenspaces team have been consulted on the amenity space shortfall and have suggested a Parks and Open Spaces Contribution for the sum of £12,700 (Index Linked) towards the improvement and enhancement of the Welsh Harp Reservoir Area within the London Borough of Barnet as identified by the Parks and Open Spaces Officers; or, such other appropriate officer to be allocated between any or all of the following objectives in such proportions as the Council in its absolute discretion considers appropriate:

- (a) Provision of drainage to playing pitches and grounds of amenity land
- (b) Buildings and fencing improvement within Parks and Open Spaces
- (c) Project Management Consultation for improvements
- (d) Improvements to sports courts
- (e) Improvements to children's play area
- (f) Safety in parks including soft and hard landscape improvements
- (g) Disability access improvements

This obligation is considered to be both reasonable and necessary to mitigate the shortfall in amenity space provided.

Part of Flat 2 and Flat 3's amenity space, and the communal amenity space set out on the ground floor is situated adjacent the railway line where noise levels are likely to be higher than average. To reduce the impact of associated noise for this private space it would be considered both reasonable and necessary to recommend a condition requiring acoustic grade fencing to be erected on the adjacent site boundary.

Overall, subject to the recommended planning obligations and conditions, it is considered that the private and communal amenity space will accord with the objectives of Policies DM01 and DM02 of Barnet's adopted Local Plan Development Management Policies DPD (2012); and, Policy D6 of the Mayor's London Plan (2021).

Playspace

Integrated into the communal amenity space is the playspace provision for children (between ages 0-17 years old) provided at the ground floor and rooftop level (8th storey). The total required area for playspace is 292.6m². The details of the proposed dedicated play space are contained within the Landscaping Strategy, which illustrate that it will be provided across the 316m² communal space proposed. This is considered to accord with Policies DM01 and DM02 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy S4 (Play and informal recreation) of the Mayor's London Plan (2021). The specifics of the play equipment will be secured by a pre-occupation condition, in the event that the application is granted approval.

Highways / 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

It is recognised within the Barnet Local Plan policies that the 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.

Barnet Local Plan and the Mayor's London Plan (2021) 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

Notwithstanding, there are also separate standards for the Cricklewood, Brent Cross and West Hendon Regeneration Area, contained within saved Policy C8 (Parking Standards) of Barnet's superseded Unitary Development Plan (UDP, 2006). This policy sets a standard of one space per unit, regardless of the unit size. These are maximum standards (not minimum) and the objective of this policy is to promote more sustainable transport modes i.e. to meet a significant proportion of travel needs through high quality public transport and improvements to walking and cycling facilities.

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 requirements of Policy DM17 of the current Local Plan, the proposed development has a parking requirement range of 52-83 parking spaces, although, a maximum requirement of 63 spaces when assessed against saved Policy C8 of the superseded Barnet UDP (2006). The application site is located within an area with a PTAL rating of 2, however as noted in the principle assessment section of this report, it is immediately adjacent to an area with a PTAL rating of 3 (moderate).

Also of note, Barnet's Draft Local Plan -Reg 22 – Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan. The draft Local Plan responds to the Mayor's adopted London Plan (2021) parking standards, intending to adopt the standards it establishes for residential car parking. The London Plan (2021) 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 standards are still maxima and are lower than those in Barnet's current Local Plan (2012). For an Outer London Opportunity Area, Table 10.3 of the London Plan (2021) indicates that the maximum standard should be up to 0.5 spaces for units of all sizes. This would equate to a requirement of 32 spaces in the current scheme, meaning the development with its 37 spaces would meet the London Plan (2021) parking standards. Owing to the draft nature of Barnet's Regulation 22 Local Plan, only limited weight can be afforded to this policy, however, such weight can be afforded nonetheless.

The Council's Highway Authority has commented on parking provision, advising that for a site with a PTAL of 3, a provision 48 car parking spaces would typically be acceptable. Notwithstanding, they state that a shortfall of 11 spaces (i.e. 37 in total, as proposed) would be acceptable given the fact that this section of Brent Park Road is protected by both red and double yellow lines, and that surrounding roads fall within a Controlled Parking Zone (CPZ). Officers would reiterate that, in addition, Hendon Thames Link is within 0.7 miles (approx. 13 min by foot); Staples Corner Bus stop is 0.3miles (approx. 7min by foot); and Brent Cross Shopping Centre is 0.7miles (approx. 13min by foot). Accordingly, the development is very accessible to these transport nodes and local services, and thus it is considered that it is within a sustainable location, making the shortfall in parking provision acceptable, on balance.

The Highway Authority have advised that a financial contribution of £7,500.00 towards a CPZ review and £2,392.01 towards a subsequent Traffic Management Order amendment to prevent future residents of the development from purchasing permits for controlled areas would be appropriate, to ensure that the development does not increase parking pressures / overspill within the local area. This is considered both reasonable and necessary, and thus, it is recommended that this obligation is secured via legal agreement.

TFL were consulted on the application and also raised no objections to the parking provision. The draft Parking Management plan identifies that six disabled car parking spaces could be provided. To ensure that disabled parking provision is provided in accordance with the London Plan 2021, a final parking layout will be required by planning condition.

Electric vehicle charging points must be provided in accordance with London Plan standards for residential uses (i.e. 20% active and 80% passive) For the 37 spaces proposed, provision of 8 active and 29 passive spaces is requested. This is to be secured by way of a planning condition, as per the advice of the Highway Authority.

In accordance with the Highway Authority's recommendation, an updated parking management plan would also be required by condition to set out how the spaces will be allocated and managed amongst residents and the procedure for managing visitors to the development. This would be in the interest of the efficient functioning of the development - mitigating and managing any parking associated conflict.

Cycle Parking

Cycle parking is to be provided in accordance with the 2021 London Plan standards. The development is to provide a minimum of 119 cycle parking spaces (116 long-stay and 3 short-stay). Six of the cycle spaces can accommodate larger cycles (5% of provision) in accordance with TfL guidance. Cycle parking is proposed on the ground floor in two separate locations and this is acceptable. In addition, 3 short term spaces will be provided

at the back of the foyer. The Highway Authority have recommended that the type of stands used must allow both wheels and the frame of the bicycle to be locked. A cycle parking condition will therefore be recommended to ensure the appropriate details of cycle storage/stands are secured.

Trip Generation / Travel Plan

A TRICs trip rate assessment has been provided in support of the application, which identifies that the overall development would generate 11 additional traffic movements during the morning peak hours and 10 extra movements in the evening peak hour. The Highway Authority do not raise objection on the grounds of trip generation associated with the development and are in agreement that the development will have a negligible impact on the local highway network.

A draft travel plan has been submitted by the applicant and is considered to be acceptable in principle. The formal submission of the travel plan and its monitoring by the Council will be secured by planning condition and a legal agreement.

The Council's Travel Plan Officer has recommended that a one parking space be dedicated to car club, however the applicant has provided evidence that the development falls below the typical viability threshold expected by car club operators (minimum of 70 units) and further that a car club space located behind a secure gate only accessible to residents would not be conducive to the safe and efficient running of the service. To make this more accessible (i.e. by leaving the gates open, would only compromise the security of the development, contrary to the Metropolitan Police Service's recommendations. Accordingly, on balance, it is considered that the development would still be acceptable, and sustainable, without the provision of a car club space. Contributions will not be sought for a car club space off-site as the maximum desirable distance to a car club space is 800m, and this requires the residents to be in a car free development to encourage the use of this.

Access / Deliveries / Servicing

The majority of deliveries will occur within the development using the main access to access the delivery bay at the rear of the servicing bay. The Highway Authority acknowledged that the bay will be suitable for the majority of deliveries, and on occasions, where larger vehicles need to service the site, they can use the servicing bay. Swept path drawings have been provided by the applicant and these demonstrate that refuse vehicles can reverse into the serving bay safely, and also that a long wheel base van can enter and exit the site in forward gear. The Highway Authority are satisfied that the delivery bay and servicing bay proposed as part of the scheme can accommodate the servicing needs of the site. Notwithstanding, during the lifetime of the application the Highway Authority sought agreement from the applicant to ensure that either the roller shutter is relocated to allow vehicles to access the delivery bay freely, or, set at an "open" default position to allow for deliveries to take place without impact to the function of the highway. Following further traffic information provided by the applicant, and an alternative solution (i.e. a sliding gate instead of a roller shutter), neither change was deemed necessary, as it was agreed that traffic movements on the road at peak time were not significant and also that a servicing button could be placed on the sliding gate for the intention of deliveries and servicing only. This would ensure that the site remains secure from non-residents and non-service providers entering the site. This measure would be included in an updated delivery and servicing plan, which would be required by planning condition.

Refuse & Recycling

The Council's Waste Management Department have been consulted on the scheme, and is satisfied that adequate refuse and recycling provisions have been provided - i.e. 9 x 1100litre refuse bins and 9 x 1100litre recycling bins.

The refuse store is within 10m of the servicing bay on the ground floor. Refuse vehicles will reverse into the servicing bay and pick up and the bins will be transported to the waiting vehicle in the bay. Both the Highway Authority and Waste Management Department have agreed that the refuse and recycling provision and servicing arrangements are considered to be acceptable.

Construction Management

A draft construction logistics plan has been submitted by the applicant and this is acceptable in principle. However, the Highway Authority has commented that cleansing arrangements, including the use of a road sweeper is requested. In addition, the details of an interim community liaison officer is also requested. Environmental Health have also considered this document and requested additional information (discussed later in this report), accordingly it is considered appropriate to request a final Construction Management and Logistics plan by a suitably worded planning condition.

Highways Conclusions:

Taking into account the areas covered above, Highways would raise no objection to the proposed development subject to the following planning obligations listed below and a number of relevant conditions:

- S.278/S.184 agreement for provision of two vehicular crossovers and provision of dropped kerbs/informal crossing point
- Submission of travel plan and financial contribution towards its monitoring (£15,000.00);
- A £7,500.00 contribution towards CPZ review and extension, £2392.01 towards CPZ permit restrictions - i.e. future occupiers to be restricted from obtaining residential parking permits.

Drainage / 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 site is in Flood zone 1 and the scheme is accompanied by a Flood Risk Assessment, storm sewer drainage calculations and surface water drainage strategy drawings. These have 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 further details of the surface water drainage scheme would be attached. This is considered both reasonable and necessary, in the interest of preventing on site and off site surface water flooding, in accordance with Policy C13 of the Barnet Core Strategy (2012) and Policies

D3, SI12, and SI13 of the London Plan 2021.

Consultation with Thames Water initially identified a requirement to recommend a planning condition that stipulated that no development shall take place within 5m of the water main, and that details of asset diversion with a view to preventing damage to subsurface potable water infrastructure should be submitted to and agreed in writing in consultation with Thames Water. During the lifetime of the application, the applicant engaged with Thames Water directly and established that the planning condition was not required and that this could subsequently be removed from any recommendation.

Environmental Considerations

Policy DM04 of Barnet's adopted Development Management Policies DPD (2012) seeks to reduce and mitigate against the impacts (i.e. noise, air pollution, and land contamination) of development which have an adverse effect on the health of the surrounding environment and the amenities of residents and businesses alike. This is consistent with the objectives of Section 15 of the National Planning Policy Framework (2021), which seeks to ensure that planning decisions conserve and enhance natural environment and avoid significant adverse impacts on health and quality of life.

Contaminated Land:

No information has been submitted to support the application in regards to contaminated land on site. The Council's Environmental Health Unit have considered the site history and identified that there has been a previous historic use that may be potentially contaminative - i.e. previous use of the site as a garage, where spillages and subsequent ground contamination may have occurred. Given that the development incorporates a basement where there will be significant ground upheaval and the potential to disturb any potentially contaminative material, it is considered reasonable that the potential for land contamination of the site is explored further. Officers therefore agree with the recommendation of the Environmental Health Unit which require an investigation into land contamination. This can be required by means of a suitably worded pre-commencement condition, as suggested by the Environmental Health Unit. This would align with the objectives of Policies SD1 (Opportunity areas) and D10 (Basement development) of the Mayor's London Plan (2021), which seek to ensure that appropriate steps are taken to identify and mitigate issues of land contamination when developing for sensitive uses, such as residential development.

Air Quality:

Policy SI1 (Improving air quality) of the Mayor's London Plan (2021) aligns with the principles of DM04 of Barnet's adopted Development Management Policies DPD (2012), in that it seeks to ensure emission risks associated with development - i.e. air pollution, both existing and as a consequence of the proposed development - are identified, and that a suitable scheme of mitigation is established to mitigate the impacts for the existing environment and receptors (residents/public) as well as future receptors (residents of the development); and, that all new development meet the GLA's Air Quality Neutral benchmarks.

The application site is located close to a major highway intersection with the A406, M1 and A5. Consequently, it is certain that the development will be exposed to air pollution from these highway sources (i.e. emissions from petrol and diesel vehicles). The application is supported by an air quality impact assessment report which assesses both construction

and operational impacts of the proposed development, and concludes that annual mean Nitrogen Dioxide (NO₂) concentrations within the area will not exceed 32 micrograms per cubic meter air (ug/m³), which is below the 40ug/m³ annual limit established within the Air Quality Standards Regulations 2010. This would suggest that the development and its future prospective residential occupiers would not be at undue risk to their health as a result of poor air quality.

In addition, the assessment concludes that development would not demonstrably add to the concentration of relevant pollutants (Nitrogen Dioxide; or, Particulate matter smaller than 10micrograms / 2.5micrograms) within the local environment to an extent that would result in regulated limits being breached - such that would subsequently cause unacceptable harm to human health. The assessment identified the level of pollution generated by the construction phase of the development as being negligible provided good site practices and the implementation of suitable mitigation measures are put into place. All in all, the report concludes that the development will be air quality neutral.

The Council's Environmental Health Unit have reviewed the contents of the assessment and are broadly in agreement with the findings. They have recommended that the mitigation measures suggested within the report are followed and that a construction management plan is required by condition to ensure that the construction of development is carefully planned and managed by procedures that mitigate the emission of pollution. This is considered to be both a reasonable and necessary approach, given the scale of the development.

Accordingly, subject to conditions the proposed development would ensure that adverse air quality impacts are minimised and mitigated appropriately in accordance with Policy DM04 of Barnet's adopted Local Plan Development Management Policies DPD (2012).

Noise:

Policies D13 (Agent of Change) and D14 (Noise) of the Mayor's London Plan (2021) recognise that the management of noise is important to promote good health and quality of life, within the wider context of achieving sustainable development, and that the burden of mitigation should not be exclusively placed on established neighbouring businesses and occupiers (i.e. who may operate / be responsible for existing noise-generating activities or uses). The policies stipulate that mitigation should be a part of the design through the use of distance, screening, layout, orientation, uses and materials.

Given the close proximity of the site to the major highway intersection between the A406, M1 and A5; the immediate presence of the active Midlands Mainline rail route adjacent; and, the presence of the adjoining and other neighbouring commercial sites, the development will inevitably be exposed to a higher than average ambient noise level, compared to most nearby residential environments. The application is accompanied by an Environmental Noise Assessment (produced by Entran Ltd; dated: 28/04/2021), which concluded that Night-time maximum L_{Amax,F} noise levels are considered to achieve the WHO guideline noise level for the onset of sleep disturbance.

The assessment indicates that the BS 8233 criteria for internal ambient noise levels will be met, subject to incorporation of suitable glazing and mechanical ventilation for a number of the units. Accordingly, it is recommended, as per the Environmental Health team's recommendations that planning conditions are recommended for the construction of the development in accordance with the recommendations of the noise report; and, that any mechanical ventilation plant is thereby restricted in noise level to prevent noise

disturbance to those who inhabit the development.

Overall, it is considered that the proposed development, subject to conditions, could achieve satisfactory internal noise levels, in accordance with the objectives of Policy DM04 of Barnet's adopted Local Plan Development Management Policies DPD (2012), and Policies D13 and D14 of the Mayor's London Plan (2021).

Management of Construction-related Pollution

The applicant has supplied an Outline Construction Logistics Plan which addresses how construction associated activities and vehicular movements will be managed in the interest of preventing pollution and risks to the safety, function and convenience of the local highway network. This has been considered by both the Highway Authority and the Environmental Health Team who have suggested that more details are required, and therefore, that a condition requiring a final Construction Management and Logistics Statement should be submitted to and agreed in writing in consultation with both teams. This is considered to be both reasonable and necessary to ensure that a holistic approach is taken to the management of pollution during the construction phase of the development.

Accessibility and Sustainability

Accessible Housing:

The application scheme is required by Policy DM03 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy D7 (Accessible Housing) of the Mayor's London Plan (2021) to meet Building Regulation requirement M4(2) and for 10% of all units to be wheelchair home compliant. The applicant has confirmed that the proposed development would meet this requirement, and a condition will be recommended in the event that planning permission is granted, to ensure compliance with these Policies.

Carbon Emissions

London Plan (2021) policy SI2 states that major development should be net zero-carbon. The hierarchical principles of be lean, be clean, be green, and be seen should be implemented in order to reduce greenhouse gas emissions and minimise energy demands.

The applicant has supplied a detailed Energy & Sustainability Statement (Revision A; dated: April 2021) produced by JS Lewis Ltd, which sets out how the development will accord with the objectives of the relevant policies.

In respect of carbon dioxide emission reduction, the statement confirms that the scheme has been designed to achieve a 67% CO₂ reduction over Part L of the Building Regulations and will incorporate:

- o Passive design measures included as far as practicable;
- o Energy efficiency measures for both fabric and fittings;
- o Mechanical ventilation with heat recovery;
- o Communal heating fed by an energy centre;
- o Integration of 13kWp solar PV panels

A carbon offset payment of £55,507.00 is also proposed, to be secured by Section 106 agreement, to contribute towards the Boroughs Carbon Zero objectives.

The mitigation and stated 67% reduction, together with the carbon offset payment is considered to comply with the objectives of Policies DM01 and DM02 of Barnet's Local Plan Development Management Policies DPD (2012) and Policy SI2 of the Mayor's London Plan (2021). A condition is recommended in the event of planning permission being granted, to ensure the scheme is implemented in accordance with the Energy & Sustainability Statement recommendations, which will subsequently ensure compliance with the aforementioned policies.

Water Consumption

In terms of water consumption, a condition would be recommended in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to facilitate the objective of minimising the level of water used by the future occupiers and development in general, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).

The proposed development, subject to conditions, would therefore meet the necessary sustainability and efficiency requirements of the London Plan (2021).

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 Metropolitan Police Service who have raised no objections subject to the standard condition. Therefore, a condition would be attached to any permission requiring the proposed development to achieve Secure By Design Accreditation.

Landscaping, Trees, and Ecology / Biodiversity

Landscape:

There are two main external communal amenity areas proposed within the scheme; at the ground level, and on the 8th level. A landscape strategy has been submitted with the application providing details of a suggested landscape proposal. It demonstrates that the proposed scheme is able to achieve an Urban Greening Factor (UGF) score of 0.44 which aligns with the objective of Policy G5 of the Mayor's London Plan (2021), which seeks a UGF score of 0.4m for residential development. This will provide a range of benefits including enhanced amenity space, enhanced biodiversity, addressing the urban heat island effect, and sustainable drainage - the latter being especially important in such a densely developed part of the Borough, where traditional green space is limited.

The Council's Tree Officer has raised no objections to the proposed landscaping strategy, subject to a condition requiring further details about the hard and soft landscaping materials and planting species.

Trees:

The application is accompanied by a Arboricultural Impact Assessment which identifies that there are a number of trees and shrubs within the site, but these are considered to be low value specimens that are sited close to the adjacent neighbouring commercial

building. Coupled with the basement/undercroft element of the proposal, it would be impossible to retain the existing shrubs and trees. Nevertheless, provision is made for tree planting and shrubs on site within the submitted landscape strategy - species to be confirmed via the recommended hard and soft landscaping planning condition.

The Council's Tree Officer has also advised that there is a need to make the street scene around this development more residential in character - softening the current industrial buildings surrounding the proposal, and assisting with air quality arising from the Edgware Road (A5) junction with the North Circular (A406) traffic and congestion. They have identified that there is a possibility to plant some trees along Brent Park Road, between the railway line and the A5 and on the other side of the M1 bridge. In addition to this, it is suggested that planting trees on the slip road from the A5 flyover down to the round-about is also possible and should be encouraged. This will soften the approach to the development, build on existing new tree planting and enhance the appearance of the wider area.

The Tree Officer, in consultation with the Council's Greenspaces Team, has identified that 20 trees will achieve this outcome making the scheme compliant with Paragraph 131 of the National Planning Policy Framework, Policies G5, G6 and G7 of the London Plan 2021; and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012). A financial contribution of £15,000.00 towards the funding of these trees will be secured by a Section 106 agreement.

Ecology / Biodiversity:

Both Natural England and the Council's Ecologist were approached for comment on the scheme. Both raised no objection, and agreed with the findings of the Preliminary Ecological Appraisal and Biodiversity Impact Assessment. The Preliminary Ecological Appraisal identifies that the site has a low potential to support reptiles, nesting birds, invertebrates; and hedgehogs; and further, a negligible potential to support other notable and/or protected species (including foraging and roosting bats, badgers, great crested newts and dormice). Notwithstanding, the report recommends enhancement measures including, the provision of a sensitive lighting regime, particularly along the railway embankment; a biodiverse living roof; vertical greening; wildlife-friendly landscaping; bird boxes; and, invertebrate habitat features. Both the Council Ecologist and Natural England have suggested that these recommendations are followed.

The Biodiversity Impact Assessment also identifies that the development will achieve a net gain in biodiversity. It suggests that details relating to the proposed ecological enhancement actions in relation to habitat creation and management could be provided within an Ecological Management Plan (EMP) for the site, which could be secured through planning condition. This is also agreed to be appropriate by the Council Ecologist and Natural England.

Accordingly, subject to conditions requiring implementation of the development, in full accordance with the recommendations of the aforementioned reports, it is considered that the development will meet the ecological and biodiversity net gain objectives of the Policy DM16 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and the Policy G6 of the Mayor's London Plan (2021).

Fire Safety

Paragraph 3.12.1 of the Mayor's London Plan (2021) states that fire safety of

developments should be considered from the outset. Although such matters are covered by Part B of the Building Regulations, Para 3.12.2 further states that it is necessary that development proposals achieve the highest standards of fire safety, to reduce risk to life, minimise risk of fire spread, and provide suitable and convenient means of escape that building users can have confidence in. In essence, the fire safety should be integral to the design process of development, before it has obtained planning permission and thereby before any building control application is made.

Policy D12 of the Mayor's London Plan (2021) requires that all major development proposals are submitted with a Fire Statement i.e. an independent fire strategy produced by a third party, suitably qualified assessor. The policy prescribes the content expected, including the buildings construction methods and materials, means of escape, risk reducing features (alarms/detectors), access for fire service personnel and equipment, access provision for fire appliances, and assurance that future modifications to the building will not compromise the base build fire safety/protection measures.

The applicant has provided a Fire Statement (Report Ref: 012/071021 - Revision 1 – undated) produced by Know Fire Ltd in support of the application. This has been reviewed by the Council's Building Control team and they have agreed that the content is acceptable in principle, however, there is a need for more details on the final types of material to be used in the external parts of the building and the evacuation procedures. At this stage it is acknowledged that the final external materials and final evacuation procedures are not required to determine the acceptability of the scheme, and thus, the provision of these additional details can be provided within a 'final' fire statement that is required by a suitably worded planning condition. This has been agreed with the Council's Building Control team. Accordingly, it is considered that subject to a condition, the development would have sufficient fire safety measures in place in accordance with Policy D12 of the Mayor's London Plan (2021).

5.4 Response to Public Consultation

A number of objections and comments were received in response to the application's publicity via letter, site notice and press publication, and these have been considered and addressed, where possible, through the main body the Officer's assessment of the scheme above. Matters that have not been addressed, are responded to as follows:

- The Council's Environmental Health team have not raised any concerns with regards to increased vehicular pollution as a consequence of the development. Furthermore the Highways Authority consider that the trip generation from this development is not likely to be detrimental to the local highway network to an extent that would warrant the application's refusal.
- There is no clear link between the proposed development and the impact on customer footfall for the adjacent commercial businesses. It would not take away customer parking and vehicular congestion has not been identified as unacceptably harmful by the Highway Authority.
- The Highway Authority have not identified any significant adverse congestion impacts that would lead to a disruption in delivery/servicing at the adjacent commercial sites. Similarly, the level of pedestrians on street has not been identified as an unacceptable risk with regards to highway safety and function. The applicant has conducted and supplied the results of a traffic and pedestrian movement survey which indicates that pedestrian movements are at the highest between 4pm and 5pm at 55 crossing movements; and that There are up to 5 cars queuing back between 4pm and 5pm (peak time), which can only be associated with the extra activity at the school. Such a

queue of vehicles would not extend across the Brent Cottage site or as far back as the entrance to the school's drop off/pick up area and the number of pedestrians would have no demonstrable adverse effect on vehicle capacity of the highway network.

- No objection has been raised to content of the travel plan, by the Travel Plan Unit within the Highway Authority.

- The Highway Authority has not identified any issues concerning pedestrian safety (specifically children) or cyclists; or with the development's single access.

- Parking provision is considered to be acceptable, given the moderate level of Public Transport Accessibility. Further, a Controlled Parking Zone review and Traffic Management Order Amendment is to be funded by S.106 contribution to ensure that the development does not create any undue impact on parking pressures within the local area. Brent Park Road has red and yellow lines marked on it, and as such offers no parking opportunities. The residents will not be entitled to a residents' parking permit for any of the CPZs within the vicinity of the site.

Additional Officer response to representations received 24th November 2021 - (as per Committee Addendum published: 25th November 2021)

The majority of these concerns have been addressed in the relevant sections of the main body of the Officer report. In summary, the Highways Authority have considered the full constraints of the application site, its operational needs (with regards to refuse servicing/deliveries), and its impact on the surrounding sites and users, and have had discussions with Officers and the applicant throughout the lifetime of the application to address any potential safety, function and convenience related highway matters. They are satisfied with the on-site servicing area, the transport assessment (which references the school) and the trip generation assessment provided - which demonstrates that the development would not demonstrably contribute to unacceptable congestion during peak times (i.e. 11 additional trips during AM peak, 10 additional trips during PM). With particular regard to the cycle parking provisions, both the Highways Authority and TFL have given this consideration to this and consider that, subject to condition on further details of the storage, that it would accord with the wider sustainable transport objectives of the Barnet's transport policies and the Mayor's London Plan (2021). Both the Highways Authority and TFL have raised no objections, subject to the conditions and s106 obligations that have been recommended.

With regards to safety and security of the school, this has been considered within the main body of the report – concluding that the development would lead to greater natural surveillance for the area, ensuring that security is increased. Non-residential buildings do not have overlooking/privacy standards prescribed within Barnet's Local Plan, nevertheless, several of the distance relationships exceed the residential standards and much of what is overlooked is within the public realm. The Daylight / Sunlight report acknowledges that there will be some overshadowing and loss of light, but the overall findings are that this would not fall unacceptably below BRE's 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011) standards.

6. Equality and Diversity Issues

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

"(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

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

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

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

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

In addition to the above, regard has been had for the Government's 2015 "Planning Policy for Traveller Sites" (PPTS) and the site's potential use for Travelling Show People. Given the long established presence of caravans and fairground equipment on site, as evidenced by available historic Google street view images (through year 2009-2019); the admissions within the witness statements; the letter from the landowner; and, the HM Land Registry documents submitted in support of the application, which suggest previous historic use for Travelling Show People, it is important to consider the equality and diversity impacts of the development on the travelling/nomadic community, and whether such groups would be disadvantaged or prejudiced by the development.

Officers sought legal counsel and concluded, as a matter of fact and degree, and on the balance of probability, the evidence available indicates that the site, has for some time not been in use by travelling showpeople. Further, it is considered, on the balance of probability, that the use of the application site, since at least 2009, has been more akin to the siting of caravans for residential use. It is therefore considered that the development of the site for residential purposes would not prejudice individuals or groups from the

Travelling Showpeople community, or any of the nomadic communities.

