

MEETING

PLANNING COMMITTEE

DATE AND TIME

THURSDAY 8TH FEBRUARY, 2018

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Melvin Cohen LLB

Vice Chairman: Councillor Wendy Prentice

Maureen Braun
Claire Farrier
Eva Greenspan

Tim Roberts
Agnes Slocombe
Stephen Sowerby

Mark Shooter
Jim Tierney
Laurie Williams

Substitute Members

Anne Hutton
Reema Patel
Philip Cohen
John Marshall

Dr Devra Kay
Gabriel Rozenberg
Arjun Mittra

Sury Khatri
Hugh Rayner
Shimon Ryde

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

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

Andrew Charlwood – Head of Governance

Governance Service contact: Faith.Mwende@Barnet.gov.uk 020 8359 4917

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 8
2.	Absence of Members	
3.	Declarations of Members' disclosable pecuniary interests and non-pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	17/2304/FUL - The Croft, East Road, Edgware HA8 0BS	9 - 40
7.	17/5373/FUL - Barnet House. 1255 High Road, N20 0EJ	41 - 106
8.	17/5761/EIA - Cricklewood Railway Yard, Land to the rear of 400 Edgware Road, London NW2 6NH	107 - 220
9.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee

14 December 2017

Members Present:-

AGENDA ITEM 1

Councillor Melvin Cohen (Chairman)
Councillor Wendy Prentice (Vice-Chairman)

Councillor Maureen Braun	Councillor Stephen Sowerby
Councillor Claire Farrier	Councillor Laurie Williams
Councillor Tim Roberts	Councillor Jim Tierney
Councillor Agnes Slocombe	Councillor Shimon Ryde (In place of Councillor Mark Shooter)
	Councillor Sury Khatri (in place of Councillor Greenspan)

Apologies for Absence

Councillor Eva Greenspan Councillor Mark Shooter

1. MINUTES OF THE LAST MEETING

Councillor Khatri pointed out an error under Item 3 (Declaration of Members' Disclosable Pecuniary Interests and Non-pecuniary Interests). He had declared an interest in relation to Grahame Park (Item 9) and not 30 Brookhill Road (Item 8); he had met one of the speakers.

RESOLVED that, subject to the above amendment, the minutes of the meeting held on 23 November 2017 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Councillor Greenspan sent apologies; Councillor Khatri substituted.

Councillor Shooter sent apologies; Councillor Ryde substituted.

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

None were declared.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

There was no report.

5. ADDENDUM (IF APPLICABLE)

Items contained in the addendum would be dealt with under individual agenda items.

6. 17/6051/FUL - REGISTRY OFFICE, 182 BURNT OAK BROADWAY, EDGWARE, HA8 0AU

The Committee received the report and addendum.

A representation was heard from the applicant's agent, Simon Owen of HTA Design.

A typographical error was noted on page 13 (condition 5) of the report; 'East Finchley Controlled Parking Zone (CPZ)'; this was not the relevant CPZ.

Councillor Khatri moved a motion to amend condition 3 on page 13 of the report in relation to the percentage of affordable housing; he wanted there to be a higher proportion of affordable housing. This was not seconded.

The Head of Strategic Planning noted that paragraph 5 of Recommendation II (in relation to CPZs) on page 13 would be removed.

A vote was taken on the officer's recommendation including the above amendment.

For (approval) - 11
Against (approval) - 0
Abstained – 0

7. 17/5329/FUL - ST JAMES CATHOLIC HIGH SCHOOL GREAT STRAND LONDON NW9 5PE

The Committee received the report and addendum.

A representation was heard from the applicant's agent, Ms Laura Meyers.

A vote was taken on the Officer's recommendation to approve the application:

For (approval) - 11
Against (approval) – 0
Abstained - 0

RESOLVED that the application be approved, subject to the conditions and reasons detailed in the report and addendum.

8. 17/5522/FUL - SALVATION ARMY HALL ALBERT ROAD BARNET EN4 9SH

The Committee received the report and addendum.

A representation was heard from the applicant's agent, Mr Greg Pitts.

A vote was taken on the Officer's recommendation to **APPROVE** planning permission subject to conditions and the completion of a S106 Legal Agreement as per the report and addendum:

For (approval) - 11
Against (approval) -0
Abstained - 0

RESOLVED that the application be approved, subject to the conditions and reasons detailed in the report and addendum.

9. 17/4373/S73 - BARNET COLLEGE GRAHAME PARK WAY LONDON NW9 5RA

The Committee received the report.

A representation was heard from the applicant's agent, Mr Simon Owen.

A vote was taken on the Officer's recommendations to approve the application:

For (approval) - 6
Against (approval) - 5
Abstained – 0

RESOLVED that the application be approved, subject to the conditions and reasons detailed in the report.

10. DOLLIS VALLEY RMA

The Committee received the report.

A representation was heard from the applicant's agent, Mr Alex Jackson.

A vote was taken on the Officer's recommendations to approve the application:

For (approval) - 11
Against (approval) - 0
Abstained – 0

RESOLVED that the application be approved, subject to the conditions and reasons detailed in the report.

11. BROWNFIELD LAND REGISTER

The Committee received the report and addendum.

A vote was taken on the Officer's recommendations to approve the initial Brownfield Land Register (BLR) for publication:

For (approval) - 11
Against (approval) - 0
Abstained – 0

RESOLVED that the Planning Committee approved publication of the initial Brownfield Land Register (BLR) subject to the conditions and reasons detailed in the report and addendum.

12. PLANNING FEES AND CHARGES

The Committee received the **PART 1** report.

The Chairman noted that no members of the press or public were in the room therefore the Committee received the **Part 2** (exempt) document in relation to the above. This was exempt by virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

A vote was taken on the Officer's recommendation to approve the documents. Councillors Roberts and Khatri abstained.

For (approval) - 9
Against (approval) - 0
Abstained – 2

RESOLVED that the Planning Committee approved the fees and charges set out in Appendix A to the report to be implemented from 1st April 2018.

13. APPEAL UPDATE

The Committee received the update paper.

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

There were no urgent items.

15. MOTION TO EXCLUDE THE PRESS AND PUBLIC

None was required.

16. EXEMPT PAPER - LEGAL ADVICE ON PLANNING FEES AND CHARGES

This was discussed under Item 12.

The meeting finished at 8.10 pm

Location **The Croft, East Road, Edgware HA8 0BS**

Reference: **17/2304/FUL**

Received: 05 April 2017

Accepted: 21 April 2017

AGENDA ITEM 6

Ward: **Burnt Oak**

Expiry: 21 July 2017

Applicant: **Barnet Homes**

Proposal: Demolition of six existing blocks containing 24 studio flats and the erection of two new blocks ranging from 3 to 6 storeys in height containing 33 one, two and three bedroom homes C3 associated landscaping and a reconfigured car park.

RECOMMENDATION I:

- (i) Approve following completion of a Section 106 legal agreement and the conditions listed below; and
- (ii) the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

RECOMMENDATION II:

The applicant and any other person having a requisite interest in the site be invited to enter into a section 106 Agreement to secure the following:

- 1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
- 2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- 3. Provision of a minimum 40% of the development as affordable rental housing, to be provided in perpetuity, the 40% to be calculated in accordance with Policy DM10 (on the basis of habitable rooms).
- 4. Provision of a Flood Escape Management and updating at intervals of not less than ten years.
- 5. Flood escape access to be secured for neighbouring residents at Newton Walk and Roscoff Way.
- 6. The play area to be available to residents at existing properties on the estate as well as for future residents.
- 7. Provision of a long-term landscape management plan.
- 8. Meeting the Council's costs of monitoring the planning obligation (£2500).

Conditions:

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

LBB-SMP-200_HTA-A_BA2-S08_DR_0001	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0002	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0050	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0100	rev.E
LBB-SMP-200_HTA-A_BA2-S08_DR_0101	rev.D

LBB-SMP-200_HTA-A_BA2-S08_DR_0110	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0111	rev.D
LBB-SMP-200_HTA-A_BA2-S08_DR_0112	
LBB-SMP-200_HTA-A_BA2-S08_DR_0120	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0200	rev.B
LBB-SMP-200_HTA-A_BA2-S08_DR_0201	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0210	rev.B
LBB-SMP-200_HTA-A_BA2-S08_DR_0211	rev.B
LBB-SMP-200_HTA-A_BA2-S08_DR_0220	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0221	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0222	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0223	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0230	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0231	rev.C
LBB-SMP-200_HTA-A_BA2-S08_DR_0232	rev.B
LBB-SMP-200_HTA-A_BA2-S08_DR_0301	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0302	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0303	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0304	
LBB-SMP-200_HTA-A_BA2-S08_DR_0305	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0306	
LBB-SMP-200_HTA-A_BA2-S08_DR_0307	
LBB-SMP-200_HTA-A_BA2-S08_DR_0308	
LBB-SMP-200_HTA-A_BA2-S08_DR_0309	rev.A
LBB-SMP-200_HTA-A_BA2-S08_DR_0310	
LBB-SMP-200_HTA-A_BA2-S08_DR_0311	
LBB-SMP-200_HTA-A_BA2-S08_DR_0312	
LBB-SMP-200_HTA-A_BA2-S08_DR_9003	
LBB-SMP-200_HTA-A_BA2-S08_DR_0500	

- Flood Risk Assessment: The Croft, Newton Walk, Barnet, HA8 0BS prepared by agb Environmental Ltd (project number: P2623.3.6) (updated 18 September 2017), and
- Sustainability Report - Bespoke Builder Services Ltd, ref. SUT-48642/Croft Issue 3, March 2017

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

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

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

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

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

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

4 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2015.

- 5 No development shall be undertaken until a flood escape plan that includes the following flood management and evacuation provisions have been submitted to and approved in writing by the Local Planning Authority:
- a) Appointment of a person responsible for co-ordinating the operation and periodic updating of the flood escape plan;
 - b) Confirmation that the development has been registered with the Environment Agency Flood Warning System;
 - c) Provision of a safe escape route for all occupiers of the development to be identified in accordance with the Defra/EA Technical Report ref. FD2320: Flood Risk Assessment Guidance for New Development, for use by future occupiers in the event of a severe flood event;
 - d) Arrangements for temporary accommodation for evacuated occupiers; and
 - e) Provision for review and updating of the Flood Escape Plan following any severe flood event or otherwise on a regular basis that shall be at not less than ten year intervals.

The approved flood management and evacuation details (as updated in accordance with (e) above) shall be maintained for the lifetime of the development.

Reason: To ensure that the development ensures the safety of the occupiers during any flood event, in accordance with Policy CS13 of the Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and advice in the National Planning Policy Framework 2012.

- 6 No building within the development shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority that demonstrate that:
- a) Minimum finished ground floor levels have been constructed at no lower than 48.08mAOD for Block A and 48.20mAOD for Block B.
 - b) The other floor resilience measures set out in the approved development including flood resistant exterior doors have been provided to a satisfactory standard.

The buildings shall then be maintained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the development will be built to acceptable standards of flood resilience, in accordance with Policy CS13 of the Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and advice in the National Planning Policy Framework 2012.

- 7
- a) No development shall take place until details of the levels of the buildings, vehicle access and footpaths in relation to the adjoining land and buildings and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 8 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to 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 details approved under this condition.

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

- 9 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.
- b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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

- 10 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

- 11 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be

submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

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

12 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

13 a) No site works or works in connection with the development hereby approved shall be commenced until a biodiversity strategy, to include details of a wildlife survey of the site including existing buildings, and of the mitigation measures to be implemented for any protected wildlife species identified in the survey together with details of any mitigation measures including the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority.

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

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

14 a) The development hereby approved shall not commence until a surface water drainage strategy including detailed design of the Sustainable Drainage System to be used as part of the development has been submitted to and approved in writing by the Local Planning Authority.

b) The details to be provided in accordance with part (a) of this condition must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development and evidence that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development, and that the Adopting Authority is satisfied with the suitability of the adopted SuDS prior to adoption and has sufficient arrangements in place to keep records of operation and maintenance activities for possible inspection by the Local Planning Authority. Appropriate construction of SuDS should take into consideration S13 of the Non-statutory Technical Standards for Sustainable Drainage Systems. Operation and maintenance of SuDS should take into consideration the Written Ministerial Statement of 18 December 2014 and Planning Practice Guidance Paragraphs 81 and 85.

c) The development shall be implemented in accordance with the approved details prior to the first occupation of the development, and shall be retained and maintained as such for the lifetime of the development.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, 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 to ensure that the surface water drainage system and SuDS are constructed appropriately and are adopted by an Adopting Authority responsible for the safe operation and maintenance of the system throughout the lifetime of the development.

15 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the development, which shall include on-site brick and mortar panel and samples of other materials including balcony railings and screens, and for the hard surfaced areas in the approved scheme, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

16 a) No development other than demolition works shall take place until details of the appearance and materials of all boundary treatment and any gates, including those within the development, and including details of opening mechanisms for any electronically controlled access gates, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the approved details and maintained as such for the lifetime of the development.

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

17 a) Before the development hereby permitted is first occupied, a plan for the management of recycling and refuse storage and collection shall be submitted to and approved in writing by

the Local Planning Authority. Recycling and refuse may be stored only within the identified stores on the ground floors of each building, unless details including appearance, location and security of and for any additional stores are identified within the refuse / recycling management plan.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 18 Prior to the first occupation of either building in the development, it shall have been constructed incorporating carbon dioxide emission reduction measures which achieve the carbon reduction measures including on site renewable / low carbon energy sources as set out in the approved Sustainability Report (Bespoke Builder Services Ltd, ref. SUT-48642/Croft Issue 3, March 2017), and the development shall be maintained as such for the lifetime of the development.

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

- 19 Prior to the first occupation of any building within the development it shall have been constructed to have 100% of the water supplied to it by the mains water infrastructure provided through a water meter or water meters and each new flat shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

- 20 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has 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 for the lifetime of the development.

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

- 21 Before any building within the development hereby permitted is first occupied, privacy screens in an opaque or translucent material shall first have been installed on any balconies at that building where overlooking of neighbours will occur, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details to be provided shall include:

- a) primarily translucent screening of the fronts of all balconies on the front elevations of Building A to a minimum height of 1.2 metres, and
- b) translucent and / or opaque screening to a minimum height of 1.8 metres for
 - the north-western side of the balconies serving the four flats within the north-western sub-block at Block A,
 - the south-eastern side of the balconies serving the four flats within the south-eastern sub-block at Block A, and
 - the south-eastern side of the balconies serving the three flats within the south-eastern sub-block at Block B.
- c) The screens shall be then being maintained and retained in accordance with the approved details, for the lifetime of the development.

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).

- 22 Neither building within the development shall be occupied until the identified wheelchair units in that building have been constructed to meet and achieve all the relevant criteria of Part M4(3) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and until the remaining units within the building have all been constructed to meet and achieve all the relevant criteria of Part M4(2) of the abovementioned regulations. The development shall be maintained as such for the lifetime of the development.

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

- 23 The buildings shall not be occupied until the approved vehicle parking spaces have been laid out within the site in accordance with the approved plans, and these spaces shall not be used for any other purpose other than the 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.

- 24 The development shall not be occupied until the approved disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol. The disabled parking spaces shall then be permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 25 The development shall not be occupied until 20% active and 20% passive parking spaces have been installed with electric vehicle charging points in accordance with details that have first been shall be submitted to and approved in writing by the Local Planning Authority. The details shall set out sufficient measures to demonstrate the flood resilience

of the charging points. The approved spaces shall be permanently retained and maintained thereafter.

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.

- 26 Before the development hereby permitted is occupied, the cycle store and spaces shall be provided in accordance with details that have been submitted and approved in writing by the Local Planning Authority, which demonstrate:
- (i) that the storage meets London Plan cycle parking standards and
 - (ii) Details of the appearance and materials to be used in the stores, and the means of maintaining the green roofs that are proposed for the cycle stores.
- The cycle stores shall be maintained in accordance with the approved details for the lifetime of the development, and shall not be used for any purpose other than for the parking of cycles associated with the development.
- Reason : To ensure and promote cycle use and to safeguard the character and visual amenities of the development in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012 which in turn refers to London Plan Parking Standards.

- 27 Prior to the first occupation of the development hereby approved, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:
- i. Location and layout of car parking spaces;
 - ii. The allocation of car parking spaces;
 - iii. Onsite parking controls;
 - iv. The method of enforcement of unauthorised parking;
 - v. Locations of disabled parking spaces;
 - vi. Locations of active and passive Electric Vehicle Charging Points and the monitoring of Electrical Vehicle Charging Points, including when additional spaces are required to be brought into operation.
- The Car Parking Management Plan shall thereafter be implemented in accordance with the approved details immediately following the first occupation of the development hereby approved.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian 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.

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

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

- 29 Before the development hereby permitted is first occupied, a plan of the amenity areas for each building shall be submitted to and approved in writing by the Local Planning Authority. The communal amenity area for Block B shall include the land to the rear of Block B, (other than where part of the land to the rear of Block B is used for biodiversity and habitat improvements in accordance with this permission). The communal amenity areas shall

then remain available for the communal use of all residents for the lifetime of the development.

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) and the Sustainable Design and Construction SPD (adopted October 2016).

- 30 No building within the development shall be occupied until details of the electronically controlled access for that building has been submitted to and approved in writing by the Local Planning Authority and the approved details have implemented.

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

- 31 a) The following windows shall be fitted with obscure glazing to a minimum height of 1.7 metres above internal finished floor levels (FFL), and shall be permanently fixed closed with the exception of any opening being by way of an opening fanlight only at a minimum height of 1.7 metres above FFL:

- Block A: Kitchen windows on flank walls to both sides of the building;
- Block B: Kitchen windows on flank walls of the three storey element adjacent to 23 Newton Walk;

b) All windows serving a bathroom and / or w/c.

c) These windows shall then be retained as such for the lifetime of the development.

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) and the Sustainable Design and Construction SPD (adopted October 2016).

- 32 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 interests of good air quality with regard to Policies 5.3 and 7.14 of the London Plan 2016.

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

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

- 34 The development shall be constructed and thereafter operated so as to achieve Secured by Design accreditation. Evidence of such shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of either of the buildings approved, or within any other timetable agreed by the Local Planning Authority.

Reason: To ensure the future security of the development and of adjoining residential properties, in accordance with Policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

Informatives:

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed permanent or enabling works or structures, in, under, over or within 8 metres of the top of the River Silk Stream, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Please contact us at PSO-Thames@environment-agency.gov.uk

The applicant will need to demonstrate:

- That access to the watercourse is not restricted for future maintenance or improvement works.
- That works will not obstruct flood flows thereby increasing the risk of flooding to other properties within the locality of the site.
- That works will not adversely affect the stability of the river bank.
- That all of the conditions / requirements of the Flood Risk Activity Permit are met.

- 3 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

- 4 The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non-statutory Technical Standards for Sustainable Drainage Systems.

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

For further details on exemption and relief, please visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 7 The applicant is advised that although the Travel Plan is not required as the development falls below the appropriate Travel Plan thresholds, they are encouraged to develop a Voluntary Travel Plan to promote more sustainable forms of travel. Further advice can be sought via developmenttravelplans@barnet.gov.uk or tel: 020 8359 7603.

1. Site Description

The application site consists of six two-storey buildings on a site of 910 sq.m., located between East Road and Newton Walk. It forms part of a 1970s housing estate located some 200m to the east of the A5 Burnt Oak Broadway, which provides frequent bus services close to the site as well as being an arterial traffic route. The existing buildings accommodate 24 flats, including two wheelchair units. First floor level flats are accessed by external access steps, with walkways linking pairs of buildings at first floor level.

Site boundaries are defined by:

- To the front of the site, on its south-western side: East Road and a single storey house, "The Bungalow".
- To the south-east: Houses and shared amenity along with parts of Newton Walk.
- To the rear (north-east), the Silk Stream, with the Northern Line (Edgware branch) beyond that.
- To the north-west: More recent development at Jupiter Court, a five-storey building over a basement car park, with the 6-storey Domus Court and Flora Court beyond that. These neighbouring buildings are separated from the application site by a row of mature trees, most of which are outside the application site. Towards the A5 the built scale drops to 3-storey townhouses along Cameron Crescent

Jupiter Court and Cameron Crescent are further separated from the application site and the estate by a brick wall that closes the end of East Road from Cameron Crescent. This separation amounts to no more than about 3m, but there is no access between these two streets for either pedestrians or vehicles. This closed nature of the estate is replicated around most of the estate boundaries, with just one vehicle access to and from the A5 which is North Road, with little in the way of additional pedestrian access points. This results in access to a number of key facilities around the site being much less direct than would be the case with a greater degree of pedestrian permeability around the site boundaries: Burnt Oak tube station is 440m straight line distance to the south-east but almost a kilometre (950m) walking distance from the site via Burnt Oak Broadway and Barnfield Road, while the Edgware Community Hospital while 150 - 250m from the application site can only be accessed from the site via the A5, at a distance of 350 - 450m.

Pedestrian access within the estate is however good, being facilitated by a network of paths through the adjacent estate. The remainder of the estate consists mainly of two-storey terraces arranged around communal garden areas, with some more recent three-storey redevelopment further south within the estate.

Site levels across the main part of the site drop by approximately 1.6m from the East Road frontage towards the Silk Stream at rear, and continue to fall along Newton Walk towards its intersection with Roscoff Close. The site's location close to this waterway together with falling grounds levels towards the stream results in most of the site being within Flood Zone 3. The implications of this for the redevelopment of the site are further discussed in Section 5 of this report. The Silk Stream itself is a Site of Nature Conservation Interest (SINC).

The site is not located in a conservation area and the buildings situated immediately adjacent to the site are not listed or locally listed. There are no tree preservation orders in place at the site.

2. Site History

The site has no relevant planning history.

3. Proposal

The application is for the demolition of the existing building and provision of two new buildings to accommodate 3 no. 1-bedroom, 28 no. 2- bedroom and 2 no. 3- bedroom flats, including five wheelchair units. The flats to be replaced consist of 19 no. 1- bedroom and 4 no. 2- bedroom units. These would be provided as follows:

Block A would be a four-storey building accommodating eight flats towards the East Road frontage to the site. The mix of flats to be provided would be as follows:

- 1no. 1-Bedroom 2 person Wheelchair Flat (59.5 sq.m.)
- 1no. 2-Bedroom 3 person Wheelchair Flat (70.1 sq.m.)
- 6no. 2-Bedroom 4 Person Flats (70.1 sq.m.)

Six car parking spaces would be provided for future residents of this building on the East Road frontage, two to disabled access standards, and there would be a 120 sq.m. communal garden at the rear. The two wheelchair flats would be at ground floor level, and both would have terraces to the front and rear. Above-ground level flats would have balconies, each measuring 5 to 7 sq.m. in area.

Block B would be a part-three, part-four and part-six storey building, located towards the northern-eastern part of the site, and would provide the following mix of units:

- 1no. 1-Bedroom 2 person Flat (55.9 sq.m.)
- 1no. 1-Bedroom 2 person Wheelchair Flat (57.7 sq.m.)
- 1no. 2-Bedroom 3 person Wheelchair Flat (72.7 sq.m.)
- 1no. 2-Bedroom 4 person Wheelchair Flat (87.4 sq.m.)
- 11no. 2-Bedroom 4 person Flat (71.0 sq.m.)
- 3no. 2-Bedroom 4 person Flat (72.5 sq.m.)
- 5no. 2-Bedroom 4 person Flat (72.7 sq.m.)
- 2no. 3-Bedroom 5 person Flat (91.9sqm)

The main entrance to Block B would be from Newton Walk, with a secondary access into the communal garden area on the south-western side of the building. There would also be a third entrance / exit to the rear (towards Jupiter Court). 35 car parking spaces would be provided adjacent to Newton Walk, including three to disabled access standards. The site also includes five additional spaces which would be allocated to residents at Newton Walk. Access into Block B has also been improved in the amended layout being considered in this report, with a ramped and stepped accesses into this main entrance incorporating soft landscaping.

Each flat in Block B would have its own balcony measuring between 5 and 9sq.m. in area, and there would be a 295 sq.m. communal garden on the south-western side of the building. A further area to the south of the building could also be used as communal space, possibly with part of this area also to be provided with wildlife-friendly planting as part of a biodiversity strategy for the site

Space between the buildings would also include a play area (150 sq.m.) which would be available for existing as well as future residents. This access would be secured by inclusion of an appropriate clause in a section 106 agreement. Cycle storage within this area would also include cycle storage, with 16 spaces for Block A and 50 spaces with Block B.

Building heights would be as follows:

Block A would be a maximum of 12.5m high along the highest roof ridgelines, dropping to 12m on the flank walls and 10m over the stair core, which would be located to the centre of the building as viewed from front and rear elevations. Existing building heights adjacent to Block A as scaled from the submitted drawings are:

- Jupiter Court 17m
- Typical terrace houses at East Road 6.7m
- "The Bungalow" 4.5m

Block B would vary from 10.8m high at the flank wall adjacent to 23 Newton Walk, rising to 12m and up to 14m for the four-storey element and then to 18m to 20m for the six-storey element on the north-western side of the building (closest to Block A and to Jupiter Court). Measuring from the lower ground level at the rear of the building, the higher six-storey element would be a maximum of 22.5m high. Existing building heights adjacent to Block B as scaled from the submitted drawings are:

- Jupiter Court, rear elevation 17.5m
- Typical terrace houses at Newton Walk 8.0m

The rear of Jupiter Court is located on higher ground and further from the Silk Stream than any part of the proposed Block B, the north-west, such that the difference in height between the rear lines of the two buildings would be approximately 1m higher than suggested by the above maximum heights, resulting in a maximum height difference as viewed on the rear elevation drawings of 4.5m.

The proposal has been amended during the course of the application, first by deleting a third building from the proposal, Block C which was originally proposed as two flats over garages. This would have been provided close to the Silk Stream boundary. The second amendment was to the heights of the buildings, which was provided to ensure that the finished floor levels within the buildings would provide an acceptable level of protection for residents in the event of extreme flood event. This resulted in an increased height for Block A of 0.05m, and for Block B of 0.67m, and this in turn resulted in a rearrangement of the ramped and stepped access to Block B from the end of Newton Walk.

4. Public Consultation

Initial consultation letters were sent to 369 neighbouring properties on 24 April 2017, and these owners and occupiers were written to again on 5 December 2017, following the submission of amended drawings that increased the building heights as noted above.

Twelve letters of objection and one further neighbour representation letter were received, which raise the following issues:

- The proposal will increase traffic congestion on the A5, which has increased with the number of apartments already built in the area.
- The proposals will reduce car parking for existing residents. This is an outer London suburb and the majority of the houses noted in the Transport Statement have at least two vehicles each. LB Brent have restricted parking on the other side of Edgware Road and the Estate is now used as a car park overflow for the hospital and also for the car showrooms and car repair garages in the area.
- The area will not be able to cope with the proposed increase in properties and people.
- Residents have not had responses to the questions we raised at the public consultation, particularly with regards to the height of the new development and the result of the study into possible loss of light to the neighbouring buildings. No detail has been provided on how far the new buildings will be from the boundary fence.
- The way in which the application documents are presented on-line makes it hard to understand the application. This makes it hard to see the proposals as being transparent and open.
- The existing structures should be renovated without adding any new dwellings.
- Trees and shrubs fronting the fence at Jupiter Court and Cameron Crescent should not be way cut down, cut short or destroyed if the development does proceed.
- The proposal has not considered the impact on the neighbouring properties.

- The pollution, noise and general disruption from the proposed building works will be unbearable.
- A lot of neighbours were not told about the proposals.
- Loss of sunlight for the east / south-east facing flats at Jupiter Court, which only receive sunlight in the morning due to their orientation. The proposed development will obstruct this.

One neighbour requested a condition to require any flank windows on the south-east elevation of Building A to be obscure glazed and non-opening, to safeguard privacy and the future development potential of the neighbouring land ("The Bungalow").

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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

- Policy 2.18 - Green Infrastructure
- Policy 3.3 - Increasing Housing Supply
- Policy 3.4 - Optimising Housing Potential
- Policy 3.5 - Quality and Design of Housing Developments
- Policy 3.6 - Children and young people's play and informal recreation
- Policy 3.8 - Housing Choice
- Policy 3.9 - Mixed and Balanced Communities
- Policy 5.1 - Climate change mitigation
- Policy 5.2 - Minimising carbon dioxide emissions
- Policy 5.3 - Sustainable design and construction
- Policy 5.7 - Renewable energy
- Policy 5.8 - Innovative energy technologies
- Policy 5.9 - Overheating and cooling
- Policy 5.10 - Urban greening

Policy 5.11 - Green roofs and development site environs
 Policy 5.12 - Flood risk management
 Policy 5.13 - Sustainable drainage
 Policy 5.14 - Water quality and wastewater infrastructure
 Policy 5.15 - Water use and supplies
 Policy 6.9 - Cycling
 Policy 6.10 - Walking
 Policy 6.13 - Parking
 Policy 7.2 - An Inclusive Environment
 Policy 7.3 - Designing Out Crime
 Policy 7.4 - Local Character
 Policy 7.5 - Public Realm
 Policy 7.6 - Architecture
 Policy 8.1 - Implementation
 Policy 8.2 - Planning Obligations
 Policy 8.3 - Community Infrastructure Levy

Consultation Draft London Plan December 2017

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

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 DPD Policies:

CS NPPF National Planning Policy Framework - Presumption in favour of sustainable development
 CS1 Barnet's place shaping strategy - 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
 CS13 Ensuring the efficient use of natural resources
 CS15 Delivering the Core Strategy

Relevant Development Management DPD 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
 DM09 Specialist housing: Houses in Multiple Occupation, student accommodation and housing choice for older people
 DM10 Affordable housing
 DM16 Biodiversity
 DM17 Travel impact and parking standards

The Council's approach to development as set out in Policy DM01 is to minimise impacts on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight,

privacy and outlook for adjoining occupiers. Policy DM02 states that development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Mayor of London's Supplementary Planning Guidance:

- Housing
- Shaping Neighbourhoods: Play and Informal Recreation
- Affordable Housing and Viability

These Supplementary Planning Guidance documents set out a range of Standards for residential development and open space provision in London.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to assist in the design of new residential development. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- In respect of amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that it does not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. The SPD approach includes providing building sustainability measures over and above those required by the minimum Building Regulations standards, provision for on-site renewable energy sources, and retention and enhancements of biodiversity within development sites.

Other relevant planning documents

London Borough of Barnet Characterisation Study (2011)

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The context of the development in the applicant's affordable housing programme.
- Whether the redevelopment of the site is acceptable in principle
- Whether harm would be caused to the character and appearance of the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the living conditions of future occupiers would be acceptable.
- Whether flood impacts would be managed satisfactorily.
- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport.
- Whether the impacts on trees is acceptable.
- Building sustainability.

- Biodiversity.
- Security issues.

5.3 Assessment of proposals

The context of the development within the applicant's affordable housing programme

This development has been proposed by Barnet Homes, the Council's Arm's Length (ALMO) social housing provider. Barnet Homes through agreement with the Council is in the process of acquiring land for the purposes of developing social housing for affordable rent including specialist accommodation for disabled people, and aim to deliver 720 units by 2020. The separate development arm known as Open Door Housing has now been registered with the HCA to deliver these units.

In acquiring the sites Open Door housing will deliver properties for affordable rent. These units will be let at a rental level of 65% and as such, will fall within the current National Planning Policy Guidance definition of affordable rent.

It is noted that the application would replace 24 existing units with a mix of 1, 2 and 3 bedroom units which would be more energy efficient and provide a higher standard of amenities. Policy DM07 sets out that loss of residential accommodation will be permitted in a limited number of circumstances, including "identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units". While this is not an identified regeneration area, the proposals provide for small scale demolition within this estate, which provides for the replacement of the residential units lost and for a net increase in nine units at the site. This is considered therefore to be in accordance with this policy.

Policy DM10 provides for a borough-wide target of 40% of housing provision to be affordable, and states that the maximum reasonable amount of affordable housing will be required, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more. Affordable housing calculations should be made in terms of habitable rooms or floorspace. For this site, the proposal is that 40% of the total would be secured as affordable housing. In order to comply with Policy DM10, it would necessary for this to be secured in a section 106 planning obligation. The provision of the balance of the development for affordable rent is also being secured, by way of a legal obligation imposed on the acquisition of the land. The terms of the land transfer are that the occupation of these units will be for residents of the London Borough of Barnet, using adopted nominations procedures. This approach was approved by Members at the Planning and Environment Committee in 2016, as well as by HB Law.

Whether redevelopment of the site is acceptable in principle

The site is currently occupied by residential development. The application documentation sets out that this is currently in poor condition and below the current London Plan and LBB space standards. Its replacement by higher-quality accommodation with the additional provision of a net increase of nine additional units at the site is therefore welcomed. However, development in this location is constrained by the site's proximity to the Silk Stream and the site's high risk of flooding from the stream. The Silk Stream is classified as a primary river and is a Site of Importance for Nature Conservation (SINC).

During the course of the application the proposals have been subject to significant amendments, which has resulted in initial objections that were made on grounds of flood risk and nature conservation impacts having now been overcome. This was achieved by deleting one of the buildings as initially proposed, which would have accommodated two flats over garages close to the Silk Stream, and by raising floor levels and improving flood resilience for the other two buildings proposed. The proposals as amended have now satisfactorily addressed these key site constraints, and the principle of redevelopment of the site is therefore acceptable.

Character and appearance

The proposal would involve the replacement of the existing flats with two new buildings, as described at Section 3 in this report. The height of both of the proposed new buildings is intended to respond positively to the heights and scale of the adjacent buildings, which comprise predominantly two-storey terraced dwellings within the estate and taller apartment buildings that are five to six storeys in height at Jupiter Court (five storeys over a raised basement car park) and Domus Court and Flora Court which are six storey buildings.

The proposed buildings are considered here in turn:

Block A:

This would be a 4-storey building sited between "The Bungalow" on East Road and the site's boundary with Jupiter Court. Its design consists of three elements, the main elements being two 4-storey sub-blocks, each of which would incorporate one flat at each level, with the third element being the access and stair core which would be located between the two habitable elements to either side of it. The accommodation sub-blocks would be set in a staggered arrangement on either side of the central stair-core, each having shallowly-pitched roofs sloping down from approximately 12.5m high where they join the access core of the building, down to 12m high on each side, while the stair core would be the lowest part of the building at 10m high. Each of these elements would be faced in a different colour brick, with one of the sub-blocks of habitable accommodation in a cream buff brick and the other in a darker brown, with a dark grey or charcoal brick for the stair core. Beige toned balcony metalwork and panels would be used for balconies at front and rear, and dark grey window frames and rainwater goods would complement the charcoal brick of the stair core.

The closest neighbouring building to Block A would be "The Bungalow", with approximately 4.8m separation between flank walls. However this building is atypical of the surrounding built context. It is noted that there was a recent planning application for the redevelopment of this property (LBB ref. 17/1314/FUL), and while that was refused it is understood from the owner's written representation for the current proposal that a further application will be submitted. It is not considered therefore that the size of Block A should be constrained by the scale of this neighbouring dwelling, and that subject to there being no impacts on privacy of that building (which is considered further below), the scale of Block A is acceptable in regards to this neighbour. Separation from the next closest dwelling on this side, the two-storied terrace house at 9 Newton Walk, is just over 10m, and the two-storey terraces houses on the opposite side of East Road are 21m - 23m distant. Jupiter Court would be 20m distant from Block A.

Scaling of the three elements as discussed above results in an arrangement of built forms that, despite being greater in height than the neighbouring houses, would be compatible with that of the surrounding buildings. The East Road streetscene includes in addition to the fronts of terraces, flank walls of the same terraces which are often adjacent to street corners. These are wider than each of the two elements of habitable accommodation in Block A, so that the design of this building subtly echoes the scale of the surrounding development in this respect. The breaking-down of the building façade into the smaller scaled elements and the transition in heights referred to above is considered to achieve a building of appropriate size, which would add considerable design interest to this part of the site and to the East Road streetscene.

Block B:

In plan form, Block B would be an 'L' shaped building which incorporates five main elements including four sub-blocks of mainly habitable accommodation, ranging from three to six storeys in height in a blocked arrangement. The layout of the building would use a similar arrangement to Block A for the tallest elements of the building, albeit on a larger scale, with this higher part of the proposal arranged parallel to the north-western boundary at a distance of approximately 6.5m. This orientation results in the front entrance facing towards the end of Newton Walk, and as with

Block A the main service core would consist of a flat-roofed element with two higher elements to either side of it. In Block B, the “footprint” of these two six-storey elements is less evenly matched than in Block A, resulting in the sub-block closest to the Silk Stream having two flats at each level while the second (and slightly lower six-storey sub-block) would accommodate a single flat at each level. This element would also form the right-angled corner of the ‘L’. From here, the building would graduate down in height, first to a four storey element and then to the lowest (three-storey) sub-block which would be located adjacent to the boundary with and alongside 23 Newton Walk. Each of the individual elements noted above would be off-set from the adjoining sub-blocks across each of the elevations, and at the front entrance to Newton Walk, the access core would add further design interest in that it steps back at the fifth and sixth floor levels - the greater depth from ground up to fourth floor levels provides the access corridor from the core to the three and four storey sub-blocks but this is not required above that. Further articulation is provided by the balconies that would be provided for each of the flats, and the same palette of materials described above for Block A would be used, alternating around the building with the main access core in grey or charcoal.

Separation distances to neighbouring properties to either side would be approximately 6.3m between the three-storey sub-block to 23 Newton Walk, and approximately 19m to Jupiter Court. While the relationship to 23 Newton Walk would be such that the three-storey element would be located alongside this neighbouring dwelling, the proposed building Block B would be aligned to site it to the rear of Jupiter Court. This would mean that no windows at this neighbouring building would face directly towards the proposed Block B. Given the scale of Jupiter Court, which provides five stories of accommodation over a high basement car parking level, and the six-storey scale of the other apartment blocks in the adjacent development, it is considered that Block B provides an appropriate transition in scales for this part of the site. It is also considered that, by closing the end of Newton Walk as compared to the existing building closest to the Silk Stream, the proposal will form much more of a “destination” at the end of this cul-de-sac.

While Block B represents a marked change in density and building style from the existing estate, the overall density of the development is comparable to the buildings to the north. It picks up and builds on modern elements in the design of other recent development within the estate at East Road, approximately 180m to the south-east. Subject to conditions, it is considered that the proposed buildings will contribute to the quality of the built environment in this area, such that the application can be supported. Due to the prominence of the buildings, particular attention will however be required to the quality of exterior materials, particularly bricks and balcony railings and screens, and this is specifically provided for in the recommended condition.

Whether harm would be caused to the living conditions of neighbouring residents

Properties at 1-4 East Road and in the front part of Jupiter Court would be the only neighbouring residential occupiers within the estate that would have direct outlook towards the development. For occupiers at 1-4 East Road, separation from the front of Block A would be a minimum of 19m to the balconies and 21m to the front windows.

As viewed from flats at Jupiter Court, the flank wall at Block A would be just over 20m distant. This part of the building would be 12m in both height and width. This is considered to be satisfactory in terms of both bulk and proximity. There would be two small windows facing Jupiter Court at each level in the flanks wall, and while the distance is considered sufficient to protect the privacy of the neighbouring occupiers it is considered that their amenity could be further protected by fitting

- windows with translucent glass to a minimum height of 1.7m above finished floor levels, with any opening to be only above that height; and
- translucent or opaque screens to the same minimum height to the sides of the balconies.

These features would be required by condition 21 as recommended above.

On the south side of this proposed building, distances to the flank wall of “The Bungalow” would be approximately 5 metres, and to 9 Newton Walk approximately 17.5m to the side garden boundary and 20.5m to the flank wall of the dwelling itself.

At Block B, 23 Newton Walk would be a little over 6m from the adjacent 3-storey element. There would be a kitchen window on the adjacent flank wall at each level, and balconies would project marginally beyond the rear corners on this side. In order to protect the amenities of residents at 23 Newton Walk and adjacent properties, these features would only be acceptable if the flank wall kitchen windows are fitted with translucent glass with any opening to be at a minimum height of 1.7m, and with translucent or opaque screens are fitted to the sides of the balconies, again to a minimum of 1.7m high, as recommended above for the northern side of Block A.

Separation distance from this three-storey sub-block to the rear of “The Bungalow” and adjacent properties at East Road would be at least 32m, with more acutely angled views from the higher elements at Block B being towards these properties. This is sufficient to protect the amenities of these neighbouring occupiers. For the apartment buildings to the north-west, the minimum distance between Block B and Jupiter Court would be approximately 19m, measured corner to corner, and as noted above the front of the proposed building would be aligned so that it sits to the rear of Jupiter Court’s rear building line. Any views between habitable room windows to the closer of the two would be angled, with the very closest being 20m apart and for the rooms to the rear of Block B this increases by up to 32m. Direct views from south-east facing windows at Jupiter Court would be to the space between the two building which apart from cycle storage would largely consist of amenity space, removal of the existing buildings in this space would open up views and light penetration for the flats on this side of Jupiter Court with particular improvements for those at the lower levels.

Some of the living room and bedroom windows on the Block B's north-west elevation would face the amenity area at the rear of Jupiter Court. Direct views to this area would be mitigated and filtered through the trees along the common boundary. These windows in Block B would also face the six storey building at Flora Court, with a minimum separation of 48m which is ample to protect residents at both sites from any impacts on privacy. The filtering of views to the amenity area and separation distances to Flora Court are considered satisfactory in terms of protection of privacy. However, it will be important to protect the trees along this boundary for their contribution to the amenities of neighbours; this is dealt with in more details under Tree Impacts, below.

A daylight and sunlight study was submitted, which assesses any impact on light at the adjacent dwellings. This demonstrates that any loss of light would be minor and in compliance with Building Research Establishment (BRE) published guidance. Following amendments to the scheme that resulted in marginally increased building heights, (0.05m for Block A and 0.67m for Block B,) the findings of the daylight / sunlight study remain unchanged.

Overall, it is considered that the proposed development has been carefully designed to protect the living conditions of neighbouring residents.

Whether the living conditions of future occupiers would be acceptable

The internal spaces within the flats are designed to comply with standards within the London Plan and Barnet Residential Design Guidance SPG, exceeding the minimum internal area requirements for the flat sizes proposed here, which are as follows:

- 1-bedroom flat for two people (1B2P) 50 sq.m.
- 2-bedroom flat for three people (2B3P) 61 sq.m.
- 2-bedroom flat for four people (2B4P) 70 sq.m.
- 3-bedroom flat for four people (3B4P) 74 sq.m.
- 3-bedroom flat for five people (3B5P) 86 sq.m.

The units would all exceed the London Plan's minimum internal space standards, with internal floor areas range from 54.5 sq.m. for some of the one-bedroom flats up to 91.9 sq.m. for 3 bedroom units.

A daylight and sunlight study was submitted, which assesses internal light for the proposed dwellings. This demonstrates acceptable levels of compliance with Building Research Establishment (BRE) guidance for all of the proposed flats.

Based on habitable room numbers, minimum amenity spaces should be 10 - 15 sq.m. for the single bedroom flats up to 25 sq.m. for the three bedroom flats. In Block A, the ground floor wheelchair units would have garden terraces both at both front and rear, with the more private rear terraces measuring 15 sq.m. for the 1 bedroom flat and 20 sq.m. for the 2 bedroom units. The remaining six flats (all two-bedrooms) would all have a 7 sq.m. balcony, and there would be a communal garden of approximately 160 sq.m. - a further 20 sq.m. per flat.

For Block B, balconies vary in size from 5 to 9 sq.m., with the larger balconies being for the larger flats. A 295 sq.m. communal space would be located on the south-western side of the building, and an additional 120 sq.m. would be located to the rear.

Taken together, the private terraces, balconies and private amenity space will make acceptable provision for private amenity space at the development. In addition, a 170 sq.m. play space would also be provided, between Block B and "The Bungalow". This is intended for the use of residents both within the development and from elsewhere on the estate; its use as such would be controlled by a clause in a section 106 agreement.

Standard 13 of the Mayor of London's Housing SPG requires that any access core serving 4 or more dwellings should provide an access control system with entry phones in all dwellings linked to a main front door with electronic lock release. This is provided for by a condition in the recommendation.

Whether an appropriate mix of residential accommodation would be provided

The accommodation mix would include five wheelchair accessible flats on the ground floors of the buildings, two at Block A and three at Block B. This would also contribute towards Open Door Homes providing at least 10 per cent of all its housing stock to this standard. The mix of other units provides predominantly two-bedroom units (28 including wheelchair accessible flats) with 3 no. single bedroom and 2 no. three-bedroom units. It is noted that this results in a marked change in the balance of flats from the existing 19 no. single bedroom and 4 no. four-bedroom units. This reflects the requirements of nominated residents of the Borough as part of the overall provision by Open Doors Homes in their current tranche of developments. It is noted that two 3-bedroom units will be provided and that 27 of the 28 two-bedroom units are specified as four-person flats. While a broad range of unit sizes and configurations would be provided, there is therefore a particular weighting towards flats that would be suitable for accommodation smaller and / or young families, and it is considered that the proposals would provide an acceptable mix of accommodation sizes and types.

Flood risk and resilience and potential flood impacts

Much of the application site is at risk from both river flooding from the Silk Stream ("fluvial flood risk"), and from surface water flooding ("pluvial flood risk"). As a result the proposal has been subject to significant amendments during the course of the application in order to address these issues.

It is recognised that the significance of flood risks can be obscured by the technical nature of the language used in describing the flood characteristics of development sites, so in order to set this issue in context, this report sets out in addition to the policy context for the issue, a description of the key parameters within which flood risk is assessed.

Policy CS13 seeks to minimise the potential for fluvial and surface flooding by ensuring development does not cause harm to the water environment, water quality and drainage systems, while the NPPF and NPPG seek to direct more vulnerable land uses, including residential development, to land with the lowest possible risk of flooding. London Plan Policies 5.9, 5.10 and 5.11 sets out a framework for managing flood risk and improving flood resilience for development within London.

For the purpose of assessing flood risk of flooding from rivers ("fluvial flood risk"), all land is defined within one of several flood zones (Flood Zones 1-3). Flood Zone classifications in this location relate specifically to flooding from the Silk Stream. Flood Zone 3 is land that is assessed as having a high flood risk, with a 1 in 100 or greater annual probability of river flooding (>1%AEP). This is further classified into

- Flood Zone 3a, which is land that is considered to have a high probability of flooding, and
- Flood Zone 3b - the functional floodplain - which is land where water has to flow or be stored during flood events. The functional floodplain is further defined as land with 1 in 20 chance of flooding in any one year.

More vulnerable forms of development, including residential development, are encouraged to locate within Flood Zone 1. Conversely, development in Flood Zone 3 is discouraged by national and local planning policy as it can result in risks to life and to property, both within the sites where development takes place, and downstream as a result of loss of flood storage capacity through the displacement of that capacity by new buildings. However, where development cannot be provided within Flood Zone 1, residential use and other more vulnerable land uses may be considered within higher flood risk areas, provided that a sequential assessment of other sites is provided that demonstrates that there are no other available sites where the development can be provided. For sites within Flood Zone 3, residential development proposals must also pass the "exceptions test", which require applicants to

- demonstrate that development proposals will provide wider sustainability benefits to the community that outweigh flood risk, and
- provide a site-specific flood risk assessment demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The sequential and exceptions assessments for the proposal are considered below. As the consideration of the flood risk assessment is central to satisfying the overall acceptability of the proposals, the two parts of the "exceptions test" as noted above from the NPPF will be discussed there in reverse order.

Surface water flooding ("pluvial" flooding) is considered and mapped separately from fluvial flood risk. This can occur in locations that are not classified at risk from fluvial flooding, on occasions when rainfall exceeds the capacity of drains and of infiltration into permeable ground for surface water to be disposed of.

The Environment Agency (EA) provides mapping for both forms of flooding. Flood zone mapping for fluvial (river) flooding indicates that almost the whole of the site is within Flood Zone 3, with the exception being the extreme north-west corner of the site, which is indicated as being within Flood Zone 2. This is a small car park adjacent to the East Road frontage of the site. The EA's "Risk of Flooding from Rivers and the Sea" database provides a more site specific indication of flood risk, and indicates that the risk of flooding across the site from fluvial sources is classified as 'High' (greater than or equal to 1 in 30 [3.3%] in any given year). EA Flood Maps for Surface Water (pluvial) flooding indicate a 'Medium' risk for surface water across most of the site, indicating between a 1 in 100 (1%) and 1 in 30 (3.3%) chance of pluvial flooding in any given year. A small area of Roscoff Close (parallel to the eastern perimeter) is indicated to be at 'High' risk, which is defined as a greater than 1 in 30 (>3.3%) chance of flooding by surface water in any year. This is however outside the area for built development as proposed in the amended application.

The sequential test

As noted above, where development cannot be provided within Flood Zone 1, residential use and other more vulnerable land uses may be considered within higher flood risk areas, provided that a sequential assessment of other sites is provided that demonstrates that there are no other available sites with a lower risk of flooding, where the development can be located. A sequential assessment of other sites was submitted with the application, which considers a range of other sites within the Borough where the development could potentially be accommodated. It is noted that this considered a range of sites that are unlikely to be available for the purposes of providing the levels of affordable rental accommodation that would be provided by the current applicant, and that the actual range of sites available for this purpose within the Borough is more limited than those considered in the sequential assessment. For this reason, it is considered that the sequential test has established that the site would be required in order for the Borough to meet its housing land supply, with particular consideration having been given to the capacity of those sites to accommodate affordable rented accommodation.

The exceptions test

(i) Site specific Flood Risk Assessment:

The application provided a Flood Risk Assessment which was however not sufficient to demonstrate that the proposals as first submitted were fully acceptable in flood risk terms. Modification of the scheme by deleting Block C and providing for raised floor levels for the two larger buildings has however overcome objections from officers and the Environment Agency to the initial proposals. The removal of Block C eliminated the most vulnerable element of the proposals as first submitted, and this has also helped significantly in ensuring that any loss of flood storage capacity within the functional flood plain is properly managed. While Block A would be at less risk from flooding due to its location on higher ground, Block B would however be located within Flood Zone 3. The Environment Agency in their most recent consultation response has recommended that finished floor levels for the proposed development should be set as high as is practically possible, ideally 300mm above the 1 in 100 year with an allowance for a 35% flood level increase due to climate change. Remodelled of both Blocks A and B during the course of the application by raising their proposed ground floor levels are now accepted by the EA as providing appropriate levels of protection against flooding (with the caveat that the Agency “...has not undertaken a full assessment of the fitness for purpose of the modelling and can accept no liability for any errors or inadequacies in the model.”) This has slightly increased the heights of both buildings, with the more significant raising of levels being for Block B. While the floor level increase recommended by the EA has not been fully achieved in the amended proposals, additional flood resilience and resistance measures would be provided and the Environment Agency has commented that this is an acceptable approach to protecting the proposed development from flooding. The minimum finished floor levels recommended by the EA are set out in the relevant condition as recommended above.

The FRA sets out flood resilience provisions that would be secured by condition 6 and 31 as recommended above. The required provisions include a Flood Emergency Plan to ensure that future residents remain safe in a flood event. While the possibility of retreating to a safe place of refuge within the development during a severe flood event was advanced in the application and has been considered, this is not considered practical due to the limited areas of communal space within the development and the fact that occupiers would not have adequate facilities for this to be a practical option for more than very short periods. Flood waters can take several days to recede, and this option cannot therefore be relied on. Instead, and given the proximity of less floodable areas approximately 100m from the site, residents would need to be able to leave the development by a safe access route to dry ground beyond the flooded area that is within Flood Zone 1. The Flood Plan Emergency would therefore be required to manage any necessary evacuation of residents by this means, with the identification of a safe escape route being of particular importance in this respect. Technical guidance on safe means of escape advises that a dry escape route is preferable and, if that cannot be achieved, well-defined parameters of depth and velocity of flood waters together with a factor for any debris carried by flood waters are contained

with the technical guidance (Defra/EA Technical Report FD2320: *Flood Risk Assessment Guidance for New Development*). It should be noted that, for shallow water at the edge of a flood, velocity and debris are frequently of low significance, and it is likely that this would be the case here; however, physical hazards would need to be avoided, and these need to be taken into account in mapping a safe escape path.

An indicative flood escape route has been provided, and while the EA has commented that it remains to be demonstrated that a safe means of access and egress in the event of flooding can be provided, collation of the indicative flood escape route with the existing topographical plan show that a safe route is achievable. To ensure that this is worked up to a sufficient level of detail, a condition is recommended that would ensure that no works shall commence until a Flood Emergency Plan, to include details of a safe access / egress route from the site that is demonstrably safe for all occupants including the elderly and infirm, has been submitted to and approved by the Local Planning Authority. The Flood Emergency Plan (FEP) would also need to include details of a suitable evacuation destination and arrangements for the care of occupiers of the development at that destination. The site is located within an Environment Agency Flood Warning Area, so the condition would also require the development to register with the EA to provide flood warnings.

While it remains for aspects of this approach to be fully demonstrated, it is considered that a combination of the recommended conditions and provisions recommended for a section 106 agreement would provide an acceptable level of safety for future residents.

The FRA also sets out that the overall building footprint will be reduced, although it is noted that the footprint will be more concentrated in the more floodable parts of the site than is the case at present. However, the EA has withdrawn initial objections, and it is considered that the Flood Risk Assessment has now addressed the remaining concerns. Subject to the development being carried out in accordance with the revised FRA, as recommended in the conditions in Recommendation II, it is considered that this aspect of the development has been satisfactorily addressed.

(ii) The wider sustainability benefits to the community:

The second arm of the FRA is to demonstrate that the proposal would provide wider sustainability benefits to the community. The development will provide two benefits to the wider community within the estate; (i) access to an improved means of escape during a major flood event, and (ii) a new children's play area.

The safe means of flood escape that is required for new residents will also be available to neighbouring residents at Newton Walk and Roscoff Way, as provided for in Recommendation II above, providing improved benefits to those neighbouring residents as well as to the additional residents who will be able to live at the site. Similarly, the provision of a new children's play area will also provide wider sustainability improvement for the whole community.

While a wide range of other benefits has been advanced within the application towards the exceptions test, many of these are however in line with what would be required on a site with low risk of flooding. However the neighbourhood play area and flood escape route noted above are considered sufficient for the exceptions test to be passed. Nevertheless, the benefits that are provided are considered to be sufficient to allow the proposals to pass the exceptions test.

Lead Local Flood Authority (LLFA)

The LLFA has reviewed the flood management submissions, and has recommended a condition regarding management of the Sustainable Drainage System, which is included above.

Conclusion to consideration of flood risk issues

Taking the above points into consideration, it is considered that the application has demonstrated that the flood risk issues associated with the development have been satisfactorily addressed, and no objection is therefore raised in respect to this aspect of the proposals.

Impact on car parking at and highways safety

The site has moderate accessibility with a PTAL score of 3. In accordance with Barnet's parking standards the development as submitted should have between 33-53 parking spaces. However this number has reduced with the reduction of two flats. The provision of 41 spaces remains at the lower end of the adopted standards of provision, and any overspill is likely therefore to be limited to 2 spaces. A parking survey was submitted with the application that showed that 34-50 spaces were available on the surrounding streets on two consecutive nights. The proposals would slightly reduce the spaces on Newton Walk and East Road by 7, to 9 spaces in total; in the worst case 25 on-street spaces would be available to meet the potential residual car parking demand. Five spaces to disabled design standard would be provided, and cycle parking would provide for 70 bicycles, exceeding the minimum requirement as set out in the London Plan. Electric charging points would be provided, with 20% active and 20% passive charging points to be provided in accordance with the recommended condition. Refuse would be stored in secure binstores and wheeled to the footway for collection on Newton Road and East Road. Subject to conditions and informatives, there are no objections on highways grounds.

Impacts on trees

A number of trees would be removed to facilitate the proposed development including one 'B' category tree. The Tree Officer has commented on the application, and considers that the loss of these trees could be mitigated by transplanting some of the smaller trees that would otherwise be lost, and through replanting. This would be provided for by the recommended landscaping condition.

The Tree Officer has commented that the loss of T1 a identified in the submitted tree survey, a category B tree, will have a moderate impact on visual tree amenity in the local area. This is a good quality flowering cherry close to the East Road frontage. The Tree Officer has commented that this could be offset with replacement and enhancement planting. In addition, both blocks are located alongside a semi mature row of trees along the north-western boundary. There is a high risk of post development pressure as the trees will overhang the proposed properties leading to pruning and felling requests, and a crown reduction of 4.5m on the development side has already been proposed in the application. A reduction of this magnitude will reduce the tree group's life expectancy and visual amenity considerably. It is therefore recommended that a detailed pruning and removals schedule be provided for by condition, in addition to an arboricultural method statement and tree protection plan. In accordance with the Tree Officer's recommendations a long term management plan would also be required to address the risk of post development pressure on trees close to the building along the north-western boundary. The long-term landscape management plan would need to be provided for in the Section 106 planning obligation.

While a landscaping plan has not been submitted, it appears that 21 new trees have been provided on the proposed site layout plan. A landscape plan would be required to demonstrate that these can be provided within the development. A long term management plan (25 years) would also be required to address the risk of post development pressure on trees close to the building along the north-western boundary.

Building sustainability

The applicant's Sustainability Report has demonstrated that the proposed development would result in a decrease of over 35% of carbon dioxide above and beyond the requirements of the 2013 building regulations. The substantial part of the proposed saving arises from the use of roof-

mounted photovoltaic panels. The photovoltaic panels are illustrated on a roof plan that was provided with the application.

The Sustainability Report also confirms that the proposed development would accord with the London Plan and Barnet SPD standards in relation to water usage per occupant.

Both emission savings and water usage can be secured by appropriate conditions.

The Sustainability Report also sets out that all homes would meet the Level 4 of the Code for Sustainable Homes (CSH) in terms of overall building sustainability. While this high standard would be welcomed, the CSH has been cancelled by the government, and it would not therefore be appropriate for this standard to be imposed by a condition.

The Environmental Health Officer has commented that there is potential of land contamination and that air quality is likely to fall below minimum standards on occasions. Appropriate conditions were requested for any planning permission, and these are included in those recommended in this report.

Biodiversity

The site is in an ecologically sensitive location, adjacent to the Silk Stream SINC. In order to ensure that the ecological values of the site and surroundings are protected and enhanced, it is recommended that a biodiversity strategy be provided and implemented. This could allow for wildlife friendly plantings as part of the landscaping, as well as other wildlife features such as bat and bird boxes and log piles.

Security issues

The development will comply with Secured by Design standards. A condition as recommended above will ensure that this is secured.

5.4 Response to Public Consultation

The issues referred to in neighbour letters and also in the Council's other consultations are addressed in the above discussion.

Consultation comments from the Environment Agency, Lead Local Flood Authority, and the Council's Highways, Trees and Environmental Health Officers are also discussed above. Issues raised during the course of consultations have been resolved and are dealt with by conditions and in the section 106 requirements for the development.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site and the locality, and provided that sufficient landscaping is provided both at the road frontage and to the rear of the site, it is considered that the loss of amenity space can be sufficiently mitigated. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. It can be concluded that the

proposal is complies with the key policies of the development plan, and the application is therefore recommended for approval, subject to conditions.

Site Plan:



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LOCATION: Barnet House. 1255 High Road, N20 0EJ

REFERENCE: 17/5373/FUL

Received: 17 August 2017 **AGENDA ITEM 7**

Accepted: 17 August 2017

WARD: Totteridge and Whetstone

Expiry: 16 November 2017

APPLICANT: Healey Development Solutions (Barnet House) Ltd

PROPOSAL: Redevelopment of the Barnet House site including change of use of the main building from B1 (office) to C3 (residential); extensions to front, side and rear elevations; and the addition of 2 storeys to the height of the main building, partially within the existing built framework. Demolition of the existing 3 storey rear annex and erection of a new building ranging from 2 to 6 storeys. Redevelopment will deliver 216 new homes and 1,325sqm of community, retail and commercial floorspace, together with associated public realm, landscaping, new accesses and basement level car parking.

Application Background and Summary

RECOMMENDATION

Recommendation 1

The application being one of strategic importance to London it must be referred to the Mayor of London. As such any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Mayor of London.

Recommendation 2

Subject to Recommendation 1 above, the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes of seeking to secure the following, subject to any changes as considered necessary by the Head of Development Management:

(a) Legal Professional Costs Recovery

Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.

(b) Enforceability

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

(c) Affordable housing

20% affordable housing by units across the whole development (34 units) on the basis of the following detailed mix:

Discounted Market Rent (34 Units)

1 x 1 Bed

13 x 2 Bed

20 x 3 Bed

(d) Key Worker Housing

15% key worker housing by unit across the whole development (32 units) on the basis of the following detailed mix:

16 x 1 Bed

16 x 2 Bed

(e) Affordable Housing – Review Mechanism

An early and late stage viability review mechanism limited to a maximum of the equivalent value of 40% of the total units proposed.

(f) Clawback mechanism – in the event that use as Build to Rent ceases with 15 years for any unit.

(g) Carbon Offset Payment

Payment of £124,905 towards Carbon Offset to meet mayoral zero carbon target.

(h) Off Site Tree Contribution

Contribution of towards £12,000 towards off site planting of 20 trees along Whetstone High Road and Baxendale.

(i) Details of Delivery of SME Business Space including Start up Units including tenancy details and rental costs – To be agreed to satisfaction of Local Planning Authority.

(j) Fit out of Commercial Space to appropriate specification – To be agreed to satisfaction of Local Planning Authority.

(k) Local Employment Agreement

The delivery of specific LEA targets in regards to providing at least 16 end user jobs and 16 apprenticeships or alternative cash sum, work experience placements, site visits and school workshops to be agreed in writing by the Local Planning Authority.

(l) Employment and Apprenticeship Contributions

The payment to the London Borough of Barnet the following contributions:

Compensation for loss of employment floorspace: £223,000

apprenticeship contribution: £246,000

local employment contribution: £64,295

(m) Travel Plan measures and monitoring:

Including Provision of Travel Plans covering the following:

Travel Plan – Residential -

Travel Plan – Non Residential

An appropriate Travel Plan Monitoring Fee of £15,000 would also need to be paid in relation to the above plans.

A Travel Plan incentive fund of £64,800 (£300 per unit) towards travel plan incentive measures.

A minimum of two car club spaces shall be provided.

(n) Highway Contributions

The following contributions should be paid to the London Borough of Barnet to implement the following measures:

Controlled Crossing on Totteridge Lane: £50,000

CPZ Feasibility Study: £10,000

Feasibility Study of a Cycle Scheme: £10,000

Implementation of Cycle Infrastructure/Facilities: £50,000

Upgrade of the A100 High Road/Oakleigh Road/Totteridge Lane Junction to SCOOT:
£30,000

(o) Section 278 Works

Necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development, including resurfacing and reconstruction of roads immediately adjacent to the development and to deliver the footway improvements identified in the PERS Audit.

(p) Section 106 Monitoring contributions

(q) All financial contributions listed above to be subject to indexation.

Recommendation 3

That subject to Recommendation 1 and upon completion of the agreement specified in Recommendation 2, the Head of Development Management or Head of Strategic Planning to approve the planning application reference 17/5373/FUL under delegated powers, subject to the following conditions.

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

Conditions

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

Site Location Plan BRH-HKR-XX-XX-DR-A-0001 Rev 7

Site Plan BRH-HKR-XX-XX-DR-A-0002 Rev 9

Existing Block Plan BRH-HKR-XX-XX-DR-A-0006 Rev 4

Existing Basement Plan LB95002 01

Existing Ground Floor Plan BRH-HKR-XX-XX-DR-A-0100 Rev 3

Existing First Floor Plan BRH-HKR-XX-XX-DR-A-0101 Rev 2

Existing Second Floor Plan BRH-HKR-XX-XX-DR-A-0102 Rev 3

Existing Third Floor Plan BRH-HKR-XX-XX-DR-A-0103 Rev 2

Existing Fourth Floor Plan BRH-HKR-XX-XX-DR-A-0104 Rev 2

Existing Fifth Floor Plan BRH-HKR-XX-XX-DR-A-0105 Rev 2

Existing Sixth Floor Plan BRH-HKR-XX-XX-DR-A-0106 Rev 2

Existing Seventh Floor Plan BRH-HKR-XX-XX-DR-A-0107 Rev 2

Existing Eighth Floor Plan BRH-HKR-XX-XX-DR-A-0108 Rev 2

Existing Ninth Floor Plan BRH-HKR-XX-XX-DR-A-0109 Rev 2
Existing Tenth Floor Plan BRH-HKR-XX-XX-DR-A-0110 Rev 2
Existing Eleventh Floor Plan BRH-HKR-XX-XX-DR-A-0111 Rev 2
Basement Level Proposed BRH-HKR-XX-B1-DR-A-10B Rev 14
Ground Floor Plan Proposed BRH-HKR-XX-GF-DR-A-1000 Rev 20
First Floor Plan Proposed BRH-HKR-XX-01-DR-A-1001 Rev 18
Second Floor Plan Proposed BRH-HKR-XX-02-DR-A-1002 Rev 18
Third Floor Plan Proposed BRH-HKR-XX-03-DR-A-1003 Rev 15
Fourth Floor Plan Proposed BRH-HKR-XX-04-DR-A-1004 Rev 15
Fifth Floor Plan Proposed BRH-HKR-XX-05-DR-A-1005 Rev 15
Sixth Floor Plan Proposed BRH-HKR-XX-06-DR-A-1006 Rev 15
Seventh Floor Plan Proposed BRH-HKR-XX-07-DR-A-1007 Rev 15
Eighth Floor Plan Proposed BRH-HKR-XX-08-DR-A-1008 Rev 15
Ninth Floor Plan Proposed BRH-HKR-XX-09-DR-A-1009 Rev 15
Tenth Floor Plan Proposed BRH-HKR-XX-10-DR-A-1010 Rev 15
Eleventh Floor Plan Proposed BRH-HKR-XX-11-DR-A-1011 Rev 15
Twelfth Floor Plan Proposed BRH-HKR-XX-12-DR-A-1012 Rev 14
Thirteenth Floor Plan Proposed BRH-HKR-XX-13-DR-A-1013 Rev 15
Roof Level Proposed BRH-HKR-XX-14-DR-A-1014 Rev 6
North Elevation Existing BRH-HKR-XX-XX-DR-A-2009 Rev 2
East Elevation Existing BRH-HKR-XX-XX-DR-A-2010 Rev 2
West Elevation Existing BRH-HKR-XX-XX-DR-A-2011 Rev 2
South Elevation Existing BRH-HKR-XX-XX-DR-A-2012 Rev 2
North Elevation Proposed BRH-HKR-XX-XX-DR-A-2000 Rev 7
East Elevation Proposed BRH-HKR-XX-XX-DR-A-2001 Rev 9
West Elevation Proposed BRH-HKR-XX-XX-DR-A-2002 Rev 8
South Elevation Proposed BRH-HKR-XX-XX-DR-A-2003 Rev 8
Courtyard North Elevation Proposed BRH-HKR-XX-XX-DR-A-2004 Rev 6
Courtyard West Elevation Proposed BRH-HKR-XX-XX-DR-A-2005 Rev 7
Courtyard South Elevation Proposed BRH-HKR-XX-XX-DR-A-2006 Rev 7
Courtyard East Elevation Proposed BRH-HKR-XX-XX-DR-A-2007 Rev 7
Site Sections Existing BRH-HKR-XX-XX-DR-A-0005 Rev 4
Site Sections Proposed BRH-HKR-XX-XX-DR-A-0003 Rev 8
Section AA Proposed BRH-HKR-XX-XX-DR-A-3000 Rev 9
Section BB Proposed BRH-HKR-XX-XX-DR-A-3001 Rev 2
Section Existing and Proposed BRH-HKR-XX-XX-DR-A-3002 Rev 5
Submitted for Information
Typical Floor Sections BRH-HKR-XX-XX-DR-A-3003 Rev 4
Apartment Types BRH-HKR-XX-XX-DR-A-4000 Rev 8
Accommodation schedule sheet 1 of 3 BRH-HKR-XX-XX-SA-A-6000 Rev 10
Accommodation schedule sheet 2 of 3 BRH-HKR-XX-XX-SA-A-6001 Rev 9
Accommodation schedule sheet 3 of 3 BRH-HKR-XX-XX-SA-A-6002 Rev 9
Net internal area schedule BRH-HKR-XX-XX-SA-A-6003 Rev 3
Gross Internal Area Plans BRH-HKR-XX-XX-SA-A-6004 Rev 6
Gross Internal Area Plans BRH-HKR-XX-XX-SA-A-6005 Rev 7
Gross Internal Area Plans BRH-HKR-XX-XX-SA-A-6006 Rev 7
Gross Internal Area Schedule BRH-HKR-XX-XX-SA-A-6007 Rev 7
Amenity Spaces BRH-HKR-XX-XX-SA-A-6009 Rev 2
Typical Bay Elevations BRH-HKR-XX-XX-DR-A-2008 Rev 3

Arboricultural Method Statement and Arboricultural Impact Assessment;
Archaeological Desk Based Assessment;
Air Quality Assessment;

Car Park Management Plan;
Outline Construction Traffic Management Plan;
Daylight, Sunlight and Overshadowing Study;
Design and Access Statement;
Desk Study Report;
Delivery and Servicing Plan;
Employment Statement (and Addendum);
Energy Statement (and Addendum);
Financial Viability and Housing Statement;
Framework Travel Plan;
Flood Risk and Surface Water Drainage Statement;
Landscape Statement;
Noise Impact Assessment;
Outline Waste Management Strategy;
Pedestrian Level Wind Microclimate Assessment;
Planning Statement;
Preliminary Ecological Appraisal;
Statement of Community Involvement;
Sustainability Statement (and Addendum);
Townscape and Visual Appraisal;
Transport Assessment (version 1.2);
Tree Management Plan;
Framework Travel Plan; and
Utilities Assessment.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and NPPF and CS1 of the Adopted Barnet Core Strategy DPD (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. Unless otherwise agreed with the Local Planning Authority, no construction works shall occur outside the following times:

08:00 – 18:00 hours weekdays

08:00 – 13:00 hours Saturdays

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

4. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence unless and until details of the levels of the proposed buildings, roads, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with such details as so approved before the dwellings and non-residential uses otherwise hereby approved are first occupied or brought into use.

Reason: To ensure that the development is carried out at suitable levels in relation to the

highway and adjoining land having regard to drainage, gradient of access, the amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan 2016.

5. The development shall provide a total of 10% of units across the site designed to be fully wheelchair accessible or easily adaptable for residents who are wheelchair users unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan (2016); and to ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian 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.

6. Prior to the commencement of above ground works, the following details for that building shall be submitted to and approved in writing by the Local Planning Authority (unless otherwise approved and agreed):

- i. Full details (including samples, where appropriate) of the materials and finishes to be used on all external surfaces
- ii. Door, entrances, windows (including glazing specifications) and balconies (including drawings and section showing thresholds to adjacent internal spaces and drawings and sections of privacy screens)
- iii. Details of the design and access controls for the underground car park;
- iv. Building lighting
- v. Podium details (including hard and soft landscaping, planting species, furniture and play provision)
- vi. Details of biodiverse roofs
- vii. Details of any building security measures including cctv

Thereafter the feature hereby approved shall be installed prior to occupation of the relevant phase and thereafter maintained in secure and good working order for the lifetime of the development.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

7. All commercial units shall achieve a minimum of BREEAM Very Good. Within three months of first occupation of the building, a copy of the summary score sheet and BREEAM Post Construction Certificate shall be submitted to the Local Planning Authority to demonstrate that this has been achieved.

Reason: To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan, the Colindale Area Action Plan (2010) and policies 5.2 and 5.3 of the London Plan 2016.

8. Prior to the occupation of the development, an External Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority detailing the type, design, lux levels of proposed external lighting as well as measures to control glare.

The External Lighting Assessment submitted shall detail the existing and proposed average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to both neighbouring residential properties as well as residential properties within the proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to first occupation.

Reason: To ensure the development provides adequate amenities of neighbouring residential properties as well as the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan and to mitigate the impact to species including bats in accordance with policies CS7 and DM16.

9. No residential unit shall be occupied until the private and/or communal amenity space provision, (excluding public open space) for that unit is available in accordance with the Approved Plans.

Reason: To ensure there is adequate amenity space available for all residential units.

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

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

11. Prior to first occupation, a scheme for the provision of communal/centralised satellite and television reception equipment shall be installed on all blocks within that Development Phase unless otherwise agreed in writing by, the Local Planning Authority. The equipment shall thereafter be retained and made available for use by all occupiers of the development.

Reason: To ensure that the development makes appropriate provision for such equipment, so as to not impact adversely on the character of the area, in accordance with policies CS5 and DM01 Barnet Local Plan.

12. 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 on any part 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 Barnet Local Plan.

13. Notwithstanding the details submitted with the application, prior to the occupation of the development, the following details for that Development Phase shall be submitted to and approved in writing by the Local Planning Authority:

- i. Enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- ii. satisfactory points of collection; and
- iii. details of the refuse and recycling collection arrangements

The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the development is occupied and the development shall be managed in accordance with the approved details.

Reason: To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Barnet Local Plan.

14. Prior to first occupation a detailed site wide Parking Management Plan for the overall development shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, the details shall include:

- i. Location and layout of car parking spaces
- ii. Allocation of car parking spaces (for residential, non-residential users and visitors)
- iii. On-site parking controls and charges (if any)
- iv. 'Blue badge' space quantities in accordance with London Plan (2016) guidance
- v. Location of a minimum of 2 car club spaces
- vi. Electric Charging Points: Location and specification. For residential parking spaces, delivery of the 20% of parking spaces which shall be active and 20% which shall be passive electric charging points. For non-residential spaces, provision at 20% of spaces shall be undertaken with potential provision at a further 10% of spaces.

The car parking spaces shall be provided prior to first occupation and shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The Car Parking Management Plan and the abovementioned provisions shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan (2016) and also, to ensure that the development does not over-provide car parking spaces and to encourage sustainable travel in accordance with Barnet Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

15. Accessible parking bays shall be allocated to wheelchair accessible homes at 1:1 provision. The maximum gradients for pedestrians and wheelchair users within the site should ideally be no more than 5%, with the maximum being 8%.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan (2016); Shaping Neighbourhoods Accessible London: Achieving an Inclusive Environment SPG October 2014 and Manual for Streets 2. To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian 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.

16. Prior to the first occupation of the development, the proposed cycle parking and cycle storage facilities shall be installed in accordance with the approved plans and such spaces shall be permanently retained thereafter.

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

17. Before the development hereby is occupied; details showing a plan, entry and egress arrangements for pedestrian walkways and cycle linkages are to be submitted to and approved in writing by the Local Planning Authority.

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

18. Prior to Ground Works and Site Preparation Works, no development shall commence within a Development Phase until a Construction Environmental Management Plan, setting out the construction and environmental management measures associated with that Development Phase, has been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the ES and shall include:

Construction site and works

- i. Site information (including a site plan and management structure)
- ii. Description of works, equipment and storage
- iii. Programme of works
- iv. Temporary hoarding and fencing
- v. Temporary works
- vi. Interim drainage strategy
- vii. Intrusive site investigation works and monitoring (the scope to be agreed in writing with the Local Planning Authority)

Construction management and procedures

- viii. Code of Considerate Practice
- ix. Consultation and neighbourhood liaison
- x. Staff training and briefing procedures
- xi. Schedule of environmental legislation and good practice
- xii. Register of permissions and consents required
- xiii. Environmental Audit Programme
- xiv. Environmental Risk Register

- xv. Piling Works Risk Assessment
- xvi. Health and safety measures
- xvii. Complaints procedures
- xviii. Monitoring and reporting procedures

Demolition and waste management

- xix. Demolition Audit
- xx. Site clearance and waste management plan
- xxi. Asbestos survey and disposal strategy

Construction traffic

- xxii. Construction traffic routes
- xxiii. Construction traffic management (including access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution)

Environmental Management

- xxiv. Ecology surveys and management plan in relation to any existing ecological features that may be affected by works in that Development Phase
- xxv. Measures to minimise visual impact during construction
- xxvi. Measures to minimise noise and vibration levels during construction
- xxvii. Measures to minimise dust levels during construction
- xxviii. Measures to control pollution during construction (including a Pollution Response Plan)
- xxix. Construction lighting strategy, including measures to minimise light spill
- xxx. Measures to reduce water usage during construction
- xxxi. Measures to reduce energy usage during construction
- xxxii. Any other precautionary and mitigatory measures in relation to demolition and construction as identified in the ES and the EIA Mitigation Register

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties, in the interests of highway and pedestrian safety and in the interests of protecting the environment and trees in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14, 7.15, 7.21 and 5.21 of the London Plan 2016.

19. No Surface Infrastructure Works shall commence within the relevant Development Phase until a scheme of Landscaping Works for that Development Phase is submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, the scheme shall include:

- i. Design and location of electricity sub stations, including surface treatment and means of enclosure
- ii. Vehicle parking and surfacing treatment (including petrol/oil interceptors)
- iii. Surface drainage details

- iv. Surface materials and finishes
- v. Access and wayfinding strategy
- vi. Materials, types and siting of all fencing, boundary treatments, gates or other enclosures (including temporary arrangements to be in place until the site is completed in full)
- vii. Details of all proposed trees, hedge, shrub and other planting and all planting proposed for green walls and other soft landscaped structures, including proposed species, plant sizing, density and arrangement
- viii. Ecological enhancements, including measures to improve biodiversity on the site.
- ix. The position of any existing trees and hedges to be retained or removed and the crown spread of each retained tree
- x. details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site
- xi. the position of any proposed excavation within the recommended protective distance referred to in BS5837: 2012
- xii. means of planting, staking and tying of trees, including tree guards, and a detailed landscape maintenance schedule for regular pruning, watering and fertiliser use, referencing details approved under conditions 9 and 14 as relevant
- xiii. Details of all proposed hard landscape works, including proposed materials, samples and details of special techniques to minimise damage to retained trees and details of techniques to be used to provide conditions appropriate for new plantings
- xiv. timing of planting

Development shall be carried out in accordance with the approved details unless otherwise agreed in writing.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan 2016.

20. No site works or other works within the development shall be commenced before tree protection measures to safeguard retained trees have been erected in accordance with details contained with the submitted arboricultural impact assessment, method statement and protection plan and tree management plan by Arbtech approved under this permission (or alternative measures to be agreed in writing by the Local Planning authority).

The tree protection measures approved shall remain in place until after the development works hereby consented are completed and no material or soil shall be stored within any of the protected areas during the works associated with this development.

Reason: To safeguard the health of existing trees which represent an amenity feature in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan 2016.

21. Prior to the commencement of the development hereby approved within a Development Phase details of the location, type, extent and depth of all excavations for drainage and other services in relation to trees to be retained, or trees on adjacent sites, shall be submitted to and approved in writing by the Local Planning Authority for that Development Phase. The development shall be carried out in accordance with such approval.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.

22. If within a period of five years from the date of planting any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place in the next available planting season (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan 2016.

23. No part of the development shall be occupied until a Landscape Management Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details and maintained in accordance thereafter.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan 2016.

24. Part 2

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

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

25. If, during development of each phase, contamination not previously identified is found to be present at the site then no further development within that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

26. a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

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 protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2016.

27. Prior to the commencement of the development (other than for Ground works and Site Preparation Works) a Scheme of Sound Insulation Measures shall be submitted to and approved in writing by the Local Planning Authority. The Scheme of Sound Insulation Measures submitted shall set out how the development would be constructed so as to provide sufficient air borne and structure borne sound insulation against internally and externally generated noise and vibration. The sound insulation used in this respect shall ensure that the levels of noise as measured within habitable rooms of the new dwellings in the development shall be no higher than 35dB (A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am. The development shall be constructed in full accordance with the approved Scheme of Sound Insulation Measures prior to its first occupation.

Reason: To ensure that the amenities of the occupiers of the development are not prejudiced by noise and vibration and to accord with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan 2016.

28. 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 interests of good air quality with regard to London Plan policies 5.3 and 7.14. In accordance with the Council's Sustainable Design and Construction SPD (adopted October 2016)

29. a) Prior to the installation of the CHP plant, an air quality assessment report, written in accordance with the relevant current guidance, for the CHP Plant shall be submitted to and approved by the Local Planning Authority. The emissions for CHP shall not exceed the standards listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document 2014.

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

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. Details

of the plant and evidence to demonstrate compliance with the GLA's emissions standards will be required.

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

Reason: To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development in accordance with the Sustainable Design and Construction SPD (adopted April 2013). To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan 2016 in relation to air quality.

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

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

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

31. No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the water infrastructure and drainage works and Sustainable Urban Drainage System features identified in the approved flood risk & surface water drainage statement.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with policy CS13 of the Barnet Local Plan and policies 5.13 and 5.14 of the London Plan 2016.

32. The proposed D1 floorspace shall be occupied for healthcare or education and community purposes only and shall not be used for any other purpose, including any other purpose within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice the amenities of the future and neighbouring residential occupiers in accordance with policy DM01 of the Barnet Local Plan.

INFORMATIVE(S):

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

2. The applicant is advised that the submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.

Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday – Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site

3. In complying with the contaminated land condition, 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.

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

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

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

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

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

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

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

4. REFUSE

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

5. VEHICULAR ACCESS - SECTION 184 OF THE HIGHWAYS ACT (1980)

The applicant must submit an application under Section 184 of the Highways Act (1980) for all the proposed vehicular accesses. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section –Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone, N20 0EJ.

6. CONSTRUCTION ADJACENT TO PUBLIC HIGHWAY

For construction works adjacent to the public highways, the applicant must contact the council's First Contact on 0208 359 2000 for any necessary Highways Licenses.

7. HIGHWAYS REPAIR

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

8. RELOCATION OF STREET FURNITURE

The applicant is advised that any street furniture or lighting column affected by the proposed works would be relocated under a rechargeable works agreement by the Council's term contractor for Highway Works. You may obtain an estimate for this work from Development & Regulatory Services, Barnet House, 1255 High Road, Whetstone, N20 0EJ.

9. RAMP GRADIENT

The gradient for the proposed ramps leading to the underground parking areas should have a gradient not steeper than 1:10 or in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks 3rd Edition.

10. S38 WORKS

The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 38 Agreement under the Highways Act 1980.

11. S278 WORKS

The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.

12. Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below. "An overarching recommendation is to follow *BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations* and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

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

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

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London;

receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit

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

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

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 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.

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.

National Planning Policy Framework

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

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

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

London Plan

The London Plan is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). In March 2016, the Mayor published (i.e. adopted) the London Plan 2011 consolidated with: the further alterations to the London Plan published in March 2015, the Housing Standards Minor Alterations to the London Plan published in March 2016 and the Parking standards Minor Alterations to the London Plan published in March 2016.

The London Plan policies (arranged by chapter) most relevant to the determination of this application are as follows:

Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.2 (London and the Wider Metropolitan Area)

2.7 (Outer London Economy)

2.8 (Outer London Transport)

2.13 (Opportunity Areas and Intensification Areas)

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

London's People:

Policy 3.1 (Ensuring equal life chances for all)

Policy 3.6 (Children and young people's play and informal recreation facilities)

Policy 3.16 (Protection and Enhancement of social Infrastructure)

London's Response to Climate Change:

5.1 (Climate Change Mitigation)

5.2 (Minimising Carbon Dioxide Emissions)

5.7 (Renewable Energy)

5.10 (Urban Greening)

- 5.11 (Green Roofs and Development Site Environs)
- 5.12 (Flood Risk Management)
- 5.13 (Sustainable Drainage)
- 5.21 (Contaminated Land)

London's Transport:

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

London's Living Places and Spaces:

- 7.4 (Local Character)
- 7.6 (Architecture)
- 7.8 (Heritage assets and archaeology)
- 7.14 (Improving Air Quality)
- 7.15 (Reducing and Managing Noise)
- 7.18 (Protecting Open Space and addressing deficiency)
- 7.19 (Biodiversity and Access to Nature)
- 7.21 (Trees and Woodlands)
- 7.7 (Location and design of tall and large buildings)

Draft Replacement London Plan 2017

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

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Mayoral Supplementary Guidance

Sustainable Design and Construction (April 2014)

The Sustainable Design and Construction (SPG) seeks to design and construct new development in ways that contribute to sustainable development.

The Mayor's Climate Change Mitigation and Energy Strategy (October 2011)

The strategy seeks to provide cleaner air for London. This strategy focuses on reducing carbon dioxide emissions to mitigate climate change, securing a low carbon energy supply for London and moving London to a thriving low carbon capital.

Accessible London: Achieving an Inclusive Environment (October 2014)

The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.

Planning for Equality and Diversity in London (October 2007)

This guidance sets out some of the overarching principles that should guide planning for equality in the London context.

All London Green Grid (March 2012)

This strategy provides guidance for designing and managing green and open spaces to bring about previously unrealised benefits. In doing so, we aim to encourage boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.

The control of dust and emissions during construction and demolition (July 2014)

The aim of this supplementary planning guidance (SPG) is to reduce emissions of dust, PM₁₀ and PM_{2.5} from construction and demolition activities in London.

Play and Informal Recreation (September 2012)

Provides guidance to Local Authorities and development to estimate the potential child yield from a development, and the resulting requirements for play space provision.

Housing (March 2016)

The housing SPG provides revised guidance on how to implement the housing policies in the London Plan.

Affordable Housing and Viability (August 2016)

Set's out the Mayor's policies for assessing and delivering affordable housing and estate renewal.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD which were both adopted on 11 September 2012. The Local Plan development plan policies of most relevant to the determination of this application are:

Core Strategy (Adopted 2012):

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

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

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

CS7 (Enhancing and Protecting Barnet's Open Spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive integrated community facilities and uses+)

CS11 (Improving health and wellbeing in Barnet)

CS13 (Ensuring the efficient use of natural resources)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)

DM04 (Environmental considerations for development)

DM05 (Tall Buildings)

DM14 (New and existing employment space)

DM13 (Community and education uses)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

Supplementary Planning Documents and Guidance

The Council has a number of adopted Supplementary Planning Documents (SPDs) which provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards. They are material considerations for the determination of planning applications.

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)

Planning Obligations (April 2013)

1.2 Key Relevant Planning History

The existing building was constructed in 1964. Subsequent to this there have been several minor planning application and advertisement consent applications, with the following planning applications being listed in the applicants supporting documentation.

Table 2.1 Relevant Planning History

Application Reference	Description	Decision and Date
N/00153/B	Construction of store room, goods in and out, Chauffeur's room, and lavatory, in basement car park.	Approved: 04/03/1966
N/00153/E	The erection of aerial mast.	Approved: 02/07/1975
N/00153/G	New pedestrian gate in fence adjoining High Road at northern end of site.	Approved: 14/02/1979
N/00153/P	Provision of additional car parking together with associated landscaping and the formation of a new vehicular access to Baxendale.	Approved: 08/05/1985
N/00153W/04	Alteration to car park layout including additional parking spaces.	Approved: 08/12/2004

In addition to the above, and of direct relevance to the current application a prior notification application was granted on the 11 May 2017 for the Change of Use of the building from B1 (Office) to C3 (residential), providing for 254 residential units.

1.3 Pre-application Consultation by the Applicant

A statement of community involvement has been submitted with the Planning Application which outlines the consultations which the applicant carried out prior to the submission of the application. The consultations took place between April and August 2017 and included a public exhibition, mail drops and meetings with local stakeholders and ward members and other elected members.

1.4 Public Consultations by the Council and Views Expressed

Public Consultation

339 local residents were consulted on the planning application by letter on 04.09.2017. The application was advertised in the local press on 12 September 2017 and site notices were put up on site on 7 September 2017. The consultation process carried out for this application is considered to be appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and the Council's

own adopted policy.

Re consultation

Neighbouring residents were re-consulted on the 19th December 2017 as a result of design amendments increasing the quantity of employment space and affordable housing.

Public Representations

As a result of the consultation, a total of 305 responses have been received with 178 objections and 125 letters of support.

The comments received from members of the public have been summarised as follows:

Summary of main points raised by members of the public in objecting to the scheme.

Proposal would increase height of already tall building;
Increase in footprint of building will exacerbate visual impact of building
Proposal visual obtrusive and out of character with area
Overdevelopment of site
Density of development excessive
Poor quality of architectural design

Density of site suitable for central London not current location
Too many flats
Impact of proposal in conjunction with other developments in the area
Insufficient infrastructure in local area, schools, doctors, dentists, shops and services.
Impact on Road network, insufficient capacity
Pollution levels
Insufficient parking provided
Inadequate provision for servicing, deliveries, emergency vehicles, waste etc.
Impact of lack of parking in relation to parking demand on adjoining roads
Impact on crime
Impact on Baxendale, developments at rear will create canyon affect;
Increase of building footprint towards High Road will set a precedent and be overbearing
Site should be used to build a school
Site should be used as a clinic or college not residential
Too much commercial space, sufficient commercial in area, more flats should be provided;
Highway safety due to quantity of cycle parking provision which will lead to conflict with pedestrians and road traffic
Provision of quantity of cycle spaces without other infrastructure such as cycling superhighway will result in deaths and injuries
Wind tunnel impact of proposals, impact of proposals on microclimate, exacerbated by potential removal of trees
Proposal too close to footpaths
Proposed balconies will overhang footpaths
Servicing area inadequate
Loss of daylight and privacy to adjoining properties including Baxendale.
Impact on local business by loss of office workers
Loss of Trees covered by TPO
Proposed flats while better than prior notification application still too small and unsuitable for habitation;
Inadequate living accommodation will be created
Barnet House should be demolished and lower density building built;
Height of buildings at rear at 6 storeys too high and will impact upon 2-3 storey adjoining

properties
Potential of Grenfell style tragedy
Proposed changes do not respond to residents objections;
Light pollution from proposed flats (office hours less than residential)
Future residents should be prevented from applying for permits
Poor quality of architectural design

Summary of main points raised by members of the public in support of the scheme.

Proposal will provide much needed housing and will serve as a better visual landmark than the current building. Proposal will provide uplift for Whetstone High Street and help local economy and existing site.

Officer Comment

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

Elected Representatives.

Teresa Villiers MP

I write to object to this application to re-develop Barnet House by adding extensions to the front, side and rear elevations, and adding 2 storeys to the height of the main building in order to provide 229 new dwellings.

I accept that some residential use for this site would be appropriate. I welcome the decision by the developer to shelve plans for hundreds of 'micro-flats' in Barnet House using permitted development rules.

However, I oppose this application. The plans need to be scaled down. In particular, the bulk of the new blocks proposed for the site around the main building are out of scale with the surrounding area. Their height and mass is inappropriate for the suburban environment. The development is visually obtrusive.

I believe that the plans would amount to an overdevelopment. This problem is intensified by the fact that there are several other large scale building projects already underway in the area, eg on the B&Q site and at Sweets Way. I believe the Meadowcroft application for Barnet House would place an unreasonable strain on local infrastructure in terms of traffic and parking. It is also the case that local schools and GPs are already subject to high demand and would find it very difficult to accommodate the significant increase in population proposed in this application.

A number of my constituents have expressed opposition to these plans. I understand that some of them have submitted their comments and objections. I would be grateful if these could be carefully considered by the planning committee before a decision is reached.

Lastly, I would be grateful if you could notify me of the date on which this application will be considered; and note that I would like to address the committee.

Andrew Dismore AM

15/09/2018

**Objection to planning application for Barnet House 1255 High Road London N20 0EJ,
Ref: 17/5373/FUL**

Dear Sir or Madam,

I am writing to object to the above application in my capacity as London Assembly Member for Barnet and Camden.

This application, whilst an improvement on the scandalous permitted development application earlier, is still unacceptable on the grounds of design, height, density, lack of amenity, and lack of parking provision.

The height of the building is unacceptable. The original building gained permission due to a 1960s loophole, and creating an even taller building of 14 storeys goes against the desire of the local community, and the Council's own policies on design, sustainability and density.

The proposed units are only slightly larger than those of the earlier application. They are hare hutches rather than rabbit hutches. They are not at an acceptable level of space, and will therefore create a sense of claustrophobia for those living within them. I am concerned that so many people in such close proximity would also mean there is likely to be noise problems, and residents would not be able to enjoy either privacy or a sense of peace and calm in their own homes.

The exterior design of the development is also unacceptable, being out of keeping and out of character with the surrounding area of Whetstone and Totteridge.

The density of the development is still too high, and such a large development will likely to add to further pressure on local public services.

This is also not a child-friendly development, with no amenities for children of differing ages. This will only exacerbate the sound problems described earlier. In fact there is very little amenity space connected to this development, barring a balcony on the 12th floor.

I would have preferred to see some mixed use of the development, with some retail or office space retained on the ground floor, and some proper community space provided.

I do not believe the parking arrangements are in any way adequate. Again, the concept that being on bus routes and near a station means residents will not use cars is, as usual in a suburban context, erroneous. There are likely to be both families and retired people living in this development, both groups are car dependent in suburban contexts.

Therefore, I oppose this development, and urge Barnet Council officers to reject this application.

16/01/2018

I am writing to object to make additional comments to my objection of 15/09/17 regarding the above application in my capacity as London Assembly Member for Barnet and Camden.

I will first reiterate my previous reasons for objection: 'This application, whilst an improvement on the scandalous permitted development application earlier, is still unacceptable on the grounds of design, height, density, lack of amenity, and lack of parking provision.'

In addition, the Mayor's stage 1 report states that there is an offer of just 10% affordable housing. This is completely unacceptable. Given the majority of the building is currently already extant and most of the work is conversion, there is no reason for such a low offer.

There should be more employment space retained. This is another office to residential conversion, and the loss of employment space is to be regretted. The application should contain space to support SME's. The overshadowing of the play space is also unacceptable.

Therefore, I continue to oppose this development, and urge Barnet Council officers to reject this application.

Consultation responses from neighbouring associations other non-statutory bodies.

Hendon and District Architectural Society

HADAS presses the Council to impose an archaeological condition if it approves this application or any subsequent one for the site, as recommended in the Archaeological Desk-Based Assessment submitted with the application.

I am copying this to Historic England, as the council's archaeological advisers.

Finchley Society

Finchley Society to object to this proposal on the following grounds:-

1 There is a lack amenities on the site for residents.

2.Height: Main building - Whilst the addition of an additional storey within the existing built framework can be easily understood and accepted, The building of a further storey on top of that is unnecessary and seems to have no aim but to ensure that Barnet House will be one of the tallest buildings in the area. This development will have an adverse effect on the character of the area. I presume that if you agree this proposal the developer of the B&Q site, which had restricted the height of its tallest building by reference to the height of Barnet House, will have a good case for seeking an increase in height to its own buildings.

Annex - The increase in height for part of the building replacing the annex from three storeys to six storeys will be difficult for the locals to accept as the building will be in the suburban part of the site and too close to the comfort of existing neighbours. It will be blocking access to light and will be overlooking other properties.

3. Overdevelopment and too high a density of dwellings per hectare - There is not sufficient green space left on the site for the recreation of residents. With office workers on the site, this was never a problem and anyway they tended to work between 8.00 and 18.00 (Mondays to Fridays) and did not affect the residents outside those hours. Residents, however, could be there at all times and their children will need space or they will be roaming the streets. Density in that small area will be about the same as central London, particularly when taking into account the big B&Q development next door and some of the other developments in the vicinity. Existing residents have much to lose.

Totteridge Residents Association

We object to this proposal as we believe it does not comply with Barnet's Development Management Policies (2012) or Barnet's Local Plan Core Strategy (2012) regarding policies CS1, CS5 and DM01 and DM05.

The proposed increased height of the existing tower block, (which gained approval in the 60s through a planning loophole and which should never have been built), is wholly inappropriate and together with the elevational changes adding greater bulk, bringing the front and side boundaries nearer Baxendale and the High Road pavements and forward of the building line of the adjoining B & Q development is totally contrary to the Council's policies on tall buildings. Having balconies overhanging the pavement is potentially hazardous and increases the impact of the bulk of the building creating a dominant overbearing structure, completely at odds with its surroundings.

The proposal to replace the three storey annex at the rear with new buildings ranging from two to six storeys would create an undesirable and dominant mass which would be overshadowing and overbearing on the Baxendale home and dwellings along Totteridge Lane and therefore would be detrimental to the residents peaceful enjoyment of their properties.

The high dwelling density proposed greatly exceeds that of neighbouring new developments and also exceeds the maximum proposed in the London Plan for Central London. This density is inappropriate, wholly unacceptable and out of keeping with the location.

The car parking provision is inadequate and should be at least in accordance with the maximum parking provisions of policy DM17 in the Development Management Policies. The limited parking proposed appears contrary to 2.i and 2.ii of this policy

Barnet's Development Management Policies (2012), 2.3.7 states: Protecting character helps to maintain Barnet's heritage. Policy DM01: Protecting Barnet's Character and Amenity states that development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding streets building, spaces and streets. In order to protect character Barnet's policy DM01 requires development to demonstrate good understanding of the local characteristics of the area. Proposals which are out of keeping with the character of an area will be refused

We are of the opinion that the height, mass, scale and unconscionable dwelling density of the proposed development would have an unacceptable harmful impact on the character and amenity of its neighbouring occupiers and the development would not preserve, protect or enhance Barnet's heritage and character. This application should be refused.