Overall, it is considered that the proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Planning Balance

The proposed benefits of the scheme are:

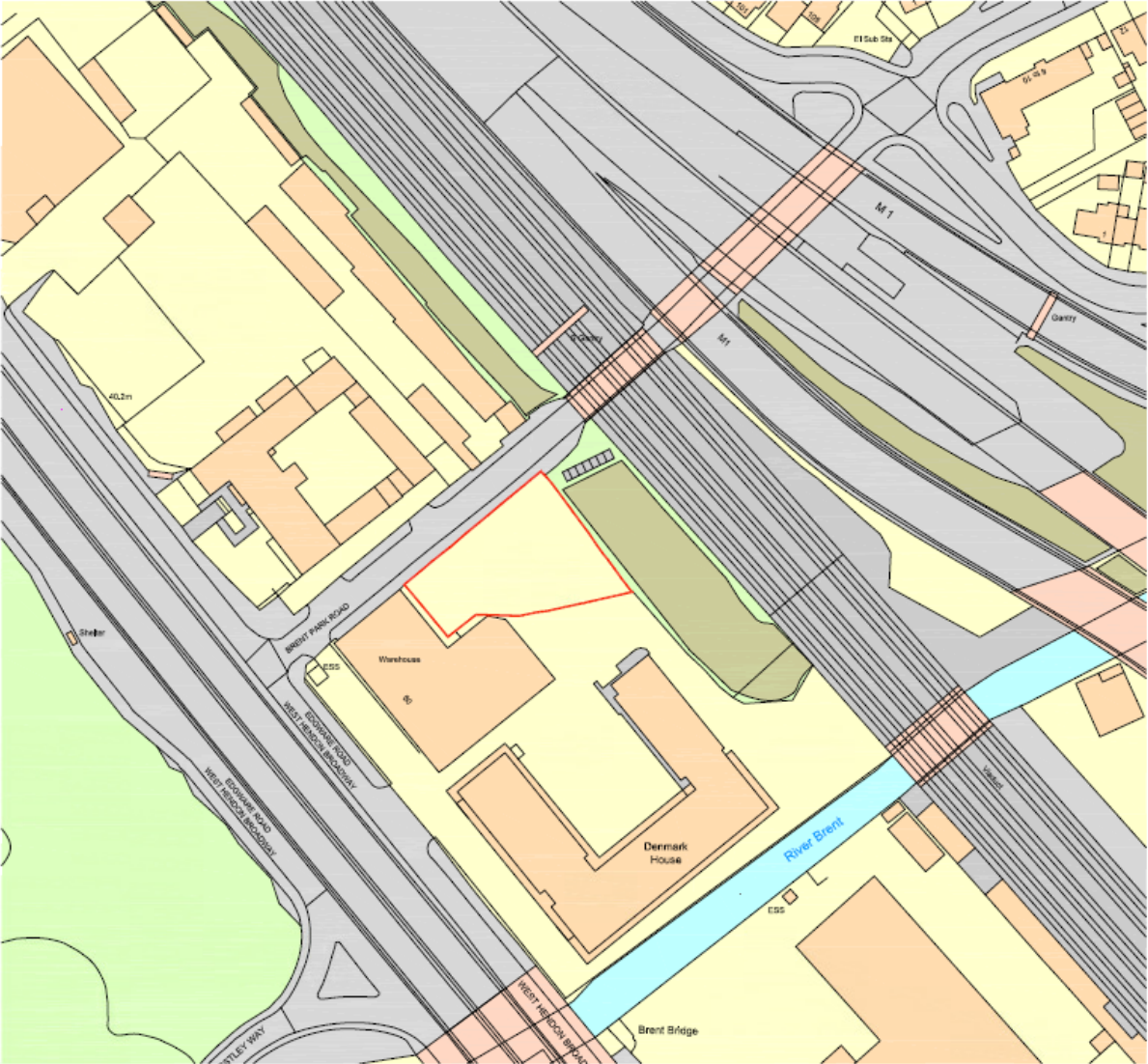
- Redevelopment of a vacant, under-utilised brownfield site, within the Brent Cross - Cricklewood Regeneration Area;
- Provision of 63 new residential units with 19% (12 units) affordable housing;
- Financial contributions toward skills and employment (£50,000); and,
- CIL payments to improve urban greening and enhancement of local green spaces

After an assessment of the proposed development, Officers consider that the development is acceptable overall, having regard to the relevant local and national policies. The proposed development would provide a high-quality residential development, having an acceptable impact on the character and appearance of the site and wider locality. Whilst it is noted that the development falls short on residential amenity space; and, there will be some increase in the number vehicular and pedestrian movements within the locality, the associated harm is not such that it outweighs the benefits of the scheme. Accordingly, in considering the above-mentioned benefits and the need to make the most efficient use of the of borough's limited land and the development of a brownfield opportunity site, the package of public benefits is considered to be of importance and attracts positive weight in the decision making.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, APPROVAL is recommended subject to conditions as set out above.

Site Location Plan:



**21/2485/FUL – APPENDIX B:
Planning Committee C Meeting Minutes – 25th November 2021**

Location Brent Cottage Brent Park Road London NW9 7AP

Reference: 21/2485/FUL Received: 4th May 2021
Accepted: 12th May 2021

Ward: West Hendon **Expiry:** 11th August 2021

Case Officer: James Langsmead

Applicant: Alaris Properties Ltd

Proposal: Redevelopment of the site comprising of a part 1, part 8 and part 9 storey building (plus a basement level) to provide 63no. self-contained residential units and associated car parking; secure cycle parking; refuse and delivery bay; refuse storage; plant; landscaping and amenity space.

6. BRENT COTTAGE BRENT PARK ROAD LONDON NW9 7AP 21/2485/FUL

The Planning Officer presented the report and addendum.

Mr Martin Reifer addressed the committee in objection to the application.

1

Ms Emma White, agent for the applicant, addressed the committee.

Further to discussion of the item, the Chairman moved a motion that the application be referred to the Strategic Planning Committee for detailed consideration of the security of the neighbouring school.

This was seconded by Cllr Freedman.

The committee voted on the motion and the vote was recorded as follows:

For (referral) – 7 - unanimous

RESOLVED that the application be referred to Strategic Planning Committee.

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LOCATION: Cricklewood Railway Yard (Plot 3), Land to the rear of 400 Edgware Road, London NW2 6NH

AGENDA ITEM 7

REFERENCE: 21/3936/FUL

Received: 14/07/2021

Validated: 14/07/2021

WARD: Childs Hill

Expiry: 30/11/2021

PPA Date: 21/01/2022

Final Revisions: n/a

APPLICANT: Capital Concrete Limited

PROPOSAL: The erection and use of a concrete batching plant and associated infrastructure including an office, welfare facility and vehicular parking, together with the use of an existing access.

1. RECOMMENDATION(S)

Recommendation I

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 seeking to secure the following, subject to any changes as considered necessary by the Service Director Planning and Building Control:

a) Operation within parameters and limits established by Planning Permission 17/5761/EIA (as amended)

That the development operates within, and does not exceed, the parameters and limits established by Planning Permission 17/5761/EIA (as amended) and the conditions attached to it;

b) Legal Professional Costs Recovery

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

c) Enforceability

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

Recommendation II

That upon completion of the agreement specified in Recommendation I, the Service Director Planning and Building Control APPROVE planning application 21/3936/FUL under delegated powers, subject to the conditions listed in Appendix A of this report; and

The Strategic Planning Committee also grants delegated authority to the Service Director Planning and Building Control to make any minor alterations, additions or deletions to the

recommended conditions/obligations and their attached reasons set out in Appendix A to this report and associated Addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice-Chairman) of the Strategic Planning Committee (who may request that such alterations, additions or deletions be first approved by the Strategic Planning Committee).

2. APPLICATION BACKGROUND & SUMMARY

- 2.1 The Local Planning Authority ('LPA') has received a planning application seeking full planning permission to erect and operate a concrete batching facility, including the provision and use of associated infrastructure, on 'Plot 3' of the Cricklewood Railway Yard (also referred to as the RFF site) on land to the rear of 400 Edgware Road. The planning application (ref. 21/3936/FUL) was submitted, and validated, on 14th July 2021.
- 2.2 A previous planning application (ref. 20/4817/FUL) was refused in March 2021, which similarly sought planning permission to erect and operate a concrete batching facility at the same site. The proposals contained within this Application have been revised to address reasons for refusal of the previous planning application. Further details of this previous planning application, including reasons for its refusal, are described in Section 6 of this report.

What changes have been made compared to the last application?

- 2.3 The proposed scheme has been amended to reduce the height of elements of the plant. The plant and machinery proposed by the new scheme is lower in height than that previously proposed. The cement silos have been reduced to a height of 14.5m and the mixer tower to a height of 12.3m.
- 2.4 Furthermore, the site layout has been reconfigured locating the tallest structures (the mixer tower, cement silos and feeder hopper) to the north western boundary of the site, as far as possible away from the Railway Terraces Conservation Area. Together with the height reductions, this will have a combined visual effect of further lowering the highest parts of the plant so that they are screened behind the Acoustic barrier of the RFF site, and lowering them on the horizon in long distance views from further south.

Will the proposed concrete batching plant be visible from the Railway Terraces Conservation Area?

- 2.5 The approved acoustic barrier at the southern end of the RFF site prevents almost all views from the Railway Terraces Conservation Area. The new application is also accompanied by an independent heritage appraisal of the local area.

Is concrete batching classed as 'heavy industry?'

- 2.6 Reference has previously been made describing the operation of a concrete batching plant as "heavy industry". This is not a term defined within the Town and Country Planning Act 1990. The operation of a concrete batching plant falls within the B2 (General Industrial) Use Class. This is important because these use classes are how the Planning system and relevant Planning Policies control and designate sites for different uses. The proposed use is deemed a suitable Use Class for this site.

Does the proposal involve the production of cement?

- 2.7 No. Cement would be delivered to the site and stored in specifically designed storage silos as a component material which is then mixed with aggregates, water and other ingredients in the batching of concrete. The transfer of cement from tankers to the storage silos is an entirely enclosed process and the cement silos would be completely sealed, standalone units. Furthermore, these silos are designed with in-built mechanisms to prevent blow-out occurring due to over-pressurisation. This includes pressure sensors, alarms, integrated shut-off valves, pressure relief valves, and reverse air jet filters.

What other permit controls are required for the proposed concrete batching facility?

- 2.8 An Environmental Permit for the operation at the site has been granted by the Council's Environmental Health Service in relation to the storage and use of cement which is regulated by the Environmental Permitting Regime. The permit sets out Best Available Techniques required for this type of operation and if these are not complied with the permit would be revoked and the plant could not operate. The Environmental Health Officer has confirmed that as part of the Part B Permit the operation would be monitored including inspections twice a year and review of mitigation measures.

How close is the proposal to the nearest homes and schools?

- 2.9 The concrete plant structures would be approximately 200m from 39 Dorchester Court to the south; 235m from the nearest properties in Brent Terrace to the east of the Midland Mainline railway; and 195m to the nearest properties in Pinemartin Close to the west of the A5 Edgware Road. It would also be approximately 205m to the corner of Our Lady of Grace Catholic Infant and Nursery School to the north west and 350m from Claremont Primary School to the north east.

Will the site be subject to the same controls as the approved RFF?

- 2.10 Yes. The proposed development would comply with all of the existing agreed controls on vehicle movements, noise, air quality, operating hours etc. specified under conditions for planning permission 17/5761/EIA (as amended by 19/3098/NMA and 21/3828/NMA). Where appropriate these controls have also been reflected in proposed conditions to be imposed on this application. Additionally, the Applicant together with the operator of the aggregate and construction waste rail transfer facility and any others with an interest in the land, will enter into a Unilateral Undertaking to ensure that the proposed development would be operated within the parameters and limitations already established by planning permission 17/5761/EIA (as amended) to ensure the cumulative impacts of both developments remain within the prescribed limits.

Would the proposal result in an increase in vehicle trips from the RFF site?

- 2.11 No. The planning permission already in place for the RFF site is limited to a maximum of 452 HGV movements per day (i.e. 226 in, 226 out) Mondays to Fridays, which governs all HGV movements arriving and departing from Plots 1-4 including the application site. The proposed trips resulting from the concrete batching plant amount to 25% of that overall limitation. The application proposes to operate within the confines of this wider site limit and, as such, the proposed development would not generate any additional HGV trips on the highway network.

Will the acoustic barrier that previously partially collapsed be in place before the proposal use comes into use?

- 2.12 Yes. Draft condition 2 in Appendix A of this report requires the acoustic barrier positioned along the southwest boundary of the Cricklewood Railway Yard site to have been completely reinstated or replaced with an alternative acoustic barrier approved by the LPA, before the proposed concrete batching operation can commence.

What environmental benefits are there from the proposal?

- 2.13 Improving air quality is a key priority for London and this application will contribute to reducing air pollution by reducing the number of HGV trips. This application will enable concrete to be manufactured on-site utilising the aggregate that is already permitted to be imported by rail to the Rail Freight Facility. Moving goods and material by rail is significantly less polluting and more sustainable than by road. Rail freight produces 76% less CO₂ and 90% lower particulate emissions than the equivalent road journey. If consented the proposed development would remove approximately 17,106 HGV road miles per month from local roads, which equates to 205,275 HGV road miles per year. The proposal will enable the local demand for concrete to be met with fewer road HGV miles and lower emissions and congestion.

Summary of proposals

- 2.14 The proposed development is described in detail in Section 5 of this report. In summary, the proposed development would consist of the following:
- The erection of a concrete batching plant consisting of:
 - Loading hopper;
 - Covered conveyor system (two sections);
 - Aggregate hopper (15m in height);
 - Mixer tower (12.3m in height);
 - 4no. cement silos (14.5m in height);
 - 3no. water tanks (8m in height);
 - A single storey laboratory unit; and
 - A storage container.
 - 5no. aggregate storage bays, 1no. sand storage bay, and 2no. drying bays (all

constructed with steel posts with sleeper infill);

- 1no. substation/transformer units;
- An office and welfare facility unit (including showers and lockers);
- Bin storage area;
- A fuel tank;
- 8no. 8 metre high lighting columns with either one or two luminaries attached (Tamlite Stadia lighting fitting¹);
- 8no. car parking bays (including 1no. disabled parking bay, 2no. active electric vehicle charging point, and 2no. passive electric vehicle charging points);
- Cycle shelter and Sheffield stands for 10no. bicycles;
- A 3-metre high acoustic barrier encompassing the southern corner of Plot 3; and
- A 2.4 metre high palisade fence along part of the southeast boundary of Plot 3, along part of the northwest boundary, and at the Plot frontage onto the internal haul road (southwest boundary) in addition to two sliding entrance and exit gates.

2.15 The proposed concrete batching facility would be sited on land that has planning consent for an aggregate and non-putrescible (construction) waste rail transfer facility (the 'RFF'), which is operated by DB Cargo (UK) Ltd. LPA planning reference 17/5761/EIA was approved by the Council's Planning Committee in July 2018 and subsequently amended by 19/3098/NMA and 21/3828/NMA. DB Cargo (UK) Ltd are a leasee of Cricklewood Railway Yard with the land being owned by Network Rail.

2.16 Planning permission 17/5761/EIA (as amended) has been implemented for the RFF. The application which is the subject of this report is for planning permission for a concrete batching plant within the RFF site so that one of the four plots (Plot 3) would be used not only to import aggregate by rail and road as already permitted by the RFF Permission, but also to mix aggregates and materials to produce concrete for use locally.

¹ This is the same lighting type and height of lighting column as approved pursuant to Condition 11 of planning permission 17/5761/EIA (as amended) for the aggregate and construction waste rail transfer facility within which the proposed development would be sited.

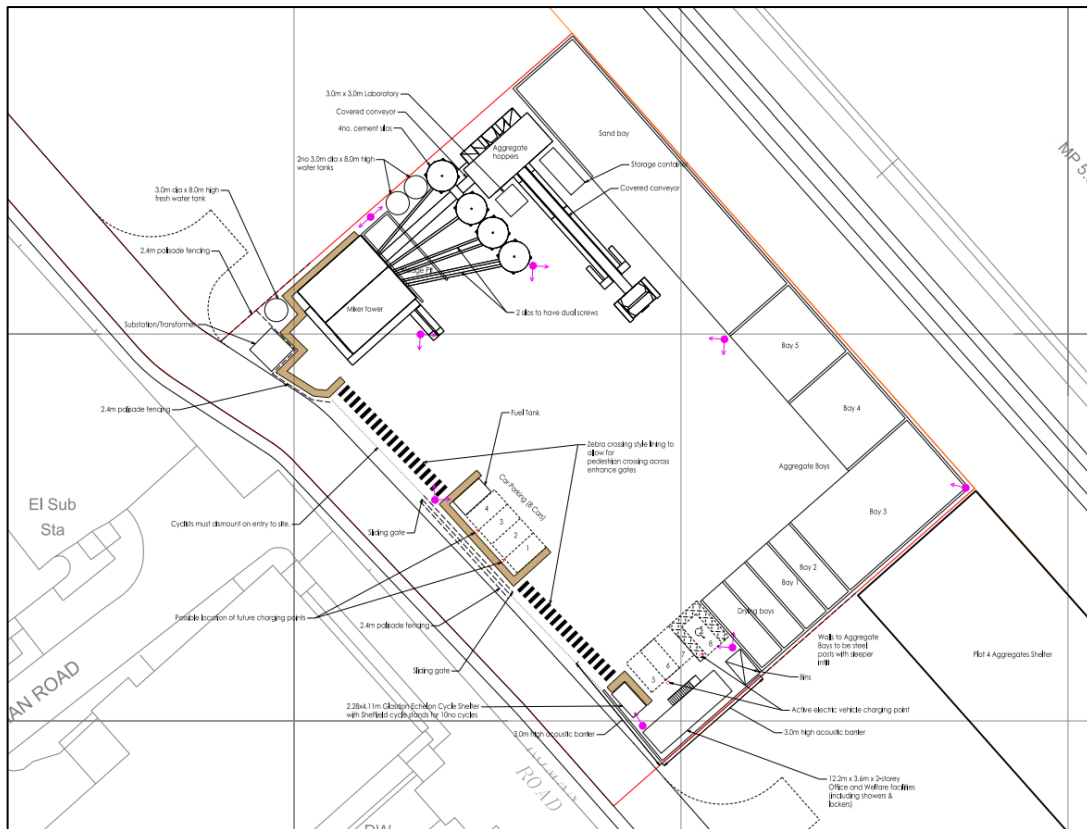


Figure 1: Proposed site layout and configuration of plant within Plot 3

- 2.17 The aggregate and non-putrescible (construction) waste rail transfer facility has been delivered in relation to the wider Brent Cross Cricklewood ('BXC') regeneration scheme. The BXC outline planning permission identified and granted consent for the Strategic Rail Freight Interchange facility located at Hendon Waste Transfer Station to be replaced with a Rail Freight Facility on land to the west of the Midland Main Line railway. This is to enable land to the east of the Midland Main Line railway to be developed to deliver part of the BXC regeneration scheme, including the new Thameslink Train Station.
- 2.18 Until its closure in April 2021, the Applicant operated a concrete batching facility off Brent Terrace (North) to the northeast of the Application Site (east of the MML railway corridor). This facility was originally constructed and operated by Breedon. A merger between Breedon and Brett Group has resulted in the establishment of Capital Concrete Ltd who subsequently acquired use of the Brent Terrace site. That former concrete batching facility occupied land required to deliver development falling within Phase 1 (South) of the BXC regeneration scheme, which commenced construction in 2020. The site was also subject to a Compulsory Purchase Order and, as such, the Applicant was required to vacate that land to enable delivery of the regeneration scheme.

3. DESCRIPTION OF THE SITE AND SURROUNDINGS

3.1 The application site, known as Cricklewood Railway Yard, is located between Brent Cross and Staples Corner (to the north) and Cricklewood (to the south) in northwest London. The application site falls within the red line boundary of the Brent Cross Cricklewood regeneration area. Access to the site is off the A5 Edgware Road via an existing vehicular priority junction. The application site is situated on Plot 3 of the existing consented aggregate and construction waste rail transfer facility, as illustrated in Figure 1 below. The red line boundary covers an area of 0.65 hectares including the access road which is part of the wider rail transfer site. The plot area when measured on its own is 0.42 hectares.

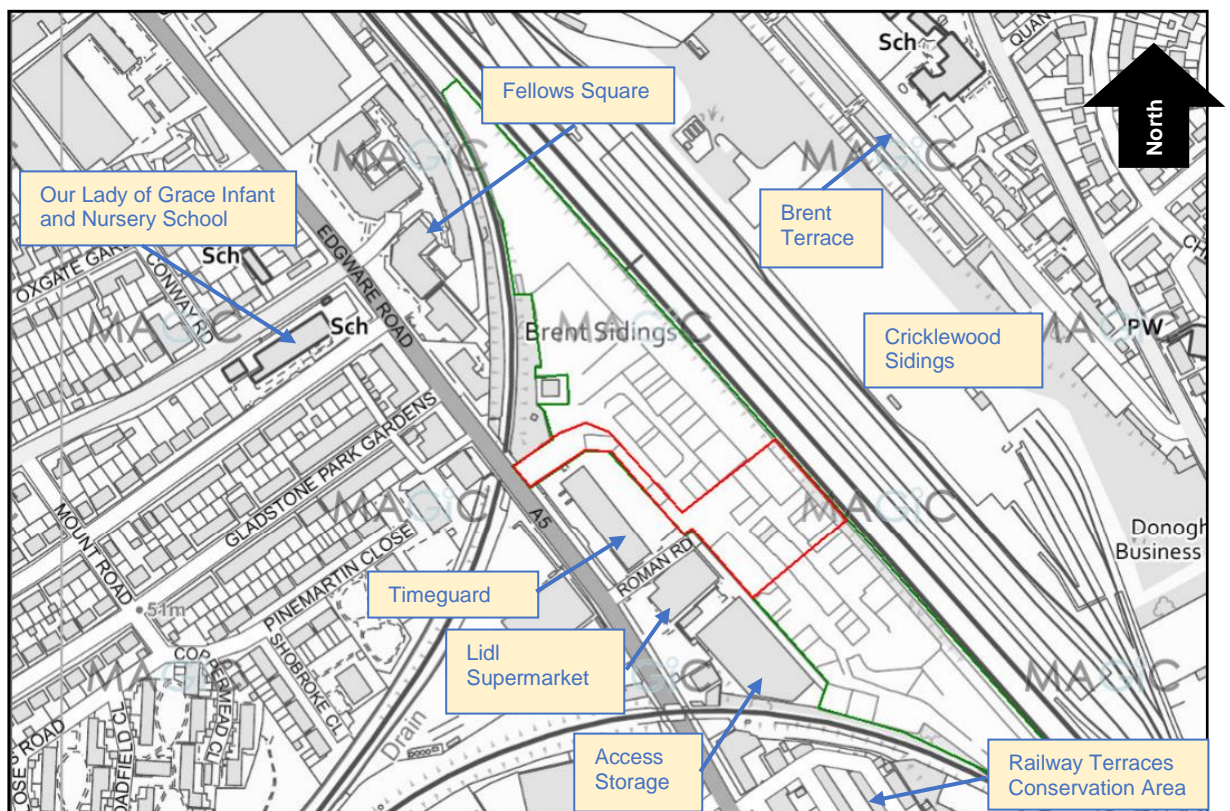


Figure 2: Application Site location situated on Plot 3 (red line) of the consented aggregate and non-putrescible (construction) waste rail transfer facility (green line) (Source: Magic Maps (DEFRA), 2021).

3.2 The Application Site is bounded immediately to the northeast by the Hendon freight railway lines and the Midland Mainline railway; and to the southwest by the rear of a number of buildings fronting onto the Edgware Road, including those occupied by Timeguard, Lidl supermarket and Access Storage. Within the broader aggregate and construction waste rail transfer facility, the proposed development would be sited on 'Plot 3' which is located between Plot 2 to the northwest – consented for use as a construction waste transfer operation (from road to rail) – and Plot 4 to the southeast – consented for use as an aggregate waste transfer operation (from rail to road). Beyond the wider site lies the Railway Terraces Conservation Area and a number of residential properties to the southeast, which are situated south of the Cricklewood Curve railway embankment (approximately 100 metres away from Plot 3); and Fellows Square to the

northwest sited beyond the Brent Curve railway embankment (approximately 133 metres away).

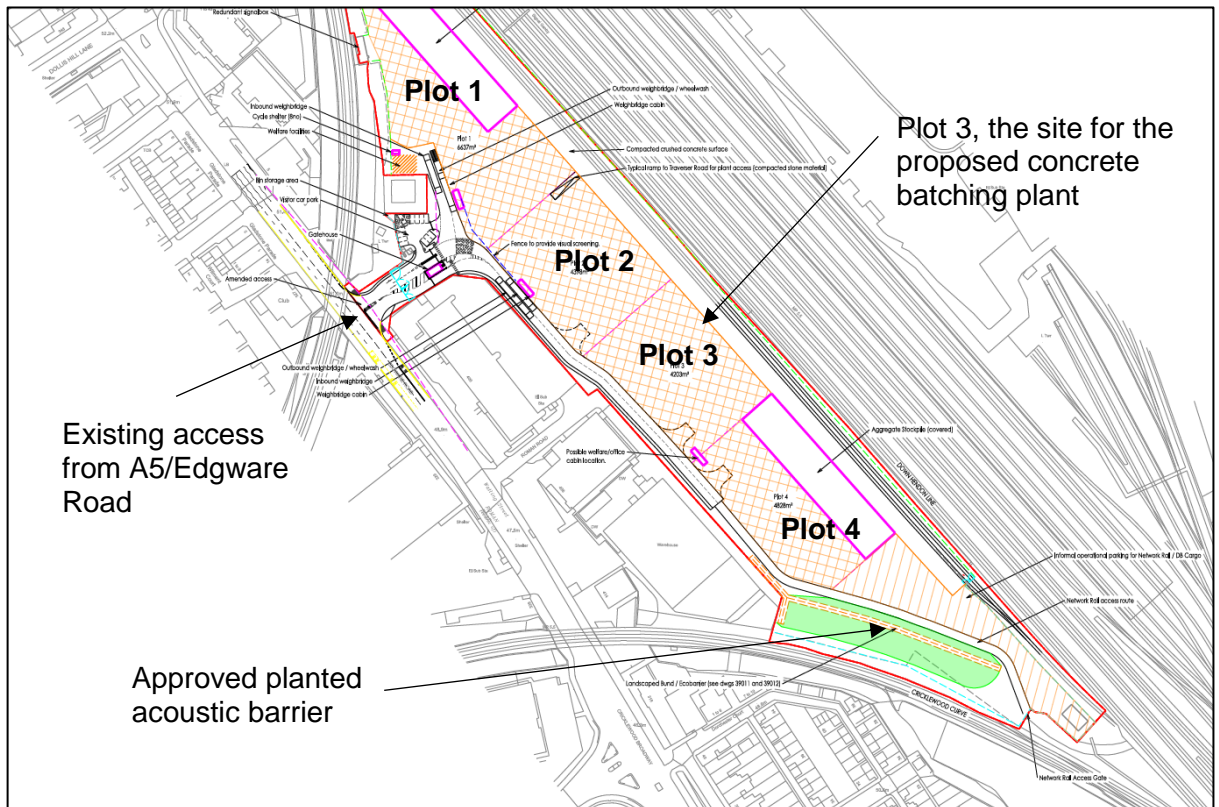


Figure 3: Plot layout, access and acoustic barrier approved for the Rail Freight Facility under application 17/5761/EIA (as amended)

- 3.3 As identified within the Council's development plan Proposals Map, the site is designated as 'Rail related employment land'. The effect of this policy designation is to safeguard existing employment sites that meet the needs of modern business requirements associated with the use of the railway.
- 3.4 Other designations within the vicinity of the application site (in addition to the aforementioned Railway Terraces Cricklewood Conservation Area) includes six listed buildings: Grade II Milestone at Gratton Terrace – approximately 375 metres to the south; Grade II Church of St Michael – approximately 550 metres to the southwest; the Grade II The Crown Public House and hotel and associated Grade II lamp standards – approximately 720 metres to the south-southeast; Grade II Dollis Hill Synagogue and forecourt railings – approximately 850 metres to the west-southwest; and the Grade II* The Old Oxgate – approximately 930 metres to the northwest of the Site. These heritage assets are all over 500 metres from the site and embedded within the wider urban grain of the area. The Welsh Harp Local Nature Reserve, which is also designated as a Site of Special Scientific Interest (SSSI), is also located over 1 kilometre away to the north-northwest of the application site, to the north of the A406 North Circular.

- 3.5 The Application Site (and wider aggregate and construction waste rail transfer facility) is in the ownership of Network Rail and is currently leased to DB Cargo (UK) Limited, a licenced freight operating company. The Site is operational railway land adjacent to the Midland Mainline and Hendon freight lines and was historically used for operational railway purposes. In more recent years, the site was sub-let by DB Cargo (UK) Limited to a company called Eurostorage who allowed the occupation of the land by a number of tenants and variety of uses, including car breakers, scaffold storage, metalwork, body shop and car repair merchants (broadly falling within the B2 and B8 Use Classes). From late 2016, DB Cargo (UK) Limited commenced the process of relocating and removing these uses from the land in preparation for the development of the now consented aggregate and construction waste rail transfer facility. This process was completed in April 2017. The subsequent aggregate and construction waste rail transfer facility was constructed in 2019 and operations commenced on Plots 1 and 2 of the facility in March 2020 following the discharge of all outstanding pre-operation obligations².

4. BRENT CROSS CRICKLEWOOD REGENERATION SCHEME

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

² As set out in application number 19/6294/CON which was approved by the LPA on 10th March 2020.

- 4.2 The permitted regeneration scheme identifies the Application Site (and wider consented aggregate and construction waste rail transfer facility) as forming part of 'Plot 60' within the Railway Lands Development Zone. This Plot has outline planning consent for the delivery of an intermodal rail freight facility. The rail freight facility was required as part of the BXC regeneration scheme to replace Network Rail's existing designated Strategic Rail Freight Interchange Site on the east side of the Midland Mainline to facilitate the delivery of the New Thameslink Train Station as part of the wider BXC regeneration. The rail freight facility/Plot 60 falls within the Phase 2 (South) (Thameslink Station) sub-phase of the scheme which also includes the development to deliver the aforementioned New Thameslink Train Station in addition to a replacement Waste Handling Facility, and replacement railway sidings and train stabling facility.
- 4.3 Paragraph 5.78 and Appendix 15 of the Revised Development Specification ('RDSF') along with Parameter Plan 018 (Waste and Freight Facilities) and Parameter Plan 025 (Indicative Zonal Layout Plan_The Railway Lands) submitted in support of the BXC S73 application provided detail on the approved principles and parameters for the rail freight facility. The rail freight facility ('RFF') envisaged at the time of the S73 Planning Application, and as granted by the outline planning consent, was for a 24-hour intermodal facility for conventional freight (i.e. goods transported by container, pallets or roll cages). The RFF was anticipated to include the following:
- Construction of a building with a maximum floorspace of 29,300m², including a mezzanine;
 - Building height to be a minimum of 12 metres and maximum of 16 metres with the exception of the southern elevation adjacent to the Railway Terraces Cricklewood Conservation Area where the height would be restricted to 12 metres (at the eaves);
 - A 7.5 metre wide landscaped buffer along the edge of the railway line and embankment to the southwest of the site, incorporating a substantial noise screen as part of a package of noise mitigation measures to minimise disturbance in the Conservation Area;
 - The building would be set back at least 15 metres from the railway line and embankment to the southwest of the site;
 - A landscape buffer zone to the northwest of the site may also be incorporated to minimise noise impacts;
 - Vehicular access would be directly from the A5, with a separate new entrance and exit;
 - The rail connection would consist of three sidings adjacent to the Midland Mainline, with one being inside the building;
 - Operational parking provided on site for 120 cars and 40 HGVs; and
 - Operations would be enclosed or shielded from adjacent residential properties to minimise noise impacts.
 - A maximum of 400 HGV movements per 24-hour period (200 in, 200 out); and

- A shift pattern of 06:00-14:00, 14:00-22:00 and 22:00-06:00.
- 4.4 The above described RFF therefore had the benefit of outline planning consent by virtue of the BXC S73 Permission, which also granted full planning permission for nine 'Gateway Junctions' that support the wider development. The new junction off the A5 to serve the RFF was included as one of these Gateway Junctions and therefore benefited from full planning permission.
- 4.5 The S73 Permission is supported by a Revised Design and Access Statement, Revised Design Guide and a number of other technical assessments relating to, inter alia, traffic and transport, noise and vibration, air quality and design. The S73 Permission and the preceding 2010 outline permission were also accompanied by Environmental Statements. In respect of the RFF, the Revised Design and Access Statement recognises that development within the Railway Lands Development Zone would be industrial in nature to fulfil utilitarian functions.
- 4.6 Notwithstanding the expectations of the BXC S73 Permission, by the time detailed planning consent was sought from the LPA, the delivery of an intermodal facility for containerised conventional freight facility (as envisaged at the outline planning stage) was not deemed to be viable nor appropriate to meet the prevailing freight market demand. Consequently, an alternative RFF was sought by way of a 'drop-in planning application' in 2017 – LPA planning permission ref. 17/5761/EIA³ – which included the provision of an aggregate and non-putrescible (construction) waste rail transfer facility. The consented development includes creation of four operational Plots with Plots 1, 3 and 4 permitted to facilitate the transfer of aggregate from rail to road; and Plot 2 to facilitate the transfer of construction waste from road to rail. The Application Site falls within this consented aggregate and construction waste rail transfer facility and would be sited on Plot 3 of the facility.
- 4.7 As aforementioned in paragraph 2.17 of this report, there was (until April 2021) an existing concrete batching operation located off Brent Terrace (North) which was operated by the Applicant. The land upon which this concrete batching facility was sited is required to facilitate delivery of the first phases of the BXC regeneration scheme (development within Phase 1 (South)). However, it should be noted that this Application does not propose the relocation nor re-use of any existing concrete batching equipment (from the Brent Terrace (North) site or otherwise) to/on the Application Site. Instead, the Applicant confirms that the replacement facility would be constructed using new, modern plant and equipment. In its own right, the need for land to deliver part of the BXC regeneration scheme is not any justification for siting a replacement concrete batching facility at this particular Application Site. The acceptability of the proposed development, including its location, is assessed below in Section 8 of this report.