05/01/2018

On behalf of Totteridge Residents' Association I would be grateful if you would bring to the attention of the Planning Committee our views on the above.

The contents of the TRA letter dated 26th September remain relevant to this amended application and are attached for ease of reference.

Apart from reducing the number of flats from 229 to 216, increasing the affordable housing quota by 20% and increasing community space 807sqm little else appears to have changed.

The proposed scheme represents extreme overdevelopment of the site with excessive density contrary to the Council's Planning Policies.

This application should be refused.

Baxendale Residents Association

1. RESIDENTIAL REDEVELOPMENT

Most residents of Baxendale have no objection to the redevelopment of this site for residential purposes PROVIDED THE DESIGN IS APPROPRIATE.

However several hundred new housing units have already been built, or are planned, within half a mile of Barnet House, adding much to the local pressures on traffic, parking, medical and educational facilities.

2. PLANNING GUIDANCE

The scheme in this application appears little changed from that displayed by Meadow at their exhibition in June, despite much detailed criticism, then and since, from many quarters, and it remains, TOTALLY UNSUITABLE FOR THIS SITE.

Planning guidance set out in The London Plan, Barnet Core Strategy, Barnet's Local Plan and Development Management Policies is very clear on what should be expected from new developments. Specifically it seeks to:-

- Restrict inappropriate increases in urbanization.
- Restrict unacceptably harmful impacts on the surroundings.
- Protect and enhance Barnet's heritage and character.
- Respect the local context and distinctive local character.
- Ensure schemes sit comfortably with their neighbours.
- Respect the scale, massing and height of the surrounding physical context.
- Ensure schemes are not overbearing or unduly obtrusive and do not look out of place.
- Stop any increase in a sense of enclosure to adjoining properties.

When tall buildings are considered they should:-

- Be restricted to certain very limited central locations.
- Not detract from the nature of their surroundings for those living and working nearby.
- Be sensitive in elevated positions e.g Finchley Ridge.
- Not necessarily be assumed as acceptable replacements to existing high buildings.

Also noted is:-

- That Whetstone is not a Priority Town Centre.
- Whetstone is not a regeneration and development zone.
- The accepted density matrix for suburban locations is 200 to 350 habitable rooms per hectare, perhaps extending to 700 hrph in more urban locations.

But Meadow's scheme fails to comply with the planning guidance in virtually every respect.

3. DENSITY

Meadow's scheme proposes a density of 1452 hrph, more than double that considered appropriate in the most urban of suburban settings. Recent consents on the adjoining old B&Q site and Sweets Way have been at 420 hrph and 230 hrph respectively. The floorspace on the site would nearly triple.

Clearly Meadow's proposal is grossly excessive which also creates a number of

other problems.

4. VOLUME

The huge proposed addition to the volume of building on this small site would result in:-

- Extra height to the existing tower that is already far too tall.
- Expanded elevations to the tower, bringing them close to the back of pavement line on the High Road and Baxendale frontages. This would create a mass, bulk, height and scale which could only be overwhelming at ground level, and give a sense of being cramped in.
- Creation of TUNNEL VISION at the entrance to Baxendale, between the Crest Nicholson (old B&Q site) and Meadow schemes, also resulting in micro-climate problems.
- Balconies on the Baxendale frontage overhanging the footpath!
- Dense development to the rear of the site, with up to 6 storeys adjacent to 4 storey neighbours, causing overlooking problems.

5. CAR PARKING

The parking provision in the underground car park would be completely inadequate for 229 flats housing probably more than 500 adults in a suburban setting, and a number of points were noted:-

- The 115 spaces proposed just reflects the size of the basement, not any logical analysis of occupants' needs.
- The Transport Assessment admits it does not know future occupants' travel patterns.
- 64 would be double spaces which must be paired and allocated to the same flat, 24 would have disabled priority, with 3 for the Car Club leaving only 24 standard full access spaces.
- Meadow consider it acceptable for any 'overspill' parkers to walk up to 15 minutes to a street parking space outside someone else's home.
- This together with Meadow's 'fall back' Valet Parking option, which includes some triple spaces and requires 24/7 concierge attendance, is a tacit admission the car park is too small.
- The recently consented scheme on the old B & Q site has a parking ratio providing double the spaces per housing unit, and that on the Sweets Way scheme provides triple.

So 'overspill' parkers on the surrounding roads, particularly Baxendale, could be expected to become a serious problem.

6. TRADE VEHICLES

Although a dedicated drop-off / pick up point is now shown within the site, this together with the two lay-by spaces would be expected to handle all commercial and associated traffic. Plainly this is inadequate and the entrance to Baxendale would probably become Meadow's service yard.

7. BUILDING DESIGN

The Meadow scheme falls a very long way short of the carefully considered and clearly set down planning requirements which apply in this case. Largely this is the result of their wildly overblown ambitions with regard to density.

Redevelopment of this site should mean COMPLETE REDEVELOPMENT as it usually does elsewhere. The 12 storey BARNET HOUSE TOWER is acknowledged as a MAJOR EYESORE which should never have been allowed in the first place.

Redevelopment of this site presents an opportunity to make good this serious wrong, but instead the current proposal seeks to GREATLY ENLARGE THE EYESORE.

This proposal, if approved would create a massive hulk, totally at odds with its surroundings.

8. ALTERNATIVES

If the scheme for the Barnet House site were to be designed using similar planning yardsticks to those recently applied on the adjoining Crest Nicholson site, a development appropriate for the location, respecting its neighbours could result.

Surprisingly Meadow's Financial Viability Statement states their scheme would show a Negative Return, that is Make a Loss. But they still wish to proceed to fill a gap in the housing market!

This begs the question. If Crest Nicholson can build right next door at 420 hrph, under a recently granted consent, having recently purchased the site in competition in the open market, and STILL MAKE A PROFIT, why cannot Meadow do the same? Just how experienced are they?

If they have agreed to pay too much for the site it is clearly time to re-negotiate.

9. CONCLUSION

Despite the intricate arguments contained within the mountain of documents submitted by Meadow as part of this application, THEY HAVE MISSED THE POINT.

THE SCHEME IS JUST TOO LARGE AND OVER-BEARING FOR THIS SITE.

It has been suggested that Barnet Council might feel constrained in its decision making on this matter by the previous manoeuvre carried out by Meadow in seeking to use the provisions of the General Development Order to change the use of the existing buildings from B1(Offices) to C3(Residential). As the scheme Meadow presented at that time, known by some as the 'Rabbit Hutch' or 'Dog Kennel' proposal, showed a design of sub-standard units only suitable for use as a hostel, there is clearly an issue whether on Judicial Review it would be found that the process was flawed and any result invalid.

The fact that Meadow in the current application specify that they are seeking consent for “Change of use of Barnet House from B1 use (office) to C3 use (residential),” suggests that they themselves are none too sure of the validity of the previous process.

Given the TOTAL UNSUITABILITY OF THE CURRENT PROPOSAL, and the many objections that have been raised both here and by others elsewhere, I request that Barnet Council REFUSE this planning application.

Barnet Staff and Councilors might wish to consider the alternative if this TOTALLY INAPPROPRIATE scheme were allowed to go ahead.

For more than 50 years residents of Whetstone and the surrounding areas have had to endure the EYESORE of Barnet House, which should never have been allowed and was much criticized at the time of construction. Do they wish their LEGACY to be a MUCH LARGER EYESORE for which they may be remembered over the next 50 years or more?

11/1/2018

1. AMENDMENTS

Meadow Residential’s amendments, submitted just before Christmas, appear only to comprise:-

- Swapping 13 flats for 807sqm of community, retail and commercial space.
- A desperate last minute offer of 20% affordable housing.

Apart from that they seem to have done remarkably little to meet the many SUBSTANTIAL CRITICISMS in the REPORT from the MAYOR OF LONDON.

2. OBJECTIONS

More than 100 objections were lodged initially and still stand, with more being added daily. Most were carefully thought out individual criticisms, some following detailed examination of the proposals. Virtually none of the issues raised have been addressed.

3. SUPPORT

Meadow’s panic response was to prepare a form letter in favour of the scheme and to collect a rag bag of signatures. Most of those persuaded to sign were from HENDON, GOLDERS GREEN and HARROW, probably with little knowledge of the site or the issues. A similar result could probably be achieved by standing in a shopping centre, asking people if they are in favour of building more homes.

This sad ploy shows the level of competence backing this scheme.

4. SCHEME FAILINGS

Meadow’s proposals are TOTALLY UNSUITABLE FOR THIS SITE, for many reasons, including:-

- EXTREMELY HIGH DENSITY - Over double the maximum in the BARNET

PLAN.

- MASSING COMPLETELY OUT OF SCALE WITH ITS SURROUNDINGS
Grossly at odds with Barnet Planning Guidance.
- OVER-BEARING HEIGHT - Extra floors on an EYESORE TOWER.
- INADEQUATE CAR PARKING - Will Mums put their kids on the bike handlebars?
- INADEQUATE SERVICING - No proper yard for major vehicle servicing needs.
- ADDITIONAL POLLUTION - From visiting and waiting cars and trucks.
- POOR COURTYARD AMENITY - Overshadowed by surrounding high buildings.
- POOR EMERGENCY ACCESS - No courtyard access for fire trucks or ambulances.

5. CONCLUSION

Despite the detailed arguments and mass of documentation presented by Meadow the REPORT from the MAYOR OF LONDON is very critical of many aspects of their proposal, particularly with regard to the quality of the accommodation that would be provided within the retained Barnet House structure.

At many points the MAYOR'S REPORT questions whether retention of the tower will produce the best design solution. COMPLETE REDEVELOPMENT to a lower height could result in a scheme more sympathetic to its immediate surroundings, and LESS OVERWHELMING.

The MAYOR'S REPORT also points out that for such an EXTREMELY HIGH DENSITY to be justified EXCEPTIONAL ARCHITECTURE would be required. Meadow's current scheme clearly falls far short of this, and one must question whether they could hope to meet such a standard.

Given the TOTAL UNSUITABILITY OF THE CURRENT PROPOSAL, and the many objections that have been raised both here and by others elsewhere, I request that The London Borough of Barnet Council REFUSE this planning application.

Three Close Residents Association

I object to the revised proposal for the development of the Barnet House site on the grounds that it does not differ significantly from the previous application. The developer seems to have ignored not only the large number of comments from residents but also the specific points made in the letter of refusal from Mayor Khan. I wish to add the following objections to those I made on the previous application, and I reiterate my request to speak if the application should come before the planning committee.

- The Mayor's letter (para 24) states that the '**details of the proposed mix of the affordable housing** offer are fundamental to establishing the acceptability of the offer and/or starting point for negotiation and should therefore be submitted with a planning

application'. In the revised proposal the table of housing mix refers only to the size of the units.

While the revised proposal states a 'willingness' to provide '20% affordable housing' (which is still below the desirable level), no information is given about how many units of each size will be at discounted rents, nor are there any details of potential changes to the rents proposed in the previous application. The cover letter notes that a meeting to discuss the s106 contributions was planned for 6 December and that '[T]herefore the final proportion of affordable housing proposed is subject to further negotiation with the Council'. It is not clear why these plans were submitted before such a fundamental issue was discussed, except as a cynical move to prevent residents from objecting to the offer the developer would make.

- Referring to the previous proposal, the Mayor's letter (para 29) states 'Based on a total of 842 habitable rooms and 0.56 hectares of proportionate site area, the **residential density** of the scheme would be 1,499 habitable rooms per hectare or 408 units per hectare, which exceeds the upper limit of the indicative range [45–260 units per hectare] within the London Plan.' The revised proposal is reduced by only 13 units/31 rooms, which the applicant admits reduces the density to 372 units per hectare. The applicant claims that '[I]t 'is still considered that the proposed density is appropriate to its setting'. However, that is only the applicant's view; at an excess of 112 units per hectare, it is clearly not an appropriate density according to the London Plan.

The Mayor's letter makes clear that 'the scheme will **need to be of exemplary design** in order for such high densities to be accepted, and must also provide the fullest contribution to affordable housing', but neither condition has been met. Barnet House is a dreadful piece of architecture and no amount of stuck on balconies and cladding will transform it into good, let alone exemplary, design. It is a blight on the landscape and, ideally, should be replaced with a low-rise development.

- Re play space for under-5 years olds, the Mayor's letter (para 33) notes 'there are concerns about **overshadowing** of this courtyard ... and this requires addressing through the re-design and/or reconfiguration of the buildings to improve the quality of the space'. Later (para 39), the letter reiterates this point: 'the location of massing results in a poor quality of play and communal amenity space in the central courtyard. The applicant must review the site layout and/or the massing seeking to address the overshadowing of these spaces.' The applicant, in its hurry to submit the revised proposal over the holiday period, appears to have ignored this fundamental issue entirely.

- In para 41 the Mayor's letter points out that the units in 'the refurbished Barnet House would fail to achieve the standard' **minimum 2.5 metre floor-to-ceiling height**. The revised proposals make no mention of how this is to be addressed. If the standard cannot be reached, then the flats are not fit for habitation, and this is another reason why the building should be replaced entirely.

- In para 49, the letter states '11% of units in the new build element would not benefit from **private amenity spaces**, and in Barnet House approximately 20% of the units would fail to have private amenity spaces. Whilst the applicant is proposing communal roof terraces and a central courtyard, the absence of private amenity spaces to such a high number of flats is unacceptable and contributes to concerns raised that the scheme is overly constrained by the retained element and represents overdevelopment.' The 'revised' floor plans do not show an increase in private amenity space in Barnet House: there are no balconies on the east side of floors 2, 4, 6, 8, 10 and 11.

The revised plan refers to public amenity space on terraces on the 4th, 5th and 6th floors

of Barnet House but these terraces are not clearly identified on the plans. Furthermore, it is not clear how the public will access (or even be aware of) these spaces, particularly as the previous application stated that all balconies would be accessed from within the apartments and the building is intended to have a 24-hour concierge service as a security measure.

Similarly, it is not clear how the public will access the roof terraces on the new buildings.

Regarding the public terraces in Barnet House and those on the roofs of the new buildings, it is not clear how residents' **privacy and safety** will be protected.

- Addressing climate change and **energy efficiency**, the Mayor's letter (para 49) states that the original proposal falls 'short of the London Plan's zero carbon target for residential development, and 35% savings for non-residential development' and requires revision. The developer replies that the 'calculations are being rerun' – not that any fundamental changes are being made – and therefore, unsurprisingly, 'it is not anticipated that the proposed amendments will result in any significant changes'. The developer shows no willingness to even try to improve these two essential elements of building plans.

Other points in the Mayor's letter that do not appear to have been addressed in the revised proposal:

- para 37: providing front doors to houses facing Baxendale Road
- para 38: review of the proposed frontages on Baxendale Road
- para 42: widening of the corridors
- para 46: provision of a lift on the northern end of the building

In addition, there still appears to be inadequate vehicular access for emergency vehicles, and for delivery vans and waste and recycling lorries.

The haste with which the revised application was submitted following the Mayor of London's letter of refusal indicates how little thought was put into addressing the points raised.

Considering that it makes no fundamental change to the previous plan, the revised application is as unsuitable as its predecessor, and I urge the council to reject it.

Consultation Responses from Statutory Consultees

Greater London Authority GLA

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Retention of Barnet House and redevelopment of the existing annex to provide 229 Build to Rent residential units and 504 sq.m. of retail and commercial floorspace, and associated public realm, landscaping, new accesses and basement level car parking.

The applicant

The applicant is Healey Development Solutions Ltd (Meadow Residential) and the architect is HKR Architects.

Strategic issues

Land use principle: The provision of build to rent in this town centre location as part of the site's redevelopment is supported; however, additional employment floorspace, particularly for SMEs, should be actively explored as part of a review of the balance of uses and package of planning benefits, including options for complete redevelopment of the site. (paragraphs 19-23)

Affordable housing: Given the high-density nature of the proposal and the use of a retained building, the 10% affordable housing offer is wholly unacceptable and must be significantly increased. No detail of unit mix has been provided, and this is fundamental to establishing the acceptability of the offer and/or the starting point for negotiation. The absence of this detail is unacceptable. The applicant's viability appraisal will be rigorously scrutinised. Clawbacks, early implementation and late stage review mechanisms and a

minimum of 15-year covenant must be secured through S106 agreement. (paragraphs 24-26)

Urban design: The scale of development is supported, but the overshadowing of the play space and courtyard must be addressed through massing and/or site layout alternatives. The core(s) require reconfiguration to reduce the number of units accessing them and an additional lift is required in the existing building. The retention of Barnet House must be matched with a high quality of internal spaces and overall design. Should the proposal not provide sufficient design or residential quality, the retention of Barnet House must be reviewed. (paragraphs 35-44)

Climate change: Further information regarding overheating, the site-wide network and renewable energy is required. The final energy strategy and a S106 obligation for a carbon off-set contribution must be secured. (paragraph 49)

Transport: Outstanding transport matters including blue badge parking, cycling, walking and impact on public transport network will need to be addressed through further information and conditions to be secured. (paragraphs 51-55)

Recommendation

That Barnet Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 59 of this report, but possible remedies set out in that paragraph can address those deficiencies.

Conclusion

59 London Plan policies on town centres, affordable housing, urban design, climate change and transport are the key strategic issues relevant to this planning application. On balance, the application does not comply with the London Plan. The following changes might, however, remedy the abovementioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

□ **Land use principle:** The provision of build to rent in this town centre location as part of the site's redevelopment is supported; however, additional employment floorspace, particularly for SMEs, should be actively explored as part of a review of the balance of uses and package of planning benefits, including options for complete redevelopment of the site.

□ **Affordable housing:** Given the high-density nature of the proposal and the use of a retained building, the 10% affordable housing offer is wholly unacceptable and must be significantly increased. No detail of unit mix has been provided, and this is fundamental to establishing the acceptability of the offer and/or the starting point for negotiation. The absence of this detail is unacceptable. The applicant's viability appraisal will be rigorously scrutinised. Clawbacks, early implementation and late stage review mechanisms and a minimum of 15-year covenant must be secured through S106 agreement.

□ **Urban design:** The scale of development is supported, but the overshadowing of the play space and courtyard must be addressed through massing and/or site layout alternatives. The core(s) require reconfiguration to reduce the number of units accessing them and an additional lift is required in the existing building. The retention of Barnet House must be matched with a high quality of internal spaces and overall design. Should the proposal not provide sufficient design or residential quality, the retention of Barnet House must be reviewed.

□ **Climate change:** Further information regarding overheating, the site-wide network and renewable energy is required. The final energy strategy and a S106 obligation for a carbon offset contribution must be secured.

□ **Transport:** Outstanding transport matters including blue badge parking, cycling, walking and impact on public transport network will need to be addressed through further information and conditions to be secured.

Transport for London (TfL)

- In order to comply with London Plan policies, TfL requests the following:
- that the Applicant clarify the Blue Badge parking proposal;

- that the Applicant re-produce trip generation forecasts following TfL's Best Practice guidance;
- that the applicant recommends improvements to low PERS audit scoring links, crossings and public transport waiting areas;
- that the applicant identifies key barriers to cycling from the local area to the site and undertakes an assessment of junctions in close vicinity of the site;
- that the applicant clarify which accesses to the site are available for cycling;
- that the applicant clarify whether cycling is allowed to the entrance of the cycle parking facilities;
- that the site plans are amended to clearly show cycle parking provision;
- that the public realm comments are set out in this letter are considered by the applicant and that the Applicant provides a response to TfL on the matter;
- that a full Delivery and Servicing Plan (DSP) be secured by condition;
- that a detailed Construction Logistics Plan (CLP) be secured by pre-commencement condition; and
- that the Travel Plan be secured and monitored through the Section 106 agreement.

Environment Agency (EA)

No objections subject to the attachment of appropriate conditions and informatives.

Highways England

Offer no objection

Plant Protection

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Sport England

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case.

Historic England

Thank you for your letter of 4 September 2017 notifying Historic England of the application for planning permission relating to the above site. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

Historic England Archaeology

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

This is a major development within the Whetstone Archaeological Priority Area covering the medieval and post-medieval village. However, the applicant's desk based assessment shows that the site has been heavily and extensively disturbed by modern development to such a degree that there is unlikely to be significant survival of archaeological remains.

No further assessment or conditions are therefore necessary.

London Fire Brigade

Not satisfied regarding fire brigade access, recommend sprinklers are fitted to all units.

Thames Water (TW)

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically

result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: " A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

Water Comments

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

Metropolitan Police Crime Prevention Design Advisor

I am sorry but I am not satisfied with the proposals. The key reason behind my original objection, detailed on my letter dated 18/09/2017 was the permeability of the design. This has not been addressed, and will lead to anti social behaviour, crime and increase the fear of crime. Whilst a concierge is a positive, this is not a form of control from a security and crime prevention stand point.

I cannot remove my objection with the courtyard being open.

However if planning permission is to be given despite my objection, I would ask that the conditions and information detailed below be attached. This is to mitigate the impact and deliver a safer development in line with national, regional and local planning policies. I would also like to draw your attention to Section 17 Crime and Disorder Act 1988 and the NPPF, in supporting my recommendations. Please see Appendix A for relevant extracts from the NPPF and local planning policy.

(1) I request that prior to carrying out above grade works of each building or part of a building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve full Secured by Design' Accreditation.

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

(2) Prior to the first occupation of each building or part of a building or use, a 'Secured By Design' accreditation shall be obtained for such building or part of such building or use.

This would ensure that the layout of the buildings and physical security are of an appropriate standard.

Furthermore, I would strongly consider you add a condition to state:

The concierge must be in place 24 hours a day and for the lifetime of the building, if the concierge is removed at a later date then the courtyard area is to be physically secured with access control for the residents only, to the satisfaction of the design out crime group of the Metropolitan Police Service.

The reason I ask for this is they are using the concierge as part of their security strategy and if s/he were to be removed at a later date then the flawed design would be exposed.

I am willing to discuss any reasonable measures that would negate my need to object.

Natural England

Natural England have no comments to make on this application.

Internal Consultation responses

Drainage

a) The applicant should clarify the attenuation volume provided by each feature and ensure that this provides the volume of attenuation proposed for the development.

b) The Flood Risk & Surface Water Drainage Statement correctly states that 40% allowance for climate change has been used in the calculations. However the review of the Microdrainage calculations indicates that 30% has been applied. The applicant must revise the calculations applying the 40% climate change allowance.

c) The applicant must submit proof that the third party management company(ies) (the 'Adopting Authority(ies)') agree to take on responsibility for the long-term operation and maintenance of the proposed SuDS.

Officer Comment:: the applicant has provided clarification on the above.

Urban Design

No objections raised detailed comments incorporated in officer report below.

Transport and Regeneration

No objections subject to appropriate conditions and heads of terms. Detailed comments incorporated in officer comments below.

Environmental Health

No Objections raised subject to the attachment of appropriate conditions regarding construction method extraction, noise mitigation and contamination.

Trees and Landscape

Detailed comments provided regarding tree protection and proposed landscaping. Comments incorporated in officer comments below.

Skills and Enterprise

Detailed comments provided in relation to required levels of apprenticeships and end user jobs and appropriate levels of levels of contributions to redress the loss of employment floorspace which this proposal would result in.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

The site comprises approximately 0.58ha of land within Whetstone and includes a 12 storey building fronting the High Road (though read as 13 storeys with the 4.2 meter parapet), with a two storey annex, with under-croft parking, fronting Baxendale Road. The remainder of the site is occupied by car parking; 212 spaces at ground and 75 spaces within the basement area. The site is used as B1 office space by the London Borough of Barnet Council, providing c. 7,500sqm (NIA) of floorspace.

The application site has considerable presence within the locality, containing the tallest building in the local area and occupying an area of high ground fronting a major cross road within the town centre.

The eastern and southern boundaries of the site are formed by the High Road and Baxendale Road respectively. To the south of the site is the former B&Q site, which has planning approval (ref. 14/07670/FUL) for the erection of 124 residential units (Use Class C3) comprising 24 houses (3-4 storey) and four apartment blocks (3-6 storey) providing 100 new flats and associated facilities beyond. To the west of the site is Baxendale Care Home (3-4 storeys) and associated access and parking. There is an existing wall which rises to the equivalent of the 2nd/3rd storey of the Care Home building and a c. 0.9 m change in level across the application site; these visually and physically separate the building from the application site. Located in the southern corner of the application site is an existing mature Holm Oak which provides a dense and verdant visual buffer for the residents of Baxendale Road.

The north of the site is bound by the rear of properties fronting Totteridge Lane (Nos. 1-3 Totteridge Lane 'Paulston House' is 3 storeys, ref. B/03302/14) and the rear of a restaurant (Sushi Mania which is 2 storeys) fronting the High Road. Further to the north, the High Road is characterised by 2/3 storey buildings with retail at ground floor and residential units above. Further to the south east is 886-902 High Road which is currently being redeveloped for a 5 storey mixed use scheme, comprising 548.4sqm of office floorspace (Use Class B1) at ground floor and 60 residential units (Use Class C3) above (ref. F/00236/12).

All vehicle access to the site occurs from Baxendale Road with a separate, segregated pedestrian access from the footpath off the High Road. The site has a PTAL of 4 and is within a five minute walk of Totteridge and Whetstone Station and the closest bus stop is less than 50m away. Oakleigh Park Station (national rail) is less than a 15 minute walk from the site, with connections to Moorgate and Welwyn Garden City. A wide range of existing services and facilities are located within walking distance of the site.

There are some trees within the site boundary, including a 'Category A' tree in the north west corner of the site which is protected by a Tree Preservation Order (TPO) (ref. 6 on the submitted Tree Constraints Plan).

There are no above ground heritage assets within, or immediately adjoining, the site. The closest heritage asset is 'The Whetstone' (outside the Griffin Public House No. 1262) which is Grade II listed, on the opposite side of the High Road, and also Nos. 1264, 1266, 1268, and 1270 High Road, which are also Grade II listed.

The site lies entirely within Flood Zone 1. Topographically, the site slopes downhill in a westerly direction.

2.2 Description of the Proposed Development

The Proposed Development is as follows:

'Redevelopment of the Barnet House site including change of use of the main building from B1 (office) to C3 (residential); extensions to front, side and rear elevations; and the addition

of 2 storeys to the height of the main building, partially within the existing built framework. Demolition of the existing 3 storey rear annex and erection of a new building ranging from 2 to 6 storeys. Redevelopment will deliver 216 new homes and 1,325sqm of community, retail and commercial floorspace, together with associated public realm, landscaping, new accesses and basement level car parking.'

Changes December 2017

The applicant submitted amended plans, increasing the quantity of employment space from 1 floor to 2 floors. This had the effect of increasing the quantity of community, retail and employment floorspace from 518 sq.m to 1352 sq.m and reducing the number of residential units from 229 to 216. The quantity of affordable housing offered was also increased from 10% to 20% DMR.

Changes January 2018

The applicant submitted a further set of amendments and clarifications in response to the mayor's Stage 1 response. These changes included the introduction of balconies on additional units, so that 66 out of 70 of the new build flats will benefit from a balcony. Juliet balconies are provided to the other units.

The applicant has amended the most northerly units of Barnet House at second to eleventh floors, from 1 bed units to studio units, and at twelfth and thirteenth floor the unit has been amended from 2b3p to 1bed (as well as two other units being changed from 1 bed to studio). This amendment allows for the insertion of additional windows at the ends of these corridors so allowing more natural daylight into the corridor. The amendments also propose to add a fire rated glass solution to the stair enclosure, to allow light to penetrate through into the lift lobby. These will help provide a more open feel to both the lobby and corridors.

The width of the corridor in Barnet House has been increased to 1.65m (an increase of 0.13m). This has slightly reduced the size of the units along the eastern frontage (generally by 1-2sqm) and the size of these units still meet the minimum floorspace standards outlined in the London Plan.

3. PLANNING CONSIDERATIONS

3.1 Principle of Development

Principle of the Loss of existing employment floorspace

The current building currently provides approximately 7,500sqm of office floor space predominately used by the London Borough of Barnet although a small quantity of space on the first floor of the building is sublet to other bodies. The London Borough of Barnet is currently intending to vacate the premises towards the end of 2018.

Paragraph 22 of the NPPF states that "planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

The site lies within Whetstone town centre, which is classified in the London Plan town centre network as a 'district centre'. Annex 2 of the London Plan identifies the town centre

for medium growth, and the broad future directions foresee moderate levels of demand for retail, leisure or/and office floorspace. The London Office Policy Review (LOPR) 2017 sets out that Whetstone town centre shows demand for existing office functions, and recommends the protection of small office units.

Policy 4.2 of the London Plan sets out that the Mayor will support the redevelopment of office provision, including enhancing its varied attractions for businesses of different types and sizes including small and medium (SME) sized enterprises. Furthermore, the policy encourages renewal and modernisation of the existing office stock in viable locations and seeks increases in the current stock where there is evidence of demand for office-based activities.

Policy DM14 (in the Barnet Development Management Policies) identifies that in locations such as this the loss of B1 uses will only be permitted where it can be demonstrated that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority will be for a mixture of small business units with residential use. The policy also states that office space specifically should be retained in town centres and edge of centre locations. Loss of office space will only be permitted in these locations where it can be demonstrated that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken. Where this can be demonstrated the proposal will be expected to provide appropriate mixed use re-development which delivers some re-provision of employment, residential and community use. The policy identifies that proposals to redevelop existing employment space which reduce the levels of employment use and impact negatively on the local economy will be resisted and that, where it is appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training. Proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites.

The application is accompanied by an employment study. In short the study advises that due to the size and footplate of the existing building, the premises would only suit occupation by a large company and does not lend itself into subdivision by smaller companies. The building would also be unlikely to be of interest to larger companies due to its outer London location and poor condition and layout of the building. The study advises that office space which has been let in the wider Whetstone vicinity tends to be smaller spaces of under 5000 sq. feet (463 sq.m).

The study also assessed the quantity of the wider provision of office accommodation in the locality. This study showed that 86,000 sq. ft. (7990 sqm) of office accommodation was being marketed at the time that the employment assessment was written, which was as below.

Table 4.1 Available Office Accommodation near to Barnet House

Site/Address	Postcode	Size (sq.ft)
Mountview Court, Unit 3 Friern, Barnet Lane, Whetstone	N20 0LD	3,300
Northway House, 1379 High Road, Whetstone	N20 9LP	24,666
995 High Road	N12 8PW	3,169
Balfour House, 741 High Road	N12 0EE	5,301
Winston House, 2 Dollis Park	N3 1HG	2,370
2-15 Station Road	N3 2RY	2,337
Gateway Mews	N11 2UT	2,097
333 Edgware Road	NW9 6TD	43,000
Total	-	86,240

Both the Council and the GLA have assessed the evidence provided and generally concur with the findings, which match assessments of similarly sized employment sites in the locality including Northway House and NLBP. Nevertheless both the Council and the GLA were concerned that the quantity of employment floorspace originally proposed (ground floor only) was insufficient to provide sufficient flexibility to provide suitable SME employment space and as such the application has been negotiated to provide 2 floors of employment space. This is considered to strike an appropriate balance between providing employment opportunities while also providing for the introduction of other uses. Account also needs to be taken the site benefits from prior approval consent (ref. 17/1313/PNO), which is a material consideration which needs to be taken into account in assessing the application.

The applicant has also agreed to make the following contributions to mitigate the loss of employment floorspace which this scheme would result in and to contribute towards the provision of apprenticeships.

- Loss of Employment Floorspace: £223,000
- Apprenticeship Contribution: £246,000
- Local Employment Contribution: £64,295

Total: £533,295

The level of these contributions have been discussed and agreed with the Council's Skills and Enterprise Team.

Housing

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

London Plan Policy 2.15 promotes housing in town centres, as residential developments can address housing need and generate footfall to support town centre vitality and viability. The Mayor's Town Centre Supplementary Planning Guidance (SPG) requires strategies for town centres to be aligned closely with London-wide and borough housing strategies to ensure that future developments within and on the edges of town centres respond to the needs of diverse range of existing and new communities.

Policy 3.3 of the London Plan recognises the pressing need for more homes in London and seeks to increase housing supply to in order to promote opportunity and provide real choice

for all Londoners in ways that meet their needs at a price they can afford. Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The supporting text to Policy CS3 'Distribution of growth in meeting housing aspirations' advises that 'encouraging greater housing development within or on the edge of some of Barnet's town centres is an option that allows mixed uses which add vibrancy and greater all round activity.

The redevelopment accords with the abovementioned policies for an intensive, mixed-use proposal which is intended to positively transform the site and the area with its uses including residential and commercial facilities as well as its design and the associated improved relationships to and connectivity with the surrounding area.

Specific aspects of the development principles of this proposal are discussed in more detail below.

Housing Density

London Plan policy 3.4 seeks to optimise the housing potential of sites. This provides a guide to appropriate density ranges for particular locations, depending on accessibility and setting.

The Transport Assessment indicates a varying PTAL across the existing site of between Level 4 (good) through the site.

The density matrix of the London Plan 2016 nominates a density range of 150-250 habitable rooms per hectare for PTAL 1 and between 150 to 250 units habitable room per hectare for Suburban PTAL 2.

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban	150–200 hr/ha	150–250 hr/ha	200–350 hr/ha
3.8–4.6 hr/unit	35–55 u/ha	35–65 u/ha	45–90 u/ha
3.1–3.7 hr/unit	40–65 u/ha	40–80 u/ha	55–115 u/ha
2.7–3.0 hr/unit	50–75 u/ha	50–95 u/ha	70–130 u/ha
Urban	150–250 hr/ha	200–450 hr/ha	200–700 hr/ha
3.8 –4.6 hr/unit	35–65 u/ha	45–120 u/ha	45–185 u/ha
3.1–3.7 hr/unit	40–80 u/ha	55–145 u/ha	55–225 u/ha
2.7–3.0 hr/unit	50–95 u/ha	70–170 u/ha	70–260 u/ha
Central	150-300 hr/ha	300–650 hr/ha	650–1100 hr/ha
3.8–4.6 hr/unit	35–80 u/ha	65–170 u/ha	140–290 u/ha
3.1–3.7 hr/unit	40–100 u/ha	80–210 u/ha	175–355 u/ha
2.7–3.0 hr/unit	50–110 u/hr	100–240 u/ha	215–405 u/ha

The Site has an existing PTAL rating of 4 (good). In accordance with Table 3.2 of the London Plan, the Site is located within a urban setting defined as an area “*areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes*”. Given the Site's PTAL rating and urban locality, the London Plan seeks to provide residential densities of between 200-700 habitable rooms per hectare.

The Proposed Development results in an average density of 979 habitable rooms per hectare which exceeds the upper limit of the indicative range within the London Plan. The supporting text of London Plan Policy 3.4 confirms that the density matrix should not be applied mechanistically, and furthermore the Mayor's Housing SPG notes that build to rent schemes can be particularly suited to higher density development within town centres or near to transport nodes.

In addition the Mayors Housing SPG sets out the exceptional circumstances where densities above the relevant density range may be justified (London Plan para 3.28A). Exceptional circumstances include the following and which are considered relevant in the case of this application:

- "Liveability" as described in section 2.2 – 2.4 of the SPG (E.g. Neighbourhood scale and provision of outdoor spaces, playspace, designing out crime, social infrastructure, dwelling standards and facilities, and sustainability)
- Exemplary design and quality
- Access to services
- Management of communal areas
- Contribution to 'place shaping'

These comments are reflected in the GLA comments which advised in their stage 1 comments that (at the time of writing of the Stage 1 comments) that insufficient justification of the proposed density had been provided as a result of the low quantum of employment floor space re-provision, low affordable housing offer and design concerns. Subsequent to these comments the applicant has doubled both the quantity of employment space and level of proposed affordable housing. The applicant has also made design changes to the scheme to respond to the concerns raised. It is also noted that due to the nature of the site, in particular the characteristics of Barnet House any redevelopment of the site which incorporated the reuse of the existing building would result in a density form of development and overall the level of density proposed is considered appropriate in this instance.

Retail and Commercial Space

The amended application proposes 1,325sqm of flexible use community, retail and commercial floorspace, with the indicative plans indicating the introduction of retail uses at ground floor with the potential of a D1 use such as a health centre on the first floor.

The site is located within Whetstone Town Centre and Policy DM11 'Development principles in the town centres advises that retail and community uses are appropriate uses within town centres. The introduction of ground floor facing retail uses would aid in the creation of an active vibrant frontage to Whetstone High Street and would be supported. The provision of D1 space on first floor would also be supported although the provision of any healthcare facility would be dependent on support from relevant health care bodies.

3.3 Housing Quality

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

Unit mix

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

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

Total unit mix		
Unit Mix	No. of Units	% mix
Studio	12	6%
1	79	37%
2	102	47%
3	23	11%
Total	216	

In terms of dwellings types which constitute family accommodation provision, the London Housing Design Guide classifies family housing as all units upwards of 2 bedroom 3 person units and as such under this definition the proposal would provide for 124 units capable of accommodation by families. It is also noted that the layout of the existing Barnet House building does not lend itself towards larger units, which in any event would not necessarily be desirable in this busy high street location. Overall it is considered that the proposal proposes an appropriate split in housing type to address housing preference and need in accordance with the abovementioned policies.

The provision of privately rented housing (PRS) is supported by both the national government and GLA, being identified as a growing housing segment which fills a valuable niche within the housing market, providing homes at a relatively affordable price for persons who don't meet the needs criteria for affordable housing and cannot afford to buy properties themselves.

Affordable Housing

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

The Mayor of London of London has published the affordable housing and viability SPG, which effectively accepts schemes which propose a minimum level of 35% without the need to submit a viability assessment. Schemes which provide less than this level need to be accompanied by a viability assessment. In those circumstances where the outcome of a viability review indicate that a scheme can not viably provide more affordable housing, then a scheme can be approved with a lower level of affordable housing subject to the attachment of early and late stage viability reviews.

The application as originally submitted proposed 10% affordable housing and was

accompanied by a viability assessment which assessed the scheme based on a 100% private scheme. The viability review was independently reviewed by BNP on behalf of the Council and has also been assessed by the GLA's viability team. BNP disputed some of the figures contained within the assessment and concluded that the proposal produced a surplus (over the accepted rate of developer return) of just over 2 million pounds which roughly accounts to the equivalent of the 10% affordable housing initially offered.

Both the Council and the GLA have indicated that notwithstanding the findings of the affordable housing viability report, 10% affordable housing is too low, and that a higher level of affordable housing provision was required in order to gain officer support. Subsequently the applicant has increased the affordable housing offer to 20%, squeezing the developer margin below what would be the normally accepted rate of return.

The configuration of the units as proposed are as follows:

Configuration of DMR Units

Unit Size	Barnet House	New Build	Total No. Units	% Mix
Studio	0	0	0	0%
1	0	1	1	3%
2	2	11	13	38%
3	9	11	20	59%
Total	11	23	34	100%

The type of affordable housing proposed Discounted Market Rent (DMR) is identified as being the preferred model of affordable housing in the mayor's affordable housing and viability SPG as being the preferred model for affordable housing in PRS schemes. The SPG also states that the mayor's preference is for DMR units to be met at London Living Rent levels rather than the default position of 80% of market rent.

The applicant has advised that the 20% offer is based on 80% of market rent. If the units were to be charged at London Living Rent then the affordable housing offer would need to be reduced to 14% of total units. Discussion regarding the proposed rent levels are still ongoing and will be resolved under Stage 2 discussions.

Key Worker Housing

In addition to the proposed Discounted Market rent units, the applicant is also proposing that 15% of the total number of units (32 units with a split of 16 one bed and 16 two bed) will be offered first (following each tenancy renewal) to key workers defined as NHS Health Service Clinical Staff (excluding doctors and dentists); Public Sector Teachers; Police and Prison Service workers; Social Care Workers (with a professional qualification only), uniformed staff, below principal level, in Fire and Rescue Services and armed forces personnel including MoD police officers and uniformed staff in the Fire and Defence Service.

The applicant has not proposed any rent reductions for these units and as such from an affordable housing perspective these units do not count towards affordable housing provision. Nevertheless there is no objection to key workers being prioritised and as such the delivery of the units.

Floorspace standards

Housing standards are set out in the Nationally Described Space Standards (NDSS), the London Plan and London Housing SPG and Barnet's Sustainable Design and Construction SPD.

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling, as set out in the below table, which shows the areas relevant to the unit types in this proposal.

Table 3.3 Minimum Space standards for new dwellings (adapted from London Plan)

	Dwelling Type (bedroom/persons- bed spaces)	Gross Internal Area Standard (m ²)	
Flats	1 bedroom 1 person	37	
	1 bedroom 2 person	50	
	2 bedroom 3 person	61	
	2 bedroom 4 person	70	
	3 bedroom 5 person	86	
	3 bedroom 6 person	95	
	4 bedroom 5 person	90	
	4 bedroom 6 person	99	
	2 storey house	2 bedroom 4 person	83
		3 bedroom 4 person	87
3 bedroom 5 person		96	
4 bedroom 5 person		100	
4 bedroom 6 person		107	
3 storey house		3 bedroom 5 person	102
	4 bedroom 5 person	106	
	4 bedroom 6 person	113	

All the dwellings meet the minimum standards as demonstrated in the applicant's supporting documents in relation to the unit sizes and also meet the minimum areas for bedrooms.

Lifetime Homes and wheelchair housing standards

Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst policy DM02 sets out further specific considerations. All units should comply with Lifetime Homes Standards (LTHS) with 10% wheelchair home compliance, as per London Plan policy 3.8.

In respect of LTHS, while this legislation has been abolished the applicant advises in their application submission that all units will be built to this standard. This is considered acceptable and in any event is controlled by Building Regulations.

In respects of wheelchair housing, the applicant has advised that 10% of units will be built to wheelchair standards and as such is in accordance with Policy. A suitable condition is attached to this affect.

Amenity space

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

Table 2.3:Outdoor Amenity Space Requirements	Development Scale
For Flats: <ul style="list-style-type: none"> •5 m² of space per habitable room. 	Minor, Major and Large scale
For Houses: <ul style="list-style-type: none"> •40 m² of space for up to four habitable rooms •55 m² of space for up to five habitable rooms •70 m² of space for up to six habitable rooms •85 m² of space for up to seven or more habitable rooms 	Minor, Major and Large scale
Development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards.	Householder

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

As a result of amendments to address the GLA Stage 1 comments, additional balconies have been added to the new build element of the scheme; as such, 66 (out of 70) new build flats will now benefit from a private balcony. Where it has not been possible to provide a balcony due to overlooking issues (i.e., to the rear of the two- bed units) and proximity to/oversailing of the highway (on Baxendale Road), Juliette balconies have now been provided instead. In relation to Barnet House itself balconies are provided on any other floor in order to avoid the elevation being visually overwhelmed. Nevertheless 80% of the units have private balconies with the other 20% having Juliette’s.

In addition to the private amenity space, residents will have access to 1,863sqm of landscaped public realm, including c. 231sqm of communal amenity space at ground floor and c.540sqm of shared external amenity space at roof level. This equates to more than 8sqm of shared amenity space for each unit. This provision exceeds the amount required by the Sustainable Design and Construction SPD.

Overall the quantity and private provision is considered appropriate given the design constraints of the site and would provide adequate amenity space to future residents.

Playspace

London Plan Policy 3.6 of the London Plan requires housing development to make provisions for play and informal recreation based on child yield, referring to the Mayor's SPG Shaping Neighbourhoods: Play and Informal Recreation 2012.

London Borough of Barnet Core Strategy Policy CS7 requires improved access the children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan.

Using the Mayor's Play and Informal Recreation SPG calculator, the child yield from the development is estimated to be 64 (28 under 5, 22 aged 5-11 and 14 aged 12+). Based on the child yield of 64 the scheme is expected to deliver 642.6 sq.m of playable space for all ages of which of a minimum 321.3 sq.m of under 5 provision must be provided on site.

The scheme will include 351sqm of play space. This exceeds the amount (332.7 sq.m) required by the London Plan Housing SPG and the GLA 'Shaping Neighbourhood: Play and Informal Recreation SPG', and as such the quantity of playspace provided for under 5's is considered acceptable. In relation to playspace provision for older children it is noted that there are several areas of public open space located within 10 minutes' walk of the site which would be readily accessible from the development.

The Mayoral Stage 1 response raised concerns regarding the overshadowing of the proposed door stop play area. The applicant has responded to these concerns advising that the location of play equipment will be concentrated on those areas of the courtyard which are BRE compliant. Details of the proposed play equipment including the location thereof are covered by condition and it is considered that on balance the play provision for this development is considered satisfactory.

3.4 Design

The National Planning Policy Framework (published 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.

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

and is informed by the surrounding historic environment. Architectural design criteria are set out at Policy 7.6.

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

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

The scheme proposes a total of 216 Buy to Rent residential units, spread over the refurbished Barnet House building and the new build residential block to the rear. There is a mix of 1, 2 and 3 bedroom apartments. As per recent amendments submitted on the 8th of January 2018 the applicant has altered the northern part of Barnet House from the second to the eleventh level, as a result some of the 1 bed units are now studio units and on levels 12 and 13 there has been a change from two bed units to one bed units. Finally a change in the corridor width resulted in smaller units by 1-2 m² along the eastern side of the corridor. This change allows for additional windows at the ends of these circulation corridors to allow more natural light in the building, thus enhancing the quality of life for future residents. All apartments comply with the London Housing Design Guide and LBB Residential Design Guidance and minimum standards.

In order to meet national and London Plan minimum standards within Barnet House, the building has been extended on two sides. It has also been extended at roof level by 2.83m to provide two additional floors of residential accommodation.

The Proposed Development meets the Greater London Authority's requirement for 10% of new homes to be wheelchair accessible and easily adaptable for residents who are wheelchair users.

Building form

The main mass of the proposal is within the existing Barnet House, which has been retained and extended. The perceived mass is reduced by façade articulation and the use of façade framing devices. These work to break up the overall mass of the building into a number of smaller volumes which are more sympathetic to the scale of the surrounding buildings. The original horizontality of Barnet house has been preserved and accentuated with the addition of linear balconies. The layout follows a simple principle of entry, commercial / retail facilities at ground floor with residential above. The top of the building has been cut back and treated to minimise visual impact of the vertical extension. The importance of provision of public amenity space has been addressed by creating a large courtyard garden to the rear of Barnet House. This has been enclosed on three sides by new build apartment blocks of varying height.

Tall buildings assessment

Barnet Core Strategy defines tall buildings as buildings of 8 storeys or 26m and states that they may be appropriate in strategic locations subject to detailed assessment criteria.

London Plan Policy 7.7 states that tall buildings should not have an unacceptably harmful impact on their surroundings. It states that tall buildings should be part of a plan-led approach to the development of an area and should not have an unacceptably harmful impact on their surroundings. In particular, Paragraph 7.7 requires tall buildings to “relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features) particularly at street level”.

Local Development Plan Policy DM05 ‘Tall Buildings’ further advises that:
‘Tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable. Proposals for tall buildings will need to demonstrate:

- 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. Not cause 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.

Proposals for redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape.’

In relation to the current application the redevelopment of Barnet House is acceptable as the tall building has occupied the site for many years and is by now a very legible marker for the area and the adjacent Town Centre. From a design perspective, while the redevelopment does involve a marginal increase in the height of the building, the impact of this is minimal and in conjunction with the alterations to the existing superstructure result in a softer appearance to the resultant building when seen from the street scene, reducing its perceived massing in comparison to the existing building.

Safety, security and crime mitigation

Pursuant to London Plan policy 7.3 and Barnet Core Strategy Policy CS12, the scheme is considered to enhance safety and security and mitigate the potential of crime because:

- Routes through the site and network of spaces are legible and will be well maintained noting that the scheme is supported by an estate management plan
- It is considered that the design details provide a clear indication of whether a space is private, semi-public or public, with natural surveillance of publicly accessible spaces from buildings at their lower floors achieved across the entire site
- The design including active ground floor frontages and surveillance and mix of uses encourages a level of human activity that is appropriate across the site, which will maximize activity throughout the day and night, thereby creating a reduced risk of crime and a sense of safety at all times
- The applicant has advised that additional security will be provided through the provision of a 24 hour concierge on site, as well as through passive surveillance.
- Security measures will be integral to the design of buildings with details secured through appropriately worded conditions requiring secured by design accreditation for all blocks.

The comments from the Crime Prevention Officer of the Metropolitan Police are noted

regarding their preference for the internal courtyard areas to be fenced off and closed from the public realm. However urban design is normally a balance between security and permeability, and the fencing off of the courtyard would be detrimental to the design ambition to provide for '*a multiuse publically accessible square*'. All areas of public open space will be clearly overlooked, and the indicative landscaping scheme is designed to avoid hidden spaces. It is considered therefore on balance that the scheme is acceptable from a safety and security perspective.

Conservation and Archaeology

The preservation and enhancement of heritage assets is one of the 12 core principles of the NPPF. It is a statutory obligation of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the special architectural and historical interest as well as the setting of listed buildings as well as the character and appearance of conservation areas. Saved PPS5 'Planning and the Historic Environment' provides guidance regarding consideration of designated and non-designated heritage assets. In addition, London Plan policy 7.8 and Barnet Core Strategy CS5 and DM06 variously require the consideration of the impact to heritage assets including listed buildings, conservation areas and archaeology.

The site is not located within a Conservation Area. The nearest listed buildings to the site comprise of 'The Whetstone' outside the Griffen PH as well as no's 1264,1266,1268 and 1270 High Road Whetstone. It is not considered that the proposals would unduly affect the settings of these properties in the context of the existing structure.

In respect of archaeology, the application is located in an area of archaeological interest and as such Historic England Archaeology were consulted on the proposal. Historic England advised that due to the previously built nature of the site the redevelopment is unlikely to have a significant effect on heritage assets of archaeological interest and no further investigation is required.

3.5 Amenities of Neighbouring and Future Residents

Part of the 'Sustainable development' imperative of the NPPF 2012 is pursuing improvements to amenity through the design of the built environment (para 9). Amenity is a consideration of London Plan 2011 policy 2.6 'Outer London: Vision and Strategy' and is implicit in Chapter 7 'London's Living Places and Spaces'. In addition Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

Privacy, overlooking and outlook

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

Privacy and separation to surrounding sites

All of the proposed buildings are located over 11m from site boundaries and more than 21m from the elevations of neighbouring properties. As such it is not considered that the proposals would result in any demonstrable loss of privacy to neighbouring properties

Privacy and separation within the site

In relation to buildings within the site, all of the proposed apartment buildings enjoy a large

central amenity area, resulting in all properties achieving a distance separation of over 21m between windowed elevations and as such are in accordance with policy requirements.

Wind and Microclimate

The application is accompanied by a pedestrian level wind microclimate assessment in support of the assessment. The assessment concludes that in the majority of cases the wind microclimate will be improved as a result of the application with new buildings to the rear and design alterations to the existing building. The assessment did ascertain several places where wind levels would be greater including the south east corner of the site with Baxendale, and some of the top level balconies on the new dwellings in Barnet House.

The assessment recommends additional mitigation measures in order to mitigate these impacts including additional landscaping and canopies over some of the balconies. All of these measures have now been incorporated into the proposal and it is considered that the impact of the proposal on local wind microclimate are considered acceptable.

Noise and general disturbance

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. The commercial and community uses are less in quantity than the existing site usage and would be unlikely to result in additional disturbance. The proposed residential uses are compatible with the surrounding land uses located to the rear of the site in Baxendale and Totteridge Lane, the Crest Nicholson scheme across Baxendale and the Liberty Square development located on the opposite side of Whetstone

In considering the potential impact to neighbours, conditions are recommended to ensuring that any plant or machinery associated with the development achieves required noise levels for residential environment. The council's environmental health team have recommended the attachment of conditions to ensure adequate sound levels within the proposed plant and to avoid noise disturbance from plant or machinery. It should be noted that any excessive or unreasonable noise is covered by the Environmental Protection Act 1990.

Air quality

In respect of air pollution, the council's environmental health team advise that there is air quality exceedance on the façade of buildings for the A1000 and possibly Totteridge Lane. As such it is necessary for the applicant to either filter the air intake to the proposed flats or to source the air from the rear in Baxendale where air quality levels are higher. Suitable Conditions are attached regarding ventilation and the submission of details of proposed plant and equipment.

In respect of traffic and parking impacts on air quality, the levels of parking are controlled and the travel plans which will be secured as part of planning obligations will encourage transport by other modes. In respect of the design, the scheme contributed towards overall reductions in CO2 production, having regard to energy and sustainability policies.

Daylight and Sunlight

The application is accompanied by an independent Daylight/Sunlight report prepared by Delva Patman Redler LLP which provides an assessment of the potential impact of the development on sunlight, daylight and overshadowing to neighbouring residential properties and the proposed units based on the approach set out in the Building Research

Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'.

Daylight has been assessed in terms of Vertical Sky Component (VSC), NO Sky Line (NSL) and Average Daylight Factor (ADF) and sunlight has been assessed in terms of Annual Probable Sunlight Hours (APSH) and overshadowing has been assessed against the above BRE guidelines. The BRE Guidelines provide numerical guidelines, however these are not mandatory and should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight); or

The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value; or

The daylight distribution, as assessed by the Average Daylight Factor (ADF) calculation which assesses the actual level of light received by a room rather than potential light. The ADF requires the achievement of values of 1% in bedrooms, 1.5% in living rooms and 2% in kitchens.

It should be noted that the London Plan guidance states that in view of London's context accepting VSC reductions exceeding 20% is acceptable. A reduction of under 30% is classified as minor adverse, under 40% moderate adverse and over 40% substantial adverse.

Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment it is considered that there would be no real noticeable loss of sunlight where:

The daylight analysis in relation to surrounding development shows that the majority of surrounding properties would be fully in compliance with the BRE guidelines (over 60%) with the exception of several properties which fail the VSC and NSL assessments to some rooms. The properties affected include rooms at the following addresses Woodside House Care Home, Wardens House and part of the new development at 1201 High Road (the former B & Q site) and 1-3 Totteridge Lane. All surrounding properties comply with the ADF assessment.

The Daylight analysis advises that of the windows which fail the majority of these are either bedrooms (which are given a lower weight than living rooms under BRE guidelines), or involve windows under balconies (which always come out badly from daylight calculations due to the obstruction caused by the balcony).

In relation to sunlight, all of the surrounding dwellings pass the APSH test and as such all surrounding properties would continue to receive adequate sunlight.

The BRE guidelines explain that the BRE guidelines are not mandatory and that the guide should not be seen as an instrument of planning policy; its aim to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly

since natural lighting is only one of many factors in site layout design. In special circumstance the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

In this context it is considered that the breaches in relation to daylight infringements are acceptable in the context of several mitigating factors, including the nature of the rooms in question (being predominately bedrooms), the town centre location of the site, with an existing tall building, and the fact that the proposals comply with the third daylight assessment the ADF calculation and the APSH sunlight assessment.

In relation to the proposed buildings the assessment shows that 76.5% of all rooms will comply with the ADF standards. Of the rooms which do not pass 23 of the failed rooms are bedrooms and the 11 remaining rooms concern rooms with overhanging balconies. Overall this level of compliance is considered good considering the constraints of the site.

The overshadowing analysis demonstrates that overall, the amenity spaces within the scheme itself and the central public square will be BRE compliant with 55% of all areas seeing the minimum two hours of sunlight require by the guidance which is considered acceptable given the constraints of the site.

3.6 Transport, highways and parking

Barnet House development site has a PTAL of 4 and with respect to the nature of the proposal as a PRS (private rental scheme), the site's location will benefit from good access to both public transport and local amenities. There are about 7 bus services within 90 metres of the site which connects then to the rest of the borough, and access to the tube network at Totteridge and Whetstone LU (London Underground) Station can also be made in around 5 minutes. Access to Oakleigh Park Rail Station is also within 15 minutes' walk, for services to Potters Bar and Hertfordshire.

The development benefits from attractive but fairly good access routes in the surrounding area. For pedestrians, an audit (PERS) conducted by the developer, indicated that the site will be more attractive and accessible if some form of improvements are undertaking on the current surrounding pedestrian network infrastructure. Within the immediate vicinity of the development site's entrance on Baxendale Road at the junction with A1000 High Road, the developer proposes to improve the physical condition of the crossing facilities.

As a result of the close proximity of the proposed development to the LU network via Totteridge and Whetstone station, implies that routes to the station will be important for future residents, and hence will be high in demand.

The PERS assessment acknowledged that some surrounding facilities such as crossings due to the lack of tactile surfaces, are not up to the standard required for intensive use; specifically to the benefit of the new residents. Barnet Transport Officers have advised that the introduction of a controlled crossing may be beneficial on this road. The applicant has agreed to pay £50,000 towards the installation of such a crossing.

At the signal junction of High Road/Oakleigh Road/Totteridge Lane, it had been observed that the staggered crossings on most arms are somewhat cumbersome to use by pedestrians – with the absence of direct crossings on all approaches except on Totteridge Lane. The vehicular phasing also does not necessarily work well in terms of traffic operation. It will be prudent for the junction to be improved specifically in regards to the crossings, in order to ensure a smoother operation for all modes of traffic, including for cyclist too.

In terms of cycling, there are no dedicated cycling facilities surrounding the development in the form of on-road or off-road cycle lanes, and cycle crossings such as Toucans. Notwithstanding the fact that cycling provision for the development is in the range of 366 (for residents) and 16 (for non-residential); it is important that the surrounding area is made attractive for cyclists, with the provision of facilities that can be promoted to and available to future residents and visitors. Cycling facilities around the High Road/Oakleigh Road/Totteridge Lane junction thus needs to be investigated and improved. The Council will therefore seek a contribution from the developer to this effect.

Details of the provision of cycle access into the development will be examined for approved via conditions to be placed on any consent, should the council be minded to approve the scheme.

Baseline Parking Conditions & CPZ (Controlled Parking Zones)

In line with concerns that the development may create parking problems in the surrounding area as result of a possible higher than predicted car ownership by future residents, the developer undertook surveys on the surrounding roads – within a 10-minute walk from the site. The surveys are in line with the council's policy under DM17 regarding residential developments which have limited parking provision and are situated within CPZ areas.

The survey analyses have been scrutinized, and it can be seen that there is residual capacity on the surrounding roads, with up to 958 spaces available overnight. Day parking, although found to have 100% occupancy on the roads, are not thought to of concern, since it has been established that the employees of surrounding commercial developments including the existing Barnet House utilize these unrestricted roads for parking during the day.

It is considered that the existing use of Barnet House currently produces an overspill of parking of up to 100 spaces on the surrounding streets between 0930 and 1530 on a typical weekday, through the surveys conducted. It is therefore probable that these spaces will become available for on-street parking should the change of use of Barnet House be successful via this application. While there is some potential that some of these spaces might subsequently be used by future residential occupiers of Barnet House, given that the vehicular demand of the new development is less than the existing use as Council Officers it is not justifiable to seek funding from the application to look at whether existing traffic regulation orders need expanding or a CPZ created in the locality.

Existing Trip Generation

Based on surveys undertaken to determine the trips relating to the existing uses at Barnet House, it has been established that about 1,387 vehicle movements occur daily. This observed generation breaks down into a morning peak hour (0800 to 0900hrs) trips of 184 two-way vehicle, and 289 non-vehicular movements; whilst the PM peak hour (1700 to 1800hrs) produces 203 vehicle and 398 non-vehicle trips movements.

The survey methodology used as well as the results obtained are considered acceptable by Barnet Highway officers.

Proposed Development

The new development is proposed as a Build-to-Rent type of residential development which is an example of a PRS (private rental scheme). This implies that no individual will be allowed to purchase any unit such as in a private sale development scenario. The TA asserts that as a Build-to-Rent development the developer will be able to have more influence over the travel patterns of its occupiers, leading to an increase in sustainable travel practices. However this is dependent on the developer managing to implement and achieve robust behaviour change at this development. Targets set out in the travel plan, will therefore need to be rigorously set and enforced.

Access & Servicing

Vehicular access to the building will be via the existing area on Baxendale but will be enhanced and improved. It is accepted that a new layby is to be created along with a drop-off area provided at the development entrance area. Pedestrian accesses to the site will be on the ground floor located at the north-east corner (High Road), and south-east corner (Baxendale) of the site. Cycling access is also proposed on the ground floor level but information submitted lack full details.

Details of these modified and new accesses into the residential and commercial areas of the development will be conditioned under any planning consent for council approval before development construction commences. In addition, it will be required that the developer improves the existing footway along Baxendale to a good standard, and make it more attractive with new paving for residents to use comfortably, thereby supporting sustainable transport access to the site. The carriageway fronting the new development on the section of Baxendale Road will need to be repaved in addition.

In terms of servicing of the proposed development, the details of the strategy in relation to delivery, servicing vehicles and refuse/waste vehicles are accepted, but subject to further details to be presented to the Council for approval. Conditions will thus be placed on any consent granted, and will include submission a full Delivery and Servicing Plan (DSP) for further examination and approval by the Council.

Parking

A total of 115 car parking spaces (equating to a ratio of 0.5 spaces per unit), across the 216 unit scheme will be provided. The developer asserts that the development could make use of a system of parking known as 'valet parking' in order to create an additional 15 more

parking spaces. Hence, in effect a maximum of 130 spaces can be provided at this proposed development.

Within this figure, approximately 24 disabled parking spaces in accordance with London Plan (of one parking space per wheelchair accessible unit), will be provided. It is therefore suggested that the disabled spaces should be managed and provided in accordance with demand for such corresponding wheel chair accessible units. This can be done through a proposed Parking Management Plan. The developer also suggest that, based on the principle of the nature of development being a Build-to-Rent accommodation, parking spaces will be rented out to residents by the development management, instead of allocating to specific units. This is in accordance with the emerging London Plan (currently in consultation by TfL).

There will be no car parking for the retail/commercial uses, but disabled spaces would be allocated for a disabled employee member if it is required.

Electric charging facilities will be provided in accordance with the London Plan i.e. 20% (23) active and 20% (23) passive. In terms of the Car Club spaces (3 on-site vehicles), it is suggested that the developer considers the adoption electric car club vehicles as well, instead of conventional ones. Such a system is currently in use at Barnet House with e Cars being used as car club uses for employees. Details of any additional proposed car club parking on street (i.e. 3 spaces as suggested by the developer) will be subjected to approval by the Council. In order to promote sustainable transport and to achieve the proposed level of parking restraint, the Council will require that funding of this scheme is secured through a S106 agreement.

Based on the evidence and analyses presented in the TA in combination with the nature of the development, its PTAL, the location, its proposed uses and management of car parking spaces, Transport officers advise that the level of car parking is sufficient for such a development – subject to the implementation of various measures requested via the proposed conditions and S106 items requested. This approach will enable the developer and future management to adopt and implement robust sustainable transport measures to enhance accessibility into the site, and thereby positively effecting lower car ownership and vehicular trips for the site.

Cycle parking spaces provision for the residential units are 360 long stay and 6 short stay; whereas the commercial units are 3 long stay, and 13 short stay. This is acceptable, and accords with TfL standards.

Development Trip Generation & Impact Assessment

Trip generation assessment for the proposed uses of the development has been undertaken following the guidelines set by Transport for London (TfL) in accordance with their Best Practice Guidance. This involved the interrogation of the TRICS database on comparable sites for the most recent 5-year period.

The analyses presented are acceptable, and shows that overall, there will be a net reduction in trips across all modes in comparison with the existing uses. In the AM peak hour, about 166 less vehicle generated, and 182 less in the PM peak hour on a typical weekday.

This reduction in trips will occur in conjunction with the probable removal of over 100 on-street cars parking on the surrounding highway network between 0930 and 1530 on a weekday. The proposal will therefore not cause any detrimental effects on the existing highway network.

3.7 Waste and Recycling

Although the NPPF does not contain specific waste policies, it does state that part of the environmental dimension to 'sustainable development' is waste minimisation (para 7). As part of London Plan 2011 Chapter 5 'London's Response to Climate Change' policy 5.17 seeks suitable waste and recycling storage provision in new developments as does the Barnet Core Strategy DPD 2012 policy CS14 which also promotes waste prevention, reuse, recycling, composting and resource efficiency over landfill.

A suitable condition is attached to ensure the provision of adequate waste and recycling facilities in accordance with the above requirements.

3.8 Energy, Sustainability, and Resources

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

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

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

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

An Energy Report has been support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions, including the use of Combined Heat and Power,

Photovoltaics and fabric efficiency. The proposed measures achieve the following energy reductions:

SITE WIDE TOTAL

Site wide total domestic and non-domestic	Carbon dioxide emissions (Tonnes CO ₂ per annum)		
	Regulated	Unregulated	Total
Part L 2013 compliant building	373.4	315.5	688.9
Be Lean	251.4	315.5	566.9
Be Clean	189.4	315.5	505.0
Be Green	172.5	315.5	488.1

Table 8.1 Site wide total domestic and non-domestic CO₂ emissions after renewable energy

Site wide total domestic and non-domestic	Carbon dioxide savings			
	(Tonnes CO ₂ per annum)		%	
	Regulated	Total	Regulated	Total
Be Lean Savings from demand reduction	122.0	122.0	32.7%	17.7%
Be Clean Savings from CHP	62.0	62.0	16.6%	9.0%
Be Green Savings from renewable energy	16.9	16.9	4.5%	2.5%
Total cumulative savings	200.3	200.9	200.9	53.8%

Table 8.2 Site wide total domestic and non-domestic CO₂ savings after renewable energy

In order to achieve zero carbon, the developer is proposing to make a carbon offset contribution of £122,400 (based on £60 a tonne over 30 years). The GLA have confirmed in their stage 1 response that the energy strategy is considered acceptable subject to the payment of this contribution.

BREEAM

The Sustainability Statement advises that it is anticipated that a BREEAM ‘Very Good’ level can be achieved for the commercial space and the refurbished flats. An appropriately worded condition is recommended to reconfirm the target will be achieved.

3.9 Landscaping, Trees and biodiversity

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

Landscaping

The submitted material with regards to landscape is clean and supported the argument for a multiuse publically accessible square. The landscaping seems to be embracing the small level changes and gives the impression of a different layer of open space at the heart of the square. The simplicity of the design demonstrates that there is enough allowance for naturally occurring activities and enough space for people of all ages to enjoy. The placement of landscaping also allows for natural surveillance.

The proposed soft landscaping scheme proposes the retention of existing London Plane Trees fronting Whetstone High Street, the planting of 3 Hornbeams along the southern frontage with Baxendale to soften the frontage, and the planting of smaller species of trees

in raised planters within the proposed courtyard and rooftop gardens along with additional shrub planting to improve the wildlife biodiversity of the site.

Conditions are suggested which require the submission of a finalised landscape plan, which will agree the final detail of the proposed species to ensure site suitability, and would also require the implementation of appropriate management measures and the replacement of any planting which subsequently dies with 5 years.

Trees

The proposed redevelopment of Barnet house expands the current footprint of the building which will have an impact on established trees around the building.

Five category B (moderate value trees) and six category C (low value trees and groups), tree T3 is protected by a TPO, will be removed to facilitate the design. The loss of these trees will exacerbate the visual impact of this large building has in the street scene.

Trees shown as G4 and T12 valued as category B on applicants plan are London plane trees and capable of growing up to 30m high. These trees have a high value with a 40 year + life expectancy as they play a significant role in softening the building at street level.

The proposed extension overlooking Baxendale is also located in close proximity to a large mature Holm Oak tree (T6) which is similarly protected by a Tree Preservation Order. The rooting area of this tree is already constrained by the surrounding built environment of retaining walls, roads and basements.

A Scots pine (T3) is covered by the TPO is proposed to be removed in this location. The Council's arboricultural officer initially expressed concern regarding potential root disturbance to the retained trees (G4, T12 and T6). To address this various amendments were made to ensure adequate protection of these trees. Measures include.

- An agreed Foundation option, to minimise impact on the root protection area of the protected oak tree.
- An amended tree management plan,
- Post development soil treatment to improve soil conditions
- An amended drainage system to provide rainwater from the roof areas to drain onto soil covered by the building.
- The replacement of the proposed stiff piping to be replaced with flexible land drains that can be positioned around tree roots.

The Council's arboriculturalist officer has confirmed the proposed measures satisfactorily subject to appropriate safeguarding conditions and additional S106 contributions to allow for the planting of additional trees on the highway.

Flood risk, Water Resources, Drainage and SUDs

In respect of flood risk, the site is within Flood Zone 1 which is classified as being of low risk of flooding. The proposed development is acceptable in this zone and there is no requirement for exception and sequential testing of the acceptability of the scheme.

In line with policy requirements the proposed development proposes to restrict surface water discharge rates from Site to a maximum of 8.3/s for the 100year +40% for climate change storm, subject to agreement by Thames Water, which is done through the provision of underground storage tanks, upsized pipes and landscape storage including green roofs.

The Environment Agency and Thames Water and Capita Drainage (which is acting as the Lead Flood Authority) have been consulted on the application. No in principle objection has been raised, subject to the attachment of appropriate conditions.

3.10 Other matters

Utilities

In support of the application a Utilities report has been submitted in support of the application. The utility report advises that main distribution networks of Gas, Electricity and Water, are located outside of the application site, running along the highroad and along Baxendale, with connection points inwards serving Barnet House. While these connection points would need to be closed off to allow for demolition, and new connection points created during construction, it is not considered that there are any significant constraints on the development of the site.

Ground conditions and Contamination

In regards to potential contamination, a contaminated land assessment in support of the application. The content of this report has been examined by the Council's Scientific services team who raise no objections in this regards subject to the attachment of appropriate conditions requiring appropriate remediation is carried out.

Impact upon Services

Comments have been received from numerous neighbouring residents concerning the impact of the development on local services in particular doctors, dentists and schools. It is noted that these concerns have not been raised by any statutory bodies such as the Primary Care Trust or Education Officers and enquiries have shown that local doctors and dentists are still accepting new applicants which suggests that there is still capacity in this regard.

The applicant has also amended the application to provide 2 storeys of commercial space, of which space on the first floor could be used be a healthcare provided such as a doctor's or dentist, however the application is for a flexible use with B1 so would not necessarily be used for this purpose.

In any event it is not considered that the potential impact of the development on local services would warrant the refusal of the application as impact of infrastructure is expected to be mitigated by Cil and S106 requirements under the planning process.

3.11 Viability, Planning Obligations & CIL

S106 obligations & viability

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

The full list of planning obligations is set out in the heads of terms to this report.

In summary the scheme includes **20%** affordable housing by unit which will be secured by legal agreement, along with other contributions such as the proposed highway works, cycling improvements, travel plan incentives, off site tree planting, employment

contributions and funding for apprenticeships.

LB Barnet CIL

As noted in SPD para 2.2.11, the purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough.

Pursuant to the LB Barnet Planning Obligations SPD, the CIL charging rate is £135 per sq.m. In the case of Barnet's CIL, ancillary car parking space is not chargeable (SPD Para 2.2.14).

Mayoral CIL

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

In total approximately the applicant's supporting documents indicate that £1,268,460 (based on the larger initially submitted scheme) will be payable under both Barnet and Mayoral CIL before affordable housing relief is taken into account.

4. 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 buildings to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces.

Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

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

7. CONCLUSION

In conclusion, the scheme is considered acceptable on balance having regard to relevant national, regional and local planning policies and guidance. The principle of the redevelopment of Barnet House is considered acceptable and accords with national, regional and local plan policy guidance

The proposed detailed design is considered to be high quality with appropriate levels of amenity space, public open space and residential standards achieved for future occupiers reflecting a development of this intensity and balanced with the need to optimize the use of the site.

The amenities of neighbouring residential occupiers are not considered to be unduly impacted by the proposals.

The potential transport impacts of the scheme have been considered and appropriate mitigation proposed in the form of the contributions towards cycling infrastructure, provision of a detailed travel plan as well as improvements to neighbouring footpaths and crossing points.

The scheme deals with its waste and recycling requirements and in terms of energy and sustainability, a range of measures are proposed including a carbon offset payment to achieve mayoral standards for a reduction in CO2 emissions.

A suitable approach is taken to landscaping and biodiversity with retention of trees where possible as well as enhancement of the biodiversity values within the site with appropriate planting.

The scheme has also considered utilities provision and contamination and appropriately worded conditions are recommended. The scheme is considered to be appropriate and acceptable having regard to the full range of considerations in this report including the stated policies and guidance.

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 referral to the Mayor of London and subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.

SITE LOCATION PLAN: Barnet House, 1255 High Road, N20 0EJ

REFERENCE: 17/5373/FUL



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

REFERENCE: 17/5761/EIA

Received: 08/09/2017 **AGENDA ITEM 8**

Validated: 15/09/2017

WARD: Childs Hill

Expiry: 05/01/2018

Final Revisions: 15/12/2017

APPLICANT: London Borough of Barnet and DB Cargo (UK) Limited

PROPOSAL: 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 9 storage bins (with detachable panels); acoustic and perimeter fencing; CCTV, security hut, 4no. welfare hut, 4no. weighbridges and associated control cabins, 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. (Part Retrospective).

1. RECOMMENDATION(S)

Recommendation 1

The application being one of strategic importance to London it must be referred to the Mayor of London. Any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Mayor of London.

Recommendation 2

Subject to Recommendation 1 and the LPA receiving no direction to call in or refuse the application from the Mayor of London, the Head of Development Management shall APPROVE planning application 17/5761/EIA under delegated powers subject to the conditions listed in Appendix A of this report and any changes to their wording and or deleting and or adding conditions and their attached reasons as considered necessary by the Head of Development Management.

2. APPLICATION SUMMARY

Brent Cross Cricklewood Regeneration

- 2.1 The comprehensive redevelopment of the Brent Cross Cricklewood ('BXC') area is a long-standing objective of the Council and has been embedded in planning policy at both the regional and local levels for over 15 years. The BXC scheme is one of the most important and significant regeneration opportunities in London. It will deliver strategic objectives and public benefits including a significant amount of new housing, new employment floorspace and jobs, a new train station, improved bus station, new town centre facilities, enhanced parks and open spaces.
- 2.2 Outline planning consent has been approved in 2010 and 2014 for the BXC Development. A core requirement of the long standing planning policies that support the regeneration of BXC is that the development must come forward in a comprehensive and co-ordinated manner in order to secure the delivery of the wide range of significant public benefits.
- 2.3 In order for comprehensive development of BXC to be achieved it needs to be supported by substantial new infrastructure. This includes the construction of a new train station on the Thameslink train line that runs along the western boundary of the regeneration area which will be supported by a new transport interchange. The delivery of the new Thameslink train station will significantly enhance the accessibility and the attractiveness of the wider BXC scheme and enable the realisation of important regeneration benefits.
- 2.4 The Council has secured £97m of DCLG grant along with a funding agreement with the GLA to the ring-fencing of business rates to deliver the new train station sooner than originally envisaged under the s.73 Permission. The Council is working alongside Network Rail to deliver the new station by 2022. This will enable it to be delivered alongside the early phases of BXC, ensuring that it forms an integral part of the new development from the outset. Its early delivery will also act as a catalyst for the continued delivery of both the residential and commercial development within Brent Cross South.
- 2.5 There are a number of associated infrastructure components that need to be delivered in order to enable the new Thameslink Station to be constructed. These include the relocation of existing rail sidings, the re-provision of the Hendon Waste Transfer Station and the delivery of the Rail Freight Facility. This will enable the new station platforms and tracks to be constructed and will release land on the east side of the railway for the delivery of the eastern station entrance and transport interchange. It will also facilitate the commercial and residential development around Station Square to be delivered which will ensure that the new station is integrated with the wider BXC development. Together these components make up the Thameslink phase of the BXC development.
- 2.6 All of these components are required to be delivered in order to achieve the comprehensive development of BXC.

Proposed Rail Freight Facility

- 2.7 The planning application is submitted by GL Hearn on behalf of joint applicants DB Cargo (UK) Limited and the London Borough of Barnet.
- 2.8 The proposed development is for the construction, operation and use of the land as an aggregate and construction (inert, non-putrescible) waste transfer facility to enable the transfer of the aforementioned materials between road and rail. The application site would be divided into four operational Plots, with Plot 3 containing the proposed construction waste transfer operation. The remaining three Plots would facilitate the operation of aggregate transfer facilities.

Why is a Rail Freight Facility needed?

- 2.9 Along with replacement train stabling facilities, a replacement waste handling facility, and a new road bridge over the midland mainline, a replacement rail freight facility is required as part of the wider Brent Cross Cricklewood regeneration in order to facilitate the delivery of the new Thameslink Station. The new Rail Freight Facility will replace the existing Strategic Rail Freight Site (as designated by Network Rail) currently occupied by the Hendon Waste Transfer Station on the east side of the railway which will make way for the new Thameslink Train Station and associated development as part of the regeneration.

Why is a facility that receives aggregate now being proposed instead of one that handles goods on pallets and metal containers?

- 2.10 Market demand studies commissioned by Network Rail in 2015 and 2016 following the 2014 Section 73 Planning Permission for the BXC Development have demonstrated that the demand for an intermodal rail freight facility is no longer viable and that there is now a strong local demand in North London for a facility to import aggregates and export construction waste via rail.
- 2.11 The outcome of these market demand studies along with recommendations made by Network Rail and Freight Operating Companies have informed the Council's strategy for the delivery of the Rail Freight Facility as part of the wider Thameslink Station project within the Brent Cross Cricklewood regeneration scheme.

What other Rail Freight Facility options were considered?

- 2.12 Through the Network Rail Freight Study alternative options for the provision of a rail freight facility were looked at. These considered i) location; and ii) type of freight as follows:
- i. A geographic review was carried out to identify whether there are any alternative suitable local locations for a rail freight facility. No suitable locations were identified.
 - ii. Whether there was local market demand for movement of other types of material by rail. This assessment reviewed not only the demand for aggregate

and intermodal but also other materials such as scrap steel, oil/petroleum and materials for rail infrastructure renewal/enhancement.

Why has a drop-in planning application been submitted?

- 2.13 The site at the application site already has outline planning permission for an intermodal rail freight facility (the 'Rail Freight Facility') as part of the Section 73 Planning Permission granted for the Brent Cross Cricklewood regeneration. However, because the proposed facility will handle a different type of freight (aggregate instead of containerised goods), requires less land and therefore occupies a smaller site (allowing the Lidl, Timeguard and Access Storage businesses to remain), and does not include the construction of a large building to enclose the whole facility (the proposal is open air but includes structures covering parts of the site), the proposals are not able to be brought forward under reserved matters pursuant to the S73 Permission. As a result a stand-alone planning application known as a 'drop-in' application is required which drops the new proposal into the masterplan for Brent Cross.

Who will own and run the site?

- 2.14 The Cricklewood Railway Yard site is in the ownership of Network Rail and is held by DB Cargo on a 125 year lease which commenced in 1994. In order to facilitate the Brent Cross Regeneration, the site is included within Compulsory Purchase Order number 3 (CPO3). DB Cargo are an experienced freight operating company and own and operate similar facilities around London and the country. DB Cargo have entered into an Implementation Agreement with the Council to deliver the rail freight facility at their own cost which they would then operate.

What type of material will the site handle?

- 2.15 The site will handle MOT Type 1, 2 or 3 is a certified stone product, graded granular sub base material used for construction of hardstanding or areas for compact build up, the main product used is type 2 for general purpose consisting of 5-40mm sized clean aggregates.
- 2.16 In this instance reference to Construction Spoil for transshipment on the site Road-Rail, is the general term for excavated material certified and tested to be a non hazardous inert product.
- 2.17 A planning condition is proposed to limit the maximum throughput of aggregate to 1,000,000 tonnes per annum and to limit the throughput of inert construction waste to 510,000 tonnes per annum.

How many HGV trips will be generated by the development?

- 2.18 Based on the tonnage that can be delivered to the site, the development will be limited through planning conditions to a maximum of 452 HGV movements per day

(226 in and 226 out).

How many trains will arrive at the site per day?

- 2.19 Up to 3 trains per day (24 hour period) will arrive at the site (Monday – Saturday). This is comprised of 2 trains per day delivering aggregate, and 1 train per day taking inert construction waste away. A train may arrive at the site and park overnight before being unloaded during the operational hours.

How will the development affect the A5 Edgware Road?

- 2.20 Traffic surveys at the site when it was occupied by EuroStorage showed 24-hour flow from the site as 1,596 vehicle movements. The proposed development has agreed to limit the HGV movements to a daily cap of 452. This is a considerable reduction in overall traffic demand on a daily basis.
- 2.21 Capacity analysis has been undertaken in a robust manner, with sensitivity tests of even 20% of the daily demand from the RFF using the site in one hour showing that there is no detrimental queuing issues on the A5. Wider strategic highway analysis considers the impact of all the Thameslink and Brent Cross Cricklewood proposals, and the analysis shows that the impacts of the wider development is mitigated.
- 2.22 Furthermore, the RFF will act as a strategic facility that will reduce long distance lorry movements to and from aggregate/construction waste sites across Greater London. For each train that will use the new facility, 75 HGVs are removed from the wider network.

How has air quality impact been considered?

- 2.23 Yes. A modelling assessment has been undertaken to assess the impact of traffic generated by the scheme on local air quality. The findings indicate that in comparison with the previous occupiers and use of the site, the scheme will have a negligible impact and potential to have a beneficial impact. This is as a result of the reduction in traffic generated by the site, and the use of EURO VI compliant Heavy Goods Vehicles for the proposed RFF, which have much lower emissions than older vehicles.
- 2.24 In line with Policy 7.14 of the London Plan, an assessment of the air quality neutrality of the site was also undertaken. This found that the scheme achieves air quality neutrality (i.e. it has lower emissions than the calculated benchmarks for a site of this size).

What measures are proposed to mitigate noise and dust?

- 2.25 A landscape bund (5.0m high) topped with a 5.1m acoustic fence will protect the

Railway Terraces from noise impacts. This bund will be landscaped on the side facing the Railway Terraces. In addition to the fence at the southern end of the site, Brent Terrace will be protected by the 5.1m high acoustic fence on the eastern boundary adjoining the mainline railway. At the north-west corner Fellows Square is protected by an acoustic fence. These units have been designed with mechanical ventilation and suitable glazing and construction standards to address existing noise from the railway.

- 2.26 The site will have complete coverage by 'rainguns' which spray water to ensure that all particulate is contained within the site. This will operate automatically and with manual override controlled under best practice set out in the management plan.
- 2.27 Structures are proposed on the northern and southern most plots to assist in controlling noise emissions and provide a visual screen to the operations closest to the residential areas.

What controls are there to ensure the operators of the site act responsibly?

- 2.28 DBC Has prepared a draft management plan that sets out the management processes and best practice in operations and the control of dust and air-quality matters. A condition is imposed to require the final plan to be submitted and approved by the LPA and to ensure that the approved plan is then implemented and adhered to by DBC and any site tenants.
- 2.29 DBC has committed to a real time monitoring scheme with a website so that residents are able to view air-quality and noise data. The management plan will identify the Site supervisor to enable community contact and ongoing engagement. In addition to best management practice, air-quality will be controlled through rain guns to dampen any particulates and HGVs will be of the highest environmental control under Euro VI. HGV reversing sounds will be white noise which is standard practice in a location near to residential properties. The operating hours will be 7am – 7pm Monday to Fridays, 7am – 2pm on Saturday and no working on Sundays. This will be controlled by condition.
- 2.30 Other conditions will set noise standards, ari quality standards, and will ensure ensuring vehicles are washed and cleaned appropriately prior to leaving the site.
- 2.31 In addition to the Planning Application process, the site requires an Environmental Permit for the Environment Agency to operate. This will include regular inspections to ensure compliance with the terms of the Permit.

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 junction. The application site covers an area of 4.58 hectares which, as illustrated in Figure 1 below, is bounded immediately to the northeast, east and southeast by the Hendon freight railway lines and the Midland Mainline railway; to the west and northwest by the Brent Curve railway line, with residential development known as Fellows Square (i.e. the former Parcel Force site), Esso petrol filling station and the Multiple Sclerosis Society headquarters building beyond that; and to the south by the Cricklewood Curve railway, with residential properties collectively known as the 'Railway Terraces' beyond the raised railway embankment.

3.2 To the southwest of the application site, lie a number of buildings fronting onto Edgware Road, including those occupied by Timeguard, Lidl supermarket and Access Storage. These are situated directly to the west and southwest of the application site and therefore outside of this planning application boundary.

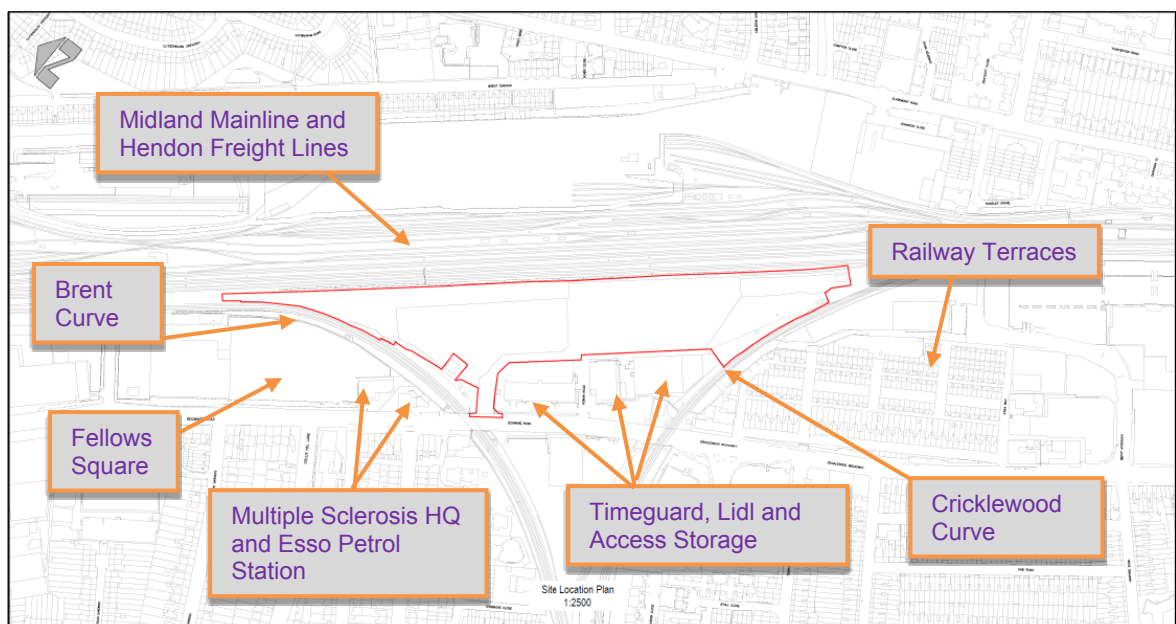


Figure 1: Location of the application site and adjoining land uses (adapted from drawing number BXT-CAP-0000-D-DR-C-0020 Rev. P01).

3.3 The application site is in the ownership of Network Rail and is currently leased to DB Cargo (UK) Limited, a licenced freight operating company. The application 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. From late 2016, DB Cargo (UK) Limited commenced the eviction of these uses from the land in preparation for the development proposed

within this planning application. This process was completed in April 2017. As a result of this, the site is now a predominantly vacant yard with the exception of some preparatory works within the northern part of the application site. This includes the replacement of railway tracks, siting of 3no. portacabins and installation of a weighbridge and wheel washing facility.

- 3.4 As identified within the Council's development plan Proposals Map, the site is designated as 'Rail related employment land'. The effect of this policy designation is to safeguard existing employment sites that meet the needs of modern business requirements associated with the use of the railway.
- 3.5 Other designations within the vicinity of the application site include the Railway Terraces Cricklewood Conservation Area, which is approximately 25 metres to the south of the site (separated by the Cricklewood Curve embankment); and six listed buildings to the south (Grade II Milestone at Gratton Terrace), southwest (Grade II Church of St Michael), south-southwest (Grade II The Crown Public House and hotel and associated Grade II lamp standards), west-southwest (Grade II Dollis Hill Synagogue and forecourt railings) and northwest (Grade II* The Old Oxgate) – these are all over 500 metres from the site and embedded within the wider urban grain of the area. The Welsh Harp Local Nature Reserve, which is also designated as a Site of Special Scientific Interest (SSSI), is also located over 1 kilometre away to the north-northwest of the application site.

4. BRENT CROSS CRICKLEWOOD REGENERATION SCHEME

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

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

associated utilities/services required by the Development (Outline Application).

The application is accompanied by an Environmental Statement.'

- 4.2 The permitted regeneration scheme identifies the application site as forming part of 'Plot 60' within the Railway Lands Development Zone which has planning consent for the delivery of an intermodal rail freight facility. The new rail freight facility is identified as being required as part of the BXC regeneration scheme to replace Network Rail's existing designated Strategic Rail Freight Site on the east side of the Midland Mainline. The replacement of the existing strategic rail freight site is required in order to deliver the new Thameslink train station as part of the wider BXC regeneration. The approved rail freight facility falls within the newly created Phase 2 (South) (Thameslink Station) sub-phase which also includes the new train station, replacement waste handling facility, railway sidings and stabling facility and the vehicular bridge over the Midland Mainline.
- 4.3 Paragraph 5.78 and Appendix 15 of the Revised Development Specification ('RDSF') along with Parameter Plans 018 (Waste and Freight Facilities) and 025 (Indicative Zonal Layout Plan_The Railway Lands) submitted in support of the s.73 Planning 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 s.73 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:
- 4.3.1 Construction of a building with a maximum floorspace of 29,300m², including a mezzanine;
 - 4.3.2 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);
 - 4.3.3 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;
 - 4.3.4 The building would be set back at least 15 metres from the railway line and embankment to the southwest of the site;
 - 4.3.5 A landscape buffer zone to the northwest of the site may also be incorporated to minimise noise impacts;
 - 4.3.6 Vehicular access would be directly from the A5, with a separate new entrance and exit;
 - 4.3.7 The rail connection would consist of three sidings adjacent to the Midland Mainline, with one being inside the building;
 - 4.3.8 Operational parking provided on site for 120 cars and 40 HGVs; and

4.3.9 Operations would be enclosed or shielded from adjacent residential properties to minimise noise impacts.

4.3.10 A maximum of 400 HGV movements per 24-hour period (200 in, 200 out); and

4.3.11 A shift pattern of 06:00-14:00, 14:00-22:00 and 22:00-06:00.

4.4 The above described RFF has the benefit of outline planning consent by virtue of the s.73 Permission dated 23rd July 2014, 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 junctions and therefore benefits from full planning permission. The permitted junction design includes the construction of a separate entrance and exit point to facilitate vehicular access into and out of the facility.

4.5 The s.73 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 s.73 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.

5. PROPOSED DEVELOPMENT

5.1 The proposed development is for the construction, operation and use of the land as an aggregate and inert construction waste transfer facility whereby materials would be transferred between rail and road. The site would be divided into four operational Plots all of which would be located parallel to the northeast boundary of the site alongside a traverser road. Three of these Plots (Plots 1, 2 and 4) would be used to facilitate the transfer of aggregate from rail to road; and Plot 3 would be used to facilitate the transfer of construction waste from road to rail. The proposed development is described further below in relation to the construction phase and operational phase:

Construction Phase

Site Levelling and Landscape Bund:

5.2 The application site would require levelling to create a flat surface upon which to develop the proposed RFF. Each Plot would be finished with a concrete surface and incorporate surface and foul water drainage infrastructure, including attenuation tanks with oil interceptors.

5.3 A landscaped bund is proposed to be constructed to a maximum height of 6.5 metres, width of 27 metres, and length of 120 metres along part of the southern and south-western boundary of the site adjacent to the Cricklewood Curve embankment and to screen the site from the Railway Terraces Cricklewood

Conservation Area to the south. An acoustic attenuation fence (noise barrier) would be erected on top of this bund to mitigate the impact of noise from the proposed development. This fence would vary in height along the length of the bund to ensure that a combined barrier height (i.e. the bund plus the fence) of 11.6 metres above ground level would be achieved along its length.

- 5.4 The landscaped bund would require the importation of 3,500 tonnes of inert materials to complete the construction. This additional material would be imported by rail and equates to two trains with an average payload of 1,700 tonnes per train.

Acoustic and Perimeter Fencing:

- 5.5 Acoustic fencing would also be erected along part of the northwest boundary of the site, adjacent to the Brent Curve railway line, extending 180 metres in length adjacent to the Fellows Square development site; and along part of the western boundary of the application site to the rear of the Access Storage building. Both acoustic fences would stand at a height of 5.1 metres above ground level.

- 5.6 A 450 metre long, 5.1 metre high acoustic fence has already been erected along part of the eastern boundary of the site adjacent to the Midland Mainline railway. This is proposed to be extended a further 50 metres to the north to provide further noise mitigation to the residents to the east of the railway in Brent Terrace. The site would otherwise be secured by a 3 metre high metal palisade fence.

Replacement Sidings and Traverser Road:

- 5.7 A new railway siding has been installed along the northeast boundary of the application site, which comprises two rail tracks that connect to the main freight (Hendon) line to the north and south of the site via the existing rail connections. In order to facilitate the loading and unloading of construction waste and aggregate, respectively, the proposed development includes the construction of a traverser road adjacent to these new sidings. The traverser road would be 442 metres long, 10 metres wide and raised 1.5 metre above the operational site areas across the site (i.e. Plots 1-4). This would be constructed from compacted crushed concrete to enable plant and machinery to move along it.

Stockpile Covers:

- 5.8 Within Plots 1 and 4, 10no. storage bays would be constructed to store aggregate; and within Plots 2 and 3, 9no. storage bays would be provided to facilitate the storage of aggregate and construction waste, respectively. However, the subdividing walls between the stockpile bays would not be fixed and therefore capable of being relocated in order to adjust the size of the storage bays depending upon type and volume of material to be stored.

- 5.9 As a result of pre-application discussion between the applicants and the Local Planning Authority and the applicants' own public consultation events, the proposed development includes the construction of covers over the stockpile areas of Plot 1 and Plot 4. These covers are proposed to assist in mitigating any adverse impacts of the proposed development, including noise and dust, which might arise from the transfer of aggregate and construction waste between HGVs, stockpiles and trains. The stockpile cover structures would be 100 metres long, 20 metres

wide and 13 metres in height on the west elevations (i.e. on the HGV/road side) reducing to 8.5 metres high on the rail side of the structures (east elevation). The structures would comprise a galvanized finish steel structure with a single skin profiled sheeting roof. Both gable ends of the proposed structures would be enclosed, leaving the eastern and western elevations open. The entire structures would be finished in Goosewing Grey.

Site Access:

- 5.10 As a result of the change in the type of RFF to be delivered on this site (compared to that set out within the outline planning applications), the existing site access off the A5 Edgware Road would be improved to create a single priority junction. This junction design, with two approach lanes, would allow a minimum of 5no. HGVs to queue between the A5 and security gates without causing disruption to the flow of traffic on the public highway. An Automatic Number Plate Recognition (ANPR) system would be installed at the gatehouse so that the barrier would automatically lift for authorised vehicles. The proposed junction design achieves a 4.5 X 90 metre visibility splay with realignment to the southern splay adjacent to the existing Timeguard building. Uncontrolled pedestrian crossing facilities would also be provided near the junction mouth with dropped kerbs and pedestrian refuge area in the centre.

Operational Phase

- 5.11 The proposed development is for the construction, operation and use of the land as an aggregate and construction waste (inert, non-putrescible) transfer facility to enable the transfer of materials between road and rail. Specifically, the two processing operations would comprise (A) the transfer of aggregate material from rail to road; and (B) the transfer of inert construction waste from road to rail. The site would be subdivided into four operational Plots, with each Plot measuring around 5,000m². Operation (A) would take place within Plots 1, 2 and 4; and operation (B) would take place on Plot 3. These operations are described further below.
- 5.12 The proposed development would be operated between 07:00 to 19:00 Mondays to Fridays and 07:00 to 14:00 Saturdays. There would be no operations on Sundays or Public Holidays. The only exception to this would be the arrival of trains during any 24-hour period as freight train movements are dependent upon the availability of the network which is governed by Network Rail and therefore out of the applicants' control and cannot be controlled by the planning process.
- 5.13 Adjacent to the site entrance barrier and security hut, the proposed development includes the provision of a car park providing 11no. vehicle parking spaces (including 4 electric vehicle charging points) and 1no. disabled space. An area is also provided for bin storage. Any HGV parking would take place within each Plot. Within Plot 1, the proposed development also includes the provision of 8no. covered Sheffield cycle stands adjacent to the staff welfare portacabin.

(A) Aggregate Transfer Facility:

- 5.14 The proposed development would involve aggregate being delivered to the site by

train that would pull into the sidings adjacent to the traverser road. The aggregate would then be unloaded from each wagon by the use of a 'grabber' machine that would run along the length of the train on the traverser road. This unloading operation is expected to take between 2-3 hours per train. The aggregate would then be placed either into the storage bins (covered in Plots 1 and 4; uncovered in Plot 2) or directly into HGVs. The imported aggregate would then be transferred off site by HGV for onward delivery to customers. HGVs would typically travel in a northerly direction on the A5 Edgware Road when exiting the site.

- 5.15 The proposed annual throughput of aggregate would be up to 1,000,000 tonnes per annum which equates to 12 trains deliveries per week, each with a maximum payload of 1,700 tonnes, based on a 6-day working week (reduced hours on Saturday). This element of the proposed operation would therefore generate up to 262 HGV movements per day (131 in, 131 out). The typical HGVs used to export aggregate would be 26 tonne, 3 axle vehicles.