³ As now amended by application ref. 19/3098/NMA, which was approved by the LPA in November 2019.

5. PROPOSED DEVELOPMENT

- 5.1 The proposed development is for the erection and use of a concrete batching plant and associated infrastructure, including an office, welfare facility, vehicular parking on Plot 3 of the Cricklewood Railway Yard site, together with the use of an existing access off the A5 Edgware Road and internal haul road. As noted above, this Application contains proposals for a revised scheme following the refusal of a previous planning application for the same development on the same site (LPA ref. 20/4817/FUL). The proposed development, however, seeks to address the reasons for which planning permission was previously refused through amendments to the proposed concrete batching plant configuration, reduction in plant height and alterations to the site layout.
- 5.2 The proposed development is described further below in relation to the construction phase and operational phase:

Construction Phase

- 5.3 Initial stages of the proposed development would include the carrying out of any necessary foundation works and installation of any drainage infrastructure and service media. The Applicant has set out the proposed surface water management arrangements within Appendix 5 to the 'Planning Application and Supporting Statement'. This includes the construction of a surface that enables the collection of surface water at various points within the Site, installation of sediment collection pits, and installation of oil/petrol interceptors. Any excess clean surface water would be pumped into a tank for re-use on the Site.
- 5.4 The aggregate storage bays would then be constructed – consisting of steel posts and sleeper infills – alongside erection of the concrete batching plant and modular office and welfare units. The plant is of a modular design and delivered to the Site part assembled to facilitate erection on Site.
- 5.5 Following this initial construction activity, the concrete batching plant would undergo commissioning trials and tests. During this period, the remaining infrastructure and final surfacing details would be completed.

Operational Phase

- 5.6 The proposed development would provide a facility for the production of concrete which uses a combination of cement, water, additives and aggregates to produce various types of concrete mix. It is important to clarify that the proposed development does not involve the manufacture of cement. Instead, cement would be delivered to the site as a component material for the batching of concrete. In terms of the process to produce concrete, the proposed development would consist of the following sequence of events:

- Importation and temporary storage of aggregates, sand and limestone fines via rail using the infrastructure and as already consented by planning permission 17/5761/EIA (as amended by 19/3098/NMA and 21/3828/NMA);
- Unloading of aggregates from train wagons using a hydraulic excavator/grab along the traverser road which are placed and stored within the constructed storage bays – this element of the process is also already consented under planning permission 17/5761/EIA (as amended by 19/3098/NMA and 21/3828/NMA);
- Importation of cement and other raw materials (e.g. admixtures) by road via HGVs utilising the existing access off the A5 Edgware Road and internal haul road to access Plot 3;
- The internal movement of imported aggregates within the site using a loading shovel (i.e. from storage bays to the covered loading hopper);
- Feeding of aggregates into the ground loading hopper (enclosed on three sides) which are then conveyed (under cover) and stored within the aggregate storage hopper. The storage hopper accurately measures out the required aggregate quantities for each concrete mix;
- The measured aggregates are then conveyed under cover to the mixer tower. Cement is also transferred from the 4no. cement silos to the mixer tower via covered screw conveyor system. Water and additives are fed into the mixer via a pump;
- Once within the mixer tower, concrete is mixed within the sealed mixer for around 2 minutes before being loaded into a concrete mixer lorry for transportation off-site and distribution by road.

5.7 The Applicant has forecast the scale of the proposed development with 100,000m³ of concrete based products to be exported from the Site per annum. This would result in the requirement for 180,000 tonnes per annum of coarse and fine aggregates to be imported to the Site via the existing and consented aggregate and construction waste rail transfer facility. Planning permission 17/5761/EIA permits the importation of a total volume of 1,000,000 tonnes of aggregate by rail per annum (as limited by Condition 6); and Condition 9 of planning permission 17/5761/EIA restricts the storage of aggregates (or construction waste, as applicable) to 15,000m³ on each Plot. The proposed development would therefore seek to import around 18% of the total aggregates permitted under planning permission 17/5761/EIA to be imported to the wider site by rail.

5.8 To produce the proposed volume of concrete (100,000m³ per annum) the Applicant states that 36,000 tonnes of cement per annum would be required to be imported to the Site via purpose-specific 30-tonne tankers (HGVs). Upon arrival at the Site, the cement would be pumped pneumatically through a sealed system into one of four vertically aligned steel silos, each standing at a height of 14.5 metres above ground level (67.1 metres AOD). Both the silos and tankers are fitted with negative pressure systems which would prevent the escape of cement dust during the transfer process.

- 5.9 The production of concrete would also require other additives and the Applicant states that these would be imported to the Site by road at rate of approximately one delivery per week. The additives required for concrete include metal or plastic fibres and specific chemicals to alter the chemical and/or physical properties of the concrete products. Both are proposed to be imported by road with fibre products arriving in 20kg sacks and other additives delivered and stored within Intermediate Bulk Containers (IBC).
- 5.10 For the production of 100,000m³ of concrete per annum, an average of 113 HGV movements are proposed per day (56.5 in, 56.5 out)⁴ which would comprise an average of 7no. loads per day of imported additives (cement, fibres or other chemicals) and an average of 50no. loads of concrete exported from the site per day. The Applicant states that day to day lulls in trading and periods of more intense activity are to be expected based on customer demand. However, the proposed total number of HGV movements would fall within the limits already controlled by Condition 17 of planning permission 17/5671/EIA, which allows up to 452 HGV movements per day (226 in, 226 out) Monday to Friday and up to 264 HGV movements (132 in, 132 out) on Saturdays. The proposed average of 113 HGV movements per day equates to 25% of the wider site's permitted total.
- 5.11 On that basis, the proposed development would operate between the same hours as already consented for the wider aggregate and construction waste rail transfer facility: 07:00 to 19:00 Mondays to Fridays and 07:00 to 14:00 on Saturdays with no operations on Sundays or Bank Holidays.

Associated and Ancillary Development

- 5.12 The proposed development would create employment for 11no. full-time members of staff. Consequently, the Site would provide 8no. car parking spaces (inclusive of 2no. active, 2no. passive electric vehicle charging points and 1no. disabled parking space) and a cycle shelter with Sheffield stands to park 10no. bicycles. The proposed welfare facilities include locker and shower facilities for staff members.
- 5.13 In addition to external lighting consented by planning permission 17/5671/EIA (as approved pursuant to Condition 11 by application 19/6294/CON), the proposed development would include the erection of 8no. additional lighting columns within the Application Site. These columns would stand at a height of 8 metres above ground level and house TamLite Stadia light fittings – the same as those already permitted.
- 5.14 The proposed development also incorporates the erection of associated structures required to carry out the concrete batching process. This includes:
- Laboratory unit – measuring 9m² and standing at height of 2.71 metres. This would house an external air conditioning unit;

⁴ For the purpose of the recommended condition in Appendix A of this report (and recognising the proposed daily fluctuations in concrete exports), the proposed Condition 23 has referenced 114 HGV movements per day (as an average) to enable complete trips to be made – i.e. 57 in, 57 out.

- Modular, 2-storey office and welfare unit – occupying 44.65m² of floor area (89.30m² over two floors) and standing at a height of 5.33 metres with an external staircase for access to the upper level;
- One substation/transformer units;
- Bin store area;
- A fuel tank;
- Three 8-metre high, 3-metre diamet water storage tanks;
- A storage container;
- 5no. aggregate storage bays, 1no. sand storage bay, and 2no. drying bays (the latter serving the purpose of receiving any waste concrete and settled concrete solids from the wedge pit) constructed using steel posts and sleeper infills. These would stand at a height of 5.7 metres in line with those already consented by the aggregate and construction waste rail transfer facility⁵.
- 1no. wedge pit to collect water and sediment following the cleaning out of each concrete mixer lorry and any other surface water from the Site. The Applicant states that the wedge pit is periodically emptied with any sediment either fed back into the plant or taken off site for recycling (where possible), and water returned to the plant's holding tanks for re-use in the concrete manufacturing process;
- A steel, 2.4-metre high palisade fence around parts of the perimeter of Plot 3;
- Two sliding entrance and exit gates at the Plot frontage onto the internal haul road.

5.15 As with the dust mitigation measures secured for the consented aggregate and construction waste rail transfer facility, the proposed development includes the erection of 4no. dust suppression sprinklers which would ensure that the operational parts of the Site benefit from water coverage. Sprinkler locations include between the sand storage bay and traverser road at the Plot's northeast boundary, one at the southeast corner of the site covering the aggregate storage bays, one at the cement silos and a fourth adjacent to the proposed car parking area facing inward to the Plot.

⁵ In accordance with the requirements of Condition 3 attached to planning permission 17/5671/EIA, the detailed Plot Layout for Plot 3 includes the construction of an aggregate storage bay with a 5.7-metre high steel post and sleeper infill containment structure at the northern extent. The Plot Layout Plan for Plot 3 was approved under LPA application 20/2282/CON in July 2020.

6. MATERIAL CONSIDERATIONS

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

Key Relevant Planning Policy

6.2 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 (2021) and the development plan documents in the Barnet Local Plan (namely the Core Strategy DPD and Development Management DPD both adopted September 2012).

6.3 Chapter 12 of Barnet's Unitary Development Plan (2006) was saved at the time of the adoption of the 2012 Core Strategy and the policies contained within it are therefore 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.

6.4 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 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 21/3936/FUL

The London Plan (2021)	
Good Growth	
Policy GG2	Making the best use of land
Policy GG3	Creating a healthy city
Policy GG5	Growing a good economy
Spatial Development Patterns	
Policy SD1	Opportunity Areas
Design	
Policy D13	Agent of Change
Policy D14	Noise
Economy	
Policy E4	Land for industry, logistics and services to support London's economic function
Policy E7	Industrial intensification, co-location and substitution
Heritage and Culture	
Policy HC1	Heritage conservation and growth

Sustainable Infrastructure	
Policy SI1	Improving air quality
Policy SI5	Water Infrastructure
Policy SI10	Aggregates
Policy SI12	Flood risk management
Policy SI13	Sustainable Drainage
Transport	
Policy T1	Strategic approach to transport
Policy T4	Assessing and mitigating transport impacts
Policy T5	Cycling
Policy T6	Parking
Policy T6.5	Non-residential disabled persons parking
Policy T7	Deliveries, servicing and construction
Implementation and Monitoring Review	
Policy DF1	Delivery of the Plan and Planning Obligations
Barnet Local Plan – Core Strategy DPD (September 2012)	
Policy CS NPPF	National Planning Policy Framework – Presumption in favour of sustainable development
Policy CS2	Brent Cross – Cricklewood
Policy CS5	Protecting and enhancing Barnet’s character to create high quality places
Policy CS8	Promoting a strong and prosperous Barnet
Policy CS9	Providing safe, effective and efficient travel
Policy CS13	Ensuring the efficient use of natural resources
Barnet Local Plan – Development Management DPD (September 2012)	
Policy DM01	Protecting Barnet’s character and amenity
Policy DM04	Environmental considerations for development
Policy DM06	Barnet’s heritage and conservation
Policy DM14	New and existing employment space
Policy DM17	Travel impact and parking standards
Unitary Development Plan (2006) – Chapter 12: Cricklewood, Brent Cross and West Hendon Regeneration Area	
Policy Gcrick	Cricklewood, Brent Cross, West Hendon Regeneration Area
Policy C1	Comprehensive Development
Policy C2	Urban Design – High Quality
Policy C3	Urban Design – Amenity
Policy C7	Transport Improvements
Policy C10	Employment

6.5 The Council are also working on producing a new Local Plan for Barnet. Consultation on the ‘Barnet Draft Local Plan 2021 to 2036’ has been carried out in accordance with both Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) during January – March 2020 and then July – August 2021 (respectively).

- 6.6 Barnet’s Draft Local Plan was submitted on the 26th November 2021 to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).
- 6.7 The Regulation 22 Local Plan sets out the Council’s draft planning policy framework together with draft development proposals for 65 sites.
- 6.8 However, for now the Barnet Local Plan adopted in 2012 (comprising the Core Strategy DPD and Development Management Policies DPD) remains the statutory development plan for Barnet until such stage as the replacement plan is adopted. As such, planning applications should continue to be determined in accordance with the 2012 Barnet Local Plan, while noting that account needs to be taken of the policies and site proposals in the Draft Barnet Local Plan 2021-2036 and the stage that it has reached.

Table 2: Barnet Draft Local Plan (Reg 19) (June 2021) policies relevant to the determination of planning application 21/3936/FUL.

Barnet Draft Local Plan (Reg 19) (June 2021)	
Chapter 4: Growth & Spatial Strategy	
Policy GSS02	Brent Cross Growth Area
Policy GSS11	Major Thoroughfares
Chapter 6: Character, Design and Heritage	
Policy CDH01	Promoting High Quality Design
Policy CDH02	Sustainable and Inclusive Design
Policy CDH08	Barnet’s Heritage
Chapter 9: Economy	
Policy ECY01	A Vibrant Local Economy
Chapter 10: Environment and Climate Change	
Policy ECC01	Mitigating Climate Change
Policy ECC02	Environmental Considerations
Policy ECC02A	Water Management Policy
Chapter 11: Transport and Communications	
Policy TRC01	Sustainable and Active Travel

- 6.9 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 (2021);
 - The 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);and
 - The Mayor’s The Control of Dust and Emissions during Construction & Demolition SPG (2014).

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

- The Mayor's Transport Strategy (2018)
- The Mayor's London Environment Strategy (May 2018)
- The Mayor's London Local Air Quality Management – Policy Guidance (2019);
- LB Barnet's Air Quality Action Plan 2017-2022; and
- DEFRA's Clear Air Strategy 2019.

Relevant Planning History

Planning Application 20/4817/FUL:

6.11 The submission of this Application follows the refusal of a previous planning application which sought full planning permission for the erection and operation of a concrete batching facility on the same application site (LPA application ref. 20/4817/FUL). Planning application 20/4817/FUL was submitted to the LPA on 12th October 2020 and sought planning permission for the following development:

'The erection and use of a concrete batching plant and associated infrastructure including an office, welfare facility and vehicular parking, together with the use of an existing access.'

6.12 The planning application was subject to consultation with the relevant statutory and non-statutory bodies, technical advisers, Ward Councillors and the local community. In accordance with the Council's Scheme of Delegation, based on the number of objections received, the planning application was reported to the Council's Strategic Planning Committee at its meeting on 2nd February 2021 with an Officer's recommendation for approval subject to a number of conditions as well as a Unilateral Undertaking to ensure that the development would operate within, and not exceed, the parameters and limits established by planning permission 17/5761/EIA (as amended) and the conditions attached to it for the wider site (i.e. the consented aggregate and non-putrescible (construction) waste rail transfer operations).

6.13 At the meeting of the Strategic Planning Committee on the 2nd February 2021 Members voted to refuse planning permission for the application. The reasons for refusal were then reported to the following Strategic Planning Committee meeting on 1st March 2021 for Members' agreement. The reasons for refusal were agreed as follows:

Reason 1:

The proposed development would cause harm to the setting of the adjacent Cricklewood Railway Terraces Conservation Area and would not preserve or enhance the character and appearance of that Conservation Area contrary to Policy 7.8 of the London Plan (2016), Policy CS5 of the Barnet Local Plan Core Strategy DPD (September 2012), and Policy DM06 of the Barnet Local Plan Development Management Policies DPD (September 2012).

Reason 2:

The proposed development is unacceptable because it introduces an industrial manufacturing use to the site which would not preserve nor enhance the character of the local area contrary to Policy CS5 of the Barnet Local Plan Core Strategy DPD (September 2012), and Policy DM01 of the Barnet Local Plan Development Management Policies DPD (September 2012).

- 6.14 The Applicant has subsequently submitted an appeal to the Secretary of State via the Planning Inspectorate (PINS) against the LPA's refusal of planning application 20/4817/FUL. This appeal was lodged on 19th August 2021⁶ and PINS have determined that the appeal will follow the hearing procedure. At the time of writing the LPA are awaiting the hearing date to be set by the Planning Inspectorate.

Planning Permission 17/5761/EIA:

- 6.15 The most relevant planning history directly related to the Application Site is the aforementioned aggregate and non-putrescible (construction) waste rail transfer facility (also referred to as the Rail Freight Facility or 'RFF'), which was granted planning consent in July 2018 under planning permission 17/5671/EIA. The proposed concrete batching plant development would be sited on Plot 3 of the consented RFF development and carried out alongside, and make use of, the permitted importation of aggregate by rail.
- 6.16 The key planning history relevant to the Application Site and the consented aggregate and non-putrescible (construction) waste rail transfer facility is listed in Table 3 below:

Table 3: Summary of planning history relevant to the Application Site.

Planning Reference	Development	Decision
17/5671/EIA	Use of railway land for the transportation of aggregates and non-putrescible waste (construction) by rail including dismantling and removal of lighting tower; levelling of site and provision of landscape bund; 2no. open stockpile areas each containing 10 storage bins and 2no. partially enclosed stockpile areas each containing 10 storage bins; acoustic and perimeter fencing; CCTV, security hut, welfare hut, a weighbridge, 2 no. wheel wash facilities, dust suppression system, drainage, parking for HGVs and cars, traverser road, replacement rail track sidings, continued use of existing building for staff and welfare facilities; and other infrastructure and ancillary works including alterations to the existing access to Edgware Road and provision of new landscaping.	Approved (6 th July 2018)
18/5022/CON	Submission of details of conditions 15 (Construction Environment and Transport Management Plan) and 34 (Part 1A & 1B) (Contamination Site Investigation), pursuant to	Approved (12 th October 2018)

⁶ The allocated appeal case number is APP/N5090/W/21/3281338.

	planning permission 17/5761/EIA dated 06/07/2018	
18/6596/CON	Submission of details of conditions 16 (Servicing and Delivery Strategy) and 39 (Landscape and Ecology Maintenance Plan) pursuant to planning permission 17/5761/EIA dated 06/07/18.	Approved (12 th February 2020)
19/1248/CON	Submission of details pursuant to conditions 22 (ANPR Details) and 35 (Fuel Tanks) of planning permission 17/5761/EIA dated 06/07/18.	Approved (30 th January 2020)
19/3098/NMA	S96A application for non-material amendments to planning permission 17/5761/EIA dated 6 th July 2018 for 'Use of railway land for the transportation of aggregates and non-putrescible waste (construction) by rail.' Amendments to include; relocation of weighbridges, weighbridge cabin and wheel washing facilities; revised parking area layout; amendment to Stockpile Enclosure structures; relocation of fuel tank; replacement of perimeter fence with acoustic fence along part of the western boundaries of Plot 1 and Plot 2; amendment to site access road design; erection of security gates; reduction in overall length of internal haul road; amendment to site drainage strategy; revised external lighting arrangements; revision to site levels; revision to dust suppression system arrangement; reduction in scale of landscape bund and replacement of acoustic fencing at the site's south-west boundary with a planted acoustic Eco-Barrier; and consequential amendments to plan references stated in Conditions 2, 3, 4, 8, 11, 20, 26, 30, 37, 38, 39 and 41 of planning permission 17/5761/EIA.	Approved (22 nd November 2019)
19/6294/CON	Submission of details pursuant to Conditions 3 (Plot 1 & Plot 2 Layouts), 11 (Floodlight Details), 15 (Updated Construction Environment and Transport Management Plan), 28 (Site Management Plan), 31 (Noise Monitoring), 32 (Air Quality Monitoring), 34 (Part 2c) (Contamination Remediation Verification) and 36 (Acoustic Fence Specifications) of planning permission 17/5761/EIA dated 06/07/18.	Approved (10 th March 2020)
20/2282/CON	Submission of details pursuant to Condition 3 (Plot 3 & Plot 4 Layouts) of planning permission 17/5761/EIA dated 06/07/18.	Approved (29 th July 2020)
20/4817/FUL	The erection and use of a concrete batching plant and associated infrastructure including an office, welfare facility and vehicular parking, together with the use of an existing access.	Refused (2 nd March 2020)
21/3828/NMA	Application pursuant to Section 96A of the Town and Country Planning Act 1990 (as amended)	Approved (1 st November)

	for non-material amendments to planning permission 17/5761/EIA dated 6 th July 2018 (as amended by 19/3098/NMA dated 22 nd November 2019) for 'Use of railway land for the transportation of aggregates and non-putrescible waste (construction) by rail.' Amendments include: construction of replacement acoustic fencing at the site's south-west boundary; changes to the landscaped bund adjoining the south-west acoustic fencing; revised landscape planting and consequential amendments to plan references stated in Conditions 2, 3, 8, 26, 30, 37, 38 and 39 of planning permission 17/5761/EIA (as amended by 19/3098/NMA).	2021)
21/3829/CON	Submission of details pursuant to Conditions 15 (Updated Construction Environment and Transport Management Plan), 28 (Updated Site Management Plan), 31 (Noise Monitoring), 36 (Acoustic Fence Specifications) and 39 (Landscape and Ecological Maintenance Plan) of planning permission 17/5761/EIA dated 6 th July 2018 (as amended by 19/3098/NMA dated 22 nd November 2019) for the 'Use of railway land for the transportation of aggregates and non-putrescible waste (construction) by rail'	Approved (5 th November 2021)

- 6.17 Prior to the aggregate and non-putrescible (construction) waste rail transfer facility development (planning permission 17/5761/EIA), there are no previous planning decisions relating to the Application Site (i.e. land to the rear of 400 Edgware Road). As referred to in paragraph 3.5 above, until April 2017 the site was occupied by a number of units including scaffold storage, car breakers, car repair merchants who sub-let the site from Eurostorage. Prior to this, the site has historically formed part of Network Rail's operational railway land.
- 6.18 There are also a number of planning, advertisement and building control records in relation to the buildings fronting onto 400 Edgware Road, however, these are not considered to be of relevance to the proposed development.

Pre-Application Engagement and Public Consultation

- 6.19 In July 2021 the Applicant engaged with residents and stakeholders who had an interest in the previous application notifying them of their intention to submit a new application and providing a link to a website explaining the changes made to the proposals to address concerns raised. The Applicant states that the public engagement undertaken prior to the original planning application (ref. 20/4817/FUL) and the consultation carried out during determination of that application has informed the proposed revisions to the site layout and plant design.
- 6.20 For completeness, the following paragraphs provide an overview of the pre-application engagement and public consultation carried out in connection with the original planning application (ref. 20/4817/FUL).
- 6.21 In June and July 2020, the Applicant carried out pre-application engagement with the local community, community groups, Ward Councillors and other key stakeholders. Due to the restrictions imposed by the Government as a consequence of the Covid-19 pandemic, the Applicant's pre-application consultation consisted of the following events:
- | | | |
|--|---|---|
| Issuing of landowner letters | - | 17 th June 2020 |
| Development and publication of a project website:
https://www.cricklewoodconcrete.co.uk/ | - | 17 th June 2020 |
| Mail drop to 500 addresses within the area surrounding the Site | - | 6 th July 2020 |
| Site visits to an existing concrete batching facility (Wembley) | - | 11 th and 16 th July 2020 |
| A virtual exhibition | - | 20 th July 2020 |
- 6.22 After these events, the Applicant invited participants to provide comments and/or feedback to help inform the design of the proposed development. As set out in the submitted Planning Application and Supporting Statement (PDE Consulting, July 2021), the concerns raised by those consulted related to:
- Surface water and the management of any run-off;
 - Disposal of concrete in the event of lorries being prevented from leaving the site (e.g. a traffic incident on the A5);
 - Relocation of the development to another Plot within the rail transfer facility or other mitigation to screen the plant;
 - Concerns about over-development of the area;
 - Impact on air quality in the locality; and
 - Landscape impact due to the height of the proposed silos and a request to consider particular viewpoints in any landscape and visual impact assessment.
- 6.23 The Applicant has also engaged in pre-application discussions with the LPA prior to submitting the first planning application. This has constituted a formal request for pre-

application advice, which was issued on 21st January 2019 following the Applicant's initial approach to the LPA.

- 6.24 In addition to this, the Applicant also sought a Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) to ascertain the LPA's view on whether the proposed development warranted the preparation of an Environmental Impact Assessment. The LPA subsequently issued a Screening Opinion on 3rd August 2020 advising that the planning application did not need to be accompanied by an Environmental Statement (LPA ref. 20/3187/ESR).

Statutory and Other Technical Consultation Responses

- 6.25 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 consultation are summarised below with an Officer response provided where necessary for the purpose of clarification:
- 6.26 **Brent Council** have confirmed that they have no objections to the proposed development.
- 6.27 **Transport for London** ('TfL') does not object to the principle of the proposed development but had initially requested clarification in respect of the minimum amount of materials to be imported to the site by rail, the method of importation of sand and cement, and confirmation that all ready-mix concrete would be exported by road. The Case Officer provided a response confirming that: (1) the importation of aggregates (including sand) was permitted and controlled by planning permission 17/5761/EIA (as amended) and not, therefore, an operation proposed by this Application; (2) all aggregate to supply the proposed concrete batching facility would nonetheless be imported to the site by rail only; (3) cement would be imported to the site by road in specialised vehicles; and (4) that all ready-mix concrete products would only be exported from the site by road in concrete mixer lorries. TfL was satisfied with this clarification and confirmed their acceptance of the proposed development.
- 6.28 In confirming that the proposed development would be sited on land owned by Network Rail (leased to DB Cargo (UK) Ltd), **Network Rail** have no comments to make on the proposed development other than to advise that the developer should seek the relevant Landlord's Consent if they haven't done so already and will be required to enter into any relevant licences or agreements with Network Rail in order to safely construct and operate on railway land.
- 6.29 The **Environment Agency** have informed that LPA that they have no comments to make concerning this planning application as, while the EA Checklist highlighted there was potentially contaminated land, the site itself does not fall within a Source Protection Zone and is therefore outside the Environment Agency's remit.

- 6.30 **National Grid** have no objection to the proposed development, which is noted as being in close proximity to a high voltage transmission underground cable, on the basis that no excavations or changes of access road levels in the area where the buried cable is located would take place.
- 6.31 **Affinity Water** did not provide any comments in response to the LPAs consultation.
- 6.32 **Thames Water** raise no objection in respect of waste water and surface water network infrastructure capacity. In respect of water supply, Thames Water have noted that the proposed development would be located within 5 metres of a strategic water main. Therefore, in the event that planning permission is granted, Thames Water have requested the attachment of two conditions relating to safeguarding buffers in respect of strategic water mains and agreement of methods for any required piling. These conditions have been included as draft condition 28 and 29 in Appendix A to this report.
- 6.33 The Council's **Environmental Health Officer** raises no objection to the proposed development stating that the existing Eco-Barrier would be sufficient mitigation for noise produced by the proposed concrete batching facility; and, given the process is mostly covered, in particular the transfer of cement is undertaken via fully sealed systems into the storage silos (the only open section relating to the transfer of aggregate from storage to the plant which is permitted to happen anyway under the permission for the RFF), dust emissions would not increase as a result of the proposed development. It is otherwise recommended that the proposed development be tied into the relevant controls imposed in respect of the existing aggregate and construction waste rail transfer facility, including for air quality and noise monitoring, cleaning and maintenance of the internal haul road, dust suppression of aggregate stockpiles and adherence to the site management plan. Additional conditions are recommended in relation to a Construction Environmental Management Plan, registration of non-road mobile machinery, and noise from plant and ventilation units. The relevant conditions have been included as draft conditions in Appendix A of this report.
- 6.34 It has also been confirmed that a Pollution Prevent Control application has been granted for a Part B Environmental Permit as required under the Environmental Permitting Regulations 2016 (as amended). The Part B Permit would be monitored by the Local Authority including in relation to dust mitigation measures. Therefore, subject conditions securing the use of Euro VI HGVs as a minimum, the maintenance of daily log to ensure application of best practicable means and dust suppression activities, no objections are raised to the proposed development.
- 6.35 The Council's **Transport and Regeneration Officer** has no objections to the application subject to the inclusion of conditions relating to electric vehicle charging points, cycle parking, a workforce travel plan and construction transport management plan, no objections are raised to the proposed development.
- 6.36 The **Lead Local Flood Authority** raised initial queries in relation to the hydraulic design calculations to confirm the proposed maximum discharge rate of 98.5 L/s at the outflow pipe from the site is in accordance with the previously approved drainage strategy; Confirmation that the pipe run between manhole S16 and S18 has sufficient capacity for additional flows from Plot 3; SuDS detailed design drawings & SuDS

construction phasing; and clarification whether the sewer is a combined or surface water sewer. The Applicant has provided information and evidence in response to each of the points raised.