(B) Construction Waste Transfer Facility:

- 5.16 The second element of the proposed development is for the importation of construction waste by either HGV tipper truck (18 tonne payload) or articulated lorries (26 tonne payload). This waste would be spoil arising from 'dig out' developments – i.e. construction and excavation wastes such as brick, rubble and soils – and subject to sorting at source prior to it being delivered to the site. The construction waste would then be tipped into the (uncovered) storage bins in Plot 3 before being loaded onto a train by a scoop loader. The construction waste would then be exported by rail to licensed facilities for further processing or treatment or to aid the restoration of a landfill.
- 5.17 The proposed annual throughput of construction waste would be up to 510,000 tonnes per annum. This equates to 6 trains per week based on a 6-day week (with reduced hours on Saturday) over a 50-week year and each train having a maximum payload of 1,700 tonnes . This element of the proposed development would therefore generate up 190 HGV movements per day (95 in, 95 out). In combination with the aggregate transfer operation, the total maximum number of HGV movements associated with the site would be 452 movements (226 in, 226 out).
- 5.18 All HGVs associated with both the aggregate and construction waste transfer operations would be Euro 6, which is the lowest emission HGV available at this time, and when loaded all HGVs would be covered.

Associated and Ancillary Development

- 5.19 Internally, the proposed development includes the construction of an access road to facilitate access to all four of the individual Plots. It would also connect to the existing Network Rail access point at the southernmost part of the site; and the National Grid compound toward the northern end of the site to enable these statutory undertakers to access their assets.
- 5.20 The proposed development also includes the erection of a number of portacabin buildings to provide staff welfare facilities within each Plot and a security hut at the

site entrance. The portacabins proposed within each Plot would be 'GreenSpace 9.6m Eco Range' buildings. The security hut would be a 'Glasdon Consul' portacabin and sited adjacent to the proposed vehicle barrier.

- 5.21 The proposed development also includes the installation of 15no. lighting columns standing at a height of 12 metres (some of these columns have already been installed or existed prior to the submission of this planning application). All lighting columns would house LED floodlight fittings.
- 5.22 A dust suppression system would be installed to mitigate the impacts of dust arising from the proposed transfer of aggregate and construction waste. This system would include the erection of several sprinkler 'rain guns' within the operational areas of the site, including in the vicinity of the roadways, stockpiles, and rail tracks, placed at 30 metre intervals. The system would be operated during the loading and unloading of construction waste and aggregate, respectively; and also utilised during adverse weather conditions outside of the normal operational hours. The applicants have submitted a Management Plan (dated 22nd November 2017) in support of the planning application which sets out the procedures for the management and mitigation of dust (and noise).
- 5.23 To also assist in the mitigation of dust and to prevent any mud being tracked onto the public highway, the proposed development includes the provision of 2no. wheel washes – one would be situated within Plot 1 and the second would be located on the outbound lane of the internal access road (to the rear of the Timeguard building). The proposed development would also include the provision of 4no. weighbridges and 2no. associated control cabins to measure the quantum of materials being imported and exported from the site. Both an inbound and outbound weighbridge would be located within Plot 1 and a further inbound and outbound weighbridge would be sited on the internal access road (in the same location of the aforementioned wheel wash).
- 5.24 The application site contains an existing, vacant single storey brick construction building at the southernmost end of the yard. This was previously utilised, and is owned by, Network Rail. The proposed development would utilise this existing building to provide additional staff accommodation and mess room facilities for DB Cargo (UK) Limited.

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

- 6.1 As stated above, the s.73 Permission for the Brent Cross Cricklewood ('BXC') regeneration scheme grants outline planning consent for the construction of a rail freight facility on the same land as that included within this planning application. Therefore, the principle of the development has already been established in planning terms.
- 6.2 Ordinarily, approval for the detailed design of the BXC rail freight facility would be sought through a Reserved Matters Application that builds upon the principles and parameters of the development established at the outline planning stage.

However, as set out within the Council's case for The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 3) 2016¹ and described within the applicants' Planning Statement and supporting evidence (namely the Strategic Freight Study completed for Network Rail, dated March 2016), the requirements for a rail freight facility have evolved since the s.73 Permission was granted.

- 6.3 As stated within the Strategic Freight Study (March, 2016), a domestic intermodal freight facility (like the one envisaged at the time of the BXC outline applications) is now unlikely to be economically viable in the short term due to the relative pricing of road and rail transportation and the lack of large scale demand; the site would be subject to competition by a recently approved intermodal freight facility in Radlett, Hertfordshire (12 miles to the north of the site) which will service the London and northern Home Counties market if built; and the site is not entirely ideal for facilitating the 'cross-docking' process (i.e. transporting containers from rail to road), which requires a wide area². The Strategic Freight Study also considers the future demand for other types of freight and concludes that there is an existing demand for the removal of construction spoil with good prospects for greater volumes in the future; and there is a strong demand for an aggregates terminal in the locality of the application site in the short and medium term.
- 6.4 The proposed RFF which is the subject of this planning application is therefore a response to the current freight market and is consequently a different type of RFF to that permitted by the s.73 Permission for the BXC regeneration scheme. The principle of delivering a RFF on Plot 60 (or part thereof) remains unchanged. The differences between the type of RFF envisaged in the s.73 Permission and proposed RFF which is the subject of this planning application are set out below:
- 6.4.1 Change in the type of goods to be moved by rail (aggregate and construction waste instead of containerised and palletised domestic goods);
 - 6.4.2 A mostly open-air facility rather than being enclosed within a single large warehouse type building, which would enclose the majority of the site; and
 - 6.4.3 A reduction in the extent of land required to facilitate the revised operations with existing buildings and businesses being retained along the A5 Edgware Road (namely Timeguard, Lidl supermarket and Access Self Storage),
- 6.5 As a result of these differences, the proposed RFF does not accord with all of the parameters and controls established by the s.73 Permission in respect of developing Plot 60 of the BXC regeneration scheme. Therefore, detailed approval cannot be sought through an RMA. Instead, approval for the proposed RFF on this

¹ A public inquiry was held in September 2017 into The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 3) 2016. The Order is yet to be confirmed by the Secretary of State for Communities and Local Government. A decision is expected imminently.

² Information obtained from pages 10 & 11 of the 'Midland Mainline Between the A406 North Circular and Cricklewood Station – A Strategic Freight Study' (Railfreight Consulting, March 2016, version 2.3).

site is being sought through a 'drop-in application'.

- 6.6 The use of 'drop-in applications' in the context of outline planning consents, particularly for large regeneration projects delivered over a number of years, is not an uncommon planning approach³. The purpose of utilising such an approach is so that alternative development on land that benefits from outline planning permission can be achieved. However, in the case of BXC, the use of 'drop-in applications' would only be considered acceptable to the Local Planning Authority providing that (1) the proposed development is compatible with the s.73 Permission; (2) it does not undermine or prejudice the overall delivery of the wider masterplan (i.e. comprehensive redevelopment of the BXC area); and (3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications.
- 6.7 In the event that planning permission is granted for the proposed development, or any other 'drop-in application', two planning permissions would effectively coexist for development of the same land. In this instance, the Pilkington Principle would apply whereby implementation of any planning permission for the proposed development (if granted) would render the respective part of the s.73 Permission (i.e. Plot 60) un-implementable. However, provided that the alternative proposals within the 'drop-in application' and any subsequent permission granted pursuant to them does not prejudice the delivery of any other part of the approved BXC regeneration scheme, the proposed development can be delivered in the context of the s.73 Permission. The Local Planning Authority is satisfied with this planning approach subject to the aforementioned caveats ((1) to (3) in paragraph 6.6).

7. MATERIAL CONSIDERATIONS

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

Key Relevant Planning Policy

- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (published March 2016) and the development plan documents in the Barnet Local Plan (namely the Core Strategy DPD and Development Management DPD both adopted September 2012).
- 7.3 Chapter 12 of Barnet's Unitary Development Plan (2006) also remains extant and the policies contained within it are also material considerations given the location of the application site within the Brent Cross Cricklewood regeneration area. Taken together, these statutory development plans are therefore the main policy basis for the consideration of this planning application.

³ The planning processes connected to the delivery of the Olympic Park by the London Legacy Development Corporation can be quoted as a preceding example for the use of 'drop-in' or 'slot-in' applications.

7.4 More detail on the policy framework relevant to the determination of this planning application and an appraisal of the proposed development against those relevant development plan policies is set out in subsequent sections of this report dealing with specific policy and topic areas. Table 1 below summarises The London Plan and the Barnet Local Plan policies relevant to the determination of this planning application:

Table 1: Summary of the development plan policies most relevant to the determination of planning application 17/5761/EIA

The London Plan (March 2016)	
London's Places	
Policy 2.13	Opportunity Areas and Intensification Areas
Policy 2.18	Green Infrastructure: The Multi-functional Network of Green and Open Spaces
London's Economy	
Policy 4.4	Managing Industrial Land and Premises
London's Response to Climate Change	
Policy 5.3	Sustainable Design and Construction
Policy 5.10	Urban Greening
Policy 5.11	Green Roofs and Development Site Environs
Policy 5.12	Flood Risk Management
Policy 5.13	Sustainable Drainage
Policy 5.14	Water Quality and Wastewater Infrastructure
Policy 5.15	Water Use and Supplies
Policy 5.16	Waste Net Self-sufficiency
Policy 5.17	Waste Capacity
Policy 5.18	Construction, Excavation and Demolition Waste
Policy 5.20	Aggregates
Policy 5.21	Contaminated Land
London's Transport	
Policy 6.1	Strategic Approach
Policy 6.3	Assessing Effects of Development on Transport Capacity
Policy 6.9	Cycling
Policy 6.11	Smoothing Traffic Flow and Tackling Congestion
Policy 6.13	Parking
Policy 6.14	Freight
Policy 6.15	Strategic Rail Freight Interchanges
London's Living Spaces and Places	
Policy 7.4	Local Character
Policy 7.8	Heritage Assets and Archaeology
Policy 7.14	Improving Air Quality
Policy 7.15	Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
Policy 7.19	Biodiversity and Access to Nature
Policy 7.21	Trees and Woodlands
Implementation and Monitoring Review	
Policy 8.2	Planning Obligations

Barnet Local Plan – Core Strategy DPD (September 2012)	
Policy CS NPPF	National Planning Policy Framework – Presumption in favour of sustainable development
Policy CS2	Brent Cross – Cricklewood
Policy CS5	Protecting and enhancing Barnet’s character to create high quality places
Policy CS7	Enhancing and protecting Barnet’s open spaces
Policy CS8	Promoting a strong and prosperous Barnet
Policy CS9	Providing safe, effective and efficient travel
Policy CS13	Ensuring the efficient use of natural resources
Barnet Local Plan – Development Management 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 DM16	Biodiversity
Policy DM17	Travel impact and parking standards
Unitary Development Plan (2006) – Chapter 12: Cricklewood, Brent Cross and West Hendon Regeneration Area	
Policy GCrick	Cricklewood, Brent Cross, West Hendon Regeneration Area
Policy C1	Comprehensive Development
Policy C2	Urban Design – High Quality
Policy C3	Urban Design – Amenity
Policy C7	Transport Improvements
Policy C10	Employment

7.5 A number of other documents, including supplementary planning documents, design guidance and national planning practice guidance, are also material to the determination of the application. This includes:

- Cricklewood, Brent Cross and West Hendon Development Framework (2005);
- National Planning Policy Framework (March 2016);
- Planning Practice Guidance;
- Noise Policy Statement for England (DEFRA, 2010);
- LB Barnet Planning Obligations SPD (2013);
- LB Barnet Sustainable Design and Construction SPD (2016);
- LB Barnet Green Infrastructure SPD (2017);
- The Mayor’s Sustainable Design and Construction SPG (2014); and
- The Mayor’s The Control of Dust and Emissions during Construction & Demolition SPG (2014).

7.6 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:

- Draft Mayor’s Transport Strategy (June 2017)*
- Draft London Environment Strategy (August 2017)*

- London Local Air Quality Management – Policy Guidance (2016);
- LB Barnet’s Air Quality Action Plan 2017-2022;
- Draft Air Quality Plan (DEFRA, May 2017); and
- Mayor’s response to Draft Air Quality Plan (June 2017).

7.7 In December 2017 the Mayor published a draft New London Plan for consultation. The consultation period runs until 2nd March 2018. Given status of this New London Plan limited, if any, weight should be attached to the draft policies contained within it when considering this planning application.

Other Relevant Council Decisions

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

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

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

7.11 Assets, Regeneration and Growth Committee 17 March 2016 (Decision Item 14) 1) in relation to Thameslink approved the Station Single Option Design and noted the funding and delivery strategies for the Brent Cross Cricklewood Thameslink Station project; 10) Approved the commencement of the detailed design of the station (known as GRIP 4) and associated work packages within the station phase of the Brent Cross South; and delegated to the Chief Operating officer permission to agree terms and enter into the Design Service Agreement with Network Rail to deliver the railway works elements of the GRIP 4 process; 11) Approved the revised spend in respect of Thameslink as detailed in the report and note that Policy and Resources will be recommended to approve the budget. 12.) Noted progress on the land acquisition strategy to deliver the station phase and that a separate report is being considered by this Committee to resolve to make a CPO to deliver this element of the Brent Cross Cricklewood regeneration project.

7.12 On the 11th July 2016 and again on the 5th September 2016 the Council’s Assets, Regeneration and Growth Committee approved the making of the London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 3) 2016 (known as CPO3) to assemble the land required to develop the Thameslink Station and associated infrastructure work packages. CPO3 includes the land at the Cricklewood Railway Yard needed to deliver the Rail Freight Facility. The Order

was subsequently made on 7 September 2016. A public inquiry into CPO3 was held by an independent Planning Inspector appointed by the Secretary of State in September 2017 and a decision is expected in the early Spring 2018.

- 7.13 In July 2017 the Council approved, through a Delegated Powers Report of the Council's Chief Executive, entering into a legal agreement with DB Cargo (UK) Limited following Heads of Terms that were approved in February 2017. Under the terms of the agreement DB Cargo will deliver the Rail Freight Facility and operate it at its own cost subject to progressing and submitting a joint planning application. If the RFF is delivered in the form approved by the Council and in accordance with the agreed programme, the Council will not need to implement compulsory purchase powers pursuant to CPO3 to acquire DB Cargo's land. Conversely if the terms are not met, providing the CPO is confirmed, the Council will have the ability to acquire DB Cargo's interest in the land and step in to deliver the RFF. The Development Agreement was signed by DB Cargo on 4th August 2017.

Relevant Planning History

- 7.14 There are no previous planning decisions relating to the application site (i.e. land to the rear of 400 Edgware Road).
- 7.15 A planning application for the temporary use of part of the site is currently pending consideration. This planning application (ref. 17/1254/FUL) was submitted by DB Cargo (UK) Limited on 28th February 2017 and proposed the use of part of this application site (the area that corresponds with the proposed 'Plot 1') as an aggregate transfer facility for a temporary period of 18 months. The planning application was reported to the Council's Planning Committee on 19th September 2017 with a recommendation for approval; however, Members resolved to defer any decision to allow the applicant to consider the inclusion of additional conditions and to review the conclusions of a noise assessment prepared by local residents. This planning application remains undetermined however the applicant, DB Cargo has advised officers and residents that it is not actively pursuing this application and has instead concentrated on engagement with residents on the permanent proposals the subject of this report.
- 7.16 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 considered to be of little relevance to the proposed development.
- 7.17 As referred to in paragraph 3.3 above, until April 2017 the site was occupied by a number 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.
- 7.18 DB Cargo (UK) Limited cleared the land of the abovementioned uses and tenants in 2017. They had also begun to carry out preparatory works associated with the rail connections, and acoustic screens on the site. This activity gave rise to two enforcement complaints. Following investigation, the Enforcement Officer advised that activity relating to that proposed within this planning application should cease until the planning application has been determined (case reference

ENF/00555/17). The case has now been closed on the basis that no further activity has been carried out at the site following this initial advice. Therefore, it was considered that it was not expedient to pursue enforcement action at this stage (July 2017) and to await the outcome of this planning application. No further action has been taken by the Council since July 2017.

Pre-Application Public Consultation

- 7.19 The Council's Regeneration Service carried out a number of community consultation events as part of the preparation of the application for the RFF. The consultation that has been undertaken not only responds to the advice laid out in the National Planning Policy Framework (NPPF), but also to published guidance from Barnet Council itself. Section 4.1.2 of the Council's Statement of Pre-Application Consultation (2015) states '*The aim of pre-application consultation is to encourage discussion before a formal application is made, enabling communities to have an influence on a planning proposal before it is finalised. The process can help to identify improvements and overcome objections at a later stage. Such pre-application consultations can take the form of exhibitions, presentations, workshops or simply a letter or mail shot.*'
- 7.20 The applicant has submitted a Consultation Statement with the application prepared by GL Hearn (Dated August 2017) which sets out the programme of public consultation that has been carried out in support of the proposals for the Brent Cross Thameslink project. A newsletter announcing the new proposals and associated round of public events was posted out to approximately 36,000 residents and local businesses in March 2017.
- 7.21 The first round of public engagement included:

Stakeholder Planning forum (meeting 1): <i>Holiday Inn, Brent Cross</i>	25 th April 2017
Public Engagement workshop 1: <i>Maurice and Vivienne Wohl Campus</i>	19 th April 2017
Public Engagement workshop 2: <i>Crest Academy, Crest Road</i>	20 th April 2017
Public Engagement workshop 3: <i>Whitefield School, Claremont Road</i>	26 th April 2017
Stakeholder Planning forum (meeting 2): <i>Holiday Inn, Brent Cross</i>	8 th May 2017

Attendees

- 131 members of the public attended the three public engagement workshop events.
- 25 registered stakeholder groups attended the stakeholder planning forums.

A Feedback form with general questions to the proposal was developed to correlate additional comments from the public. This was available to be filled out by the public online between April and May 2017.

7.22 The second round of public exhibitions took place between 3rd July 2017 and 17th July 2017. This round of engagement and the outcomes were subsequently incorporated into the proposals which were submitted for Planning. A newsletter announcing the second round of additional information regarding the Rail Freight Facility and the upcoming public events was posted out to residents and local businesses in July 2017. Posters identifying the second round of public consultation regarding the Rail Freight Facility and additional consultation on the Brent Cross Thameslink - Station, Bridge and updated proposals, was posted out two weeks prior to the first public engagement working on 1st July 2017.

7.23 The following events took place:

Stakeholder Planning forum (meeting 1): <i>Holiday Inn, Brent Cross</i>	28 th June 2017
Public Engagement workshop 1: <i>Crest Academy, Crest Road</i>	1 st July 2017
Stakeholder Planning forum (meeting 2): <i>Holiday Inn, Brent Cross</i>	3 rd July 2017
Public Engagement workshop 2: <i>Whitefield School, Claremont Road</i>	4 th July 2017
Public Engagement workshop 3: <i>Maurice and Vivienne Wohl Campus</i>	5 th July 2017

Attendees

- 88 members of the public attended the three public engagement workshop events.
- 7 registered stakeholder groups attended the stakeholder planning forums.

Statutory and Other Technical Consultation Responses

7.24 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 first consultation are summarised below with an Officer responses provided where necessary for the purpose of clarification:

7.25 The **Greater London Authority** considers that the proposed development does not comply with the London Plan but states that the resolution of the identified reasons could lead to the application becoming compliant with the London Plan. The GLA's comments are summarised as follows:

- Principle – the use of the site for a construction waste and aggregate rail transfer station is supported in principle, subject to clarification of throughput assumptions and wider waste capacity discussions;
- Urban design – further information required on the pedestrian route

across the site entrance on Edgware Road;

- Air quality – further information required, including: location of receptors for measuring impact on air quality; impact of dust emissions; traffic estimates and number of vehicle trips; and justification for open air storage.
- Flood risk – the proposed geocellular attenuation tanks are acceptable and it is acceptable to retain drainage from hard landscaping as per the existing scenario.
- Transport – air quality details are required in the supplementary environmental report; a road safety audit is required; and details on how proposals link to wider pedestrian and cycling infrastructure improvements must be provided.

7.26 **Brent Council** objects to the proposed development on the following grounds:

- The impacts the works would have upon the road network:

The application has failed to robustly demonstrate that the amount of heavy goods vehicle traffic generated by the proposal would have an acceptable environmental impact on the highway network in terms of traffic flow, with consequent harm to the road network and amenity of residents in the area; and

- Assessing the environmental impact of the proposed works:

The application has failed to robustly demonstrate that the proposed works would not cause environmental harm.

7.27 **Transport for London** ('TfL') is supportive of the proposal as it would enable early delivery of the Thameslink train station and safeguard rail freight in accordance with the London Plan Policy 6.14, which is important to the future growth of London. TfL also welcomes the provision of a facility to support the construction logistics of the wider Brent Cross Regeneration area and other developments in London by removing lorry movements from the wider network. The A5 Edgware Road forms part of the Strategic Highway Network, which TfL has responsibility for, and is designated as a Bus Low Emission Zone. The A5 Edgware Road has also been identified as a corridor for increased potential cycling and notes it currently has a Cycle Level Service of 37 out of 100 with the proposed access. TfL finds the methodology to assess the impact of the proposed development acceptable, however, they have requested the submission of further information pertaining to:

- A Road Safety Audit;
- Updates to the Supplementary Environmental Statement and Transport Report to reflect publication of the Mayor's draft Transport Strategy and Environment Strategy and the policies contained within these documents including information on how this

development would help reduce emissions;

- Confirmation of how the proposed development contributes to improving pedestrian and cycle facilities along the A5 and to/from this facility for pedestrians and cyclists.

7.28 **Network Rail** has no objections to the proposed development but has requested the inclusion of a number of informatives on any planning permission granted relating to: future maintenance, drainage, plant and materials, scaffolding, piling, fencing, lighting, noise and vibration, and vehicle incursion.

7.29 The **Environment Agency** has informed that LPA that do not wish to make any comments on the planning application.

7.30 **National Grid** has no objections to the proposed development, which is nonetheless noted as being in close proximity to a high voltage transmission underground cable.

7.31 **Affinity Water** did not provide any comments in response to the LPAs consultation.

7.32 **Thames Water** did not provide any comments in response to the LPAs consultation.

7.33 The Council's **Environmental Health Officer** provided comments in relation to air quality, noise and contaminated land impacts and concluded that further information was required to assess the impact of the proposed development. The comments are summarised below:

- Air quality – clarification is required for the proposed operational traffic and speed of vehicles on and off site that have been utilised in the emissions modelling; consideration of other operational dust impacts should be included in the assessment; completion of sensitivity analysis is required; identification of more appropriate sensitive receptors is necessary to ensure the conclusions of the assessment are not diluted; and the Management Plan prepared by DB Cargo omits a number of best practice measures and requires more detail relating to the monitoring of dust emissions.
- Noise – concern was raised about the thoroughness of the noise assessment submitted in support of the planning application, in particular relating to (but not exclusively) the background readings at the nearest sensitive receptors that were consequently used within the assessment. It was also noted that the current assessment demonstrates the proposed development does not comply with the noise limits imposed by the BXC s.73 Permission; and, therefore, that insufficient noise mitigation is proposed to reduce noise impacts to within the s.73 noise limit. A further background noise survey and review of the noise assessment was therefore requested.
- Contaminated land – it was noted that contamination is not a major

concern at the application site. A number of points of clarification were, however, requested including those relating to a report following further intrusive assessment (as recommended by the applicant); details of the proposed water well and recycled water tank design; the design and capacity of refilling stations and petrol tanks to be located on site; liaison with the Environment Agency including the submission of any correspondence; identification of, and assessment relating to, sensitive receptors to the north of the site and allotments to the south of the site; and an assessment of the potential contamination risk arising from the storage of construction spoil on site.

7.34 The Council's **Transport and Regeneration Team** identified a number of issues with the 'Phase 2 (South) (Thameslink Station) Drop In Transport Report: Rail Freight Facility' (Revision P03, September 2017) and requested that further information and clarification be provided. These issues broadly related to:

- The baseline for the application site;
- A Road Safety Audit;
- Clarification regarding the use of 'Plot 5' and any associated vehicle movements (including vehicle tracking);
- Additional and revised swept Path Analyses for the largest vehicles entering each Plot and using the site access without crossing over lanes;
- Revised junction layout plan;
- Clarification regarding pedestrian access to the site;
- Clarification regarding staffing levels;
- Examples of the use of a ANPR system to facilitate entrance of HGVs;
- Improved cycle parking and associated provisions (covered facility);
- Clarification regarding the provision of parking spaces;
- Provision of the further assessment of vehicle movements associated with the proposed rail freight facility, as referred to within the submitted 'Phase 2 (South) (Thameslink Station) Drop In Transport Report: Rail Freight Facility';
- Justification for the proposed mode split;
- Further information relating to the compatibility of the A400/Horn Lane rail freight facility as a comparison site;
- Clarification regarding the assumptions around maximum forecasts,

Saturday peak hour, and source of construction industry requirements relating to 'pre-morning peak first journeys'

- Completion of a Person Trip Generation assessment and breakdown of Passenger Car Unit (PCU) calculations;
- Submission of a Construction Traffic Management Plan;
- Updated Travel Plan; and
- Information pertaining to discussions with TfL around the truncated bus lane on the A5 Edgware Road.

7.35 The **Lead Local Flood Authority** identified the need for further information to be provided to consider the proposed surface and foul water drainage for the site. The requested information included:

Surface Water

- The need to calculate attenuation storage for a 1/100 year storm event plus a 30% allowance for climate change;
- The Micro Drainage surface water model had not been modelled correctly. This should include a model for the two separate systems discharging into two different sewers (surface and foul drainage); and
- Omission of drawing no. 60514840-BM-EM-DRG-105 showing Exceedance Flow Paths;

Foul Water

- Clarification regarding the proposed foul drainage and calculated design foul flow for all four operational plots.

7.36 The Council's **Development Travel Plans Team** – no comments.

7.37 The Council's **Arboricultural Consultant** raises no objection subject to the inclusion of a condition requiring a landscape and ecological maintenance plan that would ensure that the landscaping proposed will establish and give long term visual tree amenity.

7.38 The Council's **Ecology Adviser** – no comments.

7.39 The Council's **Urban Design and Heritage Team** did not respond to the LPAs initial consultation – *see comments subsequently provided as a result of the re-consultation exercise.*

7.40 All **Ward Councillors** for **Childs Hill** and **Golders Green** were notified of the planning application but have not provided any written comments in respect of the proposed development.

7.41 **Railway Terraces Residents Community Association** have raised objection to

the proposed development and consider that an aggregate and construction waste transfer facility is inappropriate at this site. The grounds upon which objections have been raised align with objections raised by many members of the public in response to the consultation exercise and are summarised below:

- The proposed operating hours are too long;
- Dust, airborne pollutants and traffic fumes will make the poor air quality on the Edgware Road and Cricklewood Lane worse. These roads are currently designated by Barnet as a focus area for air quality improvement;
- Increase in traffic, particularly HGVs, will create gridlock on the Edgware Road and lead to even more potholes and damage to the carriageway;
- Noise from the site will affect our quality of life – our homes were built in the 19th century without double glazing;
- The railway line appears to have been raised by 1.5 to 2 metres recently but we were not told. We believe this could increase noise penetration into the Terraces;
- Construction waste entering the site as part of the ‘muckaway’ operation may contain dangerous materials;
- Vibration from heavy freight trains could damage our houses, which have shallow Victorian foundations and were not built to modern British standards;
- The use of an underground spring for the site’s water supply could affect the water table and cause our homes to subside; and
- DB Cargo plan to lease parts of the site to up to four tenants. These tenants will be noisy and dirty and likely to be cement or tarmac manufacturers.

Officer Response: For the purposes of clarification in response to point (e), DB Cargo (UK) Limited (joint applicant) have carried out works to the existing sidings adjacent to the Midland Mainline and the application site to replace tracks that were already in-situ. Whilst this would’ve required an appropriate track bed to be laid, the railway tracks have not been raised. In response to point (i), the planning application seeks permission for the use of the entire site as an aggregate and construction waste transfer facility. This is proposed to be arranged whereby a construction waste transfer operation would take place within Plot 3 and aggregate transfer operations would take place in the remaining three Plots (1, 2 and 4). Therefore, there are no cement or tarmac manufacturing processes proposed within the planning application.

7.42 Based on the Council’s current database, a number of other residents’

associations and community forums were also consulted on the planning application but have not provided any comments. This included: **Cricklewood Community Forum, Cricklewood Neighbourhood Association, Cricklewood Residents Association, Brent Terrace Residents Association and Brent Cross Consultative Access Forum.**

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

Public Consultation Responses

- 7.44 Upon validation of the planning application, the LPA also notified a number of residential properties within the vicinity of the application site. The total number of public representations received in response to this planning application, plus other representations received outside of the consultation area, was **775**. Of those, **772 raised objections, 2 supported** the proposal and **1 other** neither objected nor supported the application. to the proposed development by email, letter and the Public Access website. Of those 772 objections, **38 objectors** have requested to speak at the Planning Committee. The objections raised relate to the following issues and are summarised in Appendix B to this report:

- Principle of the development;
- Location of the proposed development;
- Amenity impacts, including air quality, noise, vibration and lighting, and appropriate design parameters to address these impacts;
- Environmental impacts including impact on groundwater, contamination and green infrastructure;
- Traffic and Highway Impacts;
- Monitoring and enforcement;
- Lack of consultation;
- Variance of development from the BXC s.73 Permission; and
- Impact on heritage assets.

- 7.45 Representations were also received from five other organisations who wished to comment on the proposed development. These are summarised below:

- 7.46 **Brent Cyclists** (the Brent group of the London Cycling Campaign) have raised objection to the proposed development and consider that the proposal would be harmful and dangerous to cyclists and other vulnerable road users. The grounds for their objection relates to:

- The anticipated increase in heavy goods vehicles in this area, both near to the proposed yard, and in narrow roads adjacent, is likely to lead to more accidents, some of which will very likely be fatalities; and

- The proposed development will increase air pollution in one of the most polluted parts of the UK, especially as many of the vehicles used will be run on diesel. Barnet Council should be doing all it can to promote sustainable transport and to minimise the effect of carbon emissions and diesel fuel on the environment.

7.47 **Fordwych Residents Association** object to the proposed development on the following grounds:

- Efforts to move freight transport from road to rail are welcomed, however, the proposal would result in a vast increase in vehicle movements;
- Increased vehicle movements will lead to an increase in air pollution – particularly from Nitrogen Dioxide and particles associated with diesel engines used by HGVs;
- The area already suffers from excessive and dangerous levels of air pollution and the application fails to be both ‘air quality neutral’ and provide sufficient mitigation measures;
- The additional traffic generated by the proposal will cause congestion on already busy roads, including the A5 and local routes;
- Increased number of vehicle movements will endanger pedestrian and cyclist movements in the area and make pedestrian crossing in the area more dangerous. The junctions of the A5 with Cricklewood Lane, Temple Road and Dollis Hill are of particular concern; and
- Overall the application will result in a reduced quality of life for local residents who will suffer from increased air pollution, dust annoyance and lack of any benefit to the local community.
- Fordwych Residents Association added in a subsequent representation that there had been no consultation with local residents and only received notification of the second consultation exercise (see Section 8 below) following submission of additional information.

Officer Response: In response to point (g), as outlined in paragraph 7.33 above and 8.2 below, the LPA has conducted consultation with local residents in respect of this planning application. The first consultation was completed on registration of the planning application, which included a number of properties in the vicinity of the application site; and the second consultation was conducted following the submission of additional information. This latter consultation resulted in notifications being issued to all who had previously commented on the planning application, including Fordwych Residents Association.

- 7.48 **Railway Terraces Allotment Society** object to the proposed development stating that the siting of the proposed development is inappropriate and would create noise, light and air pollution with a minimum of mitigation proposed. The allotments are of considerable value in terms of recreation and the promotion of health and well-being, which will be considerably blighted by the proposed development. In particular, concern is raised about the volume of dust and other airborne pollutants that could contaminate the soil and the produce grown in it. The allotment site has significant value in terms of a habitat for wildlife which would be fundamentally damaged. The allotment site has not been recognised as being of particular sensitivity within the application.
- 7.49 The **Rail Freight Group** support the planning application. The Rail Freight Group is the representative body for rail freight in the UK with around 120 member companies active in all sectors of rail freight. They consider that the facility Cricklewood is essential to increase the volumes of construction and waste materials transported to and from London by rail, offering a safer, cleaner, low carbon solution which reduces road congestion significantly. The site in this planning application is designated as operational railway land and have been safeguarded for rail freight purposes for many years due to its good rail and road connections. The fact that there are very few suitable alternative sites where aggregate can be brought into London for use in construction projects must be taken into account. If this terminal is not built, the construction materials will be transport by HGV with much greater air pollution, CO₂, road congestion and potential collisions. They also state that the strategic location is essential to the Brent Cross Cricklewood regeneration scheme where between 7000-8000 new homes would be built. The Mineral Products Association estimate that each train can convey enough aggregates to construct the equivalent of 30 new homes; therefore, the scale of opportunity is significant. It is also stated that the use of the site for rail freight is in line with Government policy as expressed in the Department for Transport's rail freight strategy, the NPPF, draft Mayor's Transport Strategy and draft London Plan (December 2017).
- 7.50 **Campaign for Better Transport** support the planning application on the following grounds. The representation was received from Freight on Rail which is a partnership of the rail freight industry, transport trade unions and Campaign for Better Transport:
- Rail offers safer, cleaner low carbon solution to transporting aggregate into London and for the removing of waste which reduces road congestion significantly. Broadly each train saves around 85 HGV trips.
 - The site is designated operational railway land which have been safeguarded for rail freight purposes for many years (paragraph 12.3.24 of the Barnet Unitary Development Plan is quoted).
 - There are very few suitable alternative sites for the type of operation proposed. (As stated by the Rail Freight Group above), if this terminal is not built, the materials would be transported by HGV which would have a greater impact in terms of air, CO₂ pollution as

well as road congestion and potential collisions.

- The wider socio-economic benefits to London, the South-east and the country as a whole needs to be factored into the decision as stated in the NPPF.
- The strategic location is essential to the Brent Cross Cricklewood regeneration scheme.
- There would be three trains in and out of the proposed site and each aggregates freight train can remove up to 85 HGVs from the road as 1,700 tonnes will be carried in each train.
- The hours of operation would be limited where there are no operational time limitations at present for the site.
- Rail freight is tried and tested in London with demand for more rail services. Almost 50% of London's aggregates are now moved by rail.
- The proposed development is in line with Government policy: DfT's Rail Freight Strategy (2016), NPPF (2012), and draft London Plan (2017).
- The proposed development would create 24 full time jobs at the terminal with additional driver jobs and further indirect employment locally.
- Road freight is a big CO₂ emitter and there is a significant opportunity to reduce transport emissions by shifting freight from road to rail. Rail freight can be part of the solution to reduce air pollution.
- Rail freight is also far safer than HGVs.
- Rail freight reduces the road infrastructure costs for local, devolved and central Government as the standard 44 tonne 6 axle, 16.5m HGV are 138,000 more times damaging than a Ford Focus.

7.51 A further public consultation was carried out following the receipt of additional information (described in Section 8 below). Those who had previously made representations in response to this planning application were notified of the submission of this additional information and afforded the opportunity to make further comments. In response to this second public consultation, a total of **187 additional representations** were received. Of these additional representations, **185 objected** to the proposed development and **2 supported** the application.

8 SUBMISSION OF ADDITIONAL INFORMATION

8.1 As a consequence of the LPA's consultation exercise following registration of the

planning application and the consultation responses received (summarised above), the applicant submitted additional and revised information for the purposes of addressing the issues identified by the consultees. This information was submitted to the LPA on 15th December 2017 and included the following documents:

- Revised Application Form (with amended description);
- Revised Planning Statement (December 2017);
- Revised Design and Access Statement (December 2017);
- Revised Supplementary Environmental Statement;
- RFF Drop-in Transport Report Addendum (December 2017);
- Revised Travel Plan (Rev. P03, December 2017);
- Revised Drainage Strategy – Surface and Foul Water Drainage Technical Note (dated 17 November 2017);
- Revised Management Plan (dated 22 November 2017);
- Service and Delivery Strategy (November 2017);
- Construction, Environment and Transport Management Plan (November 2017);
- Four new drawings for approval:
 - 60514840-SHT-10-PH02-C-0017 Drainage Strategy Layout Sheet 1;
 - 60514840-SHT-10-PH02-C-0017 Drainage Strategy Layout Sheet 2;
 - 60514840-SHT-10-PH02-C-0018 Permeable/Impermeable Areas Sheet 1;
 - 60514840-SHT-10-PH02-C-0018 Permeable/Impermeable Areas Sheet 2;
- Four new drawings for information purposes:
 - BXT-CAP-D-DR-C-0040 Access Road Swept Path Analysis for Articulated Vehicles (Rev. P01);
 - BXT-CAP-D-DR-C-0041 Access Road Swept Path Analysis for Rigid Vehicles (Rev. P01);
 - BXT-CAP-D-DR-C-0042 Operational Plot Swept Path Analysis for Articulated Vehicles (Rev. P01);
 - BXT-CAP-D-DR-C-0043 Operational Plot Swept Path Analysis for Rigid Vehicles (Rev. P01);
 - Illustration of aggregate and construction waste market area;
- The following revised drawings:
 - BXT-CAP-D-DR-C-0022 General Site Layout (Rev. P06);
 - BXT-CAP-D-DR-C-0024 Lighting Locations (Rev. P03);
 - BXT-CAP-D-DR-C-0025 Earth Bund Plan/Long Section (Rev. P03);
 - BXT-CAP-D-DR-C-0026 Earth Bund Cross Sections (Rev. P02);
 - BXT-CAP-D-DR-C-0027 Cross Section North (Rev. P03);
 - BXT-CAP-D-DR-C-0028 Cross Section South
 - BXT-CAP-D-DR-C-0029 Access Road Design (Rev.P03);
 - BXT-CAP-D-DR-C-0031 Stockpile Enclosure Typical Gable End Elevation and Section (Rev. P03);
 - BXT-CAP-D-DR-C-0034 Typical Porta Cabin Details (Rev. P03);
 - BXT-CAP-D-DR-C-0036 Landscape Design Sheet 1 of 2 (Rev.

- P03);
- BXT-CAP-D-DR-C-0037 Landscape Design Sheet 2 of 2 (Rev. P03); and
- BXT-CAP-D-DR-C-0038 Existing and Proposed Ground Levels (Rev. P03).

8.2 Upon receipt of this information, the LPA conducted a further consultation exercise notifying all those who had made representations in response to the initial public consultation exercise and re-consulting all non-statutory and statutory organisations previously consulted. As a result of this subsequent consultation exercise, further responses were received from some of the abovementioned statutory and non-statutory consultees. The following paragraphs summarise their responses.

8.3 In addition to comments previously provided (see Section 7 above), the Council's **Arboricultural Consultant** has further advised that the proposed internal landscaping provides for native trees and shrubs to screen areas of the site, which are considered acceptable. The consultant also notes that a number of objections have been received in regard to the impact of the proposed development on air quality and traffic noise and indicates that trees and greenery can provide significant amelioration to these problems. He therefore states that tree planting along the A5 and surrounding streets will provide help to reduce the impact of poor air quality but there would need to be considerable investment in amenity tree planting in the local area in the region of 100 trees in order to have a discernible benefit.

Officers Response: The proposed development has been assessed in regard to its impact on local air quality in accordance with the relevant development plan policies and has been found to be acceptable insofar as the proposed development, with the implementation of mitigation measures, would result in a negligible to substantial beneficial impact in terms of NO₂ and PM10 emissions. Furthermore, the Council are reviewing the wider strategy for the A5 corridor in conjunction with TfL and this will provide an opportunity for the provision of green infrastructure which will further improve local air quality.

8.4 The Council's **Environmental Health Officer** has provided further comments in respect of noise, air quality and contaminated land in response to the additional information submitted:

- Noise – the proposed development is acceptable in accordance with the standards set out in BS4142:2014, and not likely to cause complaint; and acceptable in planning terms based on the guidance contained within the Noise Policy Statement for England (2010) and the national Planning Practice Guidance. Also, on implementation of the proposed mitigation, the proposed development complies with the BS8233:2014. Consequently noise levels at the Railway Terraces properties to the south of the site are expected to be 'not noticeable' or 'noticeable but not intrusive'; and at the properties within the Fellows Square development to the northwest of the site, noise is expected to be between 'noticeable and not intrusive' and 'noticeable and intrusive', particularly at the higher floors. In both

cases, however, noise is expected to be around or below the 'lowest observed adverse effect level (LOAEL)'. Given the provision of measures to mitigate the impact of noise, the proposed development is considered acceptable in planning amenity terms subject to the imposition of a relevant noise condition.

- Air quality – Despite efforts to install good mitigation measures and the commitment to secure a site management plan, the application lacks information to enable an adequate assessment of site's acceptability in air quality terms to be made. Further modelling is required to assess the impact of the proposed development on the nearest sensitive receptors.

Officer's Response: Further to these comments, the applicant has provided supplemental information to the air quality assessment contained within Chapter 13 of the Revised Environmental Statement to clarify the conclusions of the air quality modelling. The contents of this supplemental note and its conclusions are summarised below in the 'Air Quality' section of the 'Planning Considerations' section of this report.

- Contaminated Land – the Environmental Health Officer agrees with the conclusions reached within the 'Cricklewood Aggregates Terminal: Surface and Foul Water Drainage Technical Note' (dated November 2017) and Chapter 14 of the Supplementary Environmental Statement including Appendices 14.1 and 14.2 (dated December 2017). Therefore, subject to the imposition of an appropriate contaminated land condition requiring further intrusive investigation, identification of a suitable remediation strategy and verification of any remedial works, no objections are raised in respect of contaminated land.

8.5 The Council's **Urban Design and Heritage Team** raises no objection subject to the inclusion of a condition requiring the submission of details pertaining to the proposed colour of the acoustic fencing to be erected on the landscape bund at the southern boundary of the site. This is to ensure that the proposed acoustic fencing is appropriate in terms of views from the adjacent Railway Terraces Cricklewood Conservation Area.

8.6 The Council's **Transport and Regeneration Team** have been in continued dialogue with the applicant following their initial consultation response to assist in resolving the issues identified in paragraph 7.23 above. As a result of the additional information submitted in December 2017 and this subsequent dialogue, it has been demonstrated through the submission of a Road Safety Audit (Stage 1) and relevant swept path analysis that the revised proposed junction design could operate safely taking into account the proposed level of traffic associated with the aggregate and construction waste transfer facility. However, this junction will be subject to detailed design and further development under a s.278 Agreement (s.278 of the Highways Act 1990 (as amended)), which is outside of the planning process.

- 8.7 **National Grid** raises no objection to the proposed development which is in close proximity to a high voltage transmission underground cable.
- 8.8 **Camden Borough Council** have also submitted representations. Whilst they support the proposed development in principle, objections are raised on amenity grounds.
- 8.9 **Brent Council** maintain their objection on highways and environmental impact grounds but do not that the additional information submitted does clarify a number of matters previously identified.
- 8.10 The **Environment Agency** have no further comments to make.
- 8.11 Following receipt of clarification regarding the existing brick building at the southern end of the site – which would remain unchanged as a result of the proposed development – the **Lead Local Flood Authority** consider that the proposed drainage strategy is acceptable.
- 8.12 Further technical notes were submitted to the LPA in January 2018 to support conclusions contained within the Revised Supplementary Environmental Statement. This included supplemental notes in relation to air quality, contaminated land and transport, including a Stage 1 Road Safety Audit to support the proposed junction design. These have been reviewed by the Council’s relevant technical advisers and are discussed further below under the relevant headings of the ‘Planning Considerations’ section.

9 PLANNING CONSIDERATIONS

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

Principle of the Proposed Use

Rail Related Employment Land:

- 9.1 The application site is identified as Rail Related Employment Land within the Proposals Map associated with the Council's Unitary Development Plan ('UDP') (2006). The Proposals Map that formed part of the adopted UDP (2006) remains as the Proposals Map for the subsequent adopted Local Plan (i.e. the Core Strategy and Development Management Policies DPDs), which has been safeguarded in cognisance of Policy 4.4 of the London Plan (i.e. taking account of the need for strategic and local provision for...transport facilities (including intermodal freight interchanges)). Consequently, saved Policy C10 of Chapter 12 of the UDP (2006), which refers directly to this designation, is material to the consideration of this application and states that: *'Within the area defined on the Proposals Map as rail-related employment land and mixed used land, the council will require the provision of...A rail freight transfer facility with associated uses'*. 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.
- 9.2 The proposed development seeks consent to deliver a rail freight facility on land designated as Rail Related Employment Land, as part of the BXC regeneration scheme. Whilst the proposed type of freight to be imported to and exported from the site is different to that envisaged at the outline planning stage, the proposed use of the site continues to be for the purposes of facilitating the transport of freight by rail for which consent for this use was granted through the s.73 Planning Permission. The proposal therefore complies with the requirements of saved Policy C10 of the UDP by delivering a rail freight facility at this site. The proposed development would not therefore result in the loss of any safeguarded rail-related employment land as the site would continue to be used for rail related uses resulting in the creation of 24 full-time equivalent jobs. Furthermore, where the previous use of the application site was for various B-Class uses (see paragraphs 3.3 and 7.12 above), the proposed use of the site as an aggregate and construction waste transfer facility aligns with the B8 Use Class set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) insofar as it would be used for storage and distribution purposes. Taking the former use of the land into account, the proposed development would ensure that no existing B Class Use would be lost. Therefore, it is considered that the proposed development complies with the requirements of policies CS8 of the Core Strategy DPD and DM14 of the Development Management Policies DPD.

Operational Railway Land:

- 9.3 The application site has a relationship with the adjacent, existing sidings and Midland Mainline railway. This is attributed to the fact that a number of existing tracks run parallel to the site, some of which have been and would be replaced and utilised as part of the proposed development. Whilst more recently the site has been occupied by uses which are arguably not ancillary to the use of the land in connection with an operational railway, correspondence with Network Rail in connection with a previous planning application at this site (planning reference 17/1254/FUL) resulted in confirmation that the application site is deemed to be operational railway land. The proposed development would involve the use of the railway for the transfer of aggregate and construction waste and it is therefore considered an appropriate use on operational railway land insofar as it is development required in connection with the movement of traffic by rail.

Brent Cross Cricklewood Regeneration Scheme:

- 9.4 The site also falls within the Brent Cross Cricklewood ('BXC') Regeneration Area as identified by the 'Cricklewood, Brent Cross and West Hendon Regeneration Area Framework (2005)' and defined on the Proposals Map. This is also the subject of saved Policy GCrick within the UDP (2006). Outline planning permission for the comprehensive redevelopment of this regeneration area was originally granted by the Council in 2010 and subsequently varied through the mechanism provided in Section 73 of the Town and Country Planning Act 1990 (as amended). The Section 73 planning permission ('s.73 Permission') was granted on 23rd July 2014 (planning reference F/04687/13), which is the permission currently being implemented.
- 9.5 Under the Section 73 planning permission, the application site plus land occupied by other buildings fronting onto the Edgware Road (Lidl, Timeguard and Access Storage) is identified to deliver a rail freight facility to replace an existing facility on the eastern side of the Midland Mainline railway. This site is identified as 'Plot 60' and illustrated on Parameter Plan 029 – Indicative Phasing Plan (Rev. P5) as forming part of the Phase 2 (South) (Thameslink Station) sub-phase. The relationship between the proposed development and Brent Cross Cricklewood regeneration scheme is discussed further below. However, in terms of the principle of the proposed development, the site benefits from outline planning consent for the use as a rail freight facility and the proposed development seeks to deliver the same. Therefore, the principle of the proposed development in this respect is considered to be acceptable.

The London Plan:

- 9.6 The London Plan (2016) contains a number of strategic policies which supports sustainable growth and development of Outer London. This includes a need to ensure an adequate supply of aggregates to support construction in London and its importation by sustainable transport modes (Policy 5.20A (3)); facilitating the efficient distribution of freight through improved rail freight terminals to serve London (Policy 6.1A (f) and Table 6.1); improving and promoting rail freight distribution to relieve congestion (Policy 6.14); and provision of freight interchanges in locations well-related to rail and road corridors and their proposed market (Policy 6.15). In terms of waste management, there is a drive for London to become self-sufficient in regard to its waste management requirements (Policy

5.16); to identify opportunities for introducing new waste capacity based on particular criteria (i.e. locational suitability and proximity to waste streams) (Policy 5.17); and to ensure that waste is removed from construction sites, and material brought to the site, by water or rail transport wherever that is practicable (Policy 5.18B).

- 9.7 These objectives have been transposed into the new Draft London Plan (December 2017) which continue to support the importation of aggregates by sustainable transport modes (draft Policy SI10); and supports the use of rail to transport waste in order to minimise the environmental impact of vehicle movements (draft Policy SI8D).
- 9.8 The BXC Regeneration Area is also identified as an Opportunity Area within the London Plan. Policy 2.13B identifies that development proposals within opportunity areas should support the strategic policy directions for those areas. The strategic policy direction for the BXC opportunity area is reflected in Policy CS2 of the Core Strategy DPD (2012), which references the delivery of key rail facilities as part of the comprehensive redevelopment to support the area's strategic location.

Summary:

- 9.9 Taking the above into account, the principle of using the application site as an aggregate and construction waste transfer facility, including the associated use of the land for the storage of aggregate and construction waste plus ancillary facilities as proposed, is considered to be acceptable. This conclusion is on the basis that: the land is designated for such uses in the development plan; it forms part of operational railway land whereby such uses are generally considered ancillary; the site benefits from outline planning permission for the delivery of a rail freight facility as part of the BXC regeneration scheme; and a number of development plan policies generally supports the provision of new or improved rail facilities to support sustainable development, including the movement of materials in and out of London by rail. This position is supported by the Greater London Authority who have expressed their support for the principle of the proposed development in accordance with the relevant adopted London Plan policies.

Brent Cross Cricklewood (BXC) Regeneration Scheme

- 9.10 As aforementioned, the application site falls within the boundary of the BXC regeneration scheme which benefits from outline (s.73) planning permission. Under this planning permission, the application site plus the land occupied by buildings fronting onto the Edgware Road – Lidl, Timeguard and Access Storage – is identified to deliver a rail freight facility to replace an existing facility on the eastern side of the Midland Mainline railway. The site is also included within the The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 3) 2016 to ensure that the appropriate land is secured and acquired to facilitate delivery this development and that associated with the wider Thameslink Project.
- 9.11 Saved Policies GCrick and C1 of the UDP (2006) and Policy CS2 of the Core Strategy (2012) sets out the Council's strategy for the comprehensive development of the BXC regeneration area. In particular, saved Policy C1 identifies that: *'The*

Council will seek the comprehensive development of Cricklewood, Brent Cross and West Hendon Regeneration Area... and *'Development proposals will be supported if they are consistent with the policies of the UDP and their more detailed elaboration within the development framework'*. Policy CS2 of the Core Strategy similarly states that the Council *'...will seek comprehensive redevelopment of Brent Cross – Cricklewood in accordance with the London Plan, the saved UDP policies (Chapter 12) and the adopted Development Framework.'* As aforementioned, Brent Cross Cricklewood is identified as an Opportunity Area within the adopted London Plan (2016) where Policy 2.13 sets out the Mayor's support for implementing planning frameworks to realise the area's growth potential. This is replicated in the draft New London Plan (2017), within draft Policy SD1 (Opportunity Areas), where Brent Cross Cricklewood is identified as an ongoing Opportunity Area.

- 9.12 The rail freight facility envisaged within the s.73 Permission was for an intermodal transfer point for conventional freight, typically delivered on roll cages or pallets, operated 24-hours a day/7days a week. This was required to replace the current designated 'strategic rail freight site' which is currently occupied by the Hendon Waste Transfer Station. Details of the principles and parameters established by the s.73 Permission are set out within the approved Revised Development Specification Framework ('RDSF') and Appendix 15 to the RDSF in particular. These principles and parameters are described in paragraph 4.3 above. The proposed development seeks to utilise part of the site identified by the s.73 Permission as an aggregate and construction waste rail transfer facility, which is different to that originally envisaged as part of the BXC regeneration scheme (the variances between the two schemes are described in paragraph 6.4). This is the reason why the proposed development is being sought through a 'drop-in application' as opposed to an RMA that would ordinarily follow an outline planning consent (see explanation provided in paragraphs 6.3-6.7 above).
- 9.13 The applicant has submitted evidence to explain why permission for an alternative type of rail freight facility is being sought and this includes the report titled *'Midland Mainline between the A406 North Circular and Cricklewood Station: A Strategic Rail Freight Study'* which was commissioned by Network Rail and carried out by consultants Railfreight Consulting Limited in January 2015. This study was subsequently updated in March 2016 to test the validity of its conclusions and to reflect any change in the marketplace. As stated earlier in paragraph 6.3, both studies conclude that there is no longer sufficient demand for the type of rail freight facility identified in the s.73 Permission and that there is demand for an aggregates terminal and to facilitate the removal of construction spoil by rail.
- 9.14 The Council acknowledges that regeneration schemes of this scale and nature are typically carried out over a number of years from its initial conception, through detailed design stages, multi-stage planning consenting process, and thereafter implementation of the approved development. The permitted Brent Cross Cricklewood regeneration scheme is projected to be completed by 2031 having been initially set out in the Cricklewood, Brent Cross and West Hendon Development Framework in 2005. Therefore, it is reasonable to expect market conditions to evolve throughout the duration of the planning process and, consequently, it is likely that amendments to the scheme permitted at the outline

stage may be required.

- 9.15 Therefore, whilst any drop-in application will need to be assessed on its own merits against relevant policies and standards, as is addressed later in this report, a key consideration relevant to the determination of this planning application is (1) the compatibility of the proposed rail freight facility with the s.73 Permission and (2) whether it would impinge upon or prejudice delivery of the wider BXC regeneration scheme. This relates to the objectives contained within saved Policies CGrick and C1 of the UDP and Policy CS2 of the Core Strategy DPD.

1) Compatibility of the Proposed Development with the s.73 Permission:

- 9.16 In regard to the first consideration, the s.73 Permission for the BXC regeneration scheme establishes the use of this land as a rail freight facility and therefore the principle of the proposed development is considered to be acceptable. Albeit developing less land than previously required, the application site is located within the same parcel of land identified in the s.73 Permission ('Plot 60') for the delivery of a rail freight facility. The s.73 Permission also establishes a number of parameters in connection with the intermodal rail freight facility, this includes: site access; building limitations; requirement for a landscaped buffer to the southwest and northwest of the site; hours of operation; parking requirements; and the enclosure or shielding of operations. Taking into account the different type of rail freight facility now considered necessary to meet market demand, the proposed development is considered to be broadly in line with the following s.73 Permission parameters: access to the site would continue to be off the existing A5 Edgware Road junction; a landscaped buffer zone as mitigation and the set-back between the facility and adjacent Conservation Area would be provided; provision of rail sidings to permit rail access to the site; and provision of on-site operational parking for cars and HGVs (albeit proportionate to the operation now proposed).

- 9.17 The s.73 Permission parameters relating to the provision of a building to shield or enclose the operations, hours of operation, and provision of a landscaped buffer zone to the northwest would not be necessarily be adhered to as envisaged in the s.73 Permission. The proposed development includes the partial enclosure of approximately half the site (covers over parts of Plots 1 and 4) to provide mitigation commensurate to the impacts of the proposed operation – the acceptability of this and other mitigation is considered further below. However, the structures proposed would accord with the dimensional parameters established in the s.73 Permission (i.e. the enclosures would not exceed 16 metres in height, would be set back more than 15 metres from the southwest boundary, and would not exceed 29,300m² in floorspace). The hours of operation would be limited to 07:00-19:00 Mondays to Fridays and 07:00-14:00 on Saturdays whereas the intermodal rail freight facility envisaged in the s.73 Permission was for a 24-hour/7-days a week operation. A landscape buffer to the northwest of the application site is not proposed. However, as part of a package of mitigation, the applicant has proposed the erection of an acoustic fence to mitigate the impacts of the proposed development – again, the acceptability of this is discussed further below.

2) Comprehensive Redevelopment of the BXC Regeneration Area:

- 9.18 In respect of the second consideration (2), 'Plot 60' of the BXC development, and

therefore the application site, is located at the western extent of the regeneration area sandwiched between the Midland Mainline railway and the A5 Edgware Road within the Railway Lands Development Zone. It is therefore a discrete component of the regeneration scheme that is capable of being delivered without reliance upon the delivery of other parts of the regeneration scheme. Furthermore, the proposed development seeks to utilise less land than that envisaged in the s.73 Permission and does not therefore impact on any other element of the BXC development or any other adjoining uses outside of the s.73 Permission. As such, it is considered that the proposed development would not prejudice the delivery of the wider BXC regeneration scheme and therefore not undermine the comprehensive redevelopment of the regeneration area in accordance with the abovementioned development plan policies (saved Policy C1 of the UDP and Policy CS2 of the Core Strategy DPD).

- 9.19 Furthermore, the delivery of a replacement rail freight facility is necessary to ensure that land can be made available for the development of the new Thameslink train station, which is an integral element of the BXC regeneration scheme. As set out in the Council's case for its Compulsory Purchase Order No.3, the comprehensive regeneration of BXC is reliant upon delivery of an Integrated Transport Strategy ('ITS') which is crucial to achieving a modal shift from private to public, sustainable modes of transport and improving connectivity between, and beyond, parts of the regeneration area separated by the Midland Mainline railway. The provision of a new train station is therefore a key element of this ITS which will also catalyse delivery of the remainder of the regeneration scheme, particularly that south of the A406 North Circular.

Reconciliation between the Proposed Development and s.73 Permission:

- 9.20 If Members were minded to grant planning consent for the proposed development, two planning permissions would effectively co-exist for a similar development on the same land. As explained in paragraph 6.7 above, the implementation of any drop-in planning permission would have the effect of rendering the respective parts of the s.73 outline permission un-implementable (the 'Pilkington Principle'). However, provided the implementation of any such drop-in permission does not prejudice the delivery of the wider BXC development, this planning approach is considered acceptable in respect of the extant outline planning permission and planning policy support for the comprehensive redevelopment of the BXC regeneration area.
- 9.21 In the event of a drop-in permission being granted, it would be necessary for the applicant to seek approval for minor amendments to the s.73 Permission to reconcile the two planning permissions. Specifically, there are conditions within the s.73 Permission relating to the delivery of the rail freight facility that would need to be amended – particularly Conditions 42.1 and 42.2 – along with any necessary changes to terms defined within the s.73 Permission Glossary. However, this can be achieved through the mechanism provided for by Section 96A of the Town and Country Planning Act 1990 (as amended) which should be submitted to the Local Planning Authority for approval.

Protecting Barnet's Character and Amenity

- 9.22 The proposed development consists of two operational processes: the transfer of aggregate from rail to road; and the transfer of construction waste from road to rail. In respect of aggregate transfer, the proposed development would involve the importation of aggregate by train, unloading of train wagons using plant (i.e. a grabber), deposit of aggregate into storage bins (covered on Plots 1 and 4 and uncovered on Plot 2) and then the loading of aggregate into HGVs using excavator plant prior to it being transported off site. The operation proposed within Plot 3 is for the transfer of construction waste which would be imported to the site by road, tipped into the storage bins (uncovered) and then loaded onto train wagons using a front shovel-loader that accesses the traverser road by constructed ramps. The construction waste would then be exported off site by rail. The proposed development described by the applicant is therefore likely to be a source of both noise and dust emissions that have the potential to impact upon the amenity of nearby sensitive receptors (i.e. local residents). The proposed development includes the erection of additional external lighting which also has the potential to impact upon the amenity of local residents. Furthermore, the proposed development includes the construction of a number of built elements and a landscaped bund that should also be considered in respect of the visual amenity, wider landscape and impact on the local character. Each of these considerations are discussed in turn below.

Local Character, Landscape and Visual Impact:

- 9.23 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 diversity⁴. On a more strategic level, Policy 7.4 of the London Plan states that development should have regard to (inter alia) form, function, scale, mass and orientation. 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)*. Chapter 6 of this SPG identifies the BXC freight and waste handling facilities as falling within their own character area within the BXC regeneration area. For the freight facility, it is specifically noted that this should be of high quality due to the relationship of the land identified for freight use to its neighbours, as well as the Council's wider regeneration objectives. The SPG also recognises that freight buildings (albeit referring to the facility that was envisaged at the outline stage) are by their nature of a large scale and bulky in character to serve the function for freight distribution.
- 9.24 The proposed development seeks to deliver an aggregate and construction waste rail transfer facility on land that has historically been associated with the operation of the railway and, more recently, a number of B2, B8 and sui generis uses. These latter uses resulted in the site being occupied by numerous temporary structures

⁴ Paragraph 10.5.5 of the Core Strategy DPD (2012).

constructed using scaffolding, corrugated iron and temporary portacabins. As such the site had an established character as an industrial/storage yard with little (if any) design merit, which is located in the wider context of, and in between, significant rail and road infrastructure. By virtue of the nature of the proposed development, which is utilitarian as a result of its requirement to function as a rail freight facility, it is considered to be compatible with this established character and use of the land to serve the railway. By comparison to the collection of uses, structures and activities that existed on the site prior to this planning application, the proposal would result in an improvement to the character of the site and would be a properly managed and operated facility.

- 9.25 Nevertheless, the applicant has had regard to the local context and characteristics of the site's surroundings, which includes a Conservation Area⁵ to the south, residential developments to the south and northwest, and commercial uses fronting onto Edgware Road. The proposed development has been designed in cognisance of its proposed function and therefore its form is largely dictated by operational requirements. This has resulted in the proposed construction of a traverser road to facilitate the loading and unloading of trains, storage bins, provision of necessary infrastructure to support the functioning of the site as an aggregate and construction waste transfer facility (i.e. weighbridges, wheel washing facilities and portacabin staff welfare facilities), and the construction of an internal haul road. Following consultation with local residents, the LPA and the Council's Environmental Health Officer, further design changes were made. This has resulted in the provision of covers over the stockpile bins in two of the four operational Plots, construction of landscaped bund with planting along the southern boundary of the site, erection of acoustic fencing, and erection of wooden palisade fencing on the western extent of Plot 2 (where there would be views into the site from the public highway and site access).
- 9.26 Having regard to the achievement of the design objectives referred to in the abovementioned development plan policies, it is considered that the proposed development is appropriate to the local character of the area (as explained in paragraph 9.24); provides suitable enclosure relative to the proposed use of the land; and, in recognition of views into the site from the public realm, provides appropriate visual screening to restrict views of the proposed operations and incorporates improvements to the site access on the A5 Edgware Road including some landscape planting. In terms of scale and mass, the proposed development is at a scale and mass appropriate to the proposed operation and necessary to respond to the need to mitigate impacts on the amenity of nearby sensitive receptors (i.e. the erection of covers over stockpile bins on the Plots nearest the neighbouring residential properties). The orientation of the site is dictated by its relationship with the adjacent Midland Mainline railway and location of the existing sidings necessary to facilitate the use of the site as a rail freight facility. By comparison, the rail freight facility envisaged in the s.73 Permission included the construction of a large warehouse building with a maximum height of 16 metres, length of 450 metres and width of 94 metres. The most prominent structures within the application site would be the proposed structures to cover the stockpile bins in Plots 1 and 4, however, the scale of these do not exceed these s.73 Permission parameters and, arguably, has less visual impact than that permitted at the outline

⁵ The impact of the proposed development on heritage assets is considered separately below.

stage. Overall, the proposed development is therefore considered to be acceptable in local character, design and visual impact terms.

Air Quality:

- 9.27 The application site is located within an Air Quality Management Area (AQMA), as is the whole of the London Borough of Barnet. Policy 7.14 of the London Plan requires planning decisions to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality, particularly within AQMAs; be at least 'air quality neutral' and not lead to further deterioration of existing poor air quality; and ensure that where provision needs to be made to reduce emissions from a development, this is usually provided on-site. Reference to minimising pollution (including air) is also made within Policy 5.3 of the London Plan.
- 9.28 Saved Policy C3 of the UDP requires that development within the BXC regeneration area should generally protect and, wherever possible, improve the amenities of existing and new residents. As relevant to the consideration of air quality, Policies DM01 and DM04 of the Development Management Policies DPD states that all development should demonstrate high levels of environmental awareness and contribution to climate change mitigation; be based on an understanding of local characteristics; and ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate. The provision of air quality assessments is also referred to in Policy CS13 of the Core Strategy.
- 9.29 As part of the Revised Supplementary Environmental Statement (December 2017) submitted alongside the planning application, the applicant has provided an assessment of air quality which considers the impact of the proposed aggregate and construction waste rail transfer facility and the need for mitigation to minimise any such impacts. This was supplemented by a further technical note in January 2018 to the clarify conclusions of the assessment on the request of the Council's Environmental Health Officer. The contents of this assessment can be broadly divided into two strands: (1) air quality impacts arising from traffic associated with the proposed development, including consideration of NO₂ and PM10 emissions; and (2) air quality impacts arising from the movement of aggregate and construction waste between rail and road transportation.
- 9.30 This assessment takes into account all relevant legislation and policy relating to air quality in the UK. Appendix 13.1 in particular, explains that National Air Quality Objectives ('NAQOs') are derived from the Air Quality Strategy (2007) and where these NAQOs are unlikely to be met, Local Authorities are required to designate 'Air Quality Management Areas' ('AQMA') and compile an Air Quality Action Plan ('AQAP'). This AQAP sets out the measures to be introduced in pursuit of air quality objectives. As stated above, the whole of the London Borough of Barnet is designated as an AQMA. Consideration therefore needs to be given to the Mayor's Air Quality Strategy (2010) and the Council's Air Quality Action Plan 2017-2022; in addition to the Council's Sustainable Design and Construction SPD (2016), the Mayor's Sustainable Design and Construction SPG (2014) and the Mayor's The Control of Dust and Emissions during Construction & Demolition SPG (2014).

(1) Traffic Impacts on Air Quality

- 9.31 As a starting point, the baseline air quality conditions established by the applicant indicated that the NAQO's for NO₂ and PM10s were not likely to be achieved across the application site prior to any development taking place. The proposed development would result in a maximum of 452 HGV movements per day with the addition of some other vehicle movements associated with the arrival and departure of staff. The proposed operation would also involve three train arrival and departures per day plus the use of plant to unload and load the trains (e.g. front shovel loaders and excavators). These are all considered to be sources of emissions that could impact local air quality and have been factored into the applicants' an air quality modelling assessment within the Revised Supplementary Environmental Statement, including the subsequent technical note provided in January 2018. The assessment considers three scenarios: 'Do Nothing + Eurostorage (2018)' taking into account the last use of the site; 'Do Nothing with the proposed development (2018 completion); and 'Do Something (2021) taking into account the broader Phase 2 (South) (Thameslink Station) development. These scenarios were discussed with, and agreed by, the Council's Environmental Health Officer. It also identifies a number of sensitive receptors within 500 metres of the application site against which to assess the impact of the proposed development based on the abovementioned scenarios.
- 9.32 By comparing the baseline scenario (Do Nothing + Eurstorage) with the impacts of the proposed development (Do Nothing with the proposed development), the results of this assessment concludes that predicted annual mean NO₂ concentrations meet or exceed the NAQO at 18 of the 35 modelled receptors; however, the maximum exceedance identified at 3 of these receptors is predicted to be limited to 0.1 microgram/m³ – these receptors are all located within the Fellows Square development to the northwest of the application site. Given this small exceedance, the impact of the proposed development is considered to be negligible in these cases. Otherwise, all other receptors are predicted to experience a slight, moderate or substantial beneficial impact as a result of the proposed development. These results were subjected to a sensitivity test which also concludes that the impact of the proposed development is anticipated to range from negligible to substantial beneficial, with any exceedance of the NAQO being no more than 0.1 microgram/m³ at only 2 of the 35 receptors.
- 9.33 Further considering the air quality assessment results in relation to NO₂ emissions for the 2021 scenario, the significance of the impact as a result of the abovementioned exceedances are considered to be negligible to moderately beneficial at 60 of the 74 receptors. The remaining 14 receptors would experience slightly adverse to substantially adverse impacts (6 slightly adverse, 6 moderately adverse, and 2 substantially adverse). However, when the annual mean NO₂ concentration is aggregated out over the year in accordance with the NAQO, it is predicted that the 1-hour NO₂ NAQO would be achieved at all receptors and thus, all modelled impacts are considered to be negligible.
- 9.34 However, the conclusions of this assessment are based on traffic data alone and does not, therefore, take into account the proposed mitigation measures set out within the planning application. The mitigation measures proposed by the applicant are set out within the Planning Statement and the applicant's Management Plan

and include the use of Euro VI HGVs only (currently the lowest emission standard), a restriction on vehicles idling (trains and HGVs) and a cap on the number of daily HGV movements. These mitigation measures are anticipated to further improve the modelled air quality impacts described above insofar as the traffic data incorporates HGVs of Euro V standard, which have higher NO_x emission rates. It is also noted that the modelling does not take into account the potential extension to the Ultra-Low Emission Zone or the Bus Low Emission Zone designation along the A5 Edgware Road. These additional factors would lower total annual mean NO₂ concentrations within the vicinity of the application site and therefore reduce the significance of any impacts from the proposed development further. However, following consultation with the Environmental Health Officer, it is evident that this Management Plan will need to be further revised to incorporate objectives contained within the Council's Air Quality Action Plan (2017-2022) and provide an appropriate monitoring regime in regard to air quality. This can be included within an appropriately worded condition requiring submission and approval (and thereafter implementation) of the Management Plan prior to operations commencing on site.

9.35 Considering the context of the proposed development within the wider BXC regeneration area and the rail freight facility envisaged at the outline planning stage, there are some broader factors to be considered when reaching any conclusions about the significance of any impact of the proposed development on air quality. Each train importing aggregate or exporting construction waste would have the effect of removing an equivalent 75 HGVs off the highway network. The proposed aggregate and construction waste transfer facility would aid the wider regeneration of the BXC area by assisting in the delivery and removal of construction materials and waste by rail, which is a more sustainable mode of transport. If permission is not granted for the proposed development, construction materials and any consequential waste arisings would nonetheless be required to facilitate construction of the BXC scheme and this would be transported to the site by road given the lack of other available rail terminals within the site. Consequently, it is considered that the proposed development would have wider positive benefits in reducing the total number of traffic movements associated with the BXC regeneration scheme and utilising the use of the rail network for freight movements which is in line with strategic policies.

9.36 The air quality assessment also considers the impact of the proposed development on ecological receptors including Welsh Harp Brent Reservoir SSSI and the Dudding Hill Loop between Cricklewood and Harlesden SINC. The impact on the former was scoped out of the assessment due to the site being located approximately 1km from the application site with significant intervening road infrastructure (A406 North Circular and Junction 1 of the M1). In terms of the SINC, this comprises scrub habitat which is considered to be at little risk from dust pollution. Although the Council's consultant Ecologist has not provided any comments in respect of the planning application, the applicants' conclusion is considered reasonable given that the proposed development is not likely to give rise to any significantly adverse impacts on these ecologically sensitive receptors.

(2) Operational Impacts on Air Quality

9.37 The nature of the proposed development also has the potential to generate dust

through the loading and unloading of both aggregate, and less so, construction waste from train to lorry (and vice versa). Within the applicant's air quality assessment, consideration has been given to this both during the construction and operational phases in regard to potential PM10 emissions.

- 9.38 For the construction phase, the applicant has provided a Construction Environment and Transport Management Plan which sets out the extent of works to be carried before the site can operate. This includes the construction of the four Plots, including the concrete pad and stockpile bins and covers, construction of the internal access road, and installation of drainage, services, lighting, CCTV and fencing. The landscaped bund at the southern end of the site would also be constructed during this phase. These works would result in up to 15 HGVs entering and exiting the site each day to deliver materials, including concrete, welfare huts, fencing and stockpile bin covers to be constructed on site. The material required to construct the bund would be delivered to the site by train (a total of 3,500 tonnes is stated as being required which amounts to approximately two train loads).
- 9.39 In terms of air quality monitoring and mitigation, the applicant has proposed to install air quality (and noise) monitoring equipment within and outwith the site during the construction phase, which will be linked to a central recording system. This would be utilised during the operational phase also (and should be contained within the applicant's site Management Plan). Furthermore, the CETMP reaffirms that all HGVs would conform with the Euro VI standard. However, the submitted CETMP does not provide sufficient detail in respect of mitigating the impacts of the proposed development during the construction phase, particularly the construction of the landscaped bund adjacent to the southwest boundary of the site which is likely to give rise to dust during its construction. This is alluded to within the applicant's Revised Supplementary Environmental Statement which recommends that the construction of the proposed development should follow all mitigation measures suggested by the GLA, particularly at times where there are adverse meteorological conditions. However, provided the proposed development is otherwise found to be acceptable, it is reasonable to require the submission and approval (and thereafter implementation) of a revised CETMP, which sets out the requisite details, prior to the commencement of the development should permission be granted. This should accord with the principles and guidance contained within the Mayor's 'The Control of Dust and Emissions During Construction and Demolition' SPG (2014).
- 9.40 Turning to the operational phase of the proposed development and consideration as to whether it is acceptable, the proposed development would comprise two operations: the transfer of aggregate from rail to road; and the transfer of construction waste from road to rail. The construction waste operation would involve inert, non-hazardous demolition and excavation wastes only (typically dry bricks and rubble and wet soils) and, as a waste management operation, would also require an Environmental Permit from the Environment Agency. The potential for dust emissions from both operations is attributed to the handling of aggregate and construction waste; on-site transportation; stockpiles and exposed surfaces; and off-site transportation. In considering the extent of any such impact on sensitive receptors within 250 metres of the application site, the applicant's assessment takes into account wind directions and the nature of the constructed

site (i.e. hardstanding surface, paved internal haul road, short-term stockpiling and wheel washing facilities). In the absence of any mitigation measures, the conclusion of that assessment is that the proposed development is likely to have a medium to slight adverse effect on high sensitivity receptors (i.e. residential properties and schools) to the north and east of the site, whereas the effects to the south and west are more likely to be slight adverse to negligible.

9.41 The applicant's assessment also takes into account guidance contained within the IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning as the most relevant to the nature of the proposed development. The IAQM guidance states that mineral sites are unlikely to generate increases in annual mean PM10 concentrations of greater than 15 microgram/m³. This value is based on activities with high PM10 emission rates, including excavation works and material processing. However, comparatively, the proposed development does not include any excavation or material processing and is for the transfer of aggregate and construction waste only. Therefore, it is reasonable to conclude that emissions from the proposed development would have a lesser impact on annual mean PM10 concentrations. Nevertheless, assuming the worst-case scenario that the proposed development would give rise to 15 microgram/m³ of PM10 emissions over the year, the impact on the receptor with highest anticipated annual mean PM10 concentration (22.3 micrograms/m³) would remain below the annual mean PM10 NAQO (40 micrograms/m³).

9.42 In order to ameliorate these impacts, the assessment then identifies the need to implement a number of mitigation measures in relation to material handling to ameliorate these identified impacts. The assessment therefore states that the following measures should be implemented in addition to a number of other good practice measures:

- A fully automated dust suppression system consisting of strategically located sprinklers (as illustrated on drawing no. BXT-CAP-0000-D-DR-C-0023 Rev. P01);
- To ensure all vehicles utilise the wheel wash facilities prior to exiting the site;
- All HGVs will have covers fitted which shall be utilised when loaded;
- Installation of dust monitoring equipment so that dust is monitored in real time; and
- Implementation of corrective actions in the event of any exceedances.

9.43 As explained above, the air quality assessment demonstrates that the worst-case impact arising from dust emissions from the operational phase of the proposed development would not result in any breach of the relevant NAQOs. Therefore, with the implementation of appropriate dust mitigation measures and application of cleaner transport measures as identified in the Council's Air Quality Action Plan,, the proposed development is considered to be acceptable in air quality terms.

Air Quality Summary:

- 9.44 The consideration of the proposed developments impact on air quality is clearly a sensitive matter, particularly in a part of London which already experiences some of the highest levels of pollution. Furthermore, the proposed development is of a nature that has the potential to exacerbate these pollution levels through traffic, HGVs in particular, and the handling of aggregates and construction wastes which are likely to give rise to dust emissions. To support the LPA's consideration of this aspect of the proposed development, the Council's Environmental Health Officer has reviewed the appropriateness and acceptability of the applicant's assessment to determine whether the proposal is likely to give rise to any significant impacts and, if so, what mitigation measures would be necessary to ameliorate any such impacts. It is considered that the assessment of air quality impacts in relation to the proposed operations itself (i.e. transfer and handling of aggregate and construction waste) is suitable and, therefore, the conclusions acceptable. However, as proposed by the applicant, the acceptability of these impacts is dependent upon the implementation of the scheme as proposed (i.e. construction of stockpile covers in Plots 1 and 4; hardstanding surface; and installation of wheel washing facilities, for example) and the carrying out of various mitigation measures (i.e. dust suppression, use of the wheel washing facilities, covering of loaded HGVs, etc.). To ensure that the Management Plan for the operation of the site addresses all of the recommended mitigation measures and the procedures for applying them, a condition is recommended requiring the final Management Plan to be submitted for approval by the LPA and implemented prior to operation of the site.
- 9.45 As aforementioned, the relevant development plan policies require developments to be at least 'air quality neutral', minimise increased exposure to existing poor air quality, not lead to further deterioration of existing poor air quality and make provision to address local problems of air quality. The Revised Supplementary Environmental Statement considers these policy tests, particularly in respect of air quality neutrality. In doing so, it is concluded that the proposed development is air quality neutral, or better, with regards to transport emissions as the development would not result in a breach of the relevant pre-determined benchmarks for NO₂ and PM10s or the National Air Quality Objectives (NAQO). These benchmarks relate to the size and location of the proposed development and are set out in Appendices 5 and 6 of the Mayor's Sustainable Design and Construction SPG (2014). Paragraph 4.3.14 of this SPG states that developments that do not exceed these benchmarks will be considered to avoid any increase in NO_x and PM emissions across London as a whole and therefore be 'air quality neutral'.
- 9.46 Also, with the implementation of appropriate mitigation measures, including the ongoing monitoring and review of the effectiveness of those measures through an appropriate Management Plan, and imposition of operational controls (which can be secured by planning condition) it is considered that the proposed development would not lead to further deterioration of existing poor air quality and minimise any increased exposure to existing poor air quality. This is particularly in view of the wider benefits of the proposal in terms of facilitating the movement of freight by rail as opposed to road, which would nonetheless occur to deliver the wider BXC regeneration scheme; and based on the assessment provided by the applicant

which has been corroborated by the Council's Environmental Health Officer. It is therefore concluded that the proposed development broadly complies with the requirements of Policies 5.3 and 7.14 of the London Plan, Policies DM01 and DM04 of the Development Management Policies DPD and saved Policy C3 of the UDP.

Lighting:

- 9.47 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. BXT-CAP-0000-D-DR-C-0024 Rev. P03, the proposed development includes the erection of 4no. new lighting columns, in addition to the existing 11no. columns already present on site, all of which would be fitted with directional LED units. No lighting would be provided along the internal access road nor at the site entrance. An illustration of the projected lux contours associated with the proposed lighting is provided in Appendix A of the Revised Design and Access Statement which demonstrates that all lighting would be directed into the site and there would be no light spill beyond the eastern boundary of the application site, the Cricklewood Curve to the south of the site and the Brent Curve to the northwest of the site. It is indicated that there may be some light spill toward the western boundary of the site but this would only impact the rear of the existing commercial buildings fronting onto the A5 which are not considered to be sensitive receptors.
- 9.48 The nearest residential properties to the application site are those adjacent to the northwest boundary of the site (Fellows Square) and beyond the southwest boundary (Railway Terraces). As aforementioned, there would not be any light spill beyond the Brent Curve situated between the application site and Fellows Square. Plus, with directional lighting facing into the site, it is therefore unlikely that the proposed development would result a harmful impact on the amenity of these residents. In terms of the Railway Terraces, the application documents demonstrate that there would be no light spill beyond the intervening Cricklewood Curve and, furthermore, the proposed development includes the construction of a 5.1 metre landscaped bund with the addition of an acoustic barrier on top of this bund (to the total height of 11.6 metres) which would further act as a screen to any light sources associated with the proposed development. There are also residential properties to the east beyond the Midland Mainline railway but these are at some considerable distance from the application site and unlikely to be affected by lighting associated with the proposed development. Furthermore, the eastern boundary of the application site would be defined by a 5.1 metre acoustic barrier and other existing sources of lighting associated with the operation of the railway are likely to have a more noticeable impact.
- 9.49 In terms of potential ecological receptors that are sensitive to light, the proposed arrangement of lighting which would be directed into the site would assist in limiting any such impacts. The applicant has not provided specific details in regard to the provision of any lighting hoods or baffles and it is therefore considered that an appropriate planning condition should be included within any planning permission granted. As such, and subject to this condition, it is considered that the proposed development would not result in a harmful impact on the amenity of

nearby sensitive receptors and, as such, complies with the requirements of Policy DM01 of the Development Management Policies DPD and saved Policy C3 of the UDP.

Noise and Vibration:

- 9.50 Policy 7.15 of the London Plan states that development proposals should (a) avoid significant adverse noise impacts on health and quality of life; (b) mitigate and minimise existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses; (e) application of good acoustic design principles; and (g) promoting new technologies and improved practices to reduce noise at source. Policy CS13 of the Core Strategy seeks to improve noise quality by requiring Noise Impact Assessments in line with Barnet's SPD on Sustainable Design and Construction. While Policy DM04 of the Development Management Policies DPD states that proposals likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted and mitigation of noise impacts through design, layout, and insulation will be expected where appropriate. 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.
- 9.51 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. Similar guiding principles are set out within the Mayor's Sustainable Design and Construction SPG (2014) in regard to reducing noise at source, containing noise sources and protecting noise sensitive receptors.
- 9.52 National planning guidance in relation to noise is set out in the National Planning Policy Framework which states at paragraph 123 that *'Planning...decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigation and reduce to a minimum other adverse impacts on health and quality of life arising from noise...including the use of conditions...'*. 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).

- 9.53 As part of the Revised Supplementary Environmental Statement (December 2017), the applicant has provided an assessment of noise and vibration impacts from the proposed development in regard to both the construction and operational phases of the development. This included the establishment of background noise levels (L_{A90}) as part of the original submission, which were supplemented by further noise survey work in November 2017, carried out in accordance with BS 4142 (2014). The vibration measurements and predictions provided in the BXC 2013 Environmental Statement are considered to remain relevant in terms of establishing a baseline condition. The nearest sensitive receptors were identified as being located in three broad areas proximal to the application site: Railway Terraces Cricklewood Conservation Area to the southwest of the site and the residential properties within it; residential properties to the northwest of the application site at Fellows Square; and residential properties to the east of the site in Brent Terrace.
- 9.54 For the construction phase of the proposed development it is considered that the proposed development has the *potential* to generate airborne noise and airborne and structure-borne vibration which can cause nuisance to nearby sensitive receptors. Typically, the highest noise levels occur during demolition, foundations and other heavy engineering works which are generally short-lived. The proposed development does not require any demolition works and only requires the completion of foundations for steel-framed stockpile enclosures in terms of foundation works. The proposal does also include the construction of a bund but this is being delivered to assist in mitigating the operational impacts of the proposed development, including noise emissions.
- 9.55 However, a quantitative assessment of construction impacts was undertaken as part of the BXC s.73 Revised Environmental Statement and the conclusion of this is considered to remain valid for the proposed development. This assessment concluded that the proposed project would not result in a significant magnitude of construction activities. Taking into account the similarities and differences between the rail freight facility permitted by the s.73 Permission and the proposed development (construction of large warehouse type building compared to the erection of steel frame, partially open enclosure structures of a smaller scale, for example), this conclusion is considered to be reasonable. Nevertheless, as aforementioned under 'Air Quality', the applicant has provided a Construction Environment and Transport Management Plan in support of this planning application that deals with the management and mitigation of impacts arising from the construction phase. This CETMP (as previously stated) would need to be revised and submitted for approval prior to the commencement of the development and this is required to include appropriate working practices to mitigate and minimise any noise emissions. The prior approval of a CETMP is considered to be an appropriate and reasonable method of ensuring that short-term construction impacts are mitigated through the application of agreed working practices and protocols to protect the amenity of nearby sensitive uses.
- 9.56 In terms of the operational phase of the proposed development, the applicant has produced noise modelling to determine the proposed facility's likely operational

noise levels affecting the facades of nearest residential properties to the southwest (Railway Terraces Cricklewood Conservation Area) and to the northwest (Fellows Square). This includes an establishment of noise levels arising from the proposed development over a given time (using operational noise measurements acquired at a comparable facility) and then the application of penalties to achieve a 'rating level' taking account of tonality, impulsivity and other sound characteristics in accordance with BS 4142 (2014). These penalties are determined on a subjective basis as the noise characteristics from the actual operation cannot be directly measured. This is considered to be an acceptable method of calculating the relevant penalties and the Council's Environmental Health Officer is satisfied that noise has been 'rated' satisfactorily.

9.57 The assessment also takes into account a number of design and operational mitigation measures that have been embedded within the proposed development (including that requested through consultation with the LPA and Environmental Health Officer) to specifically minimise the potential for noise and vibration impacts. These include, but are not limited to:

- Erection of 5.1 metre high acoustic attenuation fencing on the southwest boundary (on top of the proposed landscaped bund), along the northwest boundary adjacent to the Fellows Square residential development and on the eastern boundary adjacent to the Midland Mainline railway;
- Construction of a 6.5 metre high landscaped bund – offering a total barrier effect of 11.6 metres in combination with the abovementioned acoustic fence;
- Plots 1 and 4 would include the construction of partially open structures over the stockpile areas;
- Restriction on the operational hours of the facility – 07:00-19:00 Mondays to Fridays and 07:00-14:00 Saturdays only;
- A limitation on the number of train arrivals and departures per day (2 aggregate loads imported and 1 construction waste load exported);
- A limitation on the number of HGVs entering and exiting the site – a maximum of 452 movements per day (226 in, 226 out);
- Train access would be via a loop line connected to the north of the down Hendon line and no additional usage of the Brent Curve or Cricklewood Curve would be associated with the proposed development (these lines would continue to be used by other trains on the network as is the current scenario);
- The loading and unloading of trains would be carried out by a front loader and two excavators, respectively, both of which would be limited to speeds of 10km/h (or 6 miles per hour) and only travel minimal distances necessary within the site to facilitate the loading

and unloading processes;

- There would be no idling of engines on site;
- Construction waste tipper vehicles would be fitted with appropriate reversing alarms;
- Construction waste would only be deposited by tipper lorry within Plot 3; and
- Stockpiles of both aggregate and construction waste would be limited to 5.6 metres in height therefore limiting the height of operational activities.

9.58 In conclusion, the assessment considers that there would be no adverse noise impacts during the construction phase and, therefore, the magnitude of construction effects is considered to be negligible/no change in terms of the noise environment. Regarding the operational phase of the proposed development, it is concluded that the noise levels experienced at sensitive receptors to the southwest of the site (residential properties within the Railway Terraces Cricklewood Conservation Area) are expected to range between -7dB and 0dB below background levels. Therefore, the rating noise levels arising from operation of the proposed rail freight facility would be below the lowest-observed-adverse-effect-level (LOAEL) with noise impacts 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.

9.59 At the residential properties to the northwest of the application site at Fellows Square, the noise levels experienced at these sensitive receptors on the eastern facade are expected to be between -1dB below background levels and +6dB above background levels as a result of the proposed rail freight facility operation. The rating noise levels are therefore expected to range between 52-58dB $L_{Ar,Tr}$. However, the applicant asserts, and the Council's Environmental Health Officer corroborates, that the recently constructed Fellows Square development has been designed to take account of the higher existing noise levels in the local environment attributed to other rail activities and traffic levels on the A5 Edgware Road. The building has therefore been designed to protect the amenity of its occupants from noise levels ranging between 66dB $L_{Aeq, 8h}$ during the night and 69dB $L_{Aeq, 16h}$ during the day. Consequently, noise levels arising from the operation of the proposed rail freight facility are expected to be between 'noticeable but not intrusive' and 'noticeable and intrusive', and therefore be below or around the LOAEL. In instances where an adverse impact is likely (i.e. it is around the LOAEL), paragraph 123 of the NPPF advises that planning conditions should be used to mitigate and minimise any such impacts. The proposed development includes the provision of various noise mitigation measures (as referred to in paragraph 9.56 above) and these measures can be control through the imposition of appropriate planning conditions on any planning permission granted.

9.60 A stated in paragraph 8.3, the Council's Environmental Health Officer has reviewed the applicants' noise assessment in regard to the application of an appropriate methodology, robustness of the assessment, and therefore acceptability of its conclusions. In doing so and taking account of the relevant national planning policies and guidance, the proposed development is considered to be acceptable in planning terms and not likely to cause noise complaint subject to the implementation of suggested mitigation measures. These mitigation measures can be secured through the imposition of appropriately worded conditions on any planning permission granted. Since this review of the application (information submitted in December 2017), the Environmental Health Officer has highlighted that the noise assessment does not take account of the operations between the hours of 18:00-19:00. However, provided all other assumptions remain unchanged (e.g. number of vehicle movements, number of trains per day), it is considered that this 'additional' hour would not alter the conclusions contained within the Revised Supplementary Environmental Statement.

9.61 The BXC s.73 Permission imposes a condition relating to the delivery of the intermodal rail freight facility which includes reference to specific noise levels to be adhered to. For ease of reference, Condition 42.1 (g) of the s.73 Permission states:

'No development shall begin within Phase 4, until a Reserved Matters Application and Other Matters Application, which includes the following details in relation to the Rail Freight Facility on Plot 60, shall be submitted to and approved by the LPA:...

(g) a report confirming that the design of the buildings, yard facilities and operational practice will ensure that night time noise levels at nearby residential properties in the Railway Terraces Conservation Area do not exceed LAeq 5mins 45dB or LAeq, 8hr, 40dB at the closest residential building (measured as free field) and that at all times noise emissions at the nearest sensitive premises do not exceed 5dB below existing background LA90 noise levels in accordance with BS4142;...

9.62 The results of the applicants' noise assessment indicates that this noise limit would be achieved at the majority of sensitive receptors to the southwest of the site, with the exception of some residential properties towards the northern extent of the Conservation Area and residential properties to the northwest of the site at Fellows Square. However, it was acknowledged at the time of the s.73 Application that the intermodal rail freight facility would be unlikely to achieve ideal noise standards and that the scheme should be designed with noise mitigation to avoid major impacts (i.e. sleep disturbance). Therefore, residual noise impacts were expected. The proposed development would arguably deliver a rail freight facility that is less likely to cause noise impacts when compared to that considered acceptable at the BXC outline planning stages. The main improvement is that the proposed development would not result in any overnight operations, other than the arrival of a train, and would only operate during daytime hours; whereas the s.73 rail freight facility was envisaged to operate over a 24-hour/7-days a week period.

In regard to vibration, the proposed development would not affect the frequency of passenger trains travelling on the adjacent railway lines or sidings and no freight trains associated with the proposed development would enter the site via the

Cricklewood or Brent Curves. These Curves will nonetheless continue to be used by other freight operating companies as governed by Network Rail. Furthermore, the low speeds at which the trains would travel is unlikely to cause any significant vibration effects on the nearby residential properties. The applicant has suggested that maintenance measures to be applied through operation of the site would assist in reducing vibration levels as a result of any intensified use of the tracks. Therefore, it is considered that the proposed development would not result in any increase in existing vibration levels experienced by residential properties adjacent to the railway.

Summary of Noise and Vibration Impacts:

- 9.63 The relevant development plan policies referred to above require that new development avoids significant adverse noise impacts on health and quality of life; mitigates and minimises existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses; applies good acoustic design principles; and promotes new technologies and improved practices to reduce noise at source. The applicant's noise and vibration assessment concludes that the proposed development would not result in any significant adverse impacts on the nearest sensitive receptors, particularly taking into account the mitigation measures embedded within the proposed scheme and the characteristics of the local environment which is of an industrial and commercial nature due to the presence of significant rail and road infrastructure and commercial uses. Furthermore, paragraph 122 of the NPPF 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).
- 9.64 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 and vibrations that would harm the amenity of nearby sensitive receptors. Therefore, the proposed development is considered to be in compliance with Policy 7.15 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

- 9.65 The application site lies to the north of the Railway Terraces Cricklewood Conservation Area, with the Cricklewood Curve railway embankment 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. 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.

- 9.66 Policy 7.8 (d) of the London Plan states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Policy 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.
- 9.67 Whilst the proposed development is located in close proximity to this 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. In more recent years, the application site has been the subject of various B2 and B8 land uses and therefore has an established commercial, light industrial characteristic which relates to further commercial uses along this section of the A5 Edgware Road. Secondly, in terms of the current physical characteristics, there is an existing topographical change between the Conservation Area and the application site, whereby the latter is situated approximately 2 metres above the ground level of the Railway Terraces. This would not change as a result of the proposed development. Thirdly, the boundary between the application site and Conservation Area is currently 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 therefore limits views into the application site.
- 9.68 Taking into account the specifics of the proposed development, the planning application proposes the construction of a significant landscape bund within the site adjacent to the southwest boundary which corresponds to the boundary of the Conservation Area. This bund would be constructed to a maximum height of 6.5 metres (albeit that this height will vary as the bund tapers down at each end) with the addition of an acoustic barrier on top of the bund which would provide a total barrier effect of 11.6 metres. These structures would provide significant screening between the application site and the Conservation Area and therefore restrict views into the site from the Railway Terraces. Furthermore, the applicant has proposed to implement significant landscape planting along the bund and acoustic fence to soften the visual impact of these structures when viewed from the Conservation Area.

- 9.69 The Council's Urban Design and Heritage Officer accepts that this landscaped bund and acoustic barrier are considered necessary to mitigate the impacts of the proposed development and recognises the importance of this in terms of protecting the amenity of residents. However, he has advised that the acoustic fence should be designed to be less intrusive through the provision of a fence in a colour that is more neutral and less distinctive. Therefore, subject to the inclusion of an appropriately worded condition to secure approval of an appropriate fence colour on this southwest boundary, it is considered that the proposed development would not significantly harm the setting of the Railway Terraces Cricklewood Conservation Area and that views from the Conservation Area are likely to be improved through the proposed boundary treatments. As such, the proposed development is considered to be in compliance with Policy 7.8 of the London Plan and Policy DM06 of the Development Management Policies DPD.

Highways and Transport Impacts

Strategic Approach

- 9.70 Chapter 6 of the London Plan provides strategic policies on transport. Policy 6.1 sets out the Strategic Approach to integrating transport and development, and of particular relevance to the proposed development, by (f) facilitating the efficient distribution of freight whilst minimising its impact on the transport network. Table 6.1 associated with this policy highlight's schemes and proposals envisaged to assist in achieving this strategic approach, which includes reference to 'improved rail freight terminals to serve London'. These objectives are similarly emphasised in the new Draft London Plan (2017) with draft Policy T1 expressing the need to make effective use of land to ensure any impacts on the transport networks are mitigated; plus referencing the Mayor's promotion of efficient and sustainable essential freight functions by (inter alia) road and rail (paragraph 10.1.3).
- 9.71 Albeit in regard policy-making, Policy 6.11 also refers to the promotion of sustainable arrangements for the transportation and delivery of freight. Core Strategy Policy CS9 identifies the Council's objectives in terms of (inter alia) more efficient freight movements, ensuring development is matched to capacity and implementation of a rail freight facility as part of the Brent Cross Cricklewood regeneration scheme.
- 9.72 Given the abovementioned policies, there is clearly a desire to manage freight movements in London and to optimise the use of rail freight as an alternative to road. The permitted BXC regeneration scheme, approved in 2010 and varied in 2014, recognised this and included the provision of a rail freight facility to replace the existing Strategic Rail Freight Site within the Hendon Waste Transfer Station to safeguard against the loss of any such facilities. This 'drop-in planning application' proposes to deliver such a facility, albeit for a different type of freight as dictated by the change in market demand. The proposed development would facilitate the importation of aggregates into London by rail, which would then be distributed by road for further processing or delivery to local construction projects (within a 10-mile radius of the application site). The proposal would also facilitate the exportation of construction spoil from London by rail. The applicant advises that

each train (which has a payload of 1,700 tonnes for both aggregate and construction waste) is equivalent to approximately 75 HGV movements. This is noted in both the Rail Freight Group and Campaign for Better Transport's supportive representations in relation to this application (although they have quoted an equivalent of 85 HGVs). Therefore, the proposed use of rail to transport these materials into and out of London, which would otherwise be imported or exported by road, has a benefit in reducing the number of HGV trips on the local road network. Taking into account the abovementioned strategic transport objectives, the proposed development is considered to accord with Policies 6.1 and 6.11 of the adopted London Plan (2016) and Policy CS9 of the Core Strategy DPD.