6.37 The Council's **Urban Design and Heritage Officer** notes that the proposed site for this scheme sits just north of the Cricklewood Railway Terraces Conservation Area from which it is separated by railway tracks. The officer notes that the development has the potential to have a visual impact on some views looking north out of the conservation area, particularly for residents and users of properties along the northside of Dorchester Court. The photomontages are noted, which show views from the street level. Residents may see the development from their upper storeys or view limited glimpses from several points within the CA. The officer also notes that, as shown in the LVIA photomontage, a large extent of the development does appear to be screened by an acoustic barrier.

6.38 Comments were received from **Mike Freer MP** as follows:

“As the MP for Finchley and Golders Green, I have received many objections from residents regarding the further plans by Capital Concrete to erect a concrete batching facility on the Rail Freight Facility on the Edgware Road. As the Railway Terraces is a designated conservation area, I believe that the erection of this facility, only 200 metres from the residents’ homes, would be detrimental to the suburban nature of this area. In addition, the plans for the facility to be 15 metres high, further affects the skyline of this community. I also believe that the planned works would lead to an increase in pollution (air and noise in particular) and my biggest concern relates to the inadequate consultation period, in that, the length of the consultation period was too short to enable residents to properly examine the application. Overall, this application would adversely impact this conservation area and would have damaging effects on the wider community. I, therefore, urge the Planning Committee to reject this application.”

Officer Response: The application has been assessed in terms of visual impact and impact on the character and setting of the Railway Terraces Conservation Area (refer to paragraphs 7.25-7.42 of this report) and found not to have a detrimental impact. The application has demonstrated that the proposed development would not lead to any increased impact on air quality or noise compared to the consented RFF permission (refer to paragraphs 7.43-7.56 of this report for air quality and paragraphs 7.58-7.68 for noise assessment). In relation to concerns about the consultation period, the application has undergone the statutory consultation period in accordance with Article 15 of the Development Management Procedure Order (2015) (as amended). Furthermore, the application and related documents have been available to view for over 5 months since registration and notification.

6.39 All **Ward Councillors** for **Childs Hill** and **Golders Green** were notified of the planning application. **Councillor Anne Clarke** of Childs Hill Ward responded to the consultation as follows:

“I continue to object based on the impact on the local amenity. The changes made do not change my original objection and this application should be refused.

A realignment of the site does not negate the wider issue that this plan would bring heavy industry to a residential area. It would directly damage the Railway Terraces Conservation Area.

The road leading to the site continues to be filthy despite cleaning being a condition of the planning permission of the RFF. Air quality in this area is poor and adding concrete production would worsen the situation.

The failed eco barrier has still not been replaced which shows how difficult Barnet find it to enforce planning conditions.

I can think of no reason to support this application. It is plainly in the wrong place.”

Officer Response: Reference to “heavy industry” is not a term defined within the Town and Country Planning Act 1990. The operation of a concrete batching plant falls within the B2 Use Class which is general industrial use and would be consistent with the character of the immediate surrounding uses of the site which include industrial B1 and B8 uses. It would also accord with the established policy designation set out in Barnet’s Local Plan which identifies the site as suitable for B2 and B8 uses (see paragraphs 7.2-7.20 of this report). The application has been assessed in terms of visual impact and impact on the character and setting of the Railway Terraces Conservation Area (refer to paragraphs 7.25-7.42 of this report) and found not to have a detrimental impact. The application has demonstrated that the proposed development would not lead to any increased impact on air quality compared to the consented RFF permission (refer to paragraphs 7.43-7.56 of this report). Conversely, the proposal will contribute to reducing air pollution by removing approximately 17,106 HGV road miles per month from local roads, which equates to 205,275 HGV road miles per year (see paragraphs 7.75-7.85 of this report). Moving goods and material by rail is significantly less polluting and more sustainable than by road. Rail freight produces 76% less CO2 and 90% lower particulate emissions than the equivalent road journey. The LPA has approved the revised design for the acoustic barrier to replace the damaged EcoBarrier. Planning conditions require this barrier to be completed and in place prior to the operation of the proposed concrete batching facility (see paragraphs 7.21-7.23 of this report).

- 6.40 A response was also received from **Councillor Alan Schneiderman** of Woodhouse Ward making the following comments:

“A concrete batching plant is a totally inappropriate development alongside a residential conservation area, in particular due to the noise and contribution to poor air quality.”

Officer Response: See response to Cllr Clarke comments above.

- 6.41 **Railway Terraces Residents Community Association (RTRCA)** have raised objection to the proposed development and are of the view that the reasons for refusal of the previous application are not addressed adequately or at all by the revised proposal.

The reduction in height of one of the tallest structures (the silos) since the last application has been by a mere 50cm from 15metres to (a still imposing) 14 ½ metres. The structure which neighbours the silos (the aggregate hopper), remains at 15m height. The reduction of height of the mixer tower again is very limited and it remains at a proposed height which exceeds 12metres.

Note that the reorientation of the site has the stated intention of reducing the visibility of the plant from the terraces, but it is clear from the images supplied, that the proposed development would still remain visible from a number of locations in the terraces.

The objection contends that the plant will remain visible even on the revised configuration and that the proposed development will still change the nature of the land use to one which hosts heavy manufacturing industry. The introduction of a concrete manufacturing plant to the site will still mean the importation to the site of highly toxic materials. The objection contends that the proposed development will still be contrary to the policies that the previous application was contrary to.

The introduction of heavy manufacturing to the site would not preserve or enhance the character of the local area (not just the conservation area which the terraces comprise).

The erection of this facility, only 200 metres from homes, would have a significant and deleterious impact on our amenity and well-being. It would bring heavy industry to a village setting, and it is therefore inappropriate.

The new replacement planted eco-barrier barrier has not been built yet. The application should not be considered until the owners of the RFF can demonstrate that the promised barrier has been erected, will function as theoretically proposed and will not collapse or malfunction as its predecessor did.

Visual impact: The facility is proposed to be 15 metres at its tallest point. An unsightly industrial building will dominate the skyline. This impact will not just hit the terraces but also all the neighbouring communities, many of which have just been built or have just been granted planning permission.

Some of the projected line of sight images are not indicative of the true impact because they have been taken with deciduous trees (during summer) occluding some of the view.

Parts of the plant remain visible from parts of the terraces, and a number of bedrooms at the North end of Midland Terrace and Dorchester Court look directly on to the development. The visual impact will be worse from 38 - 44 Midland Terrace, not to mention the visual impact from bedroom windows which hasn't been taken into account at all.

Being able to see a large industrial plant like this from our bedrooms, living areas, gardens and streets will have a significant impact on our amenity. The skyline and communal open lawns comprise part of the factors which attracted conservation status to the area. The proposed development would damage those factors.

Officer Response: Refer to paragraphs 7.25-7.42 of this report for the assessment of visual impact. The amendments made to the proposed configuration of the concrete batching plant, moving it further away from the Railway Terraces Conservation Area, combined with the reduction in height of the tallest elements and the presence of the Acoustic Barrier on the southern boundary of the RFF site, mean the proposal will not have a direct visible impact on the character or setting of the Railway Terraces Conservation Area.

Air quality: The air quality modelling is not robust: it does not use statistics from plants that are the same.

The air quality analysis is not supported by any verified data at all. Dust modelling has been based on emissions from quarries (which process inert materials), not on concrete batching facilities which process a combination of inert aggregates and toxic substances (principally cement).

Air quality objectives are based on standards introduced in 2005 and 2010 and so are not in keeping with modern air quality standards.

Predicted rainfall data (used to estimate the number of days on which suppression of dust will occur due to climatic conditions) is based on rainfall in Kew Gardens. This is not representative of rainfall in Cricklewood.

Of great concern is the fact that the air quality report relies on G L Hearn's validation of the air quality report prepared for the last application, but that first report referenced and relied on G L Hearn's prior report, which contains the flaws and limitations outlined above and below. Therefore, there is mutual reinforcement of reports that share and replicate the same fundamental flaws.

The background air quality data for the assessment are drawn from 2019 readings and these are on Dollis Hill Lane and Cricklewood Lane, not the terraces (see pages 22-23 of the Air Quality report).

The lorry idling policy refers to vehicles only idling when loading or cleaning, but no information is given as to how long this takes, how often it will be done or the number of vehicles predicted to do so on an average day. Reference is made to a 'a few hours a day'.

The assertion at page 39 that the scheme is air quality neutral is not supported by evidence.

In Appendix D, response 6, the potential adverse effects that could arise from transporting cement are acknowledged. It refers to dust monitoring strategy limiting the potential negative effects but does not deal with the prevention of occurrence of harm from material leaks.

Officer Response: Refer to paragraphs 7.43-7.56 of this report for the air quality assessment. The application has demonstrated that the proposed development

would not lead to any increased impact on air quality compared to the consented RFF permission. Conversely, the proposal will contribute to reducing air pollution by removing approximately 17,106 HGV road miles per month from local roads, which equates to 205,275 HGV road miles per year.

The Applicant provided a technical response note from GL Hearn to address the comments about the robustness of the air quality modelling. This confirmed that the dust assessment follows the IAQM's Mineral Dust Guidance, which is considered suitable for the activities on site for a concrete batching plant and is approved by the IAQM for such use. The details of this assessment allow for the size of dust particle to be considered, ie whether it is smaller such as sand or gravel or larger such as materials from quarries. It is, therefore, considered that the onsite materials and their potential dust emissions have been considered appropriately in the dust risk assessment, which in turn, recommends suitable mitigation.

The latest National Air Quality Objectives (NAQOs) are those based on standards introduced in 2005 and 2010. There has been no update to the NAQOs in the meantime. Whilst it is recognised that these targets have not been achieved nationally, it is common practice to utilise the latest NAQOs in air quality assessments.

It is not considered that the difference in average rainfall between Kew Gardens (10 km from the Site) and Cricklewood is significant enough to change assessment outcomes. The rainfall period of 1981 – Page 2 of 3 2010 is based on the latest set of readings published and therefore represents the latest data. The assessment is based on average rainfall figures; therefore, it is considered representative to use 30 years of data to provide average rainfall data.

It is considered that all reports, including GL Hearn's air quality report is robust enough to provide a representative assessment to recommend suitable mitigation. This can be considered through DB Cargo's application and the mitigation recommended to reduce dust and air quality impacts. The ongoing monitoring being undertaken by DB Cargo shows no dust concerns, therefore, the recommended mitigation is shown to be robust.

It is considered that the lorry idling has been accounted for appropriately. In relation to air quality impacts, idling is of more concern on the roads rather than on the RFF site, however, the assessment confirms that "Vehicles which are not being operated in the course of the development will not be allowed to park up unless their engines are turned off."

Dust pollution and traffic on the roads: On a number of occasions, lorries from the existing site have left heavy tracking of mud and dust on the A5 and bordering walkway.

The applicants rely on the current site management arrangements for their application. If the site managers currently cannot keep non-toxic pollution under control, even while only partially functioning, we have no confidence that existing mitigation measures will be sufficient for the additional, and more toxic, industrial process proposed.

At peak times (especially first thing in the morning) the A5 is already struggling to

cope, with vans queuing from both directions for the builder's merchant immediately to the northwest of the site, close to Our Lady of Grace Primary School.

Officer Response: The referenced incidents of mud being tracked onto Edgware Road were from the construction spoil transfer operation on Plot 2 of the RFF site. This material was quickly cleaned up. The referenced Site Management Plan includes the required vehicle wheel washing procedures. Other than the mentioned incidents, the site has otherwise been operating successfully. See paragraphs 7.43-7.56 of this report in relation to air quality. See paragraphs 7.75-7.85 for the assessment of transport impact and highway capacity. The proposal will not lead to an increase in HGV trips compared to the planning permission already in place for the RFF site which is limited to a maximum of 452 HGV movements per day (i.e. 226 in, 226 out) Mondays to Fridays, which governs all HGV movements arriving and departing from Plots 1-4 including the application site. The proposed trips resulting from the concrete batching plant amount to 25% of that overall limitation. The application proposes to operate within the confines of this wider site limit and, as such, the proposed development would not generate any additional HGV trips on the highway network.

The importation of cement onto the site: Currently, inert aggregates are imported by rail to the RFF site. Building waste is imported by road to the site and exported by rail. The building waste is non-putrescible and non-toxic. It is all graded and certificated at points of origin before it is imported to the site. All of these restrictions/regulations are required by the pre-existing planning permissions. If the concrete batching plant is built and operational, it will require cement to be imported to the site. This will mean that for the first time a highly caustic and toxic substance will be brought to the site with all the risks of contamination to air and water than come with it. We do not consider that this is appropriate so close to so many residential areas.

Officer Response: Cement will be delivered to the site by tanker and pumped pneumatically into the cement silos which are completely sealed. The silos and tanker are fitted with a negative pressure system which prevents cement dust escaping. The transfer of cement is an entirely enclosed process. An Environmental Permit for the operation at the site has been granted by the Council's Environmental Health Service in relation to the storage and use of cement which is regulated by the Environmental Permitting Regime. The permit sets out Best Available Techniques required for this type of operation and if these are not complied with the permit would be revoked and the plant could not operate.

Noise pollution: The 3-meter barrier that can be seen in the drawings as being sited around the development is insufficient to block noise from aggregates being propelled up a conveyor belt to hoppers which are many times the height of the barrier. It is unclear whether or not the noise contouring (Appendix G to the WBM noise assessment) and mitigation analysis relates to the old defunct eco-barrier or the new proposal. The new proposal is thinner and attenuates sound less efficiently than the previous design. Any noise modelling based on the old, defunct, eco-barrier is, therefore, out of date and over-estimates the impact of noise generated by the site on the amenity of residents.

Officer Response: See paragraphs 7.58-7.68 of this report for assessment of noise impact. The Council's Environmental Health Officer is content that the proposed development would be unlikely to cause any significant impacts on nearby receptors as a result of the existing and proposed noise mitigation measures. This includes the proposed 3-metre high acoustic barrier to be erected along the southern boundary of Plot 3 and the Acoustic barrier at the southern end of the RFF site. The replacement Acoustic barrier at the RFF site as approved under application 21/3828/NMA, achieves the required noise mitigation levels specified in the planning permission for the RFF. The new noise barrier will offer an equivalent noise level reduction in-situ, in practice. Therefore, both barriers are, in essence, interchangeable for the purposes of attenuating noise from the Rail Freight Facility to the Railway Terraces to the permitted levels. The technical performance of the replacement barrier has been factored into the Applicant's assessments as part of this planning application for the proposed concrete batching plant and it forms part of the package of mitigation measures in respect of noise, landscape impact and visual amenity. For this reason, the full installation of the whole of the replacement structure will be required prior to the commencement of any concrete batching plant operations.

The introduction of heavy industry into this part of Cricklewood for the first time: This part of Cricklewood has been home to residential homes, light industry, retail and other similar uses for decades. There are no heavy industrial processes in the close vicinity. The creation of such a site would be a radical and unwarranted departure from the area's heritage.

Officer Response: Refer to paragraphs 7.2-7.20 of this report in respect of the principle of development. Reference to "heavy industry" is not a term defined within the Town and Country Planning Act 1990. The operation of a concrete batching plant falls within the B2 Use Class which is general industrial use and would be consistent with the character of the immediate surrounding uses of the site which include industrial B1 and B8 uses. It would also accord with the established policy designation set out in Barnet's Local Plan which identifies the site as suitable for B2 and B8 uses

Inadequate consultation process with the wider community; no consideration of impact on residents at future development sites:

Cricklewood is the centre of significant recent, current and imminent new building of homes in Brent and Barnet: Fellows Square is built and occupied, the Wickes/Matalan Site and the B and Q site have advanced plans; the parade on the West side of the A5 opposite the RFF entrance is in the process of development. The former Multiple Sclerosis building is also being converted into flats. The future residents, and the Brent Cross Town railway station and associated housing developments will not want to be sited around a concrete plant.

The applicants describe the Matalan site without regard to the now-approved plans for development there. The applicants do not appear to be aware, or have ignored, that a multi-story residential complex will occupy that site, and their visual amenity will be grossly affected by the presence of the proposed development. Councillors are asked to consider, for example, the receptor viewpoint 7 photograph to Appendix 6 which is both at ground level and set back from the street, neither of

which will apply to the occupants of the residential building that will be built there (the development is to be built right up against the street and extends up to 7 storeys high).

As stated above, the length of the consultation period was too short to enable residents to verify and critique the noise report included in the application.

Officer Response: The townscape and visual impact assessment has considered the relevant nearest sensitive receptors. The proposed concrete batching plant is not considered to have a significant visual impact on the development of Matalan site which would be some 230m from the site and viewed across the existing railway embankment and existing buildings of Access Self Storage and Lidl. Furthermore, the Applicant submitted a technical note prepared by GL Hearn (20 October 2021) which responded to the comments raised by the Developer of the Matalan site. They compared their assessment to the baseline noise levels reported in the noise impact assessment submitted by Ziser London (the Developer for the Matalan site) for their own planning application. The predicted noise levels due to Capital Concrete's operations are estimated to be 44 dB at the top floor (assumed 22.5 metres above ground level) and 34 dB at ground floor. These levels are predicted at the façade closest to Capital Concrete's development. The area is already subject to a mix of commercial and industrial activity, with distant noise from rail and evident dominant influence of road traffic noise. Both these levels are considerably lower than ambient noise levels, and lower than background noise levels at these positions. Therefore no adverse effects are expected at these locations in respect of the Matalan development, especially considering that the building has already allowed for noise mitigation to be embedded into the façade fabric.

In relation to concerns about the consultation period, the application has undergone the statutory consultation period in accordance with Article 15 of the Development Management Procedure Order (2015) (as amended). Furthermore, the application and related documents have been available to view for over 5 months since registration and notification. Furthermore, the Applicant undertook a pre-application consultation exercise prior to the submission of the original application and engaged with many interested parties and considered the comments raised, which resulted in significant changes being made to the design of the plant to try and address the concerns raised by interested parties.

A lack of clarity in relation to some aspects of the development and workings: There is inadequate exploration of the impact of cement/concrete wash-off entering the water system on site and the surrounding area. Inadequate explanation of the lighting systems that will be in place (height, direction of beam, hours of use and no lux level information included) to enable residents, and the planning committee, to understand what impact on visual amenity the proposed lighting will have.

There needs to be clarity as to whether or not any aggregate will be stockpiled on the proposed development and, if so, then the same conditions should apply to those stockpiles (i.e. being covered, limitations on height etc) as are contained in the conditions for the wider site (see e.g. condition 10).

Officer Response: Paragraph 3.29 of the Supporting Statement submitted with the application confirms that the water used to clean the drums of the mixer lorries is not discharged into the water system and the surrounding area. The dirty water is discharged into purpose-built settlement or wedge pits. Periodically, these pits will be emptied, and any sediment is either fed back into the plant or taken off Site with it being recycled where possible. The proposed lighting will consist of the TamLite STADIA Light Fitting and will be 8m in height, and with the direction of beam orientated towards the Site. The proposed lighting is the same type/ height of lighting column that has been approved under Condition 11 of the planning permission 17/5761/EIA for the wider RFF site. The lighting will only be used during the proposed operational hours which are as follows: 7:00am to 7:00pm Mondays to Fridays; 7:00am to 2:00pm Saturdays; and No working on Sundays or Bank Holidays. These hours are the same as consented for the wider rail sidings development under Condition 13 of planning permission reference 17/5761/EIA, as amended. The importation and storage of aggregates to the Site is already a consented activity by permission 17/5761/EIA and the specific details of the permitted operation are set out within the approved document: "Site Management Plan" for the wider development consented by this permission.

- 6.42 **Dollis Hill Residents Association** object to the proposed development and consider that the proposed amendments in height in application 21/3936/FUL do not alter the harm to the setting of the Railway Terraces Conservation Area or alter the introduction of industrial manufacturing use which would not preserve or enhance the character of the local area. Consequently, they consider that this application should still be refused for the same reasons. The objection makes the following comments:

An industrial manufacturing site is not in keeping with the adjacent conservation area, causes harm to the residential setting and, even with the proposed slightly reduced heights, can be seen from various viewpoints outdoors and indoors in the conservation area, including upstairs rooms.

The local area in Cricklewood alongside and opposite the freight depot site has a large number of residential properties for which planning permission has been given as well as those already lived in. The whole area around the A5 in the vicinity of the freight depot is a dense residential area with an infant school and many shopping and other facilities that residents visit on foot. The previous character of the area, with warehousing and some light industry, has changed with conversion to residential accommodation.

It is absolutely unacceptable for this environment to have industrial manufacturing and the associated noise, dust and pollution introduced into it. The international and national imperative is for us all to live in a healthier environment. This proposal is in the wrong place and must be moved to a more suitable location.

We already have concrete batching facilities on the nearby industrial estate in Neasden, including one run by the applicant Capital Concrete. They benefit from railway delivery and are not in a residential area. Sufficient concrete batching for the locality should be established at that Neasden location, within a few minutes' reach along the North Circular Road. No concrete batching should take place on

the Cricklewood site.

When DB Cargo was given planning permission for this site, it was for aggregate to be delivered by train, stored on site and removed by road. No industrial processing was modelled or even mentioned. This complete change to industrial processing use is unacceptable in a residential area.

We are concerned that no steps have been taken by the applicant to produce any correct air quality assessment or noise measurement. The Dollis Hill Residents' Association and other residents raised concerns about the inaccuracy of the modelling used in the previous application.

The aggregate delivered by train will include much very finely crushed aggregate, like sand, or that sand will be delivered by lorry. It will be more likely to blow around than larger aggregate allowed for in the DB Cargo permission, even though there will be some dust-suppression spray. If a plant is built in Cricklewood, dust from aggregate, sand and concrete will blow around, particularly in dry and windy weather.

The noise from the site is unacceptable near a residential area. The noise impact assessment is flawed. It suggests that residents will experience less noise from the concrete batching plant than the current background noise, in other words, they will not hear the concrete batching plant. This is incorrect.

The noise impact assessment did not consider separately each of the noisiest and most persistent sources of noise or when wind maximises its impact, for example the ongoing drone from concrete mixing, the loud revving of concrete mixer lorries when they are cleaning out their drums and loud noise when lorries, shovels and hoppers are loading or moving contents.

The washing facilities proposed do not remove all dripping concrete or mud, which then spills out from vehicles and tyres onto the A5. Rain washes dust and mud downhill from the site onto the A5 making it slippery and unsafe for pedestrians, cyclists and vehicles. Residents already report mud from the site stretching along the A5 so clearly the wheel-washing facilities at the exit do not work well enough. A concrete batching plant would add dusty, dripping and muddy lorries to this.

Officer Response: Refer to paragraphs 7.25-7.42 of this report for the assessment of visual impact. The amendments made to the proposed configuration of the concrete batching plant, moving it further away from the Railway Terraces Conservation Area, combined with the reduction in height of the tallest elements and the presence of the Acoustic Barrier on the southern boundary of the RFF site, mean the proposal will not have a direct visible impact on the character or setting of the Railway Terraces Conservation Area.

Refer to paragraphs 7.2-7.20 of this report in respect of the principle of use of the site. The operation of a concrete batching plant falls within the B2 Use Class which is general industrial use and would be consistent with the character of the immediate surrounding uses of the site which include industrial B1 and B8 uses.

It would also accord with the established policy designation set out in Barnet's Local Plan which identifies the site as suitable for B2 and B8 uses

Refer to paragraphs 7.43-7.56 of this report for the air quality assessment. The application has demonstrated that the proposed development would not lead to any increased impact on air quality compared to the consented RFF permission. Conversely, the proposal will contribute to reducing air pollution by removing approximately 17,106 HGV road miles per month from local roads, which equates to 205,275 HGV road miles per year.

The importation of sand is already consented by permission 17/5761/EIA which does not restrict the types of aggregate that can be delivered to the site via the rail sidings. The RFF contains a number of mitigation measures with regards to dust including ongoing monitoring and onsite dust suppression. The proposed development further proposes additional site specific dust monitoring and mitigation measures to ensure the proposed development does not cause an adverse impact upon nearby sensitive receptors with regards to dust/air quality.

See paragraphs 7.58-7.68 of this report for assessment of noise impact. The Council's Environmental Health Officer is content that the proposed development would be unlikely to cause any significant impacts on nearby receptors as a result of the existing and proposed noise mitigation measures. This includes the proposed 3-metre high acoustic barrier to be erected along the southern boundary of Plot 3 and the Acoustic barrier at the southern end of the RFF site. The residents' interpretation that the report suggests that the activity will not be heard by residents is inaccurate, because noise may be heard at times in some positions, depending on the context, but is predicted to have a low impact – as assessed following British Standard BS 4142:2014.

The concrete batching plant operations will be located upon a fully surfaced site and will make use of an existing surfaced access road which incorporates its own drainage. Any aggregates used within the concrete batching process will be stored within purpose-built bays and cement stored within a sealed silo. The operation of a concrete batching plant does not involve any materials such as mud which would result in debris being tracked out of the Site onto the access road and onward to the public highway. In addition to the wider site cleaning measures already in operation, it is proposed that the Site will also have its own vehicle wash down facilities available for use whereby vehicles and the Site surface can be cleaned and any debris is washed into the wedge pit. Whilst it is proposed that the Site will operate under the Site management arrangements for the wider RFF site, a condition is proposed that requires the Applicant to submit a Site Management Plan for the proposed concrete batching site to ensure that these measures can be enforced.

Public Consultation Responses

- 6.43 In accordance with Article 15 of the Development Management Procedure Order (2015) (as amended), upon validation of the planning application, the LPA notified 771 properties within the vicinity of the application site. The total number of public representations received in response to this planning application was **85**. All 85 representations object to the proposed development. The objections raised relate to the following issues and are summarised in **Appendix B** to this report:

- Principle of the proposed development;
- Location of the proposed development in what is deemed to be a residential area and proximity to local schools;
- Amenity impacts, including air quality, noise, and potential health impacts;
- Landscape and visual impacts including on views from the Railway Terraces Conservation Area;
- Traffic and Highway Impacts including increased HGVs and traffic on the A5 and surrounding roads;
- Replacement of the collapsed Eco-Barrier;
- Lack of consultation;

7 PLANNING APPRAISAL

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

Principle of the Proposed Use

- 7.2 London Plan (2021) Policy GG5 part c) states that to conserve and enhance London's global economic competitiveness, those involved in planning and development must plan for sufficient employment and industrial space in the right locations to support economic development and regeneration.
- 7.3 The Application Site falls on land identified as 'Rail Related Employment Land' within the Proposals Map associated with the Council's Unitary Development Plan ('UDP') (2006). The Proposals Map that formed part of the adopted UDP (2006) remains the Proposals Map for the current adopted Barnet Local Plan (i.e. the Core Strategy and Development Management Policies DPDs). Consequently, saved Policy C10 of Chapter 12 of the UDP (2006), which refers directly to this designation, is material to the consideration of this application and states that: *'Within the area defined on the Proposals Map as rail-related employment land and mixed used land, the council will require the provision of...A rail freight transfer facility with associated uses; Developments for business (B1), industrial (class B2) and warehouse uses (class B8); and Rail-linked waste transfer and materials recycling facility'*.
- 7.4 Also pertinent to this planning application is Policy CS8 of the Core Strategy DPD and Policy DM14 of the Development Management Policies DPD, both of which seek to support businesses by safeguarding employment sites that meet the needs of modern business; and to resist the loss of B Class use on existing employment spaces. Although the Use Class Order has been recently amended since the inception of Policy C10 of the UDP (2006), it is evident that land allocated as 'Rail Related Employment Land' was intended to accommodate industrial uses falling within the B2 and B8 Use Classes. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 revokes the B1 Use Class and replaces it with the new Class E(g) but the B2 Use Class (General Industrial) and B8 Use Class (Storage or Distribution) remain unchanged. A concrete batching plant would fall within the B2 Use Class. The proposed development would therefore result in the relocation of an existing business from Claremont Way Industrial Estate to land designated as an employment site – Rail Related Employment Land for which B2 uses are permissible.
- 7.5 The immediate context for the application site (Plot 3 of the RFF) comprises of a mixture of industrial/employment and retail uses. These comprise the consented aggregate and construction waste rail transfer facility (sui generis, albeit an industrial use), Access Self Storage warehouse (use class B8), Lidl supermarket (use class E(a) formerly A1), and Timeguard which is an office/distribution depot for an electrical components company (use class E(g) formerly B1). The railway and rail sidings are

located to the west of the site. Cricklewood Bus Garage is located on the opposite side of the A5 Edgware Road to the west. The proposed B8 use is therefore not out of keeping with the context of the site.

- 7.6 The S73 Permission for the regeneration of Brent Cross Cricklewood granted outline permission for the construction of a rail freight facility and associated industrial and business uses on the site of the Cricklewood Railway Yard. Parameter Plan 004 and 005 which show the permitted ground and upper level uses, in respect of the area for Building Zone RL2 (which corresponds to Plot 60 including the RFF and the sites along the Edgware Road frontage). The Zonal Floorspace Schedule, within Appendix 5 of the Revised Design and Specification Framework, permits the following uses for the 61,314m² of floorspace in the Railway Lands Zone: “*Industrial/Storage & Distribution (Classes B2 and B8) inc rail and freight (of which 6,500sq.m may be used within Use Classes B1, B2 and B8 as small units)*”. The proposal for industrial uses falling within these use classes on this site was therefore already established by the S73 Permission.
- 7.7 In accordance with London Plan Policy GG5, the proposed concrete batching plant will be located on a site with an existing industrial use that has the benefit of a rail connection to minimise freight movements by road, and would be located to serve local regeneration development including that associated with BXC, thereby providing industrial space in the right location to support economic development and regeneration.
- 7.8 Paragraph 13.3.2 of the Core Strategy DPD recognises that the BXC regeneration proposals involve the displacement of existing industrial uses, including those located at Claremont Way Industrial Estate which is where the Applicant previously operated a concrete batching facility. It is further stated that provision for relocation of the waste transfer facility and rail freight facility together with business, industrial and warehouse and distribution uses will be made on land bordered by the A5 and MML railway. The relocation of the waste transfer facility and rail freight facility have already been achieved through the granting of drop-in planning permissions 17/6714/EIA and 17/5761/EIA, respectively. The Core Strategy DPD arguably, therefore, suggests that other displaced industrial uses (such as the recently closed concrete batching facility) could also be accommodated on land within the BXC regeneration area and explicitly land off the A5 Edgware Road.
- 7.9 In respect of the principle of the proposed development and its location on designated employment land (albeit rail-related), there is clear in principle policy support for a B2 Use Class (General Industrial) development to be sited on the Application Site. There is also recognition of the need to relocate industrial uses displaced as a consequence of the BXC regeneration scheme, noting that the proposed new development would replace the Applicant’s recently closed concrete batching facility on Brent Terrace on an alternative site within the boundary of the BXC development granted outline planning consent under planning permission F/04687/13 dated 23rd July 2014.