Highway Capacity and Safety

- 9.73 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 site to reach it by using these strategic roads. More local roads in Barnet can then be used more appropriately by traffic associated with the proposed development, for specific site delivery/loading only when required. The proposed development includes improvements to the existing junction with the A5 to create a priority junction that achieves a visibility splay of 4.5 X 90 metres and provides an uncontrolled pedestrian crossing point with a central island between the internal traffic lanes. Within the site boundary, the access road would lead into two inbound traffic lanes to prevent queuing onto the A5 (allowing space for up to 5no. 15.5-metre-long vehicles) and a dedicated left-hand filter lane for access to the car parking and reception area. After passing the proposed security hut and through the automated barriers, traffic would then be able to access each Plot via the internal access road. The outbound traffic from each of the Plots would exit the site using one lane. By comparison, the rail freight facility envisaged within the s.73 Permission also included the utilisation of the existing access off the A5 plus the creation of a new access point from the A5 to facilitate separate entrance and exit points.
- 9.74 The proposed development would generate a maximum of 452 HGV movements (i.e. 226 in, 226 out) required in connection with the importation of construction waste and exportation of aggregates. This is based upon the quantity of aggregate to be imported to the site by two trains a week and the quantity of construction waste to be exported from the site by one train per week. This limit would be applicable to the entire site regardless of who occupied any of the four identified Plots.
- 9.75 Policy 6.3 of the London Plan (2016) requires development proposals to be fully assessed at both corridor and local level to ensure development does not adversely affect safety on the transport network. This is similarly a requirement set out in the draft New London Plan (2017) – draft Policy T4. Policy DM17 of the Development Management Policies DPD contains matters to be considered when determining planning applications including (but not limited to) road safety, road hierarchy, location and accessibility, travel planning and parking management.
- 9.76 The planning application is supported by a transport assessment – document titled 'RFF Drop-in Transport Report' (September 2017) – which was supplemented by

an addendum report to respond to the Council's Transport and Regeneration consultation comments – 'Rail Freight Facility Addendum Transport Report' (December 2017). This provides the applicants' assessment of the proposed development in regard to capacity of the site access junction, proposed HGV movements and traffic flows on the A5 Edgware Road. As the proposed development delivers part of the BXC regeneration scheme, the applicant has based the transport assessment on the 'Thameslink Model' which is a derivative of the BXC Design Development Model ('BXC DDM') used to assess the highway impact of the entire regeneration scheme focusing on the capacity of nine 'Gateway Junctions' which are to be improved to mitigate any such highway impacts. The 'Thameslink Model' incorporates detailed approvals for the BXC regeneration scheme to date (i.e. Phase 1A North and Phase 1B North reserved matters approvals) and continues to include the assumptions in relation to the wider BXC development as set out within the s.73 Application, including the land uses contained within the Phase 2 (South) (Thameslink Station) sub-phase. This includes assumptions pertaining to the rail freight facility and takes into account the retention of uses fronting onto the A5 Edgware Road (Timeguard, Lidl and Access Storage) as a result of the development proposed within this 'drop-in application'.

- 9.77 The assumptions contained within the Thameslink Model require verification due to the evolution of the rail freight facility and development of the detailed design; and as a result of the fact that a different facility is now being proposed compared to that set out in the s.73 Permission. Such a comparison in highway terms relates to considering the impact of 400 HGV movements over a 24 hour/7-days a week envisaged in the s.73 Permission compared to 452 HGV movements during a 12-hour period as proposed within this planning application. Therefore, the applicant is required to consider the impact of the proposed 452 HGV movements in regard to the following two development scenarios (2021 and 2031) to ensure that the impacts on the local highway network do not undermine the capacity of the nine Gateway Junctions and road safety on the A5 Edgware Road.
- 9.78 Analysis of the transport impacts within the Thameslink Model is based on two design years: (1) 2021 which coincides with completion of the Phase 2 (South) (Thameslink Station) sub-phase; and (2) 2031 relating to completion of the full BXC development. For the highway impacts associated with the proposed development, the applicant has utilised an additional assessment to ensure that the proposed traffic levels coincide with, and is reflective of, these likely scenarios within the Thameslink Model. From this, the applicant has ascertained whether the proposed development is likely to create any additional impacts on the highway network beyond those envisaged in the 'Thameslink Model.' The use of this model, and method of assessment, has been corroborated and verified by TfL and the Council's Transport and Regeneration team, who find it to be acceptable.
- 9.79 Whilst the proposed maximum number of daily HGV movements is 452 (226 in, 226 out), the transport assessment submitted alongside this planning application assesses the capacity of the junction at a higher level of 800 HGV movements per day (400 in, 400 out). At this 'worst case' scenario (which is beyond that proposed within this application), the assessment concludes that the proposed development would result in minimal delays at the proposed priority junction providing access/egress into and out of the site. Therefore, the variance from that envisaged

in the s.73 Permission (i.e. the 'Thameslink Model') is considered to be within acceptable limits. Consequently, it is concluded that the proposed rail freight facility (at a level of 800 HGV movements per day) would not result in any significant adverse impacts on the transport network. Given that the proposed development envisages almost half to these HGV movements (452 HGV movements per day), it is concluded that the proposed rail freight facility would have a lesser impact than that 'worst case' assessed within the Transport Reports (September and December 2017).

- 9.80 To address the impact of the proposed development on highway safety, the applicant has completed a Stage 1 Road Safety Audit, which identified some potential issues, including that related to vehicles travelling northbound and turning right into the site – particularly articulated vehicles crossing over the nearside northbound lane on the A5. In response to this, the applicant has revised the proposed junction design to relocate the carriageway centre line to the east which has the effect of widening the northbound carriageway. This design solution has demonstrated that the largest vehicles required in connection with the proposed development can turn right safely into the site without encroaching into adjacent traffic lanes thereby reducing the risk of side-swipe accidents. Further options were considered in response to this Road Safety Audit issue, including the provision of a ghost lane in the off-side northbound carriageway and banning all right turns into the site. The revised proposed junction design also demonstrates that HGVs can manoeuvre in and out of the site safely/without crossover in all other directions, and has made adjustments to the kerblines to ensure HGVs can turn left into the site safely. This design also formalises the existing merge on the southbound carriageway to the north of the site access by the provision of road hatching. The Road Safety Audit advises that the reduction from two to one lane on the A5 southbound approach to the new access would in fact benefit HGVs turning in and out of the proposed site as it reduces the risk of potential conflict points.
- 9.81 The Council's Transport and Regeneration Team have advised that in accordance with Policy DM17 (a) it has been demonstrated that the proposed development can operate without unacceptably increasing conflicting movements on the road network. The proposed junction design would also be subject to detailed design pursuant to Section 278 of the Highways Act 1980 (as amended) whereby further safety audits will be carried out. However, it is considered that the applicant has provided sufficient evidence to demonstrate that the proposed junction design can operate safely in accordance with the requirements of Policy 6.3 of the London Plan and Policy DM17 of the Development Management Policies DPD.
- 9.82 It is also noted that Transport for London support the proposed development and recognises that it would enable early delivery of the new train station and safeguard the rail freight use in accordance with London Plan Policy 6.14, which is important to the future growth of London. TfL also finds the applicants assessment of transport impacts acceptable.

Parking Provisions

- 9.83 Saved Policy C8 of the UDP relates to the provision of parking within the Cricklewood, Brent Cross and West Hendon regeneration area specifying standards for particular uses. The proposed development (B8 use class) does not accord with any of the listed uses and therefore the parking standards should follow the London Plan. Policy 6.13 of the London Plan and associated Table 6.2 in the Parking Addendum sets out the maximum parking standards which are to be the basis for considering planning applications. Policy DM17 (g) of the Development Management Policies DPD requires that development should provide parking in accordance with the London Plan standards except in the case of residential development, which is not applicable to this planning application. Parking provision should be considered in view of the strategic approach to transport in Outer London (Policy 2.8 of the London Plan), of which the most salient of these approaches to the proposed development is improving public transport access and encouraging greater use of cycling and walking in respect of how staff travel to and from the site. Policy 6.13 of the London Plan also requires that 1 in 5 spaces provide electrical charging points, parking for disabled people in line with Table 6.2, and meet minimum cycle parking standards.
- 9.84 The proposed development provides a total of 12no. car parking spaces within the site reception area adjacent to the main entrance, of which, 4no. spaces provide electrical charging points and 1no. space is allocated as a disabled parking bay. Parking provisions for HGVs would be accommodated within the working area of each of the four Plots as illustrated on drawing number BXT-CAP-0000-D-DR-C-0022 Rev. P10. Given the proposed use of the site, the Parking Addendum states that parking for commercial vehicles should be provided at a maximum of 500m² of gross B2 or B8 floorspace. Other than the provision of various portacabins, the proposed development does not include the creation of new floorspace; therefore, the application of these standards would not be entirely reasonable. The Parking Addendum (paragraph 6A.7) does recognise that a degree of flexibility may be required to reflect different trip generating characteristics for B2 and B8 uses. The proposed development would result in predominantly HGV trips (452 movements per day), however, the majority of these would be transitory and not necessarily originating and ending at the application site; as such, few would need to park at the site. The proposed development would generate 24 full-time equivalent jobs and the proposed development effectively provides 0.5 space per employee. The applicant has also provided revised plans indicating the area within each Plot available for HGV parking.
- 9.85 Overall, the provision of 12no. car parking spaces and parking for HGVs within the operational areas of the four Plots, is considered reasonable and not in excess of operational requirements. Furthermore, the applicant has proposed the provision of charging points to facilitate the use of electric car (in excess of the requirement of Policy 6.13), a dedicated disabled parking space and parking/storage for cyclists (discussed further below) to reduce the number of private car trips. In terms of controlling the scale and location of HGV parking when the site is not operational, the layout of the site can be conditioned in reference to drawing numbers BXT-CAP-0000-D-DR-C-0022 Rev. P10; and by seeking the inclusion of such information within the applicant's Management Plan. Therefore, the proposed

development is considered to be in compliance with Policy 6.13 of the London Plan.

- 9.86 This section of the A5 relative to the application site forms part of the Mayor's planned Cycle Superhighway between West Hendon and Marble Arch. This route is presently subject to consultation but forms part of the Mayor's Vision for Cyclists published in 2013. It is therefore appropriate for the proposed development to include the provision of cycle parking and welfare facilities in cognisance of this. Policy 6.9 of the London Plan states that development should (inter alia) (a) provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the London Cycle Design Standards; and (b) provide on-site changing facilities and showers for cyclists. The minimum standards set out in Table 6.3 are based on the provision of gross external floorspace⁶. For B2-B8 uses, the requirement is for the provision of a minimum of 1 space per 500m² for long-stay and 1 space per 1,000m² for short-stay. The application site area is 4.58 Ha, albeit the operational elements of the site extend to approximately 3.9 Ha, and proposes the provision of a total of 138.4m² of floorspace. In accordance with the aforementioned standards, the proposed development is required to provide a minimum of 1no. cycle space.
- 9.87 The proposed development includes 8no. secure cycle spaces (covered Sheffielded stands) within the car parking area adjacent to the site entrance and, within each of the four Plots, staff welfare facilities in the form of kitchens, seating areas and toilets. Furthermore, the existing building located at the southern end of the site would be internally modified to provide showering facilities. These facilities could be utilised by any cyclist (staff or visitor). It is therefore considered that the proposal accords with Policy 6.9 of the London Plan in terms of providing secure, integrated and accessible cycle parking facilities alongside on-site changing and showering facilities. In terms of the quantum of cycle parking required, the proposed development complies with the relevant standards and is considered to be appropriate taking into account the relatively low number of employees associated with the proposed use and size of the site, where the applicant has stated that further cycle parking could be provided if warranted. As such, the proposed development is considered to be in compliance with Policy 6.9 of the London Plan.

Trees and Landscaping

- 9.88 The application site falls within a 'Regional Park Opportunities' area as identified by Map 2.8 within the London Plan. Policy 2.18 of the London Plan therefore describes the considerations to be taken into account for planning decisions, including the incorporation of appropriate elements of green infrastructure that are integrated into the wider network, and encourage the linkage of green infrastructure and Blue Ribbon Network. Policy CS7 of the Core Strategy advocates the maintenance and improvement to the greening of the environment through the protection of (inter alia) trees and hedgerows. Policy DM16 of the Development Management DPD requires development adjacent to or within areas identified as part of the Green Grid Framework will be required to make contribution to the enhancement of that Green Grid. This Green Grid is further

⁶ As stated at paragraph 6A.13 of the London Plan (2016)

referenced in the Council's Green Infrastructure SPD (2017) and the Mayor's Draft Environment Strategy, which is currently out for consultation, setting out the objective of creating green corridors between open spaces for people and wildlife.

- 9.89 The application site forms part of Network Rail's operational railway land and is characterised as 'brownfield land' with little existing green infrastructure, with the exception of some trees on Network Rail land adjacent to the Brent Curve railway alongside the northwest boundary of the site. These trees appear to contribute to the green link synonymous with the railway corridor and have the added benefit of providing some visual screening to the lower floors of the adjacent Fellows Square development. The nearest large open spaces are Gladstone Park to the southwest and Clitterhouse Playing Fields to the northeast – the latter of which will be improved through the BXC regeneration scheme. A review of aerial imagery highlights the role railway corridors can play in providing green infrastructure and links to these open spaces. In addition to the existing trees on the northwest boundary of the site (maintained by Network Rail), the applicant has proposed significant landscape planting along the southwest boundary along the proposed bund. As well as providing visual screening to properties within the Railway Terraces, this planting would also assist in enhancing connections to London's Green Grid. Given the nature of the proposed development, location within operational railway land and therefore limited opportunity to provide tree planting within the site, it is considered that the proposed development is in compliance with Policy 2.18 of the London Plan, Policy CS7 of the Core Strategy DPD and Policy DM16 of the Development Management DPD.

Biodiversity and Green Infrastructure

- 9.90 In terms of biodiversity, the application site is of little ecological value as it is 'brownfield land' that has been used and cleared for the purposes of uses ancillary to the operation of the railway. A Site of Importance to Nature Conservation (SINC) is located approximately 10 metres from the boundary of the application site (in the borough of Brent) and corresponds to the adjacent railway freight links. This SINC is considered to be of Borough Grade 1 importance. All other designated nature conservation sites are located over 400 metres from the application site. Policy CS7 of the Core Strategy DPD and Policy DM16 of the Development Management DPD affords protection to existing SINC's. Furthermore, Policy 7.19D and 7.19E of the London Plan state that proposals should give sites of borough and local importance for nature conservation the level of protection commensurate with their importance; and, when considering proposals that would directly or indirectly affect such a site, consideration should be given to the hierarchy of avoidance, minimisation with mitigation and appropriate compensation.
- 9.91 The Dudding Hill Loop SINC identified near the application (corresponding to the Brent Curve and Cricklewood Curve as they travel in a westerly direction) has the potential to be affected by dust soiling as a result of the proposed development through construction of the site and thereafter the handling of aggregate and construction waste. However, this SINC generally comprises scrub habitat and, as such, is considered at little risk from dust pollution. The Revised Supplementary Environment Statement identifies any such impact as 'negligible adverse' without the application of any mitigation measures. As discussed under 'Air Quality', the

applicant has incorporated a number of mitigation measures to ameliorate the impact of dust and other emissions to prevent dust soiling. Such measures include the provision of an automated dust suppression system (sprinklers) and covering of some stockpile areas with further provisions to be set out in a revised Site Management Plan in terms of the operational phase and revised Construction Environment and Transport Management Plan in relation to the construction phase. It has been previously suggested within this report that both of these management tools should be secured by condition should planning permission be forthcoming. Therefore, taking into account the proposed mitigation to be secured by planning condition, it is considered that the proposed development would not adversely impact the SINC. Also, the proposed development includes the provision of additional landscape planting, particularly only the southwest boundary of the site (on top of the bund) which would assist in providing additional green infrastructure along this railway corridor. As such, the proposed development is considered to be in compliance with Policy 7.19 of the London Plan, Policy CS7 of the Core Strategy DPD and Policy DM16 of the Development Management DPD.

Flooding and Drainage

- 9.92 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. However, as the application site is over 1 hectare (4.58 hectare) a Flood Risk Assessment was nonetheless required to consider any other sources of flooding and to address design issues related to the control of surface water run-off and climate change. Within the Revised Supplementary Environmental Statement, the applicant has provided an assessment of the likely effects of the proposed development on the water environment, including water quality, flood risk, geomorphology and drainage (Chapter 11). The applicant has also submitted a Surface and Foul Water Drainage Technical Note (AECOM, November 2017) along with associated drawing number 60514840-SHT-10-PH02-C-00017 which illustrates the drainage layout across the application site.
- 9.93 In respect of flood risk, Policy 5.12B of the London Plan states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and associated technical guidance (now contained within the online Planning Practice Guidance) over the lifetime of the development. The Planning Practice Guidance provides an indication of flood risk vulnerability classifications for different development types (Table 2) and identifies whether that development would be appropriate within the relevant flood zone (Table 3). The proposed development would be considered to fall within the 'less vulnerable' category; nevertheless, the site is within Flood Zone 1 where development is generally considered appropriate across all flood zones, with a less than 0.1% annual exceedance probability of flooding. This does not, however, take into account climate change. The applicant's Flood Risk Assessment concludes that the proposed development would not result in any increased risk of flooding and the provision of any additional impermeable surface would be attenuated to achieve greenfield run-off rates, including the provision of flow control units, thereby ensuring the development does not increase the risk of flooding elsewhere. The Environment Agency were consulted and confirmed that they

raised no objections to the proposed development.

- 9.94 In consideration of surface and foul water drainage proposals, Policy 5.13A of the London Plan requires development proposals to utilise Sustainable Urban Drainage Systems (SUDS), aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed close to its source as possible in line with the following drainage hierarchy: (1) store rainwater for use, (2) use infiltration techniques, (3) attenuate rainwater in ponds or open water features, (4) attenuate rainwater by storing in tanks, (5) discharge rainwater direct to a watercourse, (6) discharge rainwater to a surface water sewer/drain and (7) discharge rainwater to a combined sewer. This hierarchy is referred to in Policy DM04 (g) of the Development Management Policies DPD stating that development should demonstrate compliance with it. In connection with this, Policy 5.15 of the London Plan states that development should minimise the use of mains water. Also, in regard to wastewater, Policy 5.14 of the London Plan requires development proposals to ensure that adequate wastewater infrastructure capacity is available in tandem with development.
- 9.95 The proposed development would result in an increase in hardstanding, impermeable surfaces across the site (concrete) and construction of a drainage system to manage both surface and foul water drainage. The surface water drainage scheme would include the construction of a series of surface water sewers, fuel and oil interceptors and attenuation tanks (with a 1 in 100 year capacity plus 30% for climate change allowances) within each Plot. These sewers direct surface water to manholes that discharge to the existing sewer network. In terms of foul water, sewers are proposed to be connected to each Plot draining into a series of manholes (i.e. discharging to the existing sewer network). The applicant has liaised with Thames Water in respect of this approach, although they have not provided any comments in response to the Council's consultation exercises. The proposed development would also include the collection of perched ground water via a subterranean pipe adjacent to the traverser road in Plots 1 and 2. The water collected via this method would be stored within an underground collection tank (9,000 litres capacity) and then pumped to an aboveground storage tank (20,000 litres capacity) to be utilised within the proposed dust suppression system. The abstraction of perched groundwater would be capped at 20m³/day as agreed with the Environment Agency. This dust suppression system is also connected to mains water supply in the event that sufficient groundwater is unavailable.
- 9.96 The applicant concludes that the proposed development would not result in any residual impacts in both the construction and operational phases. The Council have consulted the Lead Local Flood Authority in respect of these proposals and they have not raised any objections in relation to the drainage proposals. In regard to the abovementioned development plan policies, it is considered that the proposed development incorporates an appropriate drainage system to achieve run-off rates comparable to the existing, undeveloped site and seeks to, where possible, utilise existing water sources without relying upon mains water supply. Therefore, the proposed development is considered to be in compliance with Policies 5.12, 5.13, 5.14 and 5.15 of the London Plan and Policy DM04 of the Development Management Policies DPD.

Contaminated Land

- 9.97 Policy DM04 (e) of the Development Management Policies DPD, states that proposals on land likely to be contaminated should be accompanied by an investigation to establish the level of contamination in the soil and/or groundwater and identify suitable mitigation; and London Plan Policy 5.21 states appropriate measures should be taken to ensure previously developed land does not activate or spread contamination. Development which could adversely affect the quality of groundwater will not be permitted.
- 9.98 The applicant has provided an assessment of ground contamination within the Revised Supplementary Environmental Statement (Chapter 14, December 2017) which identifies that, by virtue of the previous land uses, the application site is likely to be contaminated (as established through the Baseline Conditions); and that this existing contamination has the *potential* to affect sensitive receptors during both the construction or operational phases of the proposed development prior to the application of mitigation measures. The proposed mitigation measures have therefore been designed to eliminate or reduce to an acceptable level any significant environmental effects. Following the identification of potential source-pathway-receptor-pollutant linkages, the assessment concludes that, with the implementation of suggested mitigation measures, the residual impacts of the proposed development would be minor adverse to negligible both during construction and operation of the proposed development. The mitigation measures stipulated relates to the identification and implementation of a remediation strategy which would predominantly result in physical remedies including the over-digging the site and capping using concrete to break the source pathway receptor linkage. With the implementation of such measures, it is considered that there would be no significant residual effects.
- 9.99 The Council's Environmental Health Officer has also reviewed the applicants' assessment in respect of the appropriateness of the methodology, robustness of the assessment and therefore acceptability of its conclusions. In the advice provided through consultation, the Environmental Health Officer has stated that contamination is not a major concern for this site, taking into account the proposed end use, and that the recommendations set out within Chapter 14 of the Revised Supplementary Environmental Statement (December 2017) (i.e. the completion of further intrusive site investigations, identification of remediation strategies and subsequent verification) should be secured by condition. Therefore, subject to the inclusion a condition requiring the further intrusive investigation and identification and implementation of appropriate remediation, the proposed development is considered to be in compliance with London Plan Policy 5.21 and Policy DM04 of the Development Management Policies DPD.

Sustainable Construction and Climate Change

- 9.100 London Plan Policy 5.3B states that development proposals should demonstrate sustainable design standards in regard to its construction and operation; and meet minimum standards outlined the Mayor's '*Sustainable Design and Construction SPG*' (April 2014) including efficient use of natural resources and minimising pollution, for example. Whereas, Policies 5.10C and 5.11A relate to the provision of green infrastructure and sustainable design considerations, stating that major development proposals should contribute to urban greening and deliver as many objectives as possible including (but not limited to) sustainable urban drainage and enhancement of biodiversity. Additionally, Policy CS13 of the Core Strategy promotes the highest environmental standards and efficient use of natural resources.
- 9.101 During the construction phase, the proposed development would involve some groundworks to level the site. Where possible, this material would be distributed on site to minimise the requirement to import materials. Taking this into account, the applicant advises that approximately 3,500 tonnes of fill material would be required to be imported to the site to facilitate the construction of the landscaped bund. However, this would be imported by rail. Additionally, any superfluous materials would also be exported from the site by rail where feasible to minimise the amount of road transport. The proposed aggregate and construction waste transfer operation is, by its nature, facilitating the sustainable transportation of construction materials and waste that would otherwise be imported to/exported from the site by road. The delivery of such materials would serve the wider BXC redevelopment and other local construction projects within the vicinity of the site. The proposed development would therefore have far reaching sustainability benefits in terms of reducing the number of road (particularly HGV) trips on the local highway network.
- 9.102 Other than the provision of four modular, portacabin type buildings and erection of partially open steel framed covers over stockpiles in two of the four Plots; the proposed development does not involve the construction of any building. These modular buildings have a B-rated energy efficiency certificate and use at least 45% less energy than standard modular cabins. They include features such as passive infrared motion detectors to ensure lighting is only on when needed, double-glazed windows, thermostatically controlled heating combined with automatic door closures, and a dual flush and push taps to reduce energy and water consumption. Further in respect of water consumption, as stated above, the proposed development would also utilise perched groundwater to supply the dust suppression system and therefore minimise reliance on mains water supply.
- 9.103 Given the nature of the proposed development, it is acknowledged that there is little opportunity for improving green infrastructure and enhancing biodiversity, particularly given the location of the application site immediately adjacent to significant rail infrastructure. The applicant has, however, proposed the implementation of landscape planting on top of the landscaped bund to the southwest of the site, along the internal access road (at various locations) and at the site entrance off the A5 Edgware Road.
- 9.104 It is considered that the applicant has incorporated a number of measures to ensure that the proposed development achieves sustainability objectives in regard

to the optimising the use of previously developed land, site layout and building design (i.e. portacabin use), water efficiency by reducing reliance on mains supply, construction and design of the development, surface water drainage and urban greening. Therefore, on balance, it is considered that the proposed development satisfies the requirements of Policies 5.3, 5.10 and 5.11 of the London Plan and Policy CS13 of the Core Strategy DPD.

Planning Obligations

- 9.105 Paragraph 203 of the NPPF states that Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The Council's '*Planning Obligations SPD*' (April 2013). As set out within this report and schedule of 'Draft Conditions' contained in Appendix A, a number of conditions are recommended to ensure the impacts of the proposed development are appropriately mitigated. Should any of those conditions be breached or a complaint received regarding the authorised development, it is the Council's duty to investigate any such complaint and, where it is considered expedient, enforce against a breach of the planning permission to regularise the development.
- 9.106 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 development, Officers do not recommend that any Planning Obligations should be sought.

10 ENVIRONMENTAL IMPACT ASSESSMENT

- 10.1 The planning application is accompanied by a Supplementary Environmental Statement which assesses the impact of the proposed development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This was subsequently revised in December 2017 when the applicant provided revised and additional information in connection with this planning application.
- 10.2 The SES covered the following topics to determine whether the proposed aggregate and construction waste transfer facility would be likely to give rise to any significant environmental effects and whether any mitigation measures were necessary to ameliorate any such impacts.
- 10.3 Given the relationship with the BXC regeneration scheme and the fact that the proposed RFF would be delivered as part of the BXC development, the SES also had regard to the EIA carried out in support of the BXC outline planning application approved in 2010 and subsequent s.73 Application in 2014. Relevant comparisons between the conclusions of the BXC EIA and SES submitted with this planning application have been acknowledged above through the Planning Assessment section of this report having regard to the relevant material considerations.

10.4 As set out above, it is concluded that the proposed development would not give rise to any significant environmental effects that cannot be mitigated through the implementation of appropriate mitigation measures. Such mitigation measures can be secured through appropriately worded planning conditions as suggested in Appendix A of this report.

11 EQUALITY AND DIVERSITY ISSUES

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

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

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

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

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

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

12 CONCLUSION

- 12.1 The proposed development forms an integral element of the wider Brent Cross Cricklewood (BXC) regeneration scheme. The delivery of a rail freight facility to replace the existing Strategic Rail Freight Site on the eastern side of the Midland Mainline railway is necessary and crucial to facilitate delivery of the new Thameslink train station. The new train station is an important component of the BXC regeneration scheme as it would result in the achievement of significant modal shift from private cars to more sustainable transportation and unlock the delivery of the wider regeneration scheme, particularly the new town centre to the south of the A406 North Circular and the resultant new homes that would follow this.
- 12.2 The BXC regeneration scheme benefits from outline planning permission that was established originally in 2010 and subsequently amended in 2014. The S73 Permission therefore establishes the use of part of the application site as a rail freight facility. Although the type of rail freight facility proposed is now different to that envisaged at the outline planning stages, the LPA is satisfied that the proposal will continue to satisfy the requirements for the wider comprehensive redevelopment of BXC. The principle of the proposed development is therefore considered to be acceptable.
- 12.3 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. The impacts of the proposed development have been considered in light of the relevant development plan policies. The assessment set out in the body of this report above considers the key material considerations relating to the principle of the proposed development, local character and amenity, highways and transport impacts, heritage assets, trees and landscaping, biodiversity and green infrastructure, flooding and drainage, contaminated land, and sustainable design and climate change. In summary, the proposed development is considered to be acceptable in regards to all of these considerations subject to the imposition of various conditions on any planning permission granted in order to secure the implementation of appropriate mitigation.
- 12.4 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 referral to the Mayor of London, **APPROVAL** is recommended subject to conditions as set out in Appendix A of this report.

APPENDIX A

LONDON BOROUGH OF BARNET

USE OF THE RAILWAY LAND FOR THE TRANSPORTATION OF AGGREGATES AND NON-PUTRESCIBLE WASTE (CONSTRUCTION) BY RAIL INCLUDING THE DISMANTLING AND REMOVAL OF LIGHTING TOWER; LEVELLING OF THE SITE AND PROVISION OF LANDSCAPE BUND; 2NO. OPEN STOCKPILE AREAS EACH CONTAINING 10 STORAGE BINS (WITH DETACHABLE PANELS) AND 2NO. PARTIALLY ENCLOSED STOCKPILE AREAS EACH CONTAINING 9 STORAGE BINS (WITH DETACHABLE PANELS); ACOUSTIC AND PERIMETER FENCING; CCTV; SECURITY HUT; 4NO. WELFARE BUILDINGS; 4NO. WEIGHBRIDGES AND ASSOCIATED CONTROL CABINS; 2NO. 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

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

PLANNING APPLICATION REF. 17/5761/EIA

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.

APPROVED DRAWINGS

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

a) Rail Freight Facility – General Site Layout	BXT-CAP-0000-D-DR-C-0022 (Rev. P10)
b) Rail Freight Facility – Dust Suppression Provision	BXT-CAP-0000-D-DR-C-0023 (Rev. P01)
c) Rail Freight Facility – Lighting Locations	BXT-CAP-0000-D-DR-C-0024 (Rev. P03)
d) Rail Freight Facility – Earthworks Bund Plan/Long Section	BXT-CAP-0000-D-DR-C-0025 (Rev. P03)

e)	Rail Freight Facility – Earthworks Bund Cross Sections	BXT-CAP-0000-D-DR-C-0026 (Rev. P02)	
f)	Cross Section North Showing Relative Proximity of Residential Properties	BXT-CAP-0000-D-DR-C-0027 (Rev. P03)	
g)	Cross Section South Showing Relative Proximity of Residential Properties	BXT-CAP-0000-D-DR-C-0028 (Rev. P03)	
h)	Rail Freight Facility – Access Road Design	BXT-CAP-0000-D-DR-C-0029 (Rev. P03)	
i)	Stockpile Enclosure Plan Layout, Front and Rear Elevations	BXT-CAP-7000-D-DR-S-0030 (Rev. P01)	
j)	Stockpile Enclosure Typical Gable End Elevation and Section	BXT-CAP-7000-D-DR-S-0031 (Rev. P03)	
k)	Rail Freight Facility – Typical Porta-Cabin Details	BXT-CAP-0000-D-DR-C-0034 (Rev. P03)	
l)	Freight Landscape Bund	BXT-CAP-0000-D-DR-L-0036 (Rev. P03)	
m)	Freight Landscape Proposal Entrance, Edgware Road	BXT-CAP-0000-D-DR-L-0037 (Rev. P03)	
n)	Rail Freight Facility – Sections Showing Existing and Proposed Ground Levels	BXT-CAP-0100-D-DR-C-0038 (Rev. P03)	
o)	Drainage Strategy Sheet 1 of 2	60514840-SHT-10-PH02-C-00017	
p)	Drainage Strategy Sheet 2 of 2	60514840-SHT-10-PH02-C-00017	
q)	Permeable & Impermeable Areas Sheet 1 of 2	60514840-SHT-10-PH02-C-00018	
r)	Permeable & Impermeable Areas Sheet 2 of 2	60514840-SHT-10-PH02-C-00018	

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

3. Prior to the commencement of operations within each Plot, a detailed Plot Layout Plan for that Plot shall be submitted to and approved in writing by the Local Planning Authority. The Plot Layout Plan shall accord with the principles established by the approved 'Rail Freight Facility – General Site Layout' plan (Drawing No. BXT-CAP-0000-D-DR-C-0022 (Rev. P10)) and detail the operational layout of the aggregate or

construction waste transfer operation within that Plot (as applicable). The Plot Layout Plans shall thereafter be implemented as approved for the duration of the development.

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

4. The stockpile storage bay enclosure structures set out on Drawing No. BXT-CAP-7000-D-DR-S-0030 (Rev. P01) and BXT-CAP-7000-D-DR-S-0031 (Rev. P03) shall be erected over the stockpile storage bay areas within Plots 1 and 4 prior to the commencement of the aggregate transfer operation hereby permitted. These enclosure structures shall thereafter be retained in-situ, in an appropriate and effective condition, for the duration of the development hereby permitted.

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

5. No material other than aggregate (including only MOT Type 1, 2 or 3) and inert construction wastes shall be imported to, or stored at, the site.

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

6. The permitted maximum throughput of aggregate shall not exceed 1,000,000 tonnes per annum; and the permitted maximum throughput of inert construction waste shall not exceed 510,000 tonnes per annum. Aggregate shall be imported to the site by no more than two train deliveries per day (Monday – Saturday); and inert construction waste shall be exported from the site by no more than one train per day (Monday – Saturday).

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

7. Only Plot 3 shall be used for the importation, storage and exportation of inert construction wastes.

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

8. Aggregate and inert construction wastes shall only be stored within the stockpile storage bays within each Plot as shown on Drawing No. BXT-CAP-0000-D-DR-C-0022 (Rev. P10)) or any subsequent detailed Plot Layout Plan approved pursuant to Condition 3 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 DM04 of the Development Management Policies DPD (adopted September 2012).

9. No more than 60,000 cubic metres of aggregate and inert construction waste shall be stored on the site at any one time (up to 15,000 cubic metres within each Plot).

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

10. Stockpiles of both aggregate and inert construction waste shall not exceed 5.6 metres in height and shall be below the height of the stockpile storage bin 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).

11. Prior to the commencement of the aggregate and inert construction waste transfer operation, details of appropriate floodlighting hoods and baffles to be erected on top of the lighting columns shown on drawing number BXT-CAP-0000-D-DR-C-0024 Rev. P03 shall be submitted to and approved in writing by the Local Planning Authority. The floodlighting shall thereafter be implemented as approved for the duration of the development. Otherwise, no additional illumination shall be erected or otherwise provided within the site.

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

12. Floodlighting shall only be used during the permitted operational hours as controlled by Condition 13 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).

HOURS OF OPERATION

13. With the exception of a locomotive arriving into the site, 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).

14. No more than one train per day shall arrive outside of the operational hours stipulated in Condition 13 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 DM04 of the Development Management Policies DPD (adopted September 2012).

HIGHWAYS AND ACCESS

15. Prior to the commencement the development hereby permitted a revised Construction Environment and Transport Management Plan ('CETMP') shall be submitted to and approved in writing by the Local Planning Authority. The CETMP shall thereafter be implemented as approved for 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. Prior to the commencement of the aggregate and inert construction waste transfer operations, a revised Servicing and Delivery Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery Strategy shall thereafter be implemented as approved for the duration of the development.

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

17. The maximum number of Heavy Goods Vehicle (HGVs) movements (any vehicle over 3.5 tonnes unladen weight) required for the transportation of aggregate and construction waste in connection with the development hereby permitted shall not exceed 452 per day (226 in, 226 out).

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

18. HGVs shall not be permitted to idle while on site all HGV vehicles operating in association with the site shall be to Euro VI Standard as a minimum.

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

19. The development hereby permitted shall be carried out in accordance with the Travel Plan titled 'Phase 2 (South) (Thameslink Station) Rail Freight Facility Travel Plan' (dated December 2017, Revision P03) for the duration of the development.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policy CS9 of the Core Strategy (adopted September 2012) and Policy DM17 of Development Management Policies (adopted September 2012).

20. The site access and junction with the A5 Edgware Road shall be constructed and laid out prior to the commencement of the aggregate and inert construction waste transfer operations.

Reason: To ensure that satisfactory access is provided into the site in terms of highway safety in accordance with Local Plan Policy CS9 of the Core Strategy (adopted September 2012) and Policy DM17 of Development Management Policies (adopted September 2012).

21. Vehicular ingress and egress to/from the site shall be via the improved 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 an aggregate delivery.

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

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

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

23. Vehicle traffic speed on site shall be limited to and shall not exceed 15 miles per hour (mph).

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

24. All loaded HGVs (any vehicle over 3.5 tonne unladen weight) shall be enclosed or covered prior to entering or exiting the site.

Reason: To prevent transported material from escaping in order 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. Car parking shall be laid out in accordance with drawing no. BXT-CAP-D-DR-C-00XX Rev. PXX. The parking space designated for use by disabled people shall be 2.4 metres wide by 4.8 metres long with a zone of 1.2-metre-wide provided between the designated space and at the rear outside the traffic zone.

Reason: To ensure that the proposed development provides the parking provision in accordance with London Plan Policy 6.13 and to enable a disabled driver or passenger to get in or out of a vehicle and access the boot safely.

26. No fires shall be permitted at the site.

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

SITE MANAGEMENT

27. Prior to the commencement of the aggregate and inert construction waste transfer operation 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):

- a) Identification of the detailed operational processes to be carried out at the site in relation to both the aggregate and inert construction waste transfer operations;
- b) Specific measures to be implemented to control and mitigate air quality and noise emissions from the site;
- c) Details of the operational procedures and identification of action plans relating to those air quality and noise control measures, including the provision of appropriate thresholds, trigger levels and remedial actions to be implemented in the event of any exceedances;
- d) Details regarding the management of other tenants; and

- e) A communication strategy for the continued liaison with local residents and neighbouring premises including contact details and a scheme of escalation for addressing 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

- 28. The development hereby permitted shall ensure that night time noise levels at nearby residential properties in the Railway Terraces Conservation Area, Fellows Square and Brent Terrace do not exceed **LAeq 5mins 45dB** or **LAeq, 8hr, 40dB** (measured as free field) and that at all times noise emissions at the nearest sensitive premises in the Railway Terraces Conservation Area do not exceed **5db below** existing background L_{A90} levels in accordance with BS4142 (2014).

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 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.

- 29. The acoustic and perimeter fencing illustrated on drawing no. BXT-CAP-D-DR-C-0022 (Rev. P10) shall be erected prior to the commencement of the aggregate and construction waste transfer operation and thereafter maintained for the duration of the development in a suitable condition to ensure they continue 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).

- 30. Levels of noise from the site must be monitored on site and at the nearest residential property within the Railway Terraces Conservation Area until otherwise agreed by

the London Borough of Barnet. Monitoring stations shall be installed in accordance with a specification and location which shall have first been agreed in writing by the Local Planning Authority in consultation with London Borough of Barnet's Scientific Services. Thereafter, all requirements related to the continued operation of the monitoring equipment must be carried out including servicing, calibration and ratification of data and all data management. Ratified data from these monitoring units shall be made available in real-time via a publicly accessible website throughout the duration of the development hereby permitted, the details of which shall be first submitted to and approved in writing by the Local Planning Authority. Monthly summary reports shall also be submitted to the London Borough of Barnet's Scientific Services 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 2011.

AIR QUALITY

31. Levels of PM₁₀ and dust from the site must be monitored on site and at the nearest residential property within the Railway Terraces Conservation Area until otherwise agreed by the London Borough of Barnet. Monitoring stations shall be installed on the site in accordance with a specification and location which shall have first been agreed in writing by the Local Planning Authority in consultation with London Borough of Barnet's Scientific Services. Thereafter, all requirements related to the continued operation of the monitoring equipment must be carried out including servicing, calibration, ratification of data and all data management. Ratified data from these monitoring units shall be made available in real-time via a publicly accessible website throughout the duration of the development hereby permitted., the details of which shall be first submitted to and approved in writing by the Local Planning Authority. Monthly summary reports shall also be submitted to the London Borough of Barnet's Scientific Services throughout the duration of the development hereby permitted.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012); and 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), Policy 7.14 of the London Plan (2016), and the Mayor's Control of Dust and Emissions During Construction and Demolition SPG (2014).

32. 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).

33. All stockpiles of aggregate and inert construction waste shall be covered outside of the permitted operational hours stated in Condition 13 of this planning permission. Details of the method to be employed for covering the stockpiles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the aggregate and inert construction waste transfer operation.

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

34. Prior to the commencement of the development other than for investigative work:

PART 1

- a. A site investigation shall be designed for the site using information obtained from the Chapter 14 of the Brent Cross Thameslink Supplementary Environmental Statement Rail Freight Facility Volume 1 (December 2017) including Appendices 14.1 and 14.2; Cricklewood Aggregates Terminal Surface and Foul Water Drainage Technical Note (November 2017); Cricklewood Downside Yard, London Ground Investigation Report (January 2018) and the Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- i. A risk assessment to be undertaken,
- ii. Refinement of the Conceptual Model, and
- iii. The development of a Method Statement detailing the remediation requirements.

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

- b. 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:

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

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

35. 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.

DESIGN

36. Prior to the erection of the acoustic fencing along the southwest boundary of the site (to be placed on top of the landscape bund), details of the type, specification and colour of the acoustic fencing shall be submitted and approved in writing by the Local Planning Authority. The acoustic fencing shall thereafter be installed as approved and maintained in an appropriate condition for the duration of the development.

Reason: To safeguard the setting of the adjacent Railway Terraces Cricklewood Conservation Area in accordance with Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012); and Policy 7.8 of the London Plan (2016).

LANDSCAPING AND TREES

37. The planting proposals set out on drawing numbers BXT-CAP-3000-D-DR-L-0036 Rev. P03 and BXT-CAP-3000-D-DR-L-0037 Rev. P03 shall be implemented prior to the commencement of the aggregate and construction waste transfer operation.

Reason: To ensure the development provides adequate visual amenity and safeguards the setting of the adjacent Railway Cottages Cricklewood Conservation Area in accordance with Policies DM01 and DM06 of the Local Plan Development Management Policies DPD (adopted September 2012) and Policy 7.8 of the London Plan (2016).

38. Prior to the commencement of the aggregate and construction waste transfer operation a Landscape and Ecological Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Maintenance Plan shall include measures to ensure that the planting proposals set out on drawing numbers BXT-CAP-3000-D-DR-L-0036 Rev. P03 and BXT-CAP-3000-D-DR-L-0037 Rev. P03 shall establish successfully, provide details of management techniques to be implemented for the duration of the development and include a commitment to replace any trees, shrubs or plants which die or become diseased. The approved Landscape and Ecological Maintenance Plan shall be implemented as approved thereafter for the duration of the development.

Reason: To ensure the development provides adequate visual amenity and safeguards the setting of the adjacent Railway Cottages Cricklewood Conservation Area in accordance with Policies DM01 and DM06 of the Local Plan Development Management Policies DPD (adopted September 2012) and Policy 7.8 of the London Plan (2016).

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2016; and that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

WATER ENVIRONMENT

40. The development hereby permitted shall be carried out in accordance with the surface and foul water drainage proposals detailed within the Cricklewood Aggregates Terminal: Surface and Foul Water Drainage Technical Note (AECOM, November 2017) and on Drawing no. 60514840-SHT-10-PH02-C-00017 for the duration of the development.

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 Policies 5.13, 5.14 and 5.15 of the London Plan (2016).

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

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

INFORMATIVES

1. In accordance with paragraphs 186-187, 188-195 and 196-198 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 applicant is advised that the modification required to the access into the site from the public highway would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road London N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
3. The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet and further reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance: 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, May 2015); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007) 5) London Local Air Quality Management Technical Guidance LLAQM.TG(16), 6) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014) and 7) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions'.

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

4. The submitted Construction Environmental and Transport Management Plan shall include as a minimum details of:

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

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APPENDIX B

Report Summary of Public Consultation Responses

1. Introduction

The purpose of this report is to provide a summary of the comments received in response to the Local Planning Authority's formal notification of the Rail Freight Facility (175761EIA) planning application.

Table 1 provides a summary of the main issues grouped into seven themes with a brief officer response provided. Table 2 provides the full summary of comments received.

Table 1 – Themes and Officer Response

Theme: Principle of Development
<p>Numerous submissions have requested for no further industrial use and the land to be rezoned for residential or urban purposes. This includes for any development proposal to reflect the surrounding context especially with the proximity to local schools.</p> <p>There is concern on the impact to the livability of the area as a result of the expected increase in traffic and the dust and noise emissions. Additionally, some feel that the structure of the surrounding houses would be at risk of substantial damage as a result of the planned increase in rail freight activities and in some cases the extra HGV on the road.</p> <p>Further information was requested on how the application will benefit with Brent Cross Regeneration area. Some submitters believe the application does not align with the regeneration scheme.</p>
<p>Officer Response:</p> <p>Along with replacement train stabling facilities, a replacement waste handling facility, and a new road bridge over the midland mainline, a replacement rail freight facility is required as part of the wider Brent Cross Cricklewood regeneration in order to facilitate the delivery of the new Thameslink Station. The new Rail Freight Facility will replace the existing Strategic Rail Freight Site (as designated by Network Rail) currently occupied by the Hendon Waste Transfer Station on the east side of the railway which will make way for the new Thameslink Train Station and associated development as part of the regeneration.</p> <p>The site at the application site already has outline planning permission for an intermodal rail freight facility (the 'Rail Freight Facility') as part of the Section 73 Planning Permission granted for the Brent Cross Cricklewood regeneration. However, because the proposed facility will handle a different type of freight (aggregate instead of containerised goods), requires less land and therefore occupies a smaller site (allowing the Lidl, Timeguard and Access Storage businesses to remain), and does not include the construction of a large building to enclose the whole facility (the proposal is open air but includes structures covering parts of the site), the proposals are not able to be brought forward under reserved matters pursuant to the S73 Permission. As a result a stand-alone planning application known as a 'drop-in' application is required which drops the new proposal into the masterplan for Brent Cross.</p> <p>The delivery of the Rail Freight Facility, along with other infrastructure will enable the new Thameslink train station to be constructed and will release land on the east side of the railway for the delivery of the eastern station entrance and transport interchange. It will also facilitate the commercial and residential development around Station Square to be delivered which will ensure that the new station is integrated with the wider BXC development.</p>

Theme: Design Parameters

Multiple submitters raised concern with the change of design from the fully enclosed palletized intermodal operation to the aggregate and muck away freight operation on an open site.

Officer Response:

Market demand studies commissioned by Network Rail in 2015 and 2016 following the 2014 Section 73 Planning Permission for the BXC Development have demonstrated that the demand for an intermodal rail freight facility is no longer viable and that there is now a strong local demand in North London for a facility to import aggregates and export construction waste via rail. The outcome of these market demand studies along with recommendations made by Network Rail and Freight Operating Companies have informed the Council's strategy for the delivery of the Rail Freight Facility as part of the wider Thameslink Station project within the Brent Cross Cricklewood regeneration scheme.

Theme: Air QualityHealth risks

Multiple Submitters raised concern with the health risk of local residents, workers and children in the nearby school as a result of the locating the RFF near sensitive land uses. Links to increase of dust and dirt into the air as a result of the operation of the development were raised.

Pollution

There is concern the proposed development will be adding significant levels of pollution to an area that often reaches illegal (record) levels of pollution and therefore adding additional dangerous levels of toxicity to the area. Additionally, some feel that proposal does not align with the Mayor of London's Clean Air Strategy.

Further information was requested regarding the air quality impacts as a result of the development proposal, as the application appears to contain contradictory information.

Dust mitigation

Further documentation was requested to show evidence of appropriate dust suppression systems that will control dust and odours generated by the operation of the RFF. Residents raised concern with the dust and debris released into the air as a result of the operation of the site (including trains accessing the site and the HGV transporting the material).

Noise

Multiple submitters raised concern with the impact of noise on local residents and workers in the area as a result of the ongoing operation of the site (including trains accessing the site and the HGV transporting the material). Additionally, some feel the noise barriers and noise bund proposed in the development application do not have appropriate attenuation specifications for the size of the development in a residential area.

There is concern with the noise and hours of operation of the facility, especially possible vibrations from the trains and lorries on surrounding residential houses.

Light pollution

Numerous submitters have raised concern with the light pollution for residents living near the rail way tracks that may be exacerbated as a result of increase rail activity during the production of the rail freight facility. Further information was requested on the impact of the 24/7 security lights on the surrounding neighbours.

Officer Response:

A modelling assessment has been undertaken to assess the impact of traffic generated by the scheme on local air quality. The findings indicate that in comparison with the previous occupiers and use of the site, the scheme will have a negligible impact and potential to have a beneficial impact. This is as a result of the reduction in traffic generated by the site, and the use of EURO VI compliant Heavy Goods Vehicles for the proposed RFF, which have much lower emissions than older vehicles. In line with Policy 7.14 of the London Plan, an assessment of the air quality neutrality of the site was also undertaken. This found that the scheme achieves air quality neutrality (i.e. it has lower emissions than the calculated benchmarks for a site of this size).