The London Plan:

- 7.10 Since determination of the previous planning application (ref. 20/4817/FUL), the national and regional planning policy framework has changed through the updating of the NPPF in July 2021 and publication of the new London Plan in March 2021. It remains the case that there are no policies within the new London Plan (2021) that explicitly relate to the provision of concrete batching plants in London. However, there is recognition that London depends on a wide range of industrial, logistic and related uses that are essential to the functioning of its economy and for servicing the needs of its growing population, as well as contributing towards employment opportunities. This includes a diverse range of activities including those related to construction and building trades.
- 7.11 Whilst not falling within any Strategic Industrial Location (SIL) or a Locally Significant Industrial Site (LSIS), the proposed development would be seeking to establish and operate a concrete batching facility (use class B2) on land that has an established storage and distribution (B8) use and which has been utilised for a mixture of B2 and B8 industrial uses (as well as sui generis activities)⁷ prior to the current aggregate and construction waste rail transfer facility use. Policy E4 of the London Plan requires the provision of a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions. This includes making provision for light and general industry (Use Classes B1c and B2) and land for sustainable transport functions including intermodal freight interchanges, rail and bus infrastructure. Policy SD1 also supports sustaining SILs and other industrial capacity by considering opportunities to intensify and make more efficient use of land.
- 7.12 Policy GG2(H) similarly relates to making the best use of land and suggests that opportunities to maximise the use of infrastructure assets for more than one purpose is important to make the best use of land and support efficient maintenance. Policy T7 (Deliveries, servicing and construction) also states that development proposals should facilitate sustainable freight movement by rail. As aforementioned, the proposed development would result in a reduction in road-based freight movements associated with the production of concrete. Whilst the Application Site is not designated as industrial land, Policy E7 (Industrial intensification, co-location and substitution) does also encourage the intensification of uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land with the existing rail transfer facility fulfilling an existing industrial function.
- 7.13 The proposed development would align with these London Plan policy objectives insofar as co-locating a general industrial use (B2 use) on a site that has an established B8 use; in a location that has been identified by the Applicant to serve a prevailing local demand for concrete products (including demand associated with local construction sites and as well as delivery of the BXC regeneration scheme); and by maximising the use of existing infrastructure assets in respect of the proposal utilising the rail head to

⁷ Prior to the development of the aggregate and construction waste rail transfer facility (pre-2017), Cricklewood Railway Yard (including the Application Site) was sub-let to company called Eurostorage who allowed the occupation of the land by various B2 and B8 uses as well as other sui generis activities, including car breaking, scaffold storage, metalwork, bodyshop and car repair merchants.

import aggregates by rail. This in turn would therefore minimise HGV movements on the local transport network as it would not be necessary to supply aggregate as an ingredient for concrete by road. However, this of course, needs to be weighed in the balance of the impact of such development on nearby sensitive uses.

- 7.14 The previous planning application for the previous iteration of the proposed development was refused for two reasons, one of which related to the introduction of an industrial manufacturing use at the site which was deemed not to preserve nor enhance the local area (see Reason 2 in paragraph 6.11 of this report). Whilst parts of the local area, including sites within Cricklewood, have been subject to recent residential-led development (or planning permission granted for such), the Application Site has historically been, and continues to be, utilised for industrial purposes and, in planning policy terms is identified as being suitable for the establishment of B2 and B8 uses. Furthermore, the established land uses along the A5 corridor continue to be a mix of retail, commercial, and industrial interspersed and sometimes adjacent to residential. Therefore, subject to assessment of the potential impacts as set out later in this report, the proposed development for a B2 use which would introduce a concrete batching process at the Site where current rail-road aggregate and road-rail construction waste transfer operation are already present, is supported by relevant development plan policies.

Operational Railway Land:

- 7.15 The Application Site has a relationship with the adjacent existing sidings, freight lines and Midland Mainline railway and is, therefore, deemed to be operational railway land. This was confirmed by Network Rail (the landowner) during correspondence connected to previous planning application 17/1254/FUL. As aforementioned, planning permission for an aggregate and construction waste rail transfer facility was granted in July 2018 which utilises the existing rail connections to transfer aggregate between rail to road and construction waste from road to rail. This use is considered to be an appropriate use on operational railway land insofar as it is development required in connection with the movement of freight by rail. The proposed development seeks to take advantage, and operate within the confines, of this existing rail transfer facility through the importation of aggregates by rail which would be stored on site (as per the current planning permission) and then to be fed into the batching plant to create concrete. Whilst the proposed development is not directly related to or facilitating the movement of freight by rail, it is noted that Network Rail have raised no objections to the proposed concrete batching plant being constructed and operating on Plot 3 of the aggregate and construction waste rail transfer facility.

Brent Cross Cricklewood Regeneration Scheme:

- 7.16 As aforementioned, the site falls within the Brent Cross Cricklewood ('BXC') Regeneration Area as identified by the 'Cricklewood, Brent Cross and West Hendon Regeneration Area Framework (2005)' and defined on the Proposals Map. This is also the subject of saved Policy GCrick within the UDP (2006). Outline planning permission for the comprehensive redevelopment of this regeneration area was originally granted by the Council in 2010 and subsequently varied through the mechanism provided in

Section 73 of the Town and Country Planning Act 1990 (as amended). The Section 73 planning permission ('S73 Permission') was granted on 23rd July 2014 (planning reference F/04687/13), which is the permission currently being implemented.

- 7.17 Under the Section 73 planning permission, the Application Site, wider aggregate and construction waste rail transfer facility plus land occupied by other buildings fronting onto the Edgware Road (Lidl, Timeguard and Access Storage) are identified to deliver a rail freight facility to replace an existing Strategic Rail Freight Interchange facility on the eastern side of the Midland Mainline railway connected to, and utilised by, Hendon Waste Transfer Station. The entirety of this land is identified as 'Plot 60' within the S73 Permission as illustrated on Parameter Plan 029 – Indicative Phasing Plan (Rev. P5) and described within the Revised Development Specification Framework. Plot 60 falls within the Phase 2 (South) (Thameslink Station) sub-phase of the BXC regeneration scheme.
- 7.18 As fully described within the Officer's Report associated with planning application 17/5761/EIA, an aggregate and non-putrescible (construction) waste rail transfer facility has now been consented and delivered on the RFF site. A key material consideration of drop-in planning application 17/5761/EIA was whether an alternative rail freight facility would prejudice or undermine the ability to deliver comprehensive redevelopment of the BXC regeneration area. Ultimately it was considered that the aggregate and non-putrescible (construction) waste rail transfer facility would be delivered upon part of the same parcel of land identified for the purposes of delivering a replacement rail freight facility; broadly aligned with the principles and parameters of the BXC S73 Permission; and was capable of being delivered independently from other parts of the regeneration scheme as a discrete component of the BXC redevelopment. Drop-in planning permission 17/5761/EIA was therefore granted on the basis that the development did not prejudice the delivery of the wider BXC regeneration scheme nor prevent implementation of the BXC S73 Permission and did not undermine the comprehensive redevelopment of the regeneration area.
- 7.19 The proposed concrete batching facility would be sited on Plot 3 of the consented aggregate and non-putrescible (construction) waste rail transfer facility and is proposed to be operated within the confines of the controls and limitations already established by the conditions attached to planning permission 17/5761/EIA (as amended by 19/3098/NMA and 21/3828/NMA). This includes siting the concrete batching plant within the already defined boundaries of Plot 3, utilising the existing access off the A5 Edgware Road and internal haul road arrangements, and making use of the consented rail transfer operation for the importation and storage of aggregates to facilitate the creation of various concrete products. In respect of any impact on the ability to deliver the BXC regeneration scheme, the proposed development would not prejudice delivery of the consented regeneration scheme and nor would it undermine the comprehensive redevelopment of the regeneration area. As such, in this regard, the principle of the proposed development is considered to be acceptable.
- 7.20 In addition, the BXC Regeneration Area continues to be identified as an Opportunity Area within the new London Plan. Policy SD1 identifies that planning decisions within

Opportunity Areas should support wider regeneration and ensure that development proposals integrate into the surrounding areas as well as sustaining Strategic Industrial Locations (SILs) and other industrial capacity. The strategic policy direction for the BXC Opportunity Area is reflected in Policy CS2 of the Core Strategy DPD (2012) and saved Policy C10 of the UDP (2006), which references the delivery of key rail facilities and developments for industrial uses as part of the comprehensive redevelopment to support the area's strategic location.

Status of the 'Eco-Barrier' on the RFF site

- 7.21 Planning permission 17/5761/EIA for the aggregate and construction waste rail transfer facility (as amended by 19/3098/NMA) required the construction and retention of acoustic attenuation measures in order to ensure the development does not cause any harm or injury to the amenity of local residents. A key element of acoustic mitigation secured by the above planning permission was the 'Eco-Barrier' (a large green wall structure) erected along the southwest boundary of the Cricklewood Railway Yard site. This provides noise mitigation to the residential sensitive receptors within the Railway Terraces to the south of the site.
- 7.22 Part of this Eco-Barrier collapsed in July 2020. As the abovementioned planning permission contains conditions requiring that barrier to be in place throughout the lifetime of the development, DB Cargo (UK) Ltd appointed specialists to investigate the cause of the collapse and the safest and most effective means by which the barrier is either repaired or replaced. As a result of those investigations, DB Cargo submitted an application under Section 96A of the Town and Country Planning Act (1990) to amend the planning permission 17/5761/EIA for the RFF site and replace the Eco-Barrier with an alternative acoustic barrier which includes a fully planted green wall on the exterior façade facing the Railway Terraces. This replacement structure is the same height and length and in the same location as the EcoBarrier and achieves the required noise attenuation effect in respect of the abovementioned sensitive receptors. The replacement barrier has the benefit of being fully planted from day one and will provide a green planted screen to the Railway Terraces Conservation Area which will also act as a visual screen as well as providing acoustic attenuation. The NMA application (reference 21/3828/NMA) was approved on the 1st November 2021 and the barrier will begin to be installed in early 2022.
- 7.23 The technical performance of the replacement barrier has been factored into the Applicant's assessments as part this planning application for the proposed concrete batching plant and it forms part of the package of mitigation measures in respect of noise, landscape impact and visual amenity. For this reason, the full installation of the whole of the replacement structure will be required prior to the commencement of any concrete batching plant operations. Should Members be minded to approve this application, Draft Condition 2 set out in Appendix A of this report is drafted to prevent the concrete batching operation commencing until the approved acoustic barrier positioned along the southwest boundary of the Cricklewood Railway Yard site has been completely reinstated.

Protecting Barnet's Character and Amenity

- 7.24 The proposed development is for the construction and operation of a concrete batching facility which is to be located within an existing and operational aggregate and construction waste rail transfer facility. The proposal would result in the use of aggregates imported to the Site by rail (an already consented operation) to create various concrete products for supply to local construction sites. A summary of the process involved in concrete batching is set out in paragraph 5.6 of this report. As a consequence of that process, there is the potential for the proposed development to generate air quality and noise impacts on nearby sensitive receptors. Additionally, the visual impacts of the proposed development in the context of the local landscape need to be considered as a result of the erection of a concrete batching plant itself and ancillary development including the erection of additional external lighting. Each of these material planning considerations are discussed in turn below.

Local Character, Landscape and Visual Impact:

- 7.25 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 diversity⁸. On a more strategic level, Policy D3 of the London Plan states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations, respond to the existing character of a place, be of high quality. 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)*.
- 7.26 The proposed development would result in the erection of a concrete batching plant consisting of various elements including cement storage silos, water tanks, aggregate hopper and mixer tower; in addition to ground level infrastructure such as the aggregate storage bay containment structures (steel posts and sleeper infills), a two-storey office and welfare unit, single storey laboratory unit and substations. To evidence the visual impacts of the proposed development, the Applicant has produced a Landscape and Visual Impact Assessment ('LVIA') prepared by KEDD Ltd (dated June 2021) including photomontages from viewpoints suggested through the pre-application public consultation with local residents and agreed with the LPA. LVIA is a tool used to identify and assess the significance of and the effects of change resulting from development on both the landscape as an environmental resource, in its own right, and on people's views and visual amenity. The submitted LVIA has been carried out in general accordance with the Landscape Institute and the Institute of Environmental Management Guidelines for Landscape and Visual Impact Assessment (GLVA3), TGN 06/19 - Visual Representation of development proposals, and Natural England's – An Approach to Landscape Character Assessment.

⁸ Paragraph 10.5.5 of the Core Strategy DPD (2012).

- 7.27 Noting that the Application Site lies within Natural England's 'Northern Thames Basin' Joint Character Area (associated with land rising above the low-lying marshy landscapes adjoining the coast and Thames estuaries) and locally within the 'Finchley Ridge Natural Landscape Area', it is characterised as being located within a dense urban environment inclusive of major transport infrastructure corridors (the A5 Edgware Road and MML railway). In its immediate environs, the Application Site sits within the consented aggregate and construction waste rail transfer facility which consists of open material stocking areas for aggregates and construction waste, in addition to large canopy structures (13.34 metres above ground level at the ridge of the structures) covering aggregate storage bays to the north (Plot 1) and south (Plot 4). To the east of the Site lies extensive railway infrastructure including the MML, Hendon freight lines, and Cricklewood sidings. The Site is located adjacent to large retail, office and warehousing units (Lidl, Timeguard and Access Storage) which lie to the west and front onto the A5 Edgware Road. The A5 corridor consists of a mix of uses including large retail, residential, commercial and a bus depot. Beyond this are residential suburban areas, including the Railway Terraces to the south, Brent Terrace to the west of the railway and residential streets to the west of the A5.
- 7.28 The proposed development would result in the construction of permanent concrete batching facility which, at its tallest aspect, would stand at a height of 15 metres above ground level (67.1 metres AOD). The Applicant has assessed the impact of this proposal from several local viewpoints including from within the Cricklewood Railway Terraces Conservation Area (from Johnston Terrace, Midland Terrace garden/green space, and Dorchester Court), from the A5 Edgware Road, from Fellows Square residential development to the north of the Site and from positions to the east of the MML railway. The Applicant's updated LVIA (December 2020) includes an assessment of both the landscape and visual impacts of the proposed development taking into account the sensitivity of receptors, the magnitude of change and the significance of the resultant impacts.
- 7.29 The LVIA assesses the revised proposal which has re-sited the main built structures / the tallest elements of the proposed development to the northern area of the Site adjacent to Plot 2, approximately 200m from the Railway Terraces. The lower height structures are now to be placed along the southern boundary adjoining Plot 4 – Aggregates Storage Structure. It also takes account of the reduction in the heights of the cement silos from 15m to 14.5m. The assessment acknowledges the benefit of the EcoBarrier structure which runs along the southern boundary of the RFF site and is circa 11m in height (noting that the acoustic barrier is positioned on a landscape bund and also at a higher ground level compared to the northern end of the Railway Terraces) will help to enclose and contain Site activities and shield views from the south. The assessment of both landscape and visual impacts are therefore predicated on the presence of the 'Eco-Barrier'. This structure was primarily required to mitigate the anticipated noise emissions from the consented aggregate and construction waste rail transfer facility, but also has the effect of providing a green planted screen to the residential streets to the south within the Railway Terraces. As explained in paragraph 7.21 – 7.23 above, a replacement barrier has now been approved following the partial collapse of the EcoBarrier in July 2020.

- 7.30 The assessment of landscape sensitivity concludes that the impact of the proposed development would range from 'Very Slight Adverse' to 'Moderate Adverse'. The character area immediately to the south of the Site (i.e. the Railway Terraces) is assessed as a Moderate Adverse impact. Based on the 18 agreed visual receptor locations, the Applicant's assessment of visual impacts from residential receptors, public viewpoints, places of work and transport routes concludes that the visual change and significance of those changes would range between 'Neutral' to 'Moderate Adverse'. It also advises that this is not a significant effect. The reason for the very low magnitude is a combination of the proposed development being located within the existing cluttered and development rail corridor of a very urban setting, surrounding by other small, medium and largescale built forms. The proposal will not visually appear out of character with its location.
- 7.31 The Applicant's LVIA is supported by a number of photomontages giving an indication of how the proposed development would be perceived from sensitive receptor locations surrounding the site. Where necessary and influenced by existing vegetation, this includes a perspective in both Summer and Winter months.
- 7.32 When viewed from Dorchester Court which is at a lower ground level than the application site, the development proposal will be entirely screened by the Acoustic barrier.
- 7.33 When viewed from the junction of Johnstone Terrace and Hudson Way, the development proposal will be entirely screened by the Acoustic barrier. This is some 250m from the main plant on the application site.
- 7.34 When moving further south down Johnston Terrace away from the application site, at the junction of Johnston Terrace and Allotment Way, the development proposal remains screened by the Acoustic barrier. It is important to note that the small 'nib' of the Acoustic barrier which projects out at 90 degrees from the main barrier, is at a lower height to the main barrier.
- 7.35 The photomontages demonstrate that the amendments made to the proposal by re-orientating and relocating the plant to the northern edge of Plot 3 further away from the Railway Terraces and reducing the height (even by the relatively small amount of 0.5m) has the effect of significantly changing the visual impact on the Railway Terraces Conservation Area. The proposal is now entirely screened by the Acoustic Barrier in the key views from the Conservation Area and only in the views from some 400m away from the application site might there be glimpses of anything above the Acoustic barrier. Importantly, the views from the communal amenity gardens of the Railway Terraces between Midland Terrace and Johnston Terrace, will not be significantly impacted by the proposal. Therefore, the proposed development is not considered to have a significant impact on the visual amenity of the properties in the Railway Terraces.
- 7.36 When viewed from positions to the east of the MML railway (i.e. from within the Cricklewood Sidings area), the proposed concrete batching plant would be visible but within the context of intervening railway infrastructure, including overhead gantry structures and lighting columns, and the existing aggregate storage bay canopy

structure. The nearest residential properties on Brent Terrace are some 235m to the east of the main plant, and set at a lower elevation. In this context the proposed structures on the application site are considered to be acceptable.

- 7.37 When viewed between Timeguard and Lidl supermarket from the A5 Edgware Road, the proposed concrete batching plant and silos will be directly visible above the existing fence structures. This view is only in a very limited location on the A5 Edgware Road and otherwise the proposal will be screened by the Timeguard building or glimpsed views over the top of the Lidl building. Furthermore this particular view is not judged to be of a sensitive receptor, but is important in understanding the visible extent of the proposal. In this context the proposed structures on the application site are considered to be acceptable.
- 7.38 Having regard to the aforementioned development plan policies and taking account of the prevailing local character, the proposed development would be sited within the confines of an established industrial-type use in the form of the consented aggregate and construction waste rail transfer facility. It would also be positioned on operational railway land (with the importation of aggregate via the established rail head being a key element of the proposed scheme) and adjacent to extensive railway and rail-related infrastructure associated with the MML railway, Hendon freight lines and Cricklewood Sidings. As such, it is considered that the proposed concrete batching facility would not be entirely incongruous with the immediate character of the area.
- 7.39 Beyond the immediate environs of the Application Site, whilst elements of the proposed concrete plant may be visible from some receptors and positions outside the Site, as demonstrated by the submitted LVIA, it is considered that this would not significantly alter the character of the locality or the amenities of residential neighbourhoods beyond the site (the impact on the setting of the Conservation Area is considered below). With respect to views from the Railway Terraces, it is also noted that the skyline is already impacted by the Access Storage building, railway infrastructure and telecommunications infrastructure. In addition to this, the Acoustic carrier on the RFF site offers a significant visual benefit in completely screening views of the proposed development from the majority of locations within the Railway Terraces and providing a green planted screen. In respect of views from the A5 Edgware Road, these are limited and would be viewed in the context of the of existing commercial and warehouse buildings. Views from the east of the rail lines will be viewed in the context of significant rail and rail-related infrastructure. Therefore, when viewed against this backdrop, the proposal is not considered to be out of character with these existing structures and uses.
- 7.40 In assessing how this revised application has addressed reason for refusal 1 of the previous application 20/4817/FUL an assessment against each point within policy DM01 of the Local Plan Development Management Policies DPD is provided below:
- a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.

The proposal will contribute to reducing air pollution by reducing the number of

HGV trips. Moving goods and material by rail is significantly less polluting and more sustainable than by road. Rail freight produces 76% less CO2 and 90% lower particulate emissions than the equivalent road journey. The proposed development would remove approximately 17,106 HGV road miles per month from local roads, which equates to 205,275 HGV road miles per year, enabling the local demand for concrete to be met with fewer road HGV miles and lower emissions and less congestion.

- b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed use of the site for a concrete batching plant would be consistent with the character of the immediate surrounding uses of the site which include industrial B1 and B8 uses. The Site is located within an urban area with a wide variety of built forms and land uses. The immediate context around Plot 3 itself comprises the main rail line with overhead gantry infrastructure, construction spoil storage and transfer to the north, aggregate storage including a large structure over Plot 4 to the south, B8 warehousing to the south, retail and B1/B8 office/distribution to the west. Existing residential neighbourhoods are located further away from the site, over 200m in some cases, and beyond other existing industrial buildings and uses. The proposed concrete batching plant is not considered to be incongruous with its immediate surroundings.

- c. Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls.

The proposed concrete batching facility would be located on Plot 3 of the existing Rail Freight Facility site. The site would not be accessible to members of the public and is accessed through a junction off the A5 using the internal site access road. The site does not face onto a public street.

- d. Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

The proposed concrete batching facility would be located on Plot 3 of the existing Rail Freight Facility site. The site would not be accessible to members of the public. Access is controlled through the main site entrance off the A5 via a security barrier.

- e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The proposed concrete batching facility does not adjoin any residential properties or have any impact on daylight and sunlight for any residential properties in the vicinity.

- f. Development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity.

Assessed at paragraph 7.57 below. Taking into account the location of nearby sensitive receptors, the boundary treatments already installed at the southwest and northeast boundaries of the RFF site, the type of lighting, and the height

and location of the proposed external lighting, it is considered that the proposed development would be unlikely to harm the amenity of nearby residents. In respect of any biologically or ecologically receptors that are sensitive to light, the proposed arrangement of lighting would be directed into the Site, which would assist in limiting any such impacts.

- g. Development proposals should retain outdoor amenity space having regard to its character.

The proposed development would not impact on any existing outdoor amenity space.

- h. Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.

Not applicable to the proposal for a concrete batching facility.

- i. Loss of houses in roads characterised by houses will not normally be appropriate.

Not applicable to the proposal for a concrete batching facility.

- j. Development proposals will be required to include hard and soft landscaping that:

- i. is well laid out in terms of access, car parking and landscaping
- ii. considers the impact of hardstandings on character
- iii. achieve a suitable visual setting for the building
- iv. provide an appropriate level of new habitat including tree and shrub planting
- v. make a positive contribution to the surrounding area
- vi. contributes to biodiversity including the retention of existing wildlife habitat and trees
- vii. adequately protects existing trees and their root systems.

There are no landscaping proposals required or proposed by this application.

- k. Trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate.

There are no existing trees on the application site.

7.41 Overall, it is considered that the proposed development would not be incongruous with the local mixed-use urban landscape character and, based on the evidence submitted, would not be in contravention of Policy CS5 of the Core Strategy DPD, Policy DM01 of the Development Management Policies DPD and Policy D3 of the London Plan (2021) given its co-location with the existing aggregate and construction waste rail transfer facility on operational railway land.

7.42 A number of public representations have referred to other planning applications within the vicinity of the Site which might alter the sensitivity of identified visual receptors – this includes the proposed construction of residential uses at the site currently occupied by Matalan retail unit to the west in the London Borough of Brent; and the proposed construction of mixed-use residential development at the site currently occupied by

B&Q to the south. The townscape and visual impact assessment has considered the relevant nearest sensitive receptors. The proposed concrete batching plant is not considered to have a significant visual impact on the development of Matalan site which would be some 230m from the site and viewed across the existing railway embankment and existing buildings of Access Self Storage and Lidl. The B&Q site is some 500m to the south of the proposed concrete batching plant and is not considered to be impacted in any way by the proposal. It should also be noted that Officers have consulted the London Borough of Brent in respect of this planning application and they raise no objections.

Air Quality:

- 7.43 The Application Site is located within an Air Quality Management Area (AQMA), as is the whole of the London Borough of Barnet. Policy SI 1 of the London Plan (2021) states that development proposals should not; lead to further deterioration of existing poor air quality; create any new areas that exceed air quality limits; or create unacceptable risk of high levels of exposure to poor air quality. In order to achieve this, the policy states that development proposals must at least be Air Quality Neutral so that they do not lead to further deterioration of existing poor air quality and must be submitted with an Air Quality Assessment.
- 7.44 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.
- 7.45 The Applicant has submitted an Air Quality Assessment (20th May 2021) prepared by Tetra Tech. The Air Quality Assessment considers the impact of the proposed development both during the construction and operational phases of the concrete batching facility, with impacts during the operational phase considered in respect of emissions from traffic and dust emissions from the concrete batching process.

Construction Phase:

- 7.46 The submitted Air Quality Assessment states that the main emissions during the construction phases are likely to be from dust and particulate matter, particularly through the drier months of the year. Through consideration of the usual construction processes (earthworks, construction and track-out) in relation to sensitivity of nearby receptors, the assessment concludes that without any mitigation the impacts arising from the proposed development would be between negligible and low in relation to dust soiling, the health effects of particulate matter (PM10s) and on ecological receptors. Notwithstanding this, the Applicant has proposed to implement various mitigation measures to manage dust emissions. Amongst other measures, this includes the implementation of a Dust Management Plan, use of machinery and dust

generating activities positioned away from receptors, managing any stockpiled materials, and use of dust sweepers and wheel washing systems. To ensure the appropriate construction management measures are agreed and implemented, it is recommended that in the event of planning permission being granted, a condition be imposed requiring the submission, approval and implementation of an appropriate Construction Environmental Management Plan.

Operational Phase:

- 7.47 In respect of anticipated emissions to air from traffic, the Applicant states that the proposed concrete batching facility would be operated within the vehicular movement limits imposed by planning permission 17/5761/EIA for the aggregate and non-putrescible construction waste rail transfer facility, since it will be occupying one of the four consented plots. The proposed facility would essentially operate within 25% of the site-wide HGV movement limit. As such, the proposed development would not result in any additional traffic beyond that already assessed and controlled by the existing planning permission for the RFF site and would not, therefore, cause any increase in vehicular emissions beyond those previously assessed and found to be within acceptable limits under application 17/5761/EIA. Traffic and highway impacts are discussed below in further detail. However, in order to ensure that traffic-related emissions associated with the proposed development are controlled, it would be reasonable for the LPA to impose conditions on any planning permission granted restricting the number of daily HGV movements associated with the proposed concrete batching facility and ensuring all HGVs are Euro VI compliant as a minimum.
- 7.48 Operation of the proposed development has the potential to cause dust emissions as a result of the temporary stockpiling of aggregate, movement of aggregate between stockpile bays and the ground loading hopper (causing a re-suspension of dust), and the transfer of cement from the importing vehicle/tanker to the cement silos. Any such emissions could be exacerbated during dry and windy meteorological conditions. The Applicant has assessed the potential impact of dust emissions (including wind-blown) at a number of receptors including (but not limited to) several residential properties within the Railway Terraces, Our Lady of Grace Infant and Nursery School, Claremont Primary School, residential properties at Fellows Square, Brent Terrace and Claremont Road, residential properties to the west of the A5 Edgware Road and commercial properties along the A5. Taking account of the pathway effectiveness from source to receptors (including direction of wind, distance from nearest dust source, wind speed and sensitivity of the various receptors), the Applicant has identified that that potential magnitude of effect from dust emissions would be between 'Negligible Effect' to 'Slight Adverse Effect' (i.e. low risk).
- 7.49 It should be further noted that the transfer of aggregate from rail wagon to Plot storage bays is an operation already consented (and mitigated) through planning permission 17/5761/EIA for the RFF site. Nevertheless, as with potential construction phase impacts, the Applicant has proposed mitigation measures to further reduce the risk of any dust-related impacts arising from the proposed development. In line with the mitigation measures previously secured in relation to the aggregate and construction waste rail transfer facility and as illustrated on drawing number 12153-WMS-ZZ-XX-

DR-C-30402-S8-P11 (Dust Suppression Layout), this includes the installation of a dust suppression system consisting of 4no. automated sprinklers covering the majority of Plot 3 (including all stockpiling and aggregate storage areas, the areas around the concrete batching plant, and the open yard areas). To further ensure compliance with the wider rail transfer facility, the Applicant also proposes to adopt measures set out within the approved Site Management Plan.