A landscape bund (5.0m high) topped with a 5.1m acoustic fence will protect the Railway Terraces from noise impacts. This bund will be landscaped on the side facing the Railway Terraces. In addition to the fence at the southern end of the site, Brent Terrace will be protected by the 5.1m high acoustic fence on the eastern boundary adjoining the mainline railway. At the north-west corner Fellows Square is protected by an acoustic fence. These units have been designed with mechanical ventilation and suitable glazing and construction standards to address existing noise from the railway.

The site will have complete coverage by 'rainguns' which spray water to ensure that all particulate is contained within the site. This will operate automatically and with manual override controlled under best practice set out in the management plan.

Structures are proposed on the northern and southern most plots to assist in controlling noise emissions and provide a visual screen to the operations closest to the residential areas.

Theme: Transport

General

There is overall concern with the capacity of the surrounding roads (especially A5 and Edgware Road) to take on the impacts the traffic increase that will result from the development proposal.

HGVs

Multiple submitters raised concern over the increase of high volumes of HGV vehicles into an already congested and polluted area. Submitters also highlighted their concern that the surrounding roads are not built to withstand the extra weight of the HGVs which could lead to further damage to the roads and possible damage to cars and cyclists trying to navigate the damaged roads. Additionally, submitters highlighted that the roads are not design to be wide enough to deal with the increase of the HGVs.

Further modeling is requested on the following:

- Illustration that HGVs will not use Dollis Hill Lane, Claremont Road, Walm Lane, Cricklewood Lane and other surrounding roads as a means of avoiding Edgware Road.
- Traffic Movement of HGVs entering and exiting the site that details the knock-on effects to the surrounding roads.
- Impact of the structural design of the surrounding houses as a result of the additional HGVs passing the residential properties.

Intersections

Submitters have raised concern that development application does not take into account the impact of the new residential apartments (Fellows Square Development) and the Brent Cross Redevelopment to be built nearby when assessing the traffic impacts on the A5 (but also the A406, M1 and A1 junctions). There is concern that collaboratively the development proposals surrounding the site in addition to the proposed RFF will significantly exacerbate the current

traffic issues at those intersections.

Safety

There is concern that any increase of traffic in the area will result in safety issues. The following key issues were raised by submitters:

- The increase of HGVs on the surrounding streets will increase the risk of accidents for cyclists.
- Major concerns were raised surrounding pedestrian safety as a result of increased HGV vehicles on the main streets.
- Impact on the safety of the infant school with large HGVs coming and going near school grounds.
- Increase in traffic volumes will increase the risk of accidents to the residents/children using bus stops at either side of the Dollis Hill land and A5 junction.
- Concern with the extra traffic impacting on the function and visibility of the streets, especially the main intersection in Cricklewood (Chichelle Road/Cricklewood Broadway/Cricklewood Lane).

Traffic Increase

Increase in traffic as a result of the RFF is of significant concern to the local community due to impact on an area that already results from high congestion. There is concern that the additional traffic will not add further constraint to an already saturated road network. Additionally, the local side roads surrounding the A5 (and Edgware Road), as well as local side roads around Cricklewood Broadway, are currently used by commuters to bypass traffic. Any additional traffic will increase the traffic pressures on the local side roads.

Further documentation was requested to ensure that the traffic impact studies have factored in the surrounding developments such as Fellow Square and the development in BXC, plus any future major developments that may occur.

London Bus Depot

Numerous submitters raised concerns over the increase of traffic adding to the additional traffic that the London Bus depot across from the site is causing on a daily basis. Including the impacts of the entrance to the site being close to opposite the entrance to the Bus Garage creating a potential gridlock situation with large vehicles attempting to enter both sites simultaneously.

Congestion

Multiple submitters raised concerns on the impact of extra vehicles on the already heavily congestion A5 (and Edgware Road) especially during peak times. Additionally the additional congestion on Kilburn High Road which may result in carry on effect on the local businesses and residences along that road.

Access

It has been suggested that no rail freight trains should be accessing the facility from the south and that the trains accessing the facility should be isolated and arrive and depart from the north of the site. This is to mitigate potential impacts on the terrace houses associated along the railway.

Public Transport

Numerous submitters have raised concerns with the negative impact on the local public transport (buses) including the routes 16, 32, 189, 226, 260, 266, 316, 332, 460.

Infrastructure

There is concern that the proposed development (and recent development in the area) has not

included infrastructure upgrades, resulting in significant numbers of people and vehicles in the area using the same infrastructure. It is suggested that road infrastructure improvements should be addressed through this development proposal.

Cycling

Numerous submitters have raised concerns that there are no cycling designated path designed into the development application. Additional HGVs on the A5 with its current design will endanger the cycles and potentially discourage people from using cycling as a form of commutable transport.

Officer Response:

A maximum of 452 HGV movements will be generated by the development (226 in and 226 out) and this will be controlled by planning condition.

Traffic surveys at the site when it was occupied by EuroStorage showed 24-hour flow from the site as 1,596 vehicle movements. The proposed development has agreed to limit the HGV movements to a daily cap of 452. This is a considerable reduction in overall traffic demand on a daily basis.

Capacity analysis has been undertaken in a robust manner, with sensitivity tests of even 20% of the daily demand from the RFF using the site in one hour showing that there is no detrimental queuing issues on the A5. Wider strategic highway analysis considers the impact of all the Thameslink and Brent Cross Cricklewood proposals, and the analysis shows that the impacts of the wider development is mitigated.

Furthermore, the RFF will act as a strategic facility that will reduce long distance lorry movements to and from aggregate/construction waste sites across Greater London. For each train that will use the new facility, 75 HGVs are removed from the wider network.

Theme: Monitoring and Enforcement

There is concern that Barnet Council has lacked appropriate enforcement of previous conditions attached to planning permissions (such as mitigation factors – water to reduce dust) and appropriate management of assets and leases in the BXC area (Donoghue Waste Transfer Site was mentioned). Further evidence is requested to be provided on the monitoring and enforcement strategy for ensuring any conditions applied to the decision notice will be carried out appropriately by the developer.

Officer Response:

DBC Has prepared a draft management plan that sets out the management processes and best practice in operations and the control of dust and air-quality matters. A condition is imposed to require the final plan to be submitted and approved by the LPA and to ensure that the approved plan is then implemented and adhered to by DBC and any site tenants.

DBC has committed to a real time monitoring scheme with a website so that residents are able to view air-quality and noise data. The management plan will identify the Site supervisor to enable community contact and ongoing engagement. In addition to best management practice, air-quality will be controlled through rain guns to dampen any particulates and HGVs will be of the highest environmental control under Euro VI. HGV reversing sounds will be white noise which is standard practice in a location near to residential properties. The operating hours will be 7am – 7pm Monday to Fridays, 7am – 2pm on Saturday and no working on Sundays. This will be controlled by condition.

Other conditions will set noise standards, air quality standards, and will ensure ensuring vehicles are washed and cleaned appropriately prior to leaving the site.

In addition to the Planning Application process, the site requires an Environmental Permit for the Environment Agency to operate. This will include regular inspections to ensure compliance with the terms of the Permit.

Theme: Public Engagement

Numerous submitters have raised concern that Concerns that not all residents have been appropriately consulted throughout the process, especially around new plans submitted. Additionally, there is concern that local resident's objections are not being appropriately considered throughout the development consultation process.

Officer Response:

The applicant has submitted a Consultation Statement with the application prepared by GL Hearn (Dated August 2017) which sets out the programme of public consultation and engagement that has been carried out in support of the proposals for the Brent Cross Thameslink project at the pre-application stage. Statutory consultation on the planning application has been carried out by the LPA in accordance with the Town and Country Planning (Development Management Procedure) Order 2010 in both September and December 2017. This is detailed in section 7 of this committee report.

Theme: Other

Conflict of Interest

A concern was raised by a submitter that a conflict of interest exists with this application due to Barnet Council being a joint applicant. Additionally comments were made on the relationship between the Barnet Council and the developer.

Officer Response:

The Council is the joint applicant with DB Cargo for the application. This is In July 2017 the Council approved, through a Delegated Powers Report of the Council's Chief Executive, entering into a legal agreement with DB Cargo (UK) Limited following Heads of Terms that were approved in February 2017. Under the terms of the agreement DB Cargo will deliver the Rail Freight Facility and operate it at its own cost subject to progressing and submitting a joint planning application. If the RFF is delivered in the form approved by the Council and in accordance with the agreed programme, the Council will not need to implement compulsory purchase powers pursuant to CPO3 to acquire DB Cargo's land. Conversely if the terms are not met, providing the CPO is confirmed, the Council will have the ability to acquire DB Cargo's interest in the land and step in to deliver the RFF.

Table 2 – Summary of Public Responses

No.	SUMMARY OF PLANNING OBJECTIONS
Principle of the Development	
<i>Principle of the Development – General Comments</i>	
1.	Further information is requested regarding the hours of operation, volume of material to be processed by the site and the use of the land as the application appears to contain contradictory information.
2.	The Planning statement details that the <i>proposed development is required to replace the existing supplemental strategic freight site located on the east side of the Midland Mainline [sic] railway. It is operated by the North London Waste Authority (NLWA).</i> Further justification is sought as to why the facility is required to be replaced on the site proposed.
3.	It is unclear why the application focuses on 452 HGVs a day and two trains, given that DB Cargo envisaged three trains a day and 800 HGVs solely for aggregates and that the aggregates business is a low-margin one dependent on high volumes.
<i>Principle of the Development – Land Use</i>	
4.	Strongly oppose to the use of railway land for transportation of aggregates and non-putrescible waste.
5.	Council needs to acknowledge the existing land use rights and any residential uses should be separated from industrial uses such as the RFF.
6.	As a designated conservation area, the development should be ensuring it does not disturb the 100 year old foundations.
7.	The land would be much better used as a depot for the proposed West London orbital line (WLO). In the WLO report part-financed by Barnet council, this site is suggested as a convenient site for a WLO depot, given the shortage of rolling stock depot sites in the London area.
<i>Principle of the Development – Location</i>	
8.	The development proposal for an industrial use is not appropriate due to the site's proximity to residential uses (and associated uses such as community and commercial uses).
9.	A development of this scale should be located with direct access to both orbital and radial roads (for example A41 or A1) of sufficient capacity to absorb the high volume of HGVs without causing congestion and consequent disruption of public transport services and high levels of pollution.
10.	The area is already overdeveloped and therefore is an unnecessary infrastructure proposal that due to the size should be located elsewhere.
11.	The proximity of the proposed development to the schools in the area is of concern to the local residents due to health and safety reasons. The proposal will also cause noise disruptions for the teaching and activities in some of the surrounding schools.
12.	The development proposal needs to take into consideration the proposed high end apartments in the area which will be directly impacted.

13.	The site is located near the children's playing fields and will cause health issues if the proposal excretes more pollution (dirt and dust included) into the air they will be breathing.
14.	Further justification is sought on how the area will be enhanced by the development and operation of the RFF.
15.	Cricklewood already suffers from dust and pollution caused by the rubbish yard next to the post office. This development proposal will add excessive amounts of pollution and congestion to an area already over its capacity. The location of the development needs to be reconsidered to a site further out of town.
16.	House prices will be impacted by this development.
<i>Principle of the Development – Community</i>	
17.	The liveability of the area will decrease as a result of this development proposal due to increased traffic and increased dust and noise emissions. Some submitters also highlighted the application will result in negative effects on the health and wellbeing of the residents.
18.	There is concern that the RFF will add extra damage and nuisance to the surrounding area that Claremont Road business is currently generating.
19.	The suggested benefits of the development proposal do not outweigh the negative impacts this development will have on the local residents. There is concern that the impacts on the residents have not been appropriately considered by the Council.
20.	The historic houses in the area are not built to the same modern standards and therefore more sensitive to noise and dust that the development proposal will produce. The structure of the houses would be at risk of substantial damage as a result of the planned increase in rail freight activities and in some cases the extra HGV on the road.
21.	The studies in the report have failed to investigate the impact of the use of the site in close proximity to 19th Century dwellings and therefore the relevant British Standards have not been correctly applied.
22.	The proposal is in too close proximity to the Railway cottages / Terraces where young families reside for safety and liveability aspects.
23.	There is concern that the proposed development will send back the efforts that the community have gone to in improving and investing in the area. Particular concerns were raised around the community investment into Cricklewood, including adding a garden area near the station and investments into signs and shop frontages in Broadway.
24.	There is concern on the repercussions to the Cricklewood area as a result of the development proposal. These include adding additional congestion and pollution to the area resulting in impacting the livelihoods of residents and businesses.
25.	The proposal will have detrimental impacts on the local residents resulting in increased commuting times and additional traffic in the area.
26.	The drilling for a well may have an impact on the water table which may cause subsidence in the railway terraces, especially to those cottages directly facing the development such as my own.

27.	The weight from the heavy freight trains could be detrimental to the foundations of the terrace houses causing possible subsidence
28.	There has been no assessment of the likely effect of 21st Century trains on the foundations of 19th Century cottages. The Terraces cottages shake when a freight train occasionally comes past. What assessment has been carried out with respect of the physical / structural impact to the terraces. BS 7385-2: Evaluation and measurement for vibration in buildings should be used as a guide for evaluating the impact of additional rail freight.
Principle of the Development – Overall Regeneration Scheme	
29.	This development application does not align with the overall principles of the regeneration scheme which is planned to bring more residential homes and facilities into the Brent Cross area and more attraction to the whole area as a whole.
30.	The Freight hub was not a part of the development plan for new houses, flats and a school in the Cirklewood location that has been sold to the public by Brent and Barnet councils.
31.	The development application appears to have no relation to the original scheme that was approved and therefore will result in detrimental effects on the locality to which it is being proposed.
32.	With the development of Fellow Square and the regeneration of BXC this freight facility does not appear to suit the surrounding context.
33.	This development will degrade the area and significantly impact the wealth of the area through noise and the impact of HGV through the local area.
34.	The Brent Cross Regeneration Development project is accommodating to pedestrians and commuters, this development application does not align with that.
35.	Further information on the jobs that will be created by the overall scheme and how this benefits Barnet and Cricklewood.
36.	The development proposal is not a positive regeneration option.
Design Parameters	
37.	The storage of aggregates should be covered at all times and not in an open facility design.
38.	The new facility will not be contained in any form of structure or wind break.
39.	Raised plant such as conveyors should be specifically precluded.
40.	Plant should avoid the possibility of contact with resonant containers.
41.	Storage of cement or other aggressive or dangerous materials should be precluded.
42.	It was stated that “Further design work has been carried out since the last public events to investigate whether the new Rail Freight Facility could be fully enclosed” however, there is no justification as to why it is not.
43.	Landscaping, dust suppression and acoustic fencing will have no effect of the trucks as they pass to and from the site.
44.	Under the S73 permission the container freight was an enclosed build. This drop in

	application proposal is now for aggregate and muckaway freight on an open site, which is outside the parameters of the s73 permission. Although there is documentation that the change to the original permission is due to economic reasons, the new design will have detrimental effect on the surrounding environment. It is noted that mitigation factors have been discussed and some changes made however noise level and air quality will still be detrimental to the residents living near the site.
45.	The consented scheme was a fully enclosed palletised intermodal operation under the control of one operator. The current proposal is an open aggregate operation which is essentially noisier and will add more dust as is not contained by a building. The sources for pollution are greater and the opportunities to ameliorate it are reduced.
46.	Effective acoustic screen to protect the residential neighbourhood from noise pollution and health risks.
47.	The car park does not specify use and layout. This needs to be confirmed as part of the application as additional vehicles using this area will have a detrimental impact in terms of noise and air quality.
48.	Storage buildings should have roller shutters on proximity sensors that close when not in use.
49.	Restrictions need to be put in place for 'no left turn' when exiting the site.
50.	The proposed plans for a car/lorry park do not show details e.g. bays or turning points.
Amenity Impacts: Air Quality	
<i>Amenity Impacts: Air Quality – General Comments</i>	
51.	There is already evidence of dust and dirt collected from the roads on surrounding residential houses close to the site (on the walls, doors, gardens etc.). The development proposal will only exacerbate the situation.
52.	The <i>AIR_QUALITY_APPENDICES-3839128</i> only takes into account the vehicle movements during construction (47 per day) not operation (up to 800 per day). This makes its results at best meaningless, at worst deceptive.
53.	The air quality study showed that the air quality exceeded limits currently and so will not make matters worse. This is a poor level to aim for. The air quality should be brought within safe limits.
54.	The overall air quality of the area will be determinately affected if the development proposal is approved.
55.	There is concern from surrounding residents of the impact the dust and air pollution will have on the vegetable gardens (and in one case bees). The application needs to demonstrate there will be no serious impact as a result of the facility on the food grown in surrounding residential gardens.
56.	As a resident who has lived in the area since 1987, the air quality changes are significant with a number of industrial and retail development along A5 (Edgware Road) and the gradual increase of HGV along the road. This development will add to the poor air quality.
57.	Negative Air Quality Pollutant increase will mean an increase in PM2.5, which is already high in the area.

58.	The proposal is in direct conflict with the Mayor's existing Clean Air Strategy and with the (Draft) Environment Strategy and does not consider the impact on the health of the local population in both existing and proposed residential areas. The proposal will result in an unhealthier environment for residents and Londoners.
59.	The development application does not align with the Mayor of London's warning on London's soaring levels of air pollution. See: https://www.theguardian.com/environment/2017/sep/27/london-issues-red-alert-for-extremely-high-air-pollution
Amenity Impacts: Air Quality - Health	
60.	There is concern with the health risk of local residents, workers and children in the nearby school (and local children) as a result of the locating the RFF near sensitive land uses. Links to increase of dust and dirt into the air as a result of the operation of the development were raised by submitters
61.	The extra lorry movements and traffic that will result from this development proposal are likely to cause harmful emissions into an area already suffering from poor air quality.
62.	Health risks relating to air quality, such as asthmatic conditions such as Atopic Triade (and also chronic obstructive pulmonary disease) and in one case lung cancer, were raised by local residents as a concern that will be exacerbated by exhaust fumes coupled with dry particulate matter being thrown into the air and increased dust pollution from the aggregate centre.
63.	Risk Assessment modeling regarding the health impacts of this development should be made available to the public.
64.	The expected noise increase in the area as a result of this development application will have detrimental impact on the mental health of local residents.
Amenity Impacts: Air Quality - Dust	
65.	Further documentation needs to be included as part of the development application to show evidence of appropriate dust suppression systems that will control dust and odours generated by the operation of the RFF. The current dust suppression system is just sprays that only operate under high dust and therefore not adequate for the scale of the RFF.
66.	The development proposal will result in unacceptable dust emissions that will add extra pollutants to the surrounding area.
67.	The development proposal does not have sufficient dust control during the train removal and storing process. As stated in the Air quality appendices the drop heights should be minimised and fine water sprays should be used when dumping into rail cars.
68.	The current recycling site on the east side of the railway currently exhibits dust that can be discerned in the air.
69.	There are concerns that documentation on the dust particles that will be generated as a result of this development application has not been made available public.
70.	Residents are requesting reassurance that no asbestos will be released during

	operation of the site.
71.	Further information is required on the dust reducing measures for managing off site in adjacent streets and residential areas.
72.	Documentation has indicated that "approximately 57% of the time mean-hourly winds do not exceed moderate levels" however further information is sought on the other 43% and what effects that will have on the local neighbourhood.
73.	Preventative measures need to be put in place to stop the dust and debris being transported will not effect the local environment
74.	Dust suppression does not extend far enough south to cover the HGV turning head. At present these vehicles will manoeuvre outside the reach of the dust suppression system. Also, there is no dust suppression where the material is dumped into the trains. This is not acceptable or best practice. Design should be revised so that LBB can assess the full impact.
75.	No attempt is made to quantify the dust pollution from stockpiles and activities on the site and from vehicles in transit. There is no indication given of what the minimum figure is.
Amenity Impacts: Air Quality - Pollution	
76.	The pollution (noise, traffic and dust) generated by P.B Donoghue is already affecting the area. This development proposal will add unacceptable additional amounts of pollution to the area.
77.	Barnet has designated the A5 from Staples Corner to Cricklewood Lane as a focus area for air quality improvement; the proposed development application will make this area worse.
78.	The pollution generated by the proposal, especially through extra vehicles on the road, will be detrimental to the area.
79.	The negative impacts of the additional levels of pollution on the young children who live or study in the area were raised by submitters.
80.	The proposed development will be adding significant levels of pollution to an area that often reaches illegal (record) levels of pollution and therefore adding additional dangerous levels of toxicity to the area. This is not acceptable in the area.
81.	The expected additional traffic on the roads as a result of this development proposal will add additional congestion to the area which in result will have HGVs causing a stop-start progress which would undoubtedly cause dangerously high levels of airborne pollution, in the already somewhat polluted and densely populated area around Cricklewood Broadway.
82.	Residents are requesting reassurance that the HGVs (lorries) using the site will be compliant to the most modern emissions standards - not applicable to the =A3200 ULEZ charge that goes to TfL and the borough sees no direct revenue nor benefits in the short to medium term.
83.	Barnet council has made a commitment to reduce the levels of pollution in the area. This development proposal will be in direct opposition of this commitment.
84.	Barnet council should be taking measures to reduce the pollution levels in the area and

	not adding volume to those levels.
85.	The pollution levels indicated in the application will most certainly be worse as a result of upkeep of diesel lorries and the practicality of the dust covers on the lorries not always being tied down tightly.
86.	Nitrogen Dioxide levels in Gratton Terrace were recently monitored over a 16-day period and recorded an average level of 41.602 µg/m ³ . This exceeds the EU annual average legal limit of 40µg/m ³ . For a clearer picture a more sustained study would be needed but it is clear that this neighbourhood is already heavily polluted. I should point out that Gratton Terrace itself is a very quiet road. The monitoring took place 20-30 yards from the A5, at a site screened from it by a building (Burlington Parade). I am gravely concerned that the HGV and rail locomotive traffic which accompany this development will push Nitrogen Dioxide levels even higher.
87.	Studies on the Air Pollution levels expected as a result of this development should be made available to the public.
88.	Contradicts Barnet council's commitments to "reduce the impact from transport and improve air quality" as set out in the London Borough of Barnet Air Quality Action Plan 2017-2022.
89.	Residents associated along the railway tracks and in the surrounding terrace houses are concerned of the pollution increase as a result of transporting the aggregates and non-putrescible waste to and from the rail freight facility by rail.
90.	Policy 7.14 of the London Plan requires planning decisions to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality, particularly within AQMAs; be at least 'air quality neutral'. How is this achievable?
Amenity Impacts: Air Quality – Noise	
91.	Design criteria should be made to ensure that the RFF mitigates noise impacts on the surrounding residential houses.
92.	The development will result in unacceptable noise impacts upon local residential areas (and those who work in the area), especially as a result of increased traffic.
93.	Residents associated along the rail track are concerned for the noise level increase as a result of the activity of the rail freight facility.
94.	There is concern with the noise and hours of operation of the facility, especially possible vibrations from the trains and lorries on surrounding residential houses. Night-time, evening and weekend work should be precluded.
95.	The noise barriers proposed in the development application do not have an attenuation specification. This should be required as part of the design. The barriers will degrade over time and therefore a certain level should be required in perpetuity (see: http://assets.highways.gov.uk/specialist-information/knowledge-compendium/2009-11-knowledge-programme/The_acoustic_durability_of_timber_noise_barriers_on_Englands_strategic_road_network.pdf)
96.	There is concern over the noise that the construction of the site will generate to an area already heavily impacted by noise.

97.	The projections for noise impact are inadequate and the relevant calculations in respect of noise mitigation measures are absent or inadequate (where present). Further, it is unclear what, if any, account has been taken of the impact on noise pollution (and proposed mitigation) of the rail tracks having been raised 1.5 metres above their previous levels.
98.	Trains approaching the site from the South should have noise/vibration mitigation controls placed on them (until they reach the Railway Yard) to ensure that the terraces near the track are not impacted. Trains should not be coming in from the South.
99.	Noise pollution has been linked with increased cardiac and stroke risk in London (see http://www.bbc.co.uk/news/uk-england-london-33255542).
100	Both end bay plots with all operations should be fully enclosed in acoustic cladding and not just partly covered/open sheds.
101	The noise bund being formed to the railway cottages has a large gap in it for what appears to be hammer head to turn vehicles. This is right next to the flats on Dorchester court which would render the noise bund a pointless token gesture. Noise will inevitably funnel through this space and up through the terraces unless the bund is fully extended around and up to the self-storage building at the very least.
102	HGV turning area to nearest residential units is 35m and is unacceptable. The bund does not cover this area.
103	A longitudinal cross section (north to south) needs to be drawn to include the northern part of the terraces, to better understand the levels of the site. The acoustics of the site are effected by the topography, including the impact on the railway terraces.
104	The assessment for the residential receptor MP2 appear to be based upon 105 minutes of measurement. It standard industry practice that a minimum of 24 hours of measurement is used and current standards encourage even longer surveys to consider the full range of background sound levels experienced at a receptor.
105	The background noise assessment provided does not appear to consider any of the permissible penalties provided in BS 4142:2014 which can affect the outcome of the assessment. This can further increase the activity noise by up to 12dB when establishing a noise rating level.
<i>Air Quality – Light Pollution</i>	
106	The applicant needs to demonstrate how the light pollution for residents living near the rail way tracks will not be exacerbated as a result of increase rail activity during the production of the rail freight facility. Residents have raised issues on the current level of light entering the houses during the night to which an increase would make the houses almost uninhabitable. Industrial security light on allnight will severely impact the surrounding neighbours.
107	The site will have flood lights on between 0600 to 2300 and 24 hrs along the NR PWay route. The lights are 12m high and will cause a serious amount of unnecessary light pollution. Please reconsider this design
Environment	

108	More information is to be provided to address the concern on the local ground water table as a result of the RFF (including from dust emissions- traffic).
109	There is concern with possible erosion on the surrounding land due to the development proposal using the spring water as a water supply for their sprinkler system
110	Any sort of well drilling must be accompanied with a geotechnical assessment of the water demand required and the effect on local ground conditions particularly with the clay substrata in the area and shrink ability potential.
111	One of the mitigation factors discussed is using water to dampen the dust on the wheels of the trucks. The intention is to use water from the natural spring on this site, the implication being that this is ecologically sound practice. An assessment of the effect of using this spring water on the water table does not appear to have been completed.
112	The development proposal should include more green spaces and not a development that will create more environmental harm to the area (through congestion and pollution).
113	The development proposal will cause significant environmental harm to the area.
114	The costs verse environmental impact needs to be properly addressed.
115	The development proposal fails to protect and enhance the adjoining conservation area.
116	Issues were raised from the community regarding the contamination within the local area that may occur as a result of this development application.
117	The development proposal will be devastating for the wildlife and local ecosystem including a bat corridor and a number of threatened species.
118	The proposed removal of freight along the train track through Gladstone Park will impact on the park, quality of life of people living near the rail line and community members enjoying the park.
119	Suggesting use of a local spring without a complete examination of the implications for neighbouring properties sharing the water table is not acceptable.
120	Kara Way Playground will be directly impacted by the dust and noise pollution.
121	The Invertebrate Survey by Russell Miller (Arboriculture & Ecology) included in the developers documents details 131 species: over 30% local, scarce or rare. This includes a number of pollinators and rare bees. The author of the report states that this site is of greatest importance to invertebrates.
Transport	
<i>Transport - General</i>	
122	It has been raised that the TFL have identified the A5 as being over capacitated in traffic and an area of poor air quality. There is concern that this application will only add more pressures to the A5 and make the situation worse.
123	The high volume of trucks and other traffic along local roads (such as Edgware Road) causes safety issues for pedestrians using those roads and residents accessing properties (and children accessing schools) and also results in extended journey times during morning peak.

	The submitters would like to know what traffic management strategy is in place to deal with these issues.
124	TFL needs to ensure traffic along the whole of the A5 flows well and to place pedestrian crossing lights on the A5 at the exit from the site. This should be part of revision of all traffic and pedestrian lights on the A5 between Cricklewood Lane and Staples Corner.
125	The overall roads capacity to take on the impacts of this development application are of concern to local residents.
126	Further information requested on what new roads will be developed to mitigated the impact on Edgware road this development application will incur and therefore new first access onto M1 and North Circular are needed.
127	Further explanation is requested on the impact of emergency services accessing the area and A5 with the increase of traffic this development application will cause.
<i>Transport – HGVs (lorries)</i>	
128	There is concern over the increase of high volumes of HGV vehicles into an already congested and polluted area.
129	The structural design of the surrounding houses will be impacted by the vibrations of the additional HGVs and the freight trains. HGV's have detrimental impact on residential houses to which the responsibility of cost of repair falls on the owner of the house.
130	The proposed increase of HGVs will have direct detrimental effects on Edgware Road, Cricklewood Lane, Westbere Road and Minster Road.
131	Further information is requested that detail the movements of the HGVs to ensure they do not use local roads networks.
132	Further studies need to be done to assess the impact of HGV vehicles on the wear and tear of the roads.
133	There is concern with the level of dust and air quality for the area that will be impacted with up to 800 HGV movements per day i.e. 2 every minute transporting aggregate in addition to offloading, storage and reloading of aggregate and building materials within the site.
134	Traffic modelling needs to ensure that the HGVs will not use Dollis Hill Lane, Claremont Road, Walm Lane, Cricklewood Lane and other surrounding roads as a means of avoiding Edgware Road.
135	HGV's should only be directed through wide easy flowly lanes and therefore not be shifting gears trying to muscle their way through single lane local traffic.
136	There is concern on the surrounding roads are not built to withstand the extra weight of the HGVs. The quality of the roads in the area is rapidly deteriorating. The impact of extra HGV on these roads will increase the situation. Residents identified the knock on effect of damaged roads on vehicles and cyclists for example potholes causing damage to tyres and wheels of cars.
137	There is concern on the HGVs entering and exiting the site movements impacts of the traffic. Northbound HGV queuing to enter will block the northbound A5 when two or three buses are also parked at the bus garage bus stop while they change drivers. The

	<p>A5 must be widened south of the entrance to the freight facility to produce an extra lane, to ensure northbound traffic is not blocked.</p> <p>Northbound traffic on the A5 is often stationary, so HGV attempting to turn right out of the freight facility will block the traffic completely.</p> <p>Traffic lights, which could be part-time during opening hours, and a yellow box are essential to prevent right turners into and out of the site from blocking traffic.</p>
138	The roads are not designed to be wide enough to deal with increase of HGVs.
139	Adding a greater volume of HGVs to a road network already clogged with busses and vehicular traffic would be in violation of all highways policies in the UDP and NPPF.
140	A weight restriction has already had to be introduced on residential roads in Dudden Hill, Dollis Hill and Maesbury wards to deal with skip lorries using residential roads as a rat run. Measures must be introduced to stop this happening, for example funding via s106 agreements for cameras at the entrance to all residential roads off the A5 and the necessary Traffic Management Orders to stop the HGVs.
141	Traffic monitoring is based on hypothetical situations and doesn't accurately reflect the true situation.
142	<p>Calculations of vehicle emissions appear to be made solely on the basis of low numbers of aggregate-carrying HGVs</p> <p>They are not compared with the true baseline, predicted levels of pollution without the road/rail facility and thus they conceal that the effect of the development will be to deprive of us the gains that will be made elsewhere</p>
143	This development assessment needs to take into account the impact of the new residential apartments (Fellows Square Development) and the Brent Cross Redevelopment to be built nearby when assessing the traffic impacts on the A5 but also the A406, M1 and A1 junctions. Collaboratively these proposals will significantly exacerbate the current traffic issues on those intersections.
<i>Transport – Intersections</i>	
144	The development application needs to show evidence of no negative impacts on the Stapes Corner intersection as a result of extra HGV's on the road.
145	The study of the intersection is based on the vehicle movements with a 'flat profile', however as stated in the report a train is unloaded in 2 - 3 hrs. Therefore, the traffic load will be subject to significant peaks. Nevertheless, the study demonstrates Level of service on the intersection in general of up to E on weekends and D on weekdays, which is unstable. This will mean significant delays if there are any issues. The traffic impact is not considered on surrounding areas and only on that intersection.
<i>Transport – Safety</i>	
146	There is concern that an increase of HGVs on the roads surrounding the site will lead to an increase in road accidents (Cricklewood Land and Broadway were mentioned due to the high numbers of accident's already evident on those roads).
147	<p>There is concern that any increase of traffic in the area will result in safety issues. The following key issues were raised by submitters:</p> <ul style="list-style-type: none"> - The increase of HGVs on the surrounding streets will increase the risk of

	<p>accidents for cyclists</p> <ul style="list-style-type: none"> - Major concerns were raised surrounding pedestrian safety as a result of increased HGV vehicles on the main streets. - Impact on the safety of the infant school with large HGVs coming and going near the school grounds. - Increase in traffic volumes will increase the risk of accidents to the children using bus stops at either side of the Dollis Hill land and A5 junction.
148	The inside lane on the A5 from Lidl towards staples corner especially, is marred and rutted mostly by buses, making cycling a precarious act, as well as drivers changing lanes at last minute or slowing down to navigate the ruts can only be made worse by an increase in use from vehicles with a SWL in excess of buses. The development application needs to illustrate the traffic improvement provisions and the infrastructure improvements that will be addressed through the proposal.
149	There is concern with the extra traffic impacting on the function and visibility of the streets and making it dangerous for residents. The main intersection in Cricklewood (Chichelle Road/Cricklewood Broadway/Cricklewood Lane) is already a dangerous junction for pedestrians to cross; the excess of traffic this development will cause will increase the risk of harm in this area to an unacceptable level.
<i>Transport – Traffic Increase</i>	
150	Increase in traffic as a result of the RFF is of concern to the local community due to impact on an area that already results from high congestion.
151	The development application does not demonstrate how the additional traffic will not add further constraint to an already saturated road network.
152	Further details are requested on the traffic impact assessment that was carried out on the Edgware road as a result of the development application.
153	The traffic impact studies need to factor in the surrounding developments such as Fellow Square and the development in BXC, plus any future major developments that may occur.
154	The streets are too narrow to accommodate the additional volume of traffic that would be generated by the proposed development (Cricklewood Lane and Walm Lane were specifically addressed).
155	Further work needs to be done by the Council on decreasing traffic in this area not adding to its already constrained situation.
156	The traffic generated by the development proposal will result in a negative knock on effect on surrounding areas such as Staples Corner and Willesden Green and associated local roads. Further assessment is required on the impact of this development on these road networks.
157	The local side roads surrounding the A5 (and Edgware Road) are currently used by commuters to bypass traffic on the A5. Any additional traffic, especially HGVs, onto the A5 will increase the traffic pressures on the local side roads.
158	Illustration of the amount of excess traffic caused by the street cleaners (as a result of the excess dust caused by the facility) needs to be demonstrated and appropriately mitigated in the road impact assessments for this development proposal.
159	The turning circle at Cricklewood lane(A407)/Claremont Road junction is hazardous enough with large vehicles turning as it is. Cricklewood Broadway is effectively single

	lane and congested at all times with all the buses coming out of the bus garage. Please look at the traffic levels on Claremont Road at 7am every morning when Donoghue HGV's all come out of the sidings and travel north to the Cricklewood Lane.
160	Traffic modelling needs to review the impact of the HGV movements if road works on the junction of Dollis Hill lane/A5 and the Brent Cross Flyover are taking place. The modelling needs to ensure that the 800 trucks will not be using local roads to divert any predicted road works on those two junctions.
161	The development should be prioritizing rail as the means to transport goods and not HGVs.
162	The increased levels of traffic that will result from this development will have a knock on effect both in congestion, noise and dust, impacting a wider geography than the area this site sits in.
163	The local side roads Cricklewood Broadway in particular Temple road are currently used by commuters to bypass traffic. Any additional traffic, especially HGVs, will increase the traffic pressures on the local side roads.
164	Walm Lane and Cricklewood lane are essential to many local shoppers and commuters, and further congestion is the last thing that we need.
165	The report "Phase 2 (South) (Thameslink Station) Scoping Drop-In Application Transport Report: Report Rail FreightRevision P03 August 2017" does not contain a detailed traffic impact assessment report, including appropriate microsimulation traffic model to enable consultees make informed decision / comment.
<i>Transport – London Bus Depot</i>	
166	Concerns over the increase of traffic adding to the additional traffic that the London Bus depot across from the site is causing on a daily basis.
167	There is concern on the entrance to the site being nearly opposite the entrance to the Cricklewood Bus Garage. The following reported traffic issues are currently caused on the main road as a result of the garage entrance including: <ul style="list-style-type: none"> - Buses parked outside the garage on the road causing congestion. - As buses align, park, pull in/out or turn around near the Garage it causes major congestion. With the above issues already evident, there is major concerns that adding HGV to that particular piece of road will create a gridlock situation.
<i>Transport – Congestion</i>	
168	There is concern on the impact of extra vehicles on the already heavily congestion A5 (and Edgeware Road) especially during peak times.
169	Quite frequently traffic approaching the Cricklewood Broadway lights from Chichele Road is unable to make any progress due to traffic from the other roads effectively blocking the junction and adding congestion to Cricklewood Lane (and this is before the increased traffic from the development currently impacting Edgeware Road north of Cricklewood bus garage). The development proposal will only increase the traffic issues in the area.
170	This development application will have detrimental effect on Kilburn High Road which is already congested and will be unable to cope with this additional volume of heavy traffic. This will have a carry on effect on the local businesses and residences along that

	road.
171	Council should be considering introducing a congestion tax for cars driving within this area.
Transport – Access	
172	The trains accessing the facility should be isolated and arrive and depart from the north of the site.
173	There is concern with the access movements from A5 into the site and the knock on effect of large HGV entering and entering the site during busy peak times.
174	A waste Transfer station could be built with access from Claremont Rd.
Transport – Public Transport	
175	The development proposal will cause severe delays on local public transport (buses).
176	The proposed development will add an average of one HGV the roads per minute (based on the 800 HGVS between 7am and 7pm each working day). This extra traffic will cause extra congestion at the Staples Corner end of the section and also at Cricklewood Broadway (Cricklewood Lane-Chichelle-Road intersection). This level of extra traffic will also have detrimental effect on the local bus services ((routes 16, 32, 189, 226, 260, 266, 316, 332, 460) through the intersection at Cricklewood Broadway resulting in severely disrupted bus services during the work week.
Transport – Infrastructure	
177	The proposed development (and recent development in the area) has not included infrastructure upgrades, resulting in significant numbers of people and vehicles in the area using the same infrastructure.
178	The development application needs to illustrate the road infrastructure improvements that will be addressed through the proposal as the area is already beyond capacity.
Transport – Parking	
179	Car parking spaces are currently insufficient in the Dollis Hill and surrounding areas to this site.
Transport – Cycling	
180	There are no alternative cycling paths except the A5 for some residents in the area. Additional HGVs on the A5 will endanger the cycles and potentially discourage people from using cycling as a form of commutable transport.
181	There is no cycling designated path designed into the development application, yet the cycling routes in the BXC development and surrounding places goes in the direction of the A5. The mix of cyclists and HGVs on the same road (A5) with no designated cycle route or segregation is extremely dangerous. A Safe cycle infrastructure plan should be developed and incorporated into this planning application.
Monitoring and Enforcement	
182	There is concern that Barnet Council has lacked appropriate monitoring and management of the Donoghue's Waste Transfer site and including an additional site across the tracks without appropriate management will bring unacceptable noise, dust

	<p>and traffic to this site.</p> <p>Comments were made on the licensing of the site not being appropriately monitored such as transfer and break down of 200 tonnes of rubbish a day during strict operating hours and the coverage and storage conditions placed on the operating centre not being met. The Environment Agency assessed Donaghues and found 4 major breaches of the conditions of the planning permission.</p>
183	The hours of operation should ensure that there will be no negative noise and pollution impacted on the area. Concerns were raised over any night deliveries that may occur due to the proximity to residential houses.
184	There is concern that Barnet Council has lacked appropriate enforcement of previous conditions attached to planning permissions (such as mitigation factors – water to reduce dust) and appropriate management of assets and leases in the BXC area. Further evidence needs to be provided on the monitoring and enforcement strategy for ensuring any conditions applied to the decision notice will be carried out appropriately by the developer.
185	The proposals for monitoring the type of waste being brought to the site for onward transport are inadequate.
186	Future monitoring needs to be put in place to measure the pollution on the A5 immediately north and south of the freight facility exit and outside Our Lady of Grace Infant School. This includes putting measures in place to terminate the use of the RFF if the pollution levels rise beyond acceptable levels.
187	Residents are requesting reassurance from modelling will be incorporated into the approval to ensure that the quality of life before, during and after the installation of the development is measured and that any negative findings will be acted on by the Barent Council.
188	<p>Following recommended monitoring:</p> <ul style="list-style-type: none"> • regular sound tests should be undertaken • work should not commence before 8am and must cease at 7pm, in keeping with standard residential practices • mitigating practises should be regularly audited at the company's expense and an independent complaints and disputes resolution process implemented.
189	What enforcement measures will be put in place should the height of open aggregate stockpiles exceed the permitted heights?
190	Envisaged construction waste brought to the site will be brick and rubble. Checking measures need to be put in place to ensure that there are no hazardous building materials brought to site e.g.Asbestos.
191	The application says dust will be monitored on site and action will be taken if it becomes excessive, but does not provide baseline or trigger levels. It does not discuss how responsibility will be allocated among the operators or how rapid, firm and effective the action will be.
Public Engagement	
192	There are concerns that local resident's objections are not being heard through the development consultation process.

193	Concerns that not all residents have been appropriately consulted throughout the process, especially around new plans submitted. <i>Not one resident of Pinemartine Estate – just across the road – has received a consultation paper</i>
194	Although the public were notified of the change of the freight facility from a container to aggregate and muckaway facility, they were not consulted prior to the decision being made to change the primary design and use of the RFF.
195	Only residents in close proximity to the freight site were sent consultation letters. The residents in neighbouring terraces, streets in the surrounding area should also have been sent consultation letters and actively engaged throughout this process
196	Further information is requested on how prospective buyers of Fellow apartments been consulted.
Other	
Other – General Comments	
197	The level of the railway track should be reinstated to the previous lower levels to reduce the noise and increase the effect of any acoustic barriers.
198	As a local resident, I am already unhappy with the conditions of the neighbourhood. This development proposal will only add negatively to the area.
199	Barnet does not currently monitor similar industrial sites regarding dust and traffic on neighbouring properties.
200	I used to live at 38 Midland Terrace metres away from the mooted plant and remember the poor air quality principally due to the many lorries and general congestion on the A5 close by - to add dust, noise and more exhaust fumes to the mix seems completely unacceptable to me.
201	The development application needs to demonstrate how it is meeting the Mayor of London's recently published Transport Strategy (and overall the Mayor of London's strategy on a greener and clear London) targeting less traffic congestion and airborne pollution across London.
202	Although there stands a historic relationship between Cricklewood and the railway lines, further justification is sought as to the benefit of this development for the community at this site on the railway.
203	Dollis Hill land has degraded over time and extra lorries and garbage coming through will determinately affect the residents quality of life in that area.
204	I am objecting to this planning application which is going to cause an adverse effect on the area.
205	Brent Cyclists, the Brent group of the London Cycling Campaign (www.brentcyclists.org.uk) Object to the Development Application
206	I object to the planning application.
207	Objection on behalf of neighbours in Champion Terrace.
208	I object due to the impact on the railway terraces next to the proposed site.

209.	Barnet has not complied with the Town and Country Planning (General Permitted Development) (England) Order 2015, or acted in accordance with the earlier Statutory Instrument 1988/1812, which is still operative in The Town and Country Planning (Development Management Procedure) (England) Order 2010.
210.	There will be wider implications as a result of this application for the large area of North-West London which have not been adequately addressed in this application.
211.	The Terrace (Gratton) residents feel they are not being adequately considered during the consideration of this development application.
212.	The Council has implemented financial penalties to residents with diesel, high emissions cars so should not consider approving this proposal on environmental grounds.
213.	The litter generated by this size and type of development will be detrimental to the area.
214.	Residents have inquired if compensation will be provided to those people whose lives may be affected by the air and noise, traffic congestion and the houses that may have decreased in value.
215.	The knock on negative effects to Fortune Green was raised by residents (air pollution, HGVs and increase in freight trains).
216.	Objections and comments from Camden and Brent Councils and residents in these areas should also be taken into account before making a decision on this application.
217.	There is a plan for passenger trains to operate between Cricklewood and Old Oak Common, the RFF could be located there instead.
218.	Further justification is sought on how the development application aligns with the Borough of Barnet Air Quality Action Plan (AQAP) .
219.	There is concern that Brent resident's voices are not be listened to by Barnet Council and that the impact of the development has been pushed onto Brent residents.
220.	The development application should not be approved without prior consent from Brent council due to its proximity to the Borough.
221.	LB Barnet should be working with the community (residents, local businesses and neighbouring boroughs) to improve Cricklewood.
222.	I simply do not trust the planning department since the fiasco with British Nuclear Fuels some years back. BNFL used an alternative name and were granted permission for the Storage of " waste" overnight on the railway sidings on a weekly basis. So basically they ended up storing Nuclear waste which was coming to England from Europe on it's way to Sellafield. Containers could only come in one at a time , as they were deemed too dangerous to transport in greater numbers through Europe. Cricklewood Railway sidings was used as a storage base until 3 or 4 containers were collected together and then attached to an engine and taken up the country on the railway line to Sellafield. No one had any idea this was even going on until the Mark Antony investigation and subsequent Tv programme. How could anyone trust the council planning dept after that??
223.	The submitted plans will create unnecessary pressure on the already struggling transport and utility network in the area leading to increased levels of pollution and congestion.

224.	<p>Suggested Conditions:</p> <ul style="list-style-type: none"> - enclose the site partially or fully to minimise dust and noise and light pollution - daily inspections to monitor the quality of the air, wheelwashing and other conditions. Empirical evidence on Claremont Road attests to the ineffectiveness of PB Donoghue washing. - recycling of water from sprinklers and wheelwashing, and a generally gold plated 21st century environmental approach - strict enforcement and heavy fines
225.	<p>The reasoning for the change to this type of facility is that there is a high demand while in the same breath stating that it will not reach the 800 HGV capacity. The details of the market study should be released.</p> <p>The limit should be as per the original application "building to extend to a maximum of 29,300m2...All materials to be stored and handled within the building prior to onward transportation via road. Maximum of 400 HGVs per 24 hr period. 200 in and 200 out."</p>
226.	<p>Walking in the area will become unpleasant as a result of this application.</p>
227.	<p>The Cricklewood regeneration masterplan included enhancement of the Railway Terraces Conservation Area as one of its objectives. If this application is given planning permission, Barnet will betray that objective.</p>
228.	<p>On 13 July 2017 Barnet Council's Environment Committee published a paper entitled 'Tackling air pollution around Barnet's schools'. It refers to the Mayor's Air Quality Audit for schools, which monitors pollution around some of London's most polluted schools. The report states, in section 1.17, that recommendations to improve air quality around Barnet Schools include:</p> <p>'Reducing HGVs and diesel vans on the major roads will reduce air pollution at the schools near to these roads.'</p>
229.	<p>. The benign effect of supplying aggregates to BXC, a site in any case serviceable from the M1, will be tiny; the application itself suggests that only 20% of BXC's aggregate needs will be supplied from this site.</p>
Other - Conflict of Interest	
230.	<p>There are ongoing concerns about the possibility of capture of LB Barnet planning officers. The community relies on these officers to advise the LB Barnet councillors objectively regarding BXC planning submissions and to represent the public interest when dealing with the developer.</p> <p>Issues for concern include:</p> <ul style="list-style-type: none"> - LB Barnet officers and Hammerson employees often arrived and left public consultation meetings together. - LB Barnet officers always recommend to approve all the BXC planning applications and push this hard when advising the councillors in the planning committee meetings. To date, no BXC application has been rejected by the councillors, despite community objections. At one recent planning committee meeting, 3 complicated BXC applications (including the reduction of the Templehoff Bridge from 4 to 3 lanes) were approved after just 20 mins in total at 10:15pm, with officers assuring the councillors that these applications had no problems attached to them.

	<p>These meetings always appear to merely ‘rubber stamp’ what has been proposed, probably because the councillors haven’t read the copious documentation that accompanies each application and so haven’t understood even basic issues, let alone any nuances.</p> <ul style="list-style-type: none"> - LB Barnet officers have now come from the private sector, i.e. Capita, and hence could be more easily captured by the private sector. - Finally, the governance arrangements for the joint venture between LB Barnet and Argent Related, or LB Barnet and DB Cargo, has not been placed in the public domain, so the community is unable to gauge whether LB Barnet are able to protect the interests of Barnet residents.
<p>231.</p>	<p>I am concerned about the conflict of interests that exists with this application, given that the application appears to be a crucial part of the CPO3 process, the joint applicant is the LB of Barnet and planning committee is also the LB of Barnet. This unusual combination of factors gives rise to serious issues relating to procedural fairness.</p>