- 7.50 Through planning permission 17/5761/EIA (as amended by 19/3098/NMA and 21/3828/NMA), the operator of the wider aggregate and construction waste rail transfer facility, DB Cargo UK Ltd, is obliged to carry out air quality (and noise) monitoring to measure levels of PM10s, NO2 and dust and ensure operations on site do not exceed the agreed thresholds relevant to those emissions. As approved through the discharge of Condition 32 attached to planning permission 17/5761/EIA⁹, the extent of air quality monitoring consists of one dust gauge and PM10 monitor positioned in proximity to residential properties at Fellows Square to the north; a dust gauge and automated air quality monitoring station on the internal haul road relative to prevailing wind directions; a dust gauge at the southwest boundary of the site (adjacent to the southern elevation of the Eco-Barrier); and an automatic air quality monitoring station and dust gauge to be positioned at the nearest sensitive receptor within the Railway Terraces. Whilst the DB Cargo have experienced difficulties in erecting the off-site monitoring station and dust gauge on third party land, aggregate and construction waste transfer operations on Plots 1 and 2 of the facility have been measured since commencement and continue to be monitored. The results are published in a live format on a publicly accessible website and monthly reports are issued to the Council. No exceedance of Site Action Levels as set out in the approved Site Management Plan (Condition 28 of planning permission 17/5761/EIA) has been identified to date.
- 7.51 Although the risk of dust and other emissions has been identified as 'low' by the Applicant, the proposed development would introduce a further operation (i.e. the batching of concrete) to the wider aggregate and construction waste rail transfer site. It is considered appropriate and reasonable for the LPA to ensure that the proposed development does not cumulatively cause any exceedance of the abovementioned air quality Site Action Levels. Therefore, any planning permission for the proposed development should be subject to a condition requiring the submission and approval of a Site Management Plan that (in addition to other matters) which sets out how the concrete batching facility operations would be monitored to ensure it does not cause any exceedance of the air quality thresholds at nearby sensitive receptors. This should also incorporate a Dust Management Plan inclusive of details of the previously mentioned Dust Suppression System and its operation.
- 7.52 Concerns have been raised through consultation responses to the application by the local community in relation to the potential emissions from the use of cement (and the inherent health risks associated with this) and for dust blow-out when transferring imported cement from tanker to the silos. The transfer of cement is an entirely enclosed process. Cement is delivered to the site by tanker and pumped pneumatically into the cement silos which are completely sealed. The silos and tanker are fitted with a

⁹ LPA application reference 19/6294/CON.

negative pressure system which prevents cement dust escaping. Furthermore, the silos are designed with in-built mechanisms to prevent blow-out occurring due to over-pressurisation. This includes pressure sensors, alarms, integrated shut-off valves, pressure relief valves, and reverse air jet filters. Such design measures are recommended as best practice. Nevertheless, in response to concerns from residents, the Applicant has proposed to undertake additional temporary on-site dust monitoring covering a period 3 months prior to construction, the construction period and 3 months post construction including operation of the concrete batching facility. If planning permission is granted, this dust monitoring will be secured by Draft planning condition 14 in Appendix A.

- 7.53 Additionally, it recognised that the proposed concrete batching facility would be subject to an Environmental Permit in line with the Environmental Permitting Regulations 2016 and, in accordance with paragraph 183 of the NPPF, the planning system should not seek to duplicate or control processes or emissions subject to separate pollution control regimes. The Council's Environmental Health Officer has confirmed that a Part B Environmental Permit has been granted to the Applicant for the proposed site. The Environmental Health Officer has confirmed that as part of the Part B Permit the operation would be monitored including inspections twice a year and review of dust mitigation measures.
- 7.54 London Plan Policy SI 1 (Improving Air Quality), requires development proposals to be at least Air Quality Neutral so that they do not lead to further deterioration of existing poor air quality. The Applicant has addressed this matter within their Air Quality Assessment through consideration of the GLA's Air Quality Neutral Planning Support document (April 2014), which was used to establish the appropriate emissions benchmarks for buildings and transport in relation to the application of air quality neutral policies. This document describes how the relevant benchmarks have been derived in relation to buildings and transport emissions. For building emissions, it is noted that the benchmarks have been defined only in relation to buildings consuming gas or oil fuels. As the Applicant asserts, the proposed development would not result in the construction of any CHP or boilers and would not, therefore, generate emissions through the use of gas or oil fuels. The Building Emission Benchmarks are not applicable to this proposal. For transport emissions, the aforementioned document states that vehicle trips associated with B2 uses (for which the proposed development would be), Transport Emission Benchmarks would not be applicable because it is an industry that would otherwise require an Environmental Permit. As such, B2 uses are excluded from the relevant air quality neutral policies. On this basis, the proposed development is not considered to contravene the requirement to demonstrate air quality neutrality.
- 7.55 The Council's Environmental Health Officer has reviewed the planning application in respect of both air quality impacts and is content that the main process is enclosed and there are sufficient alarms to ensure cement dust is not a problem from the silo or mixing process with water. They also highlighted that the dust on site is also monitored from 2 nearby positions which is best practice and not usual for cement batching plants, so issues can be controlled on site. Furthermore, dust from the process can be controlled by the Environmental Permit. As such, no objections are raised subject to

conditions ensuring the proposed development is monitored in line with the existing monitoring regimes established for the aggregate and construction waste rail transfer facility; that daily logs are kept in respect of the facility operating under best practicable means and implementation of dust suppression measures; that the operations are carried out in line with the existing cleaning and maintenance programme for the wider site; and that only Euro VI HGVs should be used as a minimum. These measures can be secured by way of suitably worded planning conditions, including the aforementioned Site Management Plan.

- 7.56 On the basis of the foregoing and subject to the implementation of the recommended planning conditions relating to site management, additional dust monitoring, limitation of HGV movements and use of the lowest emission HGVs, it is considered that the proposed development would not be likely to cause any significantly adverse impacts on local air quality. As such, the proposed development is considered to accord with Policies SI 1 of the London Plan (2021), Policies DM01 and DM04 of the Development Management Policies DPD and saved Policy C3 of the UDP.

Lighting:

- 7.57 Policy DM01 (f) of the Development Management Policies DPD states that, for development proposals incorporating lighting schemes, lighting should not have a demonstrably harmful impact on residential amenity (or biodiversity). As illustrated on drawing no. 12153-WMS-ZZ-XX-DR-C-30401-S8-P17 (Site Layout Plan), the proposed development includes the erection of 8no. new lighting columns within Plot 3. These would be in addition to the external lighting consented under planning permission 17/5761/EIA and details approved pursuant to Condition 11 of that planning consent. The proposed light fittings would be the same as those previously approved for the aggregate and construction waste rail transfer facility – TamLite Stadia LED lighting – and the submitted plan referred to above demonstrates that all lighting would face inward from Plot 3's boundaries. The submission confirms that the new lighting columns would stand at a height of 8 metres above ground level. Taking into account the location of nearby sensitive receptors, the boundary treatments already installed at the southwest and northeast boundaries of the aggregate and construction waste rail transfer facility (i.e. the replacement for the Eco-Barrier and the 5.1 metre high acoustic barrier adjacent to the MML railway), the type of lighting, and the height and location of the proposed external lighting; it is considered that the proposed development would be unlikely to harm the amenity of nearby residents. In respect of any biologically or ecologically receptors that are sensitive to light, the proposed arrangement of lighting would be directed into the Site, which would assist in limiting any such impacts. As such, the proposed development is considered to satisfy the requirements of Policy DM01 of the Development Management Policies DPD and saved Policy C3 of the UDP.

Noise:

- 7.58 Policy D14 (Noise) of the London Plan states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by: avoiding significant adverse noise impacts on health and quality of life; mitigating and minimising existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses; separating new noise-sensitive development from major noise sources (such as road, rail, air transport, and some types of industrial use) through the use of distance, screening, layout, orientation; mitigate any potential adverse effects through applying good acoustic design principles, and promoting new technologies and improved practices to reduce noise at source. Policy CS13 of the Core Strategy seeks to improve noise quality by requiring Noise Impact Assessments in line with Barnet's SPD on Sustainable Design and Construction. While Policy DM04 of the Development Management Policies DPD states that proposals likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted and mitigation of noise impacts through design, layout, and insulation will be expected where appropriate. 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. Draft Policy D14 (Noise) of the Publication London Plan (December 2020) also states that proposals should manage noise by (inter alia) avoiding significant adverse impacts on health and quality of life; and mitigating and minimising potential adverse impacts of noise without placing undue restrictions on existing noise-generating uses.
- 7.59 The Council's Sustainable Design and Construction SPD (2016) states that the main sources of noise in Barnet include (inter alia) road and rail traffic, commercial and industrial land uses, and construction activities. The SPD then goes on to identify 'Noise Design Principles' to be considered by the applicant in the design and construction processes. Of particular relevance to the proposed development, the SPD advises that *'Any plant and machinery should be operated so as to ensure that any noise generated is 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'*. The Council generally expects good acoustic design with mitigation measures that ensures a good level of amenity both externally and internally.
- 7.60 National planning guidance in relation to noise is set out in the National Planning Policy Framework which states at paragraph 185 that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life."* These noise objectives are derived from the *'Noise Policy Statement for England (DEFRA, 2010)'* and are generally reflected in all noise-related development plan policies. The consideration of noise impacts is provided by further

guidance in the national Planning Practice Guidance. There are also British Standards relating to noise and vibration including: BS 5228: Code of Practice for Noise and Vibration Control on Construction and Open Sites (2009); BS 6472: Guide to Evaluation of Human Exposure to Vibration in Buildings (2008); BS 7385: Evaluation and Measurement for Vibration in Buildings (1993); BS 8233: Guidance on Sound Insulation and Noise Reduction for Buildings (2014); and BS 4142: Methods for Rating and Assessing Industrial and Commercial Sounds (2014).

- 7.61 The Applicant has prepared and submitted a Noise Impact Assessment prepared by WMB Acoustic Consultants which considers the likely noise impacts of the proposed development on Plot 3 in view of the existing noise emissions (and mitigation) associated with the wider aggregate and construction waste rail transfer facility. The assessment has been carried out collaboratively with the acoustic consultant appointed by the operator of the aggregate and construction waste rail transfer facility (GL Hearn). Utilising the background levels established by the aggregate and construction waste rail transfer facility¹⁰ and noise data obtained from an existing operational concrete batching facility (at Silvertown), the Applicant has modelled predicted noise levels from the proposed development at the nearest residential receptors at Fellows Square and within the Railway Terraces. This includes consideration of the mitigating effects provided by both the existing acoustic mitigation measures associated with the aggregate and construction waste rail transfer facility, in addition to the Applicant's proposed mitigation which includes a 3-metre high acoustic barrier positioned around the southern boundary of Plot 3.
- 7.62 The results surmise that the noise levels experienced at the modelled receptors as a result of proposed development would be 33dB LAeq,1 hour at 38 Needham Terrace, 37dB LAeq,1 hour at 22 Midland Terrace, and 50dB LAeq,1 hour at Fellows Square. All of these predicted noise levels demonstrate that noise from the proposed development would be below background levels during both weekday and weekend operational periods. As such, the rating noise levels arising from operation of the proposed concrete batching facility would be considered to fall below the 'Lowest Observed Adverse Effect Level' where noise impacts are defined as either 'not noticeable' or 'noticeable but not intrusive' in accordance with the criteria set out in the national Planning Practice Guidance and Noise Policy Statement for England (2010). In planning terms, this is considered to be acceptable as there would be no significant adverse impacts on health or quality of life as a result of the proposed development in accordance with paragraph 123 of the NPPF.
- 7.63 The Applicant submitted a technical note prepared by GL Hearn (20 October 2021) which responded to the comments raised by the Developer of the Matalan site to determine whether there is a potential noise impact from Capital Concrete's activities at the proposed residential development on that site. They compared their assessment to the baseline noise levels reported in the noise impact assessment submitted by Ziser London (the Developer for the Matalan site) for their own planning application.

¹⁰ These background noise levels are likely to be lower as they were established prior to commencement of the aggregate and construction waste transfer operations on Plots 1 and 2 of the facility. Therefore, the benchmark for ensuring noise levels from the proposed development are below background levels would be stringent.

- 7.64 The report states that ambient noise levels at the proposed façade facing Edgware Road are 72 dB LAeq,T during the daytime, and 52 dB LAeq,T in the part of the building furthest from Edgware Road. In both cases, these levels are expected to be at 1.5 metres above ground level. Daytime background noise levels (LA90,T) are reported to be in the order of 9 dB less than the ambient noise levels at each of the reported locations, during the daytime.
- 7.65 Based on a survey conducted by Capita at a comparable site in 2018 (Hanover House, located 550 metres north of the Matalan site along Edgware Road), it is expected that ambient noise levels reduce by approximately 4 to 5 dB at a height of 15 metres, and that background noise levels reduce by approximately 1 to 2 dB at the same height.
- 7.66 The predicted noise levels due to the proposed concrete batching plant operation are estimated to be 44 dB at the top floor (assumed 22.5 metres above ground level) and 34 dB at ground floor. These levels are predicted at the façade closest to Capital Concrete's development site. The area is already subject to a mix of commercial and industrial activity, with distant noise from rail and evident dominant influence of road traffic noise. Both these levels are considerably lower than ambient noise levels, and lower than background noise levels at these positions. Therefore, no adverse effects are expected at these locations, especially considering that the proposed residential development building has already allowed for noise mitigation to be embedded into the façade fabric.
- 7.67 The Council's Environmental Health Officer has also reviewed the Applicant's noise impact assessment in regard to the application of an appropriate methodology, robustness of the assessment, and therefore acceptability of its conclusions. It is noted that the Officer is content that the proposed development would be unlikely to cause any significant impacts on nearby receptors as a result of the existing and proposed noise mitigation measures. This includes the existing Acoustic barrier (see paragraph 7.21-7.23 of this report for further information relating to this) and the proposed additional 3-metre high acoustic barrier to be erected along the southern boundary of Plot 3. Notwithstanding the above, the LPA would recommend that a condition is imposed requiring the submission, approval and implementation of a Site Management Plan to ensure the monitoring of noise levels from the proposed development in line with the existing monitoring regime established for the aggregate and construction waste rail transfer facility. The Site Management Plan would describe the proposed monitoring regime, the applicable Site Action Levels and remedial measures to be taken in the event of any exceedance of those levels.
- 7.68 Paragraph 122 of the NPPF is also noted insofar as it requires that LPAs focus on whether the development itself is an acceptable use of land and the impact of that use, rather than the control of processes or emissions themselves which are subject to other pollution control regimes. In terms of noise, the proposed development will also be subject to controls imposed by the Environmental Protection Act 1990 (i.e. statutory nuisances). Therefore, given the foregoing, the proposed development is considered to be an acceptable use of land as it would not be likely to give rise significant adverse impacts from noise that would harm the amenity of nearby sensitive receptors. Therefore, the proposed development is considered to be in compliance with Policy

D14 of the London Plan, Policy CS13 of the Core Strategy DPD, Policy DM04 of the Development Management Policies DPD and saved Policy C3 of the UDP.

Heritage Assets

- 7.69 The Application Site lies to the north of the Railway Terraces Cricklewood Conservation Area, with the Cricklewood Curve railway embankment and Eco-Barrier structure on the RFF site separating the two areas. The 'Railway Terraces Cricklewood Conservation Area – Character Appraisal and Management Proposals (December 2016)' prepared by the Council describes the Railway Terraces as being located within a wider area dominated by the railway and large industrial/commercial units. Construction of the Railway Terraces is known to have commenced in the late 1860s and are attributable to the railway heritage of Cricklewood. An Area of Special Archaeological Interest lies directly to the south of the Conservation Area, although Section 3.2 of the aforementioned Character Appraisal document confirms that there are no records of significant archaeological finds in the vicinity of the Conservation Area.
- 7.70 Policy HC1 (Heritage conservation and growth) of the London Plan (2021) states that development proposals affecting heritage assets and their settings should conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings and avoid harm. Policy CS5 of the Core Strategy DPD states that the Council will proactively protect and enhance Barnet's heritage, including conservation areas. Policy DM06 of the Development Management Policies DPD states that (a) all heritage assets will be protected in line with their significance, (b) development must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet, (c) proposals involving or affecting heritage assets should demonstrate (inter alia) significance of the heritage asset, impact on that significance, and impact on setting of the heritage asset. This is in line with the NPPF which sets out policies to conserve heritage assets in a manner appropriate to their significance.
- 7.71 Whilst the proposed development is located in close proximity to the Railway Terraces Conservation Area, there are a number of factors that need to be considered to assess the impact of the proposed development on the significance of this heritage asset. As a starting point, the character of the Conservation Area coincides with, and is attributable to, the presence of the railway and associated infrastructure that have been established and continually used for over 150 years. As such, the area has evolved in tandem with the railway industry and its associated uses. Prior to the construction of the aggregate and construction waste rail transfer facility, the Application Site (and wider Cricklewood Railway Yard) had housed various B2 and B8 land uses creating a mix of commercial, sui generis and light industrial uses. Therefore, such uses in proximity to the Conservation Area are not unusual. Additionally, the boundary between the Application Site/Cricklewood Railway Yard and the Conservation Area is defined by the Cricklewood Curve railway embankment, which is an active rail freight line which would continue to be used regardless of the success of this planning application. This embankment sits in an elevated position when viewed from the

Railway Terraces and, in addition to the Eco-Barrier installed within the Cricklewood Railway Yard site, limits views from the Conservation Area into the Application Site.

- 7.72 The planning application proposes the construction and operation of a concrete batching plant consisting of various elements of plant including cement silos, mixer tower, aggregate hopper, water tanks and covered conveyor systems. As set out in paragraphs 7.29 - 7.40 of this report above, the proposal has been amended to address the previous reason for refusal relating to the impact on the character and setting of the Railway Terraces Conservation Area. The Applicant has produced photomontages as part of their LVIA to demonstrate how this development might be viewed from various receptors. In respect of the Railway Terraces Conservation Area, the amendments made to the proposal by re-orientating and relocating the plant to the northern edge of Plot 3 further away from the Railway Terraces and reducing the height (even by the relatively small amount of 0.5m) has the effect of significantly changing the visual impact on the Railway Terraces Conservation Area. The proposal is now entirely screened by the Acoustic Barrier in the key views from the Conservation Area and only in the views from some 400m away from the application site might there be glimpses of anything above the Acoustic barrier. Importantly, the views from the communal amenity gardens of the Railway Terraces between Midland Terrace and Johnston Terrace, will not be significantly impacted by the proposal.
- 7.73 The Applicant has also submitted a Heritage Statement which considers the impact of the proposed development on designated and non-designated heritage assets. In respect of the Railway Terraces Conservation Area, it is stated that the proposed development area is sited within an existing and historic industrial setting and that views from the Railway Terraces Conservation Area are dominated by the Cricklewood Curve railway embankment.
- 7.74 Furthermore, it is noted that the boundary of the Application Site is approximately 120 metres from the Conservation Area. Added to the fact that the Conservation Area's significance is directly attributable to the railway heritage of Cricklewood and that it is has not been uncharacteristic for land within the vicinity of this heritage asset to accommodate industrial type uses, it is considered that the proposed development would not result in harm to the setting of the Conservation Area. The Council's Urban Design and Heritage Officer has reviewed the planning application and has not raised any objections to the application, noting that a large extent of the proposed development would be screened by the Eco-Barrier/green wall. As such, the proposed development is considered to be in compliance with Policy HC1 of the London Plan (2021) and Policy DM06 of the Development Management Policies DPD.

Highways and Transport Impacts

Strategic Approach

- 7.75 Chapter 10 of the London Plan (2021) provides strategic policies on transport. Policy T1 expresses the need to make the most effective use of land, reflecting its connectivity and accessibility...and ensure any impacts on the transport networks and supporting infrastructure are mitigated. Policy T7 part A requires development plans and proposals to facilitate sustainable freight movement by rail, waterways and road; Part D requires Development Plans to safeguard railheads; and Part J states development proposals must consider the use of rail/water for the transportation of material. The narrative associated with Policy T1 also refers to the Mayor's aim of minimising freight trips on the road network, promoting safe, clean and efficient freight functions.
- 7.76 The proposed development would seek to take advantage of the established aggregate and construction waste rail transfer facility authorised by planning permission 17/5761/EIA, which re-provides a designated Strategic Rail Freight Interchange facility, by utilising the aggregates imported to the Site (in this case directly to Plot 3) by rail to produce concrete. The use of such rail transport infrastructure would align with the principles encouraged by the abovementioned development plan policies as it facilitates the movement of freight by rail.
- 7.77 The Applicant has made reference to the former concrete batching facility off Brent Terrace, which was sited on land that has been compulsorily purchased by the Council to facilitate delivery of the BXC regeneration scheme. The Brent Terrace concrete batching facility received aggregate by road and serves a similar market area to that envisaged for the proposed development (with the target market being within 3 to 5 miles of the Site). The map at Figure 4 below shows a visual representation of deliveries from the Applicant's previous Brent Terrace plant in the first half of 2020. The Brent Terrace plant typically supplied an average of over 8,500m³ per month. The concrete which would have been supplied from the Applicant's previous plant at Brent Terrace into the Barnet market area is currently being supplied from plants at Wembley, Neasden, and Edmonton with 50% of this supplied by the Applicant and 50% by other companies.

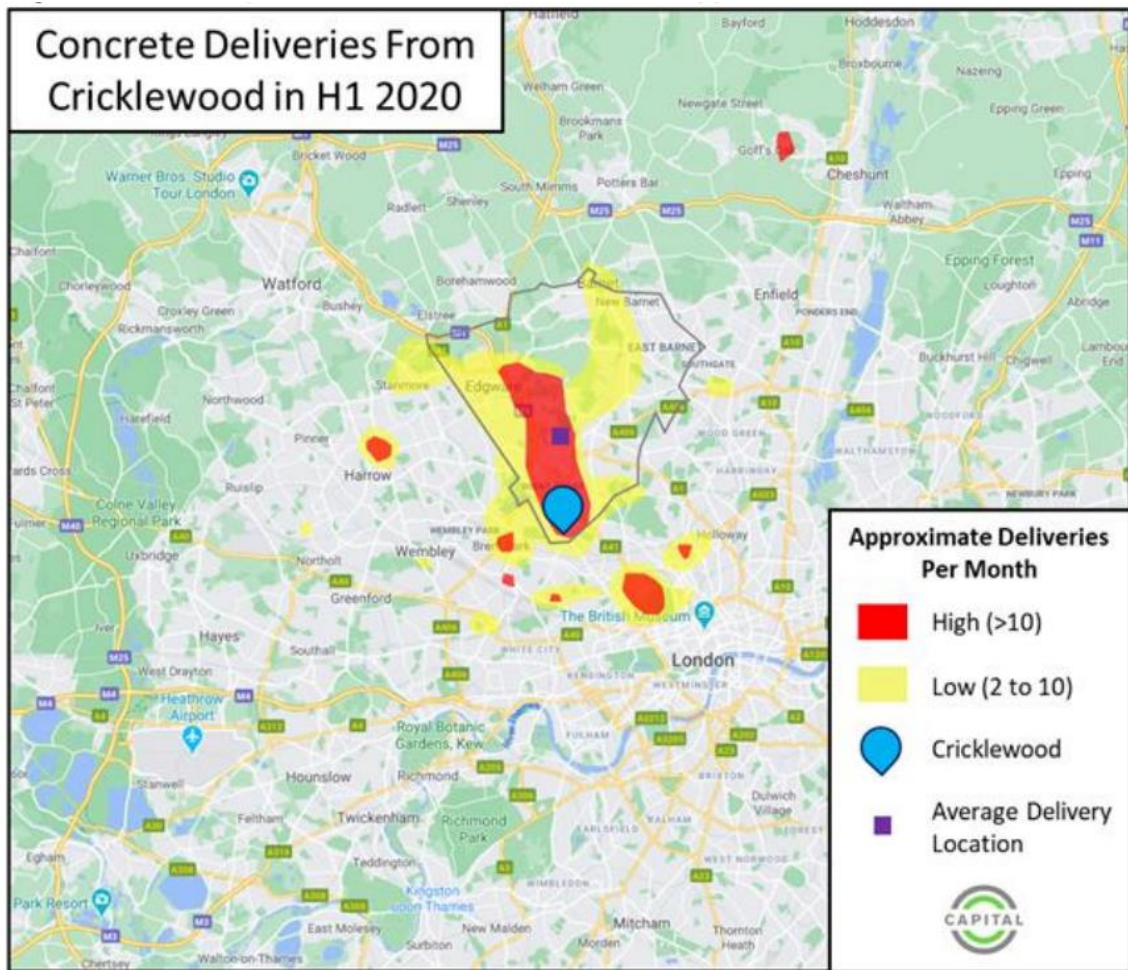


Figure 4 heat Map of concrete deliveries from the former Brent Terrace concrete batching site

7.78 The closure of the Brent Terrace site has therefore resulted in additional road mileage putting more vehicles on the road which have to driver further to supply the sites that require concrete. The increase to net road miles is shown within the table below for both delivery of raw materials (aggregates) to sites and then delivery of mixed concrete to local developments.

	Per Month	Per Year
Net Increase in road miles for concrete Delivery	6,091	73,096
Net increase in road miles for aggregate delivery to concrete plants	11,015	132,179
Total net increase in road miles as a result of not having the Proposed Development	17,106	205,275

- 7.79 The proposed concrete batching facility on at the RFF site would result in an overall reduction of HGV movements (and therefore reduction in congestion) on the local highway network as those HGV trips currently delivering aggregate to the concrete sites in the wider area (and formerly delivering to Brent Terrace) would no longer be needed because aggregate would instead be delivered to the Application Site by rail and each train replaces between 75 and 85 HGVs. It is therefore considered that the proposed development satisfies the strategic transport development plan policies outlined above insofar as it would deliver modal shift from road to rail; be located in direct relation to, and served by, the MML rail corridor and A5 Edgware Road (the matter of capacity to accommodate HGV movements is discussed below); and be well-related to the proposed market given that the concrete market is already established and served by the former Brent Terrace concrete batching facility. As such the proposed development is considered to be compliant with Policies T1 and T7 of the London Plan (2021).

Highway Capacity and Safety

- 7.80 The Site is accessible directly off the Strategic Road Network and is proximal to the motorway network (M1) and Transport for London's Road Network (A406 North Circular), which would enable traffic generated by the proposed development to reach it by using these strategic roads. The proposed development would use the existing (improved) priority junction off the A5 Edgware Road that currently serves the consented aggregate and construction waste rail transfer facility and access the Site (Plot 3) via the existing internal haul road arrangements. The proposed concrete batching facility and traffic associated with it would also be monitored by the approved automated entry control system which utilises ANPR to only allow registered vehicles onto the site.
- 7.81 Policy T4 (E) of the London Plan (2021) states that the cumulative impact of development on public transport and the road network capacity... should be taken into account and mitigated while part (F) states that development proposals should not increase road danger. Policy CS9 of the Core Strategy DPD sets out the Council's priorities safe, effective and efficient travel by ensuring traffic flows more smoothly and more efficient freight movements. More specifically, Policy DM17 of the Development Management Policies DPD contains matters to be considered when determining planning applications including (but not limited to) road safety, road hierarchy, location and accessibility, travel planning and parking management.
- 7.82 The proposed development is expected to generate 100,000 tonnes of concrete based products per annum, which equates to approximately 113 HGV movements (56.5 in, 56.5 out) per day. Such trips would be associated with the use of concrete lorries collecting and delivering concrete to the market, and the importation of additives. However, the Applicant has explained that the production and transport of concrete is expected to fluctuate depending on demand. As such, the Applicant has stated that 113 HGV movements per day represents a daily average over a period of a year based on the production of 100,000 tonnes of concrete based products.

- 7.83 In the context of the HGV movements from the RFF site as a whole, as authorised by planning permission 17/5761/EIA (i.e. a maximum of 452 HGV movements (i.e. 226 in, 226 out) Mondays to Fridays), which governs all HGV movements arriving and departing from Plots 1-4 within the RFF site, the proposed trips associated with the concrete batching plant amount to 25% of that overall limitation. The Applicant has proposed to operate within the confines of this wider site limit and, as such, the proposed development would not generate any additional HGV trips on the highway network. Therefore, it follows that the proposal would not have any adverse impacts or affect the safety of the local highway network compared to the consented aggregate and construction waste rail transfer facility, and would be in compliance with Policy T4 of the London Plan, Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD.
- 7.84 Whilst the proposed development would not cause any additional trips on the highway network and not lead to any further congestion, if planning consent were to be granted, two planning permissions would co-exist each allowing HGV movements arriving at and departing from the Cricklewood Railway Yard site. Therefore, in order for the LPA to ensure that the total number of HGV trips remain compliant with the limit assessed within and specified by planning permission 17/5761/EIA, it is recommended that any planning permission granted be subject to a condition controlling both HGV trips associated with the proposed development and cumulative HGV trips associated with the aggregate and construction waste rail transfer facility (see draft condition 23 in Appendix A of this report). Furthermore, any condition limiting the production and export of concrete based products to 100,000 tonnes per annum would inherently also limit the number of HGV trips associated with the proposed development. Together, these controls are considered adequate to ensure the local highway network capacity and safety are not comprised or degraded.
- 7.85 It is noted that a number of public representations have expressed concern about the tracking of mud, concrete and debris being tracked onto the public highway and the impact this may have on highway safety. As part of the proposals, wheel and vehicle washing facilities would be provided on Plot 3 and all concrete lorries are washed down prior to exiting the concrete batching facility. Furthermore, concrete products are transported off-site in sealed concrete lorries and the transference of concrete onto the highway is unlikely. Therefore, the proposed development is not likely to cause mud or dirt being tracked onto the public highway. However, as previously recommended, any planning permission should be subject to a condition requiring the Applicant to submit for approval a Site Management Plan (see Planning Appraisal sections relating to 'Air Quality' and 'Noise'). This would be an appropriate document for the Applicant to identify in detail how concrete, mud and debris would be prevented from being tracked onto the highway; and, on approval of any such document, this would also be a sufficient control for the LPA to enforce against any breaches of the Site Management Plan should they arise.

Parking Provisions

- 7.86 As illustrated on drawing no. 12153-WMS-ZZ-XX-DR-C-30401-S8-P17, the proposed development would provide a total of 8no. vehicle parking spaces, including 1no. disabled parking space, and 1no. active and 3no. passive electric vehicle charging points. The proposed development would also see 10no. cycle parking spaces provided by Sheffield stands under a Glasdon Echelon shelter. These would be positioned adjacent to the proposed office and welfare unit.
- 7.87 Policy T6.2 (Office Parking) of the London Plan (2021) states car parking provision at Use Classes Order B2 (general industrial) and B8 (storage or distribution) employment uses should have regard to the office parking standards set out in Table 10.4 and take account of the significantly lower employment density in such developments. A degree of flexibility may also be applied to reflect different trip-generating characteristics. In these cases, appropriate provision for electric or other Ultra-Low Emission vehicles should be made. 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.
- 7.88 In accordance with the maximum parking standards within Table 10.4 of the London Plan, the non-operational maximum standards for B1 employment use in Outer London Opportunity Area locations is one space per 600 square metres of gross internal floorspace. The proposed development would result in the creation of circa 99m² of floorspace through the erection of an office and welfare facility portacabin and laboratory unit; and would employ 11no. full-time employees to operate the proposed concrete batching facility. The staff trips would therefore be characteristic of employees arriving and departing at the beginning and end of the working day. The proposed development would provide 8no. car parking spaces to accommodate those staff, in addition to cycle parking provisions (discussed below). Given the need to consider site-specific circumstances for parking associated with B2 uses and taking into account that both TfL and the Council's Transport Officer have raised no objection to the planning application, it is considered that the proposed development is in line with the expectations of London Plan Policy T6.2 and Policy DM17 of the Development Management Policies DPD. In the event of planning permission being granted, it is noted that the Council's Transport Planning Officer has recommended the inclusion of a condition requiring the submission and approval of a Workplace Travel Plan.
- 7.89 Policy T6.2 of the London Plan requires that operational parking must provide infrastructure for electric or other Ultra-Low Emission vehicles. Policy CS9 of the Core Strategy DPD generally supports the provision of electric vehicle charging infrastructure. The proposed development would provide 20% active and 80% passive electric vehicle charging points within a total of 8no. car parking spaces. It is noted that both the Council's Transport Officer and TfL are content with this level of provision and, as such, the proposed development is considered to be compliant with Policy T6.2 of the London Plan and Policy CS9 of the Core Strategy DPD.
- 7.90 Policy T6.5 of the London Plan states that non-residential disabled persons parking should be provided in accordance with levels set out in Table 10.6. For workplaces,

Table 10.6 also requires 5% of car parking spaces to be designated and enlarged as a disabled parking space. Five per cent of the total 8no. car parking spaces proposed at the Site would equate to 0.4 space. Of the 8no. parking spaces proposed, one would be designated for disabled persons. As such, the proposed development is in compliance with the Policy T6.5 of the London Plan.

- 7.91 Policy T5 of the London Plan (2021) requires developments to provide cycle parking in accordance with the minimum standards set out in Table 10.2. The minimum cycle parking standards for B2 uses is one short stay space per 500m² of gross external floorspace and one long-stay space per 1,000m² of gross external floorspace. Through the erection of an office and welfare, 2-storey portacabin and a small laboratory unit, a total of 99m² of floorspace would be provided at the Site. The total area of Plot 3 is 0.422ha (4,220m²). The proposed development would provide 10no. cycle parking spaces, in line with the recommendation of TfL. Therefore, in respect of cycle parking, the proposed development is in compliance with the requirements set out in Policy T5 and Table 10.2 of the London Plan.

Flooding and Drainage

- 7.92 The Application Site is located in Flood Zone 1 (i.e. at the lowest probability of flooding) and is not located within any Groundwater Source Protection Zone. The nearest watercourse is also some distance from the Site – with Clitterhouse Stream approximately 1km to the east, and the River Brent approximately 1.3km to the northwest. However, in recognition that the previous planning application for the wider aggregate and construction waste rail transfer facility was supported by a Flood Risk Assessment (FRA), the Applicant has prepared and submitted a FRA and accompanying Surface Water Drainage Strategy.
- 7.93 London Plan (2021) Policy SI5 seeks to minimise the use of mains water and part E states that development proposals should ensure the adequate supply of wastewater infrastructure to improve the water environment.
- 7.94 In respect of flood risk, Policy SI 12 (Flood risk management) of the London Plan states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.
- 7.95 The Planning Practice Guidance provides an indication of flood risk vulnerability classifications for different development types (Table 2) and identifies whether that development would be appropriate within the relevant flood zone (Table 3). The proposed development would be considered to fall within the ‘less vulnerable’ category; nevertheless, the site is within Flood Zone 1 where development is generally considered appropriate across all flood zones, with a less than 0.1% annual exceedance probability of flooding. This does not, however, take into account climate change.
- 7.96 On the installation of an additional surface water attenuation storage tank in addition to the surface water drainage infrastructure previously implemented in association with planning permission 17/5761/EIA, the submitted FRA concludes that the proposed

development would not result in any increased risk of flooding. The additional attenuation infrastructure would be sized to sufficiently cope with storm run-off including a 40% allowance for climate change. Taking into account the consultation responses received from both the Environment Agency and Lead Local Flood Authority ('LLFA'), who raise no objections or concerns relating to flooding, the proposed development is considered to be in accordance with Policy SI 12 of the London Plan (2021).

- 7.97 In consideration of surface drainage proposals, Policy SI 13 (Sustainable drainage) of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed close to its source as possible in line with the following drainage hierarchy: (1) store rainwater for use, (2) rainwater infiltration to ground at or close to source, (3) attenuate rainwater in ponds or open water features ('green infrastructure features'), (4) discharge rainwater direct to a watercourse, (5) controlled rainwater discharge to a surface water sewer or drain and (6) controlled rainwater discharge 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; and the aim of minimising any potential harm to the water environment through the use of SuDS is set out in Policy CS13 of the Core Strategy DPD.
- 7.98 The proposed development would be sited on Plot 3 of the existing aggregate and construction waste rail transfer facility, which benefits from an approved and constructed drainage scheme to deal with both surface and foul water. This already includes the provision of a subterranean attenuation tanks with oil interceptors within Plot 3¹¹ in addition to a series of surface and foul water drains. The existing site is partly developed with hardstanding areas comprising in total approximately 0.422ha. Following development, the total impermeable area will remain the same. As such, there will not be an increase in runoff post development.
- 7.99 As set out in the submitted Drainage Strategy (Ambiental Environmental Assessment, dated 8 June 2021) which is appended to the Flood Risk Assessment, on assessment of the proposed development, the Applicant has identified the need for an additional attenuation (geocellular) tank to be installed to deal with additional surface water run-off as a result of the proposed concrete batching process and specifically to accommodate the climate change allowance requirements. The Applicant also intends to utilise a rainwater harvesting system to pump and re-use surface water within the concrete batching plant, rather than relying entirely on a mains water supply.
- 7.100 In accordance with the aforementioned SuDS hierarchy, the Applicant has demonstrated the use of methods described in (1), (4), (5) and (6) as being feasible for the proposed development. It is noted, however, that detailed aspects of the proposed drainage strategy require further design including the specific rainwater harvesting system. Therefore, draft condition 27 in Appendix A of this report requires the submission and approval of refined Surface Water Drainage Strategy including details

¹¹ As described within the AECOM 'Cricklewood Aggregates Terminal: Surface and Foul Water Drainage Technical Note' (dated 17 November 2017) and illustrated on approved drawing no. 60514840-SHT-10-PH02-C-00017.

of the SuDS construction phasing and adoption details. On this basis, the proposed development is considered to be in compliance with Policies SI12 and SI 13 of the London Plan (2021), Policy CS13 of the Core Strategy DPD and Policy DM04 of the Development Management Policies DPD.

- 7.101 In respect of wastewater infrastructure, it is understood that the Applicant is seeking to connect to the existing and built drainage infrastructure provided by the aggregate and construction waste rail transfer facility (with the addition of a further attenuation tank to accommodate climate change requirements only) and not, therefore, proposing to make any changes to the drainage scheme already agreed by Thames Water and consented through planning permission 17/5761/EIA. On that basis, and subject to the inclusion of the additional attenuation tank, it is considered that adequate water and wastewater infrastructure is in-situ to accommodate the proposed development.

Contaminated Land

- 7.102 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.
- 7.103 The proposed development would be situated on Plot 3 of the consented aggregate and construction waste rail transfer facility. Through determination of planning application 17/5671/EIA, the LPA assessed the potential for any risk in respect of land contamination and required further details to be approved in respect of the proposed remediation strategy and confirmation of that strategy being implemented by way of a pre-commencement condition (Condition 34). The obligations set out in Part 1(a) and 1(b) of Condition 34 of planning permission 17/5761/EIA were satisfactorily discharged in October 2018 (under LPA application ref. 18/5022/CON) enabling the site to be remediated and construction works to begin. In accordance with Part 2(c) of Condition 34, the operator of the aggregate and construction waste rail transfer facility subsequently verified the completion of the necessary land remediation works in November 2019 under LPA application ref. 19/6294/CON, which was approved in March 2020. The Site now consists of concrete slabs and some areas of made ground.
- 7.104 The Applicant has submitted a Ground Condition Desk Top Survey (Ground Condition Consultants, dated April 2021) to confirm the status of the Site in respect of potential for contamination of land. It is confirmed that the previous site investigation and remediation works did not result in any contamination hotspots being discovered within Plot 3. It is noted that there is potential for contaminants to be present in the ground underlying the site as result of the historic industrial and rail uses, however, the proposed development would result in the Site being covered by a complete concrete hard standing with no soft landscaping. As such, risk associated with these potential contaminants is low. The report also identifies the potential for ground gas generation due to the thickness of made ground. However, this is not considered to be a significant risk and the only enclosed accommodation would consist of porta-cabin type structure raised off the ground with a sealed floor, providing a clear ventilation void. The

Council's Environmental Health Officer has reviewed the planning application and confirmed that there are no concerns in relation to land contamination. Given the foregoing, it is considered that the proposed development would not activate or spread any contamination and is in compliance with Policy DM04 of the Development Management Policies DPD.

Sustainable Construction and Climate Change

- 7.105 London Plan Policy SI 2 states that Major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy: 1) be lean: use less energy and manage demand during operation 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site 4) be seen: monitor, verify and report on energy performance. Policy CS13 of the Core Strategy similarly promotes the highest environmental standards and efficient use of natural resources.
- 7.106 The Applicant's submission states that the principal aim of the Proposed Development is to create a well-managed concrete batching plant and workspace that is energy efficient and will aid in the reduction of greenhouse gases, and which is located on a site which is capable of being served by rail as is also appropriate to serve the local area.
- 7.107 The Applicant has explained the concrete batching process, which would include a rainwater harvesting system to collect rainwater for re-use in the creation of concrete based products. Additionally, any surface water arising from the across the Site, washing down of vehicles or dust suppression would be collected within the stored within the 'wedge pit'. Any settled solids in the wedge pit would be transferred to the drying bays for 48 hours and subsequently taken off site to be reused as a recycled construction material. Also, in the unlikely event that a concrete lorry is loaded but unable to depart the Site, the Applicant has stated that the concrete product would be used to make bricks for use in construction.
- 7.108 Moving goods and material by rail is significantly less polluting and more sustainable than by road. Rail freight produces 76% less CO₂ and 90% lower particulate emissions than the equivalent road journey. The proposed development would remove approximately 17,106 HGV road miles per month from local roads, which equates to 205,275 HGV road miles per year. The proposal will enable the local demand for concrete to be met with fewer road HGV miles and lower emissions and congestion.
- 7.109 Insofar as is reasonable for an operation of this nature and in recognising that the concrete batching process is a water consumptive process, the Applicant has sought to minimise the use of natural resources where possible and taken measures to ensure any waste or unwanted by-product is either re-used on the batching process or recycled. Therefore, it is considered that the proposed development generally accords

with the objectives of Policy SI 2 of the London Plan and Policy CS13 of the Core Strategy DPD.

Planning Obligations

- 7.110 Paragraph 203 of the NPPF states that Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The Council's '*Planning Obligations SPD*' (April 2013). As set out within this report and schedule of 'Draft Conditions' contained in Appendix A, a number of conditions are recommended to ensure the impacts of the proposed development are appropriately mitigated. Should any of those conditions be breached or a complaint received regarding the authorised development, it is the Council's duty to investigate any such complaint and, where it is considered expedient, enforce against a breach of the planning permission to regularise the development.
- 7.111 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 to control the proposed development.
- 7.112 However, it is recognised that the proposed development would be situated within the context of a wider development site and is intended to be operated within the parameters and limits imposed by a separate planning permission – i.e. planning permission 17/5761/EIA (as amended) for the aggregate and non-putrescible (construction) waste rail transfer facility ('the RFF Permission'. The compliance with such limits and controls has been identified by the Applicant as key mitigation measures for the proposed development. It is also necessary to ensure that the cumulative impacts and effects of the proposed development in combination with existing RFF Permission development does not exceed the relevant controls and limitations imposed by Planning Permission 17/5761/EIA (as amended) for the RFF site.
- 7.113 Planning permission has been implemented for the Cricklewood Rail Freight Facility ('RFF') (ref 17/5761/EIA as subsequently amended by approval ref 19/3098/NMA and 21/3828/NMA). This application for planning permission for a concrete batching plant is for development within the RFF site so that one of the four plots (Plot 3) would be used not only to import aggregate by rail and road as already permitted by the RFF Permission, but to mix aggregates and materials to produce concrete for use locally.
- 7.114 Given the overlapping site boundary of the concrete batching plant application within the RFF envelope, the reliance on the RFF permission in part for the concrete batching operation (i.e. importing aggregates by rail, use of the access etc), and that the Applicant (Capital Concrete Ltd) commits not to exceed the thresholds for environmental impacts (road, air quality, noise) contained in the RFF Planning Permission, a Unilateral Undertaking between the Applicant and all others with an

interest in the land is required to control the relationship between the two planning permissions and how the conditions can ensure that the relevant thresholds are not breached.

- 7.115 As the RFF Permission has already been granted, its conditions cannot be retrospectively altered in the absence of any live planning application but the effect of its conditions can be modified through Section 106 of the Town and Country Planning Act 1990 so that additional restrictions which relate to the concrete batching plant operation can be factored in and both planning permissions can be compatible with each other and the planning objectives.
- 7.116 For example, if minded to grant this application for the concrete batching plant, for consistency with the RFF planning permission the LPA will want to ensure that the HGV trip numbers are controlled cumulatively. The proposal to achieve this is for the effect of RFF Condition 17 of permission 17/5761/EIA to be modified through a planning obligation under Section 106 TCPA. This is because there is no process to amend the RFF planning permission itself when the CCL planning application is wholly freestanding and is the application which falls to be determined. Section 106 allows parties interested in land to enter into an obligation which (amongst other things) restricts the development or use of land in any specified way or requires specified activities to be carried out or land to be used in a specific way. The effect of modifying the HGVs allowed by the condition acts as a restriction on the use of the land. Thus, DB Cargo (and other landowners) can bind themselves into an enforceable planning obligation that cumulatively restricts the number of HGV movements generated under both planning permissions not to exceed the already-prescribed total. Similar controls and restrictions are proposed for Condition 6 and Condition 9 of Permission 17/5761/EIA for the RFF.
- 7.117 A draft Unilateral Undertaking has been prepared by the Applicant and submitted to the LPA and the Council's legal advisors. As per the recommendation of this report, this agreement will need to be signed and completed before planning permission can be issued.

8 ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The planning application for the aggregate and construction waste rail transfer facility (LPA ref. 17/5761/EIA) within which Plot 3 is located, was accompanied by an Environmental Statement. Due to the relationship of that development to the BXC regeneration scheme, a Supplementary Environmental Statement (Capita, December 2017) was prepared taking into account the assessments previously carried out within the Environmental Statement that supported the application for outline planning consent (initially in 2010 and subsequently in 2013). This Supplementary Environmental Statement assessed the impact of the aggregate and construction waste rail transfer facility development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 8.2 Pursuant to Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the Applicant sought a Screening Opinion from the LPA prior to the submission of their first application in 2020 to determine whether the proposed application should be accompanied by an Environmental Impact Assessment.
- 8.3 That Screening Request was received on 13th July 2020. After due consideration in line with the abovementioned Regulations, the LPA subsequently issued a negative Screening Opinion on 3rd August 2020 confirming that the proposed development did not warrant the preparation of an Environmental Statement (LPA ref. 20/3187/ESR).
- 8.4 In carrying out the assessments submitted in support of this current Application, it is noted that the Applicant has given due consideration to the assessments previously carried out in respect of the Supplementary Environmental Statement relating to the wider aggregate and construction waste rail transfer facility.

9 EQUALITY AND DIVERSITY ISSUES

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

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

9.2 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.

9.3 In considering this planning application and preparing this report Officers have had regard to the requirements of Section 149 and have concluded that a decision to grant planning permission for this proposed development would comply with the Council’s statutory duty under this legislation.

9.4 Barnet Council’s Equalities, Diversity and Inclusion Policy 2021-2025 sets out the Council’s legal obligations to protect people from discrimination and promote equality, the underlying principles that guide the Council’s approach to equalities, diversity and inclusion in the borough, and how these principles will be implemented and achieved. The guiding principles particularly relevant to the decisions the Council make as LPA include carrying out meaningful engagement and encouraging equal growth.

9.5 The proposed development is for a concrete batching facility which would not be accessible to members of the public. The proposal does, however, include the provision of a designated disabled parking bay and cycle parking with accompanying locker and shower facilities. As such, in a manner that is proportionate to the nature of the proposed development, the proposal is considered to accord with the relevant national, regional and local policy through establishing an inclusive design and providing an accessible environment.

10 CONCLUSION

- 10.1 Planning application 20/4817/FUL seeks planning permission for the erection and operation of a concrete batching facility, including the provision and use of associated infrastructure, which is to be sited on Plot 3 of the consented aggregate and non-putrescible (construction) waste rail transfer facility (as consented by planning permission 17/5761/EIA and subsequently amended by 19/3098/NMA and 21/3828/NMA). It is intended that the proposed development would therefore operate alongside and within the confines of the limits already established by planning permission 17/5761/EIA. Amongst other matters, this includes adherence to the existing air quality and noise monitoring regimes; and to operate within the overall permitted maximum number of HGV trips associated with the wider Cricklewood Railway Yard site. A number of conditions have been recommended in order to secure the imposition of these and other relevant controls. Additionally, approval of this Application is subject to the requirement for the Applicant, operator of the aggregate and construction waste rail transfer facility and any others with an interest in the land to enter into a Unilateral Undertaking to ensure that the proposed development would be operated within the parameters and limitations already established by planning permission 17/5761/EIA (as amended) to ensure the cumulative impacts of both developments remain within acceptable limits.
- 10.2 The amendments made to the proposed configuration of the concrete batching plant, moving it further away from the Railway Terraces Conservation Area, combined with the reduction in height of the tallest elements and the presence of the Acoustic Barrier on the southern boundary of the RFF site, mean the proposal is not considered to have a direct visible impact on the character or setting of the Railway Terraces Conservation Area. The amendments are considered sufficient to address and overcome reason for refusal number 1 of the previous application 20/4817/FUL.
- 10.3 The proposed B2 (General Industrial) use of the site for a concrete batching plant would be consistent with the character of the immediate surrounding uses of the site which include industrial B1 and B8 uses. It would also accord with the established policy designation set out in Barnet's Local Plan which identifies the site as suitable for B2 and B8 uses, which is also reflected in the Section 73 Planning Permission for BXC which granted outline permission for the construction of associated Industrial/Storage & Distribution (Classes B2 and B8) uses alongside the Rail Freight Facility. The Site is located within an urban area with a wide variety of built forms and land uses. The immediate context around Plot 3 itself comprises the main rail line and direct rail siding, construction spoil storage and transfer to the north, aggregate storage and transfer and B8 warehousing to the south, retail and B1/B8 office/distribution to the west. Existing residential neighbourhoods are located further away from the site, over 200m in some cases, and beyond other existing industrial buildings and uses. The proposed concrete batching plant land use is therefore considered to be an appropriate land use for the site and would not be incongruous with its immediate surroundings.
- 10.4 In respect of the nearest sensitive receptors, Officers are satisfied that the submitted information taken together with the mitigation measures and conditions either

proposed by this Application or otherwise secured by the aggregate and construction waste rail transfer facility planning permission, demonstrate that the proposed development would not cause any significant adverse harm in respect of air quality, noise, the setting of the nearby Conservation Area, townscape and visual impacts and the water environment. On this basis the application is considered to comply with policy CS5 and DM01. The application is therefore considered to have addressed reason for refusal 2 of the previous application 20/4817/FUL.

- 10.5 The LPA are satisfied that the proposed development can be suitably controlled through the use of conditions (as recommended in Appendix A) and an appropriate legal agreement (Unilateral Undertaking) to ensure that the established limitations for the entire Cricklewood Railway Yard site are adhered to in respect of the proposed development in cumulation with the already consented aggregate and construction waste rail transfer operations undertaken by DB Cargo (UK) Ltd. These controls would be in operation alongside other environmental permitting regimes outside the planning system.
- 10.6 The proposal will contribute to reducing air pollution by reducing the number of HGV trips. Moving goods and material by rail is significantly less polluting and more sustainable than by road. Rail freight produces 76% less CO₂ and 90% lower particulate emissions than the equivalent road journey. The proposed development would remove approximately 17,106 HGV road miles per month from local roads, which equates to 205,275 HGV road miles per year, enabling the local demand for concrete to be met with fewer road HGV miles and lower emissions and less congestion.
- 10.7 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. Based on the planning policy assessment and other material considerations such as the wider consented aggregate and construction waste rail transfer facility and existing mitigation measures secured through that planning permission, and taking account of the technical evidence submitted in support of this Application (which has been reviewed and accepted by the Council's relevant technical advisers), it is considered that the proposed development accords with the relevant development plan policies. For these reasons, it is considered that there are material planning considerations which justify the grant of planning permission. Accordingly, the application is recommended for **APPROVAL** subject to the conditions as set out in Appendix A of this report and subject to the Applicant entering into a Unilateral Undertaking as set out in the recommendation to this report.

LIST OF APPENDICES

APPENDIX A – DRAFT CONDITIONS

APPENDIX B – SUMMARY OF PUBLIC REPRESENTATIONS

SITE LOCATION PLAN

ADDRESS: Cricklewood Railway Yard (Plot 3), Land to the rear of 400 Edgware Road, London NW2 6NH

REFERENCE: 21/3936/FUL



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APPENDIX A

LONDON BOROUGH OF BARNET

THE ERECTION AND USE OF A CONCRETE BATCHING PLANT AND ASSOCIATED INFRASTRUCTURE INCLUDING AN OFFICE, WELFARE FACILITY AND VEHICULAR PARKING, TOGETHER WITH THE USE OF AN EXISTING ACCESS

CRICKLEWOOD RAILWAY YARD (PLOT 3), LAND TO THE REAR OF 400 EDGWARE ROAD, CRICKLEWOOD, LONDON NW2 6ND

PLANNING APPLICATION REF. 21/3936/FUL

DRAFT CONDITIONS

COMMENCEMENT AND TIME LIMITS

1. The development hereby permitted 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. No concrete batching operations authorised by this planning permission shall commence until the acoustic barrier positioned along the southwest boundary of the Cricklewood Railway Yard site as approved and illustrated on Drawing Numbers 11753-WMS-ZZ-XX-DR-C-39001-S8-P9, 11753-WMS-ZZ-XX-DR-C-39011-S8-P7 and 11753-WMS-ZZ-XX-DR-C-39012-S8-P8 listed under Condition 2 of planning permission 17/5761/EIA (as amended by 19/3098/NMA and 21/3828/NMA) has been completed.

Reason: To ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012); to limit the environmental impacts of the development to those described and assessed within the planning application; and 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) and saved Policy C3 of the Unitary Development Plan (2006).

APPROVED DRAWINGS

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

Location Plan	12153-WMS-ZZ-XX-DR-C-30001-S8-P3
Existing Site Plan	12153-WMS-ZZ-XX-DR-C-30101-S8-P2
Site Layout Plan	12153-WMS-ZZ-XX-DR-C-30401-S8-P17
Proposed Elevations & Plan	12153-WMS-ZZ-XX-DR-C-30601-S8-P16
Laboratory Elevations & Plan	12153-WMS-ZZ-XX-DR-C-30602-S8-P2
Office Floor Plans & Elevations	12153-WMS-ZZ-XX-DR-C-30603-S8-P3
Proposed Plant Elevations	12153-WMS-ZZ-XX-DR-C-30604-S8-P10
Tracking Analysis	12153-WMS-ZZ-XX-DR-C-30901-S8-P13
Dust Suppression Plan	12153-WMS-ZZ-XX-DR-C-30402-S8-P11

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

OPERATIONAL CONTROLS

4. Coarse and fine aggregates shall be imported to the site by rail only. No aggregates shall be imported to the site by road.

Reason: To limit the environmental impacts of the development to those described and assessed within the planning application; and 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).

5. The permitted maximum volume of concrete based products produced at, and exported from the site, shall not exceed 100,000 cubic metres per annum.

Reason: To ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012); to limit the environmental impacts of the development to those described and assessed within the planning application; and

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) and saved Policy C3 of the Unitary Development Plan (2006).

6. Aggregate shall only be stored within the stockpile storage bays on Plot 3 as shown on Drawing No.12153-WMS-ZZ-XX-DR-C-30401-S8-P17 (Site Layout Plan).

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) and saved Policy C3 of the Unitary Development Plan (2006).

7. No more than 15,000 cubic metres of aggregate shall be stored on the site at any one time.

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) and saved Policy C3 of the Unitary Development Plan (2006).

8. Stockpiles of aggregate shall not exceed 5.6 metres in height and shall be below the height of the stockpile storage bay containment structures at all times.

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

9. External floodlighting as illustrated on Drawing No. 12153-WMS-ZZ-XX-DR-C-30401-S8-P17 (Site Layout Plan) shall only be used during the permitted operational hours as controlled by Condition 17 of this planning permission.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012) and saved Policy C3 of the Unitary Development Plan (2006).

10. Prior to the commencement of concrete batching operations, a Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Management Plan shall include (but not be limited to) the following:

- a) Procedures to monitor air quality emissions throughout the duration of the development, identification of appropriate air quality thresholds and Site Action

- Levels, and identification of remedial actions to be implemented in the event of any exceedance of those thresholds and/or Site Action Levels;
- b) Procedures to monitor noise emissions throughout the duration of the development to ensure the noise limits specified in Condition 11 of this planning permission are not exceeded, and identification of the remedial actions to be implemented in the event of any exceedance of those noise limits;
 - c) A Dust Management Plan;
 - d) Details of the operation of the Dust Suppression System illustrated on Drawing No. 12153-WMS-ZZ-XX-DR-C-30402-S8-P11;
 - e) Management of aggregate stockpiles outside of operational hours stipulated by Condition 17 of this planning permission;
 - f) Measures to be taken to prevent mud, concrete and debris being tracked onto the public highway;
 - g) Identification of Best Practicable Measures to be implemented in respect of minimising any environmental impacts at the site; and
 - h) A communication strategy for the regular liaison with local residents and neighbouring premises including contact details of a Site Manager and a scheme of escalation for addressing any complaints.

From the date of its initial approval pursuant to this Condition, the Site Management Plan shall be reviewed on at least an annual basis and submitted for approval in writing by the Local Planning Authority. The Site Management Plan, or any subsequent revisions approved pursuant to this Condition, shall be implemented as approved for the duration of the development.

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

NOISE

11. During the operational hours stipulated by Condition 17 of this planning permission cumulative noise emissions related to planning permission 17/5761/EIA (as amended or as may be amended) combined with the development hereby permitted at the nearest sensitive premises in the Railway Terraces Conservation Area shall not exceed existing LA90 background noise levels as measured at 1 metre from the window of any sensitive receptor in accordance with BS4142 (2014); and such cumulative noise emissions at the nearest sensitive premises at Fellows Square shall not exceed 8dB above existing background LA90 as measured at 1 metre from the window of the nearest sensitive receptor. Existing LA90,T levels shall be based on values stated in Table 8.6 in Chapter 8 of the Revised Supplementary Environmental Statement and supporting Appendices 8.3 and 8.4 (Capita, dated December 2017) associated with planning permission 17/5761/EIA (as amended).

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable

Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2011.

12. The 3m high acoustic barrier on the south-eastern and south-western boundaries of the plot illustrated on Drawing No. 12153-WMS-ZZ-XX-DR-C-30401-S8-P17 (Site Layout Plan) shall be erected prior to the commencement of the concrete batching operations and thereafter maintained for the duration of the development in a suitable condition to ensure it continues to be effective for acoustic attenuation purposes.

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).

13. The Laboratory Unit illustrated on Drawing No's. 12153-WMS-ZZ-XX-DR-C-30401-S8-P17 (Site Layout Plan) and 12153-WMS-ZZ-XX-DR-C-30602-S8-P2 (Laboratory Elevations & Plan) shall not be erected at the site until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the ventilation/extraction plant, including any necessary mitigation measures to reduce these noise impacts to acceptable levels, and that report has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:

- a) The proposed hours of use of the equipment;
- b) The sound pressure levels of the ventilation/ extraction system to be installed in decibels dB(A) at a specified distance from the equipment;
- c) Details of where the equipment will be placed (i.e. within or outside of the building, marked on to a scale map);
- d) Details of silencers to be fitted, and other sound insulation measures to reduce any noise impacts on neighbours including their noise reduction in dB(A); and
- e) Distance away from noise sensitive premises and the nature of these premises (e.g. offices, housing flats or storage).

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 Laboratory Unit and retained as such thereafter throughout the duration of the development hereby permitted.

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).

AIR QUALITY

14. Prior to the commencement of the development hereby permitted Site Specific Air Quality Monitoring, as set out in the Air Quality Assessment (20th May 2021) prepared by Tetra Tech (reference 784-B029204), shall be undertaken 3 months prior to construction of the development, throughout the construction of the development and during the initial 3 months of the operational period of the development and monthly summary reports shall be submitted to the London Borough of Barnet's Scientific Services until such monitoring has ceased.

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).

15. Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Environmental Management Plan shall thereafter be implemented as approved throughout the duration of the construction phase of the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012); 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's The Control of Dust and Emissions During Construction and Demolition SPG (2014).

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

Reason: In the interests of good air quality in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Council's Sustainable Design and Construction SPD (adopted April 2013); Policies 5.3 and 7.14 of the London Plan (2016); and the Mayor's Control of Dust and Emissions During Construction and Demolition SPG (2014).

HOURS OF OPERATION

17. The development hereby permitted shall only be operated between the following hours:
- a) 7:00am to 7:00pm Mondays to Fridays;
 - b) 7:00am to 2:00pm Saturdays; and
 - c) No working on Sundays or Bank Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012) and saved Policy C3 of the Unitary Development Plan (2006).

HIGHWAYS AND ACCESS

18. Prior to the commencement the development hereby permitted a Construction Transport Management Plan ('CTMP') shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include, but not be limited to, the following information:
- a) Details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - b) Site preparation and construction stages of the development;
 - c) 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;
 - d) 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;
 - e) Details of contractor's compound and car parking arrangements;
 - f) Details of interim car parking management arrangements for the duration of construction;
 - g) Details of a community liaison contact for the duration of all works associated with the development; and
 - h) Provision of a competent banksman.

The CTMP shall thereafter be implemented as approved throughout the duration of the construction phase of the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012); 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's The Control of Dust and Emissions During Construction and Demolition SPG (2014).

19. Prior to the commencement of the concrete batching operations, full details of the electric vehicle charging points to be provided as illustrated on Drawing No. 12153-WMS-ZZ-XX-DR-C-30401-S8-P17 (Site Layout Plan), including type of charging unit and specification, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details and thereafter be maintained as such throughout the duration of the development.

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).

20. The cycle parking facilities as detailed on Drawing No. 12153-WMS-ZZ-XX-DR-C-30401-S8-P17 (Site Layout Plan) shall be installed and available for use prior to the operation of the development hereby permitted. These cycle parking facilities shall thereafter be maintained in a suitable condition for the duration of the development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles 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.

21. Within 3 months of occupation of the development hereby permitted a Workplace Travel Plan that meets the requirements of the Transport for London document 'Travel planning for new development in London' and is ATTrBuTE compliant shall be submitted to and approved in writing by the Local Planning Authority. This should include the appointment of a Travel Plan Champion. The Travel plan should be reviewed in accordance with Transport for London's 'standardised approach to monitoring' and implemented as approved throughout the duration of the development.

Reason: To encourage the use of sustainable forms of transport to the site 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. Vehicular ingress and egress to/from the site shall be via the existing access off the A5 Edgware Road only. Thereafter, HGV traffic travelling between the site and A406 North Circular Road shall only use the A5 Edgware Road and shall not use Dollis Hill Lane, Humber Road or Oxgate Lane or any other residential streets in the area, unless a specific address requires a concrete product delivery.

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

23. The monthly average number of Heavy Goods Vehicle (HGVs) movements (any vehicle over 3.5 tonnes unladen weight) required in connection with the development hereby permitted shall not exceed 114 per day (57 in, 57 out) (Mondays to Fridays) and shall not exceed 66 per day (33 in, 33 out) on Saturdays. When combined with HGV movements associated with the development approved under planning permission 17/5761/EIA (as amended), the maximum permitted number of Heavy Goods Vehicles (HGVs) movements (any vehicle over 3.5 tonnes unladen weight) utilising the site access off the A5 Edgware Road shall together not exceed 452 per day (226 in and 226 out) Mondays to Fridays and shall not exceed 264 per day (132 in, 132 out) on Saturdays

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

24. All HGV vehicles operating in association with the development hereby permitted shall be to Euro VI Standard as a minimum, comply with Transport for London's Direct Vision standard and have at least Silver membership of the Fleet Operators Recognition Scheme (FORS).

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

25. Vehicle traffic speed on site shall be limited to and shall not exceed 10 miles per hour (mph).

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

CONTAMINATION

26. Prior to the installation of any fuel tanks, details relating to the design and capacity of the fuel tanks to be located within the site shall be submitted to and approved in writing by the Local Planning Authority. Fuel tanks to be installed at the site shall thereafter accord with the approved details. All fuels and oils shall be secured within a bunded area and the secondary containment system must provide storage for at least 110% of the tank's maximum capacity.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2016.

WATER ENVIRONMENT

27. Prior to the commencement of the development a Surface Water Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Surface Water Drainage Strategy shall include details of the additional geocellular attenuation tank to be installed, any oil separator(s) which shall be designed and constructed to have a capacity compatible with the area being drained, a rainwater harvesting system, evidence of Thames Water's agreement for discharge to their system at the proposed discharge rates, SuDS construction phasing, and SuDS adoption details. The Surface Water Drainage Strategy shall thereafter be implemented in full as approved and maintained in an appropriate condition throughout the duration of the development.

Reason: 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 Local Plan Core Strategy DPD (adopted September 2012), Policies 5.13 and 5.14 of the London Plan (2016), and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

28. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: To ensure the provision of adequate infrastructure to accommodate drainage requirements of the development in accordance with Policy CS13 of the Local Plan Core Strategy DPD (adopted September 2012) as the proposed works will be in close proximity to underground strategic water main, utility infrastructure and has the potential to impact on local underground water utility infrastructure.

29. 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 water 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 water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

INFORMATIVES

Engagement

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 Local Planning Authority 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 has engaged with this prior to the submission of this application. The Local Planning Authority 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.

Qualified Acoustic Consultant

2. In respect of Condition 13 of this planning permission, 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 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, at the nearest noise sensitive receptors. 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 ventilation requirements associated with this development.

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:

- a) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- b) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;

- c) BS 8223: 2014 – Guidance on sound insulation and noise reduction for buildings: code of practice;
- d) Department of Transport: Calculation of road traffic noise (1988);
- e) Department of Transport: Calculation of railway noise (1995);
- f) 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.

Construction Environmental Management Plan and Construction Transport Management Plan

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

Thames Water

4. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are 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

APPENDIX B: SUMMARY OF PUBLIC REPRESENTATIONS RELATING TO 21/3936/FUL

Table 1: Summary of Public Representations

Please note this table provides a summary of the comments received throughout the public consultation process carried out by the LPA on this planning application (20/4817/FUL) and is not intended to be a full transcript of those comments. Where multiple comments address the same issue, make the same point or use the same text, these are not repeated. A short officer response is provided where warranted, however, these are not intended to be a comprehensive assessment of the issues and should be read in conjunction with the report presented to the Strategic Planning Committee where a full appraisal of material planning considerations and policy assessments relevant to the proposed development are set out.

Number of Representations Received:	85
Number of Objections:	85
Number of Support Comments:	0

Issue No.	Summary of Issue/Representations Received	Officer Response
PRINCIPLE OF DEVELOPMENT		
Principle of Development – General Comments		
1.	<p>Proposal is for Heavy Industry. It would introduce industrial manufacturing to the area bordered by residential homes.</p> <p>This is not nor ever has been a Heavy industrial site nor area.</p> <p>This is a residential area and we do not want to live next to an industrial site.</p> <p>The peace and tranquillity of our conservation area and community will be affected by this industry</p>	<p>See paragraphs 7.2-7.20 of the committee report in respect of the principle of development. “Heavy industry” is not a term defined within the Town and Country Planning Act 1990. The operation of a concrete batching plant falls within the B2 Use Class of the Town and Country Planning Use Classes Order, which is general industrial use and would be consistent with the character of the immediate surrounding uses of the site which include industrial B1 and B8 uses as well as retail and a bus garage and significant rail infrastructure. It would also accord with the established policy designation set out in Barnet’s Local Plan which identifies the site as suitable for B2 and B8 uses which is also reflected in the Section 73 Planning Permission for BXC which granted outline</p>

Issue No.	Summary of Issue/Representations Received	Officer Response
		<p>permission for the construction of associated Industrial/Storage & Distribution (Classes B2 and B8) uses alongside the Rail Freight Facility. The Site is located within an urban area with a wide variety of built forms and land uses. Existing residential neighbourhoods are located further away from the site, over 200m in some cases, and beyond other existing industrial buildings and uses. The proposed concrete batching plant land use is therefore considered to be an appropriate land use for the site and would not be incongruous with its immediate surroundings.</p> <p>In respect of the nearest sensitive receptors, Officers are satisfied that the submitted information taken together with the mitigation measures and conditions either proposed by this Application or otherwise secured by the aggregate and construction waste rail transfer facility planning permission, demonstrate that the proposed development would not cause any significant adverse harm in respect of air quality, noise, the setting of the nearby Conservation Area, townscape and visual impacts and the water environment.</p>
2.	<p>Clause 5 of DB Cargo's Planning Permission specifies that 'no material other than aggregates and non-putrescible construction waste shall be imported to, stored at or exported from the site.' The reason stated was: 'To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties. Now DB Cargo wants to forget that clause, introduce heavy manufacturing industry to Cricklewood and import, store and process toxic cement on the site, alongside our homes, opposite a school and in a community where thousands of new homes are proposed, in both Barnet and Brent.</p> <p>DB Cargo does not have permission to undertake or permit manufacturing processes on the land. DB do not currently have permits to process concrete on the site and their current processes do not involve toxic chemicals.</p>	<p>Planning Permission 17/5761/EIA (as amended) granted permission for the aggregate and non-putrescible (construction) waste rail transfer facility (the RFF site). It did not seek permission for batching of concrete, hence why CCL have submitted this application which seeks planning permission for that process and the plant and equipment associated with it. The application is supported by relevant air quality, noise, townscape and visual assessments and information to demonstrate that the proposed development would be acceptable in Planning terms when controlled by the conditions recommended in Appendix A of the committee report. Furthermore, an Environmental Permit for the operation at the site has been granted by the Council's Environmental Health Service in relation to the storage and use of cement which is regulated by the Environmental Permitting Regime.</p>

Issue No.	Summary of Issue/Representations Received	Officer Response
3.	Barnet council is more interested in the money they will make from it rather than the wellbeing of residents.	The planning application has been submitted by Capital Concrete London Ltd. The Local Planning Authority has a statutory duty to assess and determine planning applications. The London Borough of Barnet will not make money from the operation of the site.
4.	<p>Cricklewood is not an industrial area and is being redeveloped at an incredible rate to have more residential units and a new town centre, this would put it a step back.</p> <p>The new Town Centre and modern buildings are going to make Cricklewood more desirable to many people, a Concrete plant just doesn't fit in to say the least and will ruin the area and cause more pollution from all the heavy vehicles making the low traffic schemes being implemented a joke</p>	The application has been assessed on its merits, taking into consideration all relevant material considerations including an assessment of residential amenity and townscape and visual impact. The proposal is considered to be compliant with relevant planning policies and found to be acceptable. In respect of the nearest sensitive receptors, Officers are satisfied that the submitted information taken together with the mitigation measures and conditions either proposed by this Application or otherwise secured by the aggregate and construction waste rail transfer facility planning permission, demonstrate that the proposed development would not cause any significant adverse harm in respect of air quality, noise, the setting of the nearby Conservation Area, townscape and visual impacts and the water environment.
5.	There are plenty of other concrete plants nearby already.	<p>See paragraphs 7.75-7.79 of the committee report. The Applicant has provided information to show the area covered by deliveries from the former Brent Terrace concrete batching plant, which closed earlier in 2021. The concrete which would have been supplied from the Brent Terrace site into the Barnet market area is currently being supplied from plants at Wembley, Neasden, and Edmonton with 50% of this supplied by the Applicant and 50% by other companies. This is resulting in HGVs having to drive additional distance to serve this demand.</p> <p>The proposed concrete batching plant seeks to take advantage of, and operate within the confines of, the existing RFF where aggregates are able to be imported by rail and fed into the batching plant to create concrete. If consented the proposed development would remove approximately 17,106 HGV road miles per month from local roads, which equates to 205,275 HGV road miles per year. The proposal will enable the local demand for concrete to be met with fewer road HGV miles and lower emissions and congestion.</p>

Issue No.	Summary of Issue/Representations Received	Officer Response
Principle of Development – Location		
6.	<p>Not appropriate for this area of Cricklewood. Inappropriate next to a conservation area, so close to the Cricklewood terraces. This is a residential conservation area which will be impacted by having an unprecedented industrial unit next to it.</p> <p>The arrival of an industrial concrete batching site will make things worse by ruining the air quality, increasing the noise and causing severe disruptions to the traffic.</p> <p>The area is growing and developing as residential. It is not appropriate to slap a concrete batching plant in the middle of it. If granted it would bring toxic substances to a site which is fast being surrounded by even more residential units.</p> <p>Cricklewood is predominantly a residential area and this will be increasingly the case with the current applications to construct very large numbers of flats</p> <p>Cricklewood is not an area for heavy industry such as Concreting Batching Plant.</p> <p>This is a residential area, with primary schools in close proximity.</p> <p>The introduction of heavy industry into this part of NW2 is unprecedented and not ideal being so close to an infants school. Previously there has been light industry only on this site and manufacturing/retail/ light industry in the surrounding area.</p>	<p>See response to Item 1 and Item 5 above.</p> <p>Refer to paragraphs 7.2-7.20 of the committee report in respect of the principle of development, paragraphs 7.43-7.56 of the committee report in respect of air quality assessment.</p>

Issue No.	Summary of Issue/Representations Received	Officer Response
AMENITY IMPACTS		
Amenity Impacts: Air Quality – General Comments		
7.	<p>The air quality will decline further when this concrete batching plant is placed. This is unacceptable as levels of pollution in the general London area are already above WHO recommended levels, and Barnet is already one of the four councils where air pollution is most extreme in London, causing deaths.</p>	<p>Refer to paragraphs 7.43-7.56 of the committee report in respect of air quality assessment. The Applicant has assessed the potential impact of dust emissions (including wind-blown) at a number of receptors including (but not limited to) several residential properties within the Railway Terraces, Our Lady of Grace Infant and Nursery School, Claremont Primary School, residential properties at Fellows Square, Brent Terrace and Claremont Road, residential properties to the west of the A5 Edgware Road and commercial properties along the A5. Taking account of the pathway effectiveness from source to receptors (including direction of wind, distance from nearest dust source, wind speed and sensitivity of the various receptors), the Applicant has identified that that potential magnitude of effect from dust emissions would be between 'Negligible Effect' to 'Slight Adverse Effect' (i.e. low risk).</p> <p>It is noted that impact on air quality was not a reason for refusal for the previous application which was found to be acceptable in respect of the assessment and mitigation measures proposed for the concrete batching facility.</p>
8.	<p>This is pushing the boundaries of legality and with all the clean air promises by the government, council, mayor etc, this is going in completely the opposite way.</p> <p>It is a major objective of the mayor's office to improve air quality.</p>	<p>Improving air quality is a key priority for London and this application will contribute to reducing air pollution by reducing the number of HGV trips. This application will enable concrete to be manufactured on Plot 3 of the RFF site utilising the aggregate that is already permitted to be imported by rail to the RFF. Moving goods and material by rail is significantly less polluting and more sustainable than by road. Rail freight produces 76% less CO2 and 90% lower particulate emissions than the equivalent road journey. If consented the proposed development would remove approximately 17,106 HGV road miles per month from local roads, which equates to 205,275 HGV road miles per year. The proposal will enable the local demand for concrete to be met</p>

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		with fewer road HGV miles and lower emissions and congestion, thereby contributing towards the objectives to improve air quality.
9.	The air quality monitoring in the vicinity of the Railway Cottages has been haphazard overall and has never recorded accurately this extremely important environmental factor.	The operator of the wider RFF has carried out air quality (and noise) monitoring to measure levels of PM10s, NO2 and dust and ensure operations on site do not exceed the agreed thresholds relevant to those emissions. As approved through the discharge of Condition 32 attached to planning permission 17/5761/EIA, the extent of air quality monitoring consists of one dust gauge and PM10 monitor positioned in proximity to residential properties at Fellows Square to the north; a dust gauge and automated air quality monitoring station on the internal haul road relative to prevailing wind directions; a dust gauge at the southwest boundary of the site (adjacent to the southern elevation of the Eco-Barrier); and an automatic air quality monitoring station and dust gauge to be positioned at the nearest sensitive receptor within the Railway Terraces. Whilst DB Cargo has experienced difficulties in erecting the off-site monitoring station and dust gauge on third party land, aggregate and construction waste transfer operations on Plots 1 and 2 of the facility have been measured since commencement of the RFF operation and continue to be monitored. The results are published in a live format on a publicly accessible website and monthly reports are issued to the Council. No exceedance of Site Action Levels as set out in the approved Site Management Plan (Condition 28 of planning permission 17/5761/EIA) has been identified to date.
Amenity Impacts: Air Quality – Dust and Health Risks		
10.	<p>A permanent concrete batching plant would represent an utterly unacceptable risk from carcinogenic cementitious dust, collected and carried by a totally uncontrollable wind, all day and night, every day of the year.</p> <p>The current operations involve only non-toxic material. Concrete batching will bring toxic, caustic materials (cement) within a stones throw of people's homes.</p>	<p>Refer to paragraphs 7.43-7.56 of the committee report in respect of air quality assessment.</p> <p>The Applicant has assessed the potential impact of dust emissions (including wind-blown) at a number of receptors including (but not limited to) several residential properties within the Railway Terraces, Our Lady of Grace Infant and Nursery School, Claremont Primary School, residential properties at Fellows Square, Brent Terrace and</p>

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	<p>Putting vulnerable residents at risk of breathing in toxic concrete dust and fumes.</p> <p>Cement dust in a resident area would be catastrophic.</p> <p>Cement dust is toxic and will cause the air quality to deteriorate. Concrete batching involves toxic materials and is a hazard to the local community. There is a fundamental issue with the importation (for the first time) of toxic chemicals to the site for the purpose of the manufacture.</p> <p>These batching plants release toxic dust into the atmosphere, which spread far and wide, despite attempts to limit this with 'dust suppression sprinklers'.</p> <p>Concrete batching will bring toxic, caustic materials (cement) onto the site. Breathing in toxic dust.</p> <p>This concrete batching plant, if erected, would release harmful pollutants into the air that these infants would then have to breathe.</p> <p>The facility will mean that hazardous materials are IMPORTED by road onto the site for the first time with the added risks of pollution and contamination (cement is needed to make concrete and is currently not delivered to the site. The building waste that currently is imported by road is non-putrescible non-hazardous waste that is graded off-site before being imported).</p> <p>Toxic materials will be processed on the site giving rise to pollution and impact on air quality.</p> <p>The planners clearly couldn't care less about the health and well being of local residents.</p>	<p>Claremont Road, residential properties to the west of the A5 Edgware Road and commercial properties along the A5. Taking account of the pathway effectiveness from source to receptors (including direction of wind, distance from nearest dust source, wind speed and sensitivity of the various receptors), the Applicant has identified that that potential magnitude of effect from dust emissions would be between 'Negligible Effect' to 'Slight Adverse Effect' (i.e. low risk). In line with the mitigation measures previously secured in relation to the aggregate and construction waste rail transfer facility and as illustrated on drawing number 12153-WMS-ZZ-XX-DR-C-30402-S8-P11 (Dust Suppression Layout), this includes the installation of a dust suppression system consisting of 4no. automated sprinklers covering the majority of Plot 3 (including all stockpiling and aggregate storage areas, the areas around the concrete batching plant, and the open yard areas). To further ensure compliance with the wider rail transfer facility, the Applicant also proposes to adopt measures set out within the approved Site Management Plan for the RFF site.</p> <p>In respect of the delivery and storage of cement, this will be delivered to the site by tanker and pumped pneumatically into the cement silos which are completely sealed. The silos and tanker are fitted with a negative pressure system which prevents cement dust escaping. Furthermore, the silos are designed with in-built mechanisms to prevent blow-out occurring due to over-pressurisation. This includes pressure sensors, alarms, integrated shut-off valves, pressure relief valves, and reverse air jet filters. Such design measures are recommended as best practice. Nevertheless, in response to concerns from residents, the Applicant has proposed to undertake additional temporary on-site dust monitoring covering a period 3 months prior to construction, the construction period and 3 months post construction including operation of the concrete batching facility.</p> <p>The proposed concrete batching facility would be subject to an Environmental Permit in line with the Environmental Permitting Regulations 2016 and, in accordance with paragraph 183 of the NPPF,</p>

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		<p>the planning system should not seek to duplicate or control processes or emissions subject to separate pollution control regimes. The Council's Environmental Health Officer has confirmed that a Part B Environmental Permit has been granted to the Applicant for the proposed site. The Environmental Health Officer has confirmed that as part of the Part B Permit the operation would be monitored including inspections twice a year and review of dust mitigation measures.</p>
Amenity Impacts: Air Quality – Assessment and Modelling		
<p>11.</p>	<p>All of the projected air quality tests have clearly not been carried out properly, are quite obviously 'cooked' to give the planners the results they want. Where is the data from actual sites?</p> <p>The air pollution modelling has not been based on samples taken at an analogous site but on purely hypothetical models. And given the close proximity of the site to our school, it could have a detrimental impact on the children.</p> <p>The air quality analysis is based on assumptions and inadequate data analysis and has been verified by the organisation which was the original source of the problems/oversights/inadquacies.</p> <p>The air quality modelling in the application does not use information from sites which are operating as concrete batching facilities, so are not valid comparisons. Air quality objectives are not up to date or based on modern air quality standards.</p>	<p>The Applicant provided a technical response note from GL Hearn to address the comments about the robustness of the air quality modelling. This confirmed that the dust assessment follows the IAQM's Mineral Dust Guidance, which is considered suitable for the activities on site for a concrete batching plant and is approved by the IAQM for such use. The details of this assessment allow for the size of dust particle to be considered, i.e. whether it is smaller such as sand or gravel or larger such as materials from quarries. It is, therefore, considered that the onsite materials and their potential dust emissions have been considered appropriately in the dust risk assessment, which in turn, recommends suitable mitigation.</p> <p>The latest National Air Quality Objectives (NAQOs) are those based on standards introduced in 2005 and 2010. There has been no update to the NAQOs in the meantime. Whilst it is recognised that these targets have not been achieved nationally, it is common practice to utilise the latest NAQOs in air quality assessments.</p> <p>It is considered that all reports, including GL Hearn's air quality report is robust enough to provide a representative assessment to recommend suitable mitigation. This can be considered through DB Cargo's application and the mitigation recommended to reduce dust and air quality impacts. The ongoing monitoring being undertaken by DB Cargo shows no dust concerns, therefore, the recommended mitigation is shown to be robust.</p>

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Amenity Impacts: Noise		
12.	<p>There will definitely be a negative impact on the area, including noise pollution and an increase in the already poor air quality.</p> <p>The plant will generate a lot of noise - additional to the already very loud freight trains which pass through the area.</p> <p>Concrete batching will generate a lot of noise (constantly), adding to the noise from DB Cargo's operation. With the recent adoption of working from home this will severely impact residents work life as well as home life. The increase in noise would have a detrimental impact on the surroundings.</p> <p>This will also be a noisy operation which will be audible from the Railway Cottages.</p> <p>Noise and dust from the transfer of aggregate from the rail freight train to the proposed site.</p>	<p>See paragraphs 7.58-7.68 of the committee report in respect of assessment of noise impact.</p> <p>The Council's Environmental Health Officer is content that the proposed development would be unlikely to cause any significant impacts on nearby receptors as a result of the existing and proposed noise mitigation measures. This includes the proposed 3-metre high acoustic barrier to be erected along the southern boundary of Plot 3 and the Acoustic barrier at the southern end of the RFF site. The replacement Acoustic barrier at the RFF site as approved under application 21/3828/NMA, achieves the required noise mitigation levels specified in the planning permission for the RFF. The technical performance of the replacement barrier has been factored into the Applicant's assessments as part this planning application for the proposed concrete batching plant and it forms part of the package of mitigation measures in respect of noise, landscape impact and visual amenity. For this reason, the full installation of the whole of the replacement structure will be required prior to the commencement of any concrete batching plant operations.</p> <p>The noise model used to predict noise levels generated by Capital Concrete is based on measurements carried out at the Silvertown site also run by Capital Concrete which was suggested as a good reference for comparable machinery and noise levels. GL Hearn have confirmed that the measured noise levels which have subsequently been used as inputs into the model have been compared to measurements obtained at other concrete batching plant sites by other acousticians and they were very similar. It is therefore assumed that the noise sources used for the assessment are adequate.</p>
13.	<p>DBCargo have not fulfilled their current obligation to repair their acoustic barrier. No timescales for the replacement of the barrier.</p>	<p>See paragraphs 7.21-7.23 of the committee report in respect of the replacement Acoustic barrier.</p>

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	<p>This application should not even be considered by Barnet council until the eco-barrier has been fully reinstated and trees and shrubs established in front of it.</p> <p>Until this barrier is fully established and can protect our quality of life we cannot be subjected to more dirt and dust from the site.</p>	<p>Draft condition 2 in Appendix A of the committee report requires the acoustic barrier positioned along the southwest boundary of the Cricklewood Railway Yard site to have been completely reinstated or replaced with an alternative acoustic barrier approved by the LPA, before the proposed concrete batching operation can commence.</p>
14.	<p>Proposals for a concrete batching plant have not taken account of the pending planning permission on the Matalan site or the wider site allocation; there is no recognition in any of the application supporting documents of these significant developments. Specifically, the air quality assessment, noise impact assessment, dust assessment and visual analysis fail to recognise these important developments. Therefore, the applicant has failed to demonstrate that the proposal will not have a detrimental impact on, inter alia, residential amenity.</p>	<p>The Applicant submitted a technical note prepared by GL Hearn (20 October 2021) which responded to the comments raised by the Developer of the Matalan site. They compared their assessment to the baseline noise levels reported in the noise impact assessment submitted by Ziser London (the Developer for the Matalan site) for their own planning application. The predicted noise levels due to Capital Concrete's operations are estimated to be 44 dB at the top floor (assumed 22.5 metres above ground level) and 34 dB at ground floor. These levels are predicted at the façade closest to Capital Concrete's development. The area is already subject to a mix of commercial and industrial activity, with distant noise from rail and evident dominant influence of road traffic noise. Both these levels are considerably lower than ambient noise levels, and lower than background noise levels at these positions. Therefore no adverse effects are expected at these locations in respect of the Matalan development, especially considering that the building has already allowed for noise mitigation to be embedded into the façade fabric.</p>
VISUAL IMPACTS		
15.	<p>The proposed development would cause harm to the setting of the adjacent Cricklewood Railway Terraces Conservation Area and would not preserve or enhance the character and appearance of that Conservation Area.</p> <p>The new heritage assessment claims that the building will have no impact upon us. This is inaccurate and untrue as the site will be visible from the terraces</p>	<p>Refer to paragraphs 7.25-7.42 of this report for the assessment of visual impact.</p> <p>Officers are satisfied that the amendments made to the proposed configuration of the concrete batching plant, moving it further away from the Railway Terraces Conservation Area, combined with the reduction in height of the tallest elements and the presence of the Acoustic Barrier on the southern boundary of the RFF site, mean the</p>

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	<p>Despite the fact that it has been reduced in height and reorientated, the development remains too high and will be visible, both above and to the sides of the replacement eco-barrier.</p> <p>The revised plans make minimal difference to the height of the cement silos (a mere 50cm), so these buildings will still be visible from the Railway Terraces Conservation Area.</p> <p>The site will be clearly visible from the terraces. The building will have a great visual impact on the terraces.</p> <p>The building is still too high with the hopper still 15 m tall and some of the buildings will be seen above and to the side of the eco-barrier.</p> <p>This application has been altered very little from the one already rejected. The proposed structures would still be visible by the surrounding residential areas.</p>	<p>proposal will not have a direct visible impact on the character or setting of the Railway Terraces Conservation Area.</p>
CONTAMINATION		
16.	<p>Water suppression system would contaminate the land in the form of wedge pits. The run off from dust suppression could easily contaminate the surrounding land.</p>	<p>Paragraph 3.29 of the Supporting Statement submitted with the application confirms that the water used to clean the drums of the mixer lorries is not discharged into the water system and the surrounding area. The dirty water is discharged into purpose-built settlement or wedge pits. Periodically, these pits will be emptied, and any sediment is either fed back into the plant or taken off Site with it being recycled where possible.</p>
PUBLIC ENGAGEMENT		
17.	<p>The consultation process has been patchy and the consultation period too short for a significant development such as this.</p>	<p>The application has undergone the statutory consultation period in accordance with Article 15 of the Development Management Procedure Order (2015) (as amended). Furthermore, the application</p>

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		and related documents have been available to view for over 5 months since registration and notification. The Applicant undertook a pre-application consultation exercise prior to the submission of the original application and engaged with many interested parties and considered the comments raised, which resulted in significant changes being made to the design of the plant to try and address the concerns raised by interested parties.
TRANSPORT		
Transport – Safety		
18.	The increase of HGV traffic on the A5, could make it more unsafe for our children. Especially as we encourage them to walk and cycle to school.	Refer to paragraphs 7.75-7.85 of the committee report with respect of transport impact. The proposal will not lead to an increase in HGV trips compared to the planning permission already in place for the RFF site which is limited to a maximum of 452 HGV movements per day (i.e. 226 in, 226 out) Mondays to Fridays, which governs all HGV movements arriving and departing from Plots 1-4 including the application site. The proposed trips resulting from the concrete batching plant amount to 25% of that overall limitation. The application proposes to operate within the confines of this wider site limit and, as such, the proposed development would not generate any additional HGV trips on the highway network.
19.	Inconsiderate drivers of large vehicles turning into the site from the A5 and paying little regard for pedestrians. This would increase if this proposal went ahead.	See response to Item 18 above. The proposal does not result in additional HGV movements compared to the
Transport – Traffic and Congestion		
20.	There would be an increase in road traffic due to the all of the activity that would be involved with transporting materials to and from the concrete batching plant. This increase in road traffic would also mean an increase in air pollution.	Refer to paragraphs 7.75-7.85 of the committee report with respect of transport impact. The proposal will not lead to an increase in HGV trips compared to the planning permission already in place for the RFF site which is limited

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	<p>Inevitably such an industrial site would give rise to a huge increase of HGV traffic on the already crowded A5.</p> <p>More lorries, more cars, more noise in an already very congested area.</p> <p>It will still bring additional traffic in the main roads and the surrounding areas. The existing roads in Cricklewood are not capable of holding the additional traffic and already the current traffic creates congestion on a daily basis causing misery and extreme inconvenience to the residents and the businesses.</p> <p>Too many vehicles using already over crowded A5; Potholes caused by so many trucks. Noise; Dirt and dust from the site. Apart from the busy A5 the area is a quiet residential area.</p>	<p>to a maximum of 452 HGV movements per day (i.e. 226 in, 226 out) Mondays to Fridays, which governs all HGV movements arriving and departing from Plots 1-4 including the application site. The proposed trips resulting from the concrete batching plant amount to 25% of that overall limitation. The application proposes to operate within the confines of this wider site limit and, as such, the proposed development would not generate any additional HGV trips on the highway network.</p>

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