

APPENDIX B:

**LOCATION:** Cricklewood Sidings, Land Rear of Brent Terrace (South)  
London NW2

**REFERENCE:** 18/5647/EIA                           **Received:** 19/09/2018  
   **Validated:** 20/09/2018

**WARD:** Childs Hill                                   **Expiry:** 10/01/2019  
   **Final Revisions:** N/A

**APPLICANT:** London Borough of Barnet

**PROPOSAL:** The construction of a train stabling facility involving the installation of railway tracks, vehicle barriers and bollards and a buffer stop; construction of pedestrian and drivers walkways; erection of pedestrian access gates, vehicle restraint barriers, overhead line equipment, noise barriers, and lighting columns; provision of single storey modular buildings, parking spaces, and construction compounds; and the realignment of existing Midland Main Line railway tracks to serve the new Train Station.

This application is accompanied by an Environmental Statement.

**1. RECOMMENDATION:**

**APPROVE planning application 18/5647/EIA subject to the recommended conditions listed in Appendix A of this report.**

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

## 2. APPLICATION SUMMARY

### Brent Cross Cricklewood Regeneration

- 2.1 The comprehensive redevelopment of the Brent Cross Cricklewood ('BXC') area is a long-standing objective of the Council and has been embedded in planning policy at both the regional and local levels for over 15 years. The BXC scheme is one of the most important and significant regeneration opportunities in London. It will deliver strategic objectives and public benefits including a significant amount of new housing, new employment floorspace and jobs, a new train station, improved bus station, new town centre, additional and expanded retail facilities, enhanced parks and open spaces, new community facilities, replacement and expanded schools, highway infrastructure improvements including new bridges and pedestrian and cycle links.
- 2.2 Outline planning consent for the BXC Development was approved in 2010 and amended in 2014 via a Section 73 application (application ref: F/04687/13) ('the S73 Permission'). A core requirement of the long-standing planning policies that support the regeneration of BXC is that the development must come forward in a comprehensive and co-ordinated manner in order to secure the delivery of the wide range of significant public benefits.
- 2.3 In order for comprehensive development of BXC to be achieved it needs to be supported by substantial new infrastructure. This includes the construction of a new train station on the Thameslink train line that runs along the western boundary of the regeneration area, which will also be supported by a new transport interchange. The delivery of the new Thameslink train station will significantly enhance the accessibility and the attractiveness of the BXC scheme and wider area and enable the realisation of important regeneration benefits.
- 2.4 The Council has secured £97m of DCLG grant along with a funding agreement with the GLA to the ring-fencing of business rates to fund the delivery of the new train station sooner than originally envisaged under the S73 Permission (Phase 2 rather than Phase 5). The Council is working with Network Rail to deliver the new station by 2022. This will enable it to be delivered alongside the early phases of BXC, ensuring that it forms an integral part of the new development from the outset. Its early delivery will also act as a catalyst for the continued delivery of both the residential and commercial development within Brent Cross South.
- 2.5 There are a number of associated infrastructure components that need to be delivered in order to enable the new Thameslink Station to be constructed. This includes the provision of a replacement waste facility for the Hendon Waste Transfer Station, delivery of a Rail Freight Facility and the relocation of existing rail sidings and train stabling facility, which is the subject of this application. Together, these components make up the Thameslink phase of the BXC development and all of these components are required in order for the new train station to be able to be delivered.

**What is being proposed under this application?**

2.6 The site of the new Thameslink train station is currently occupied by the Cricklewood Down Sidings (also known as the North Sidings), a disused rail freight building (referred to as the ‘Jerich Shed’) and further siding operated by GB RailFreight for construction spoil transfer. The existing North Sidings will be relocated further south to a location adjacent to the existing South Sidings in order to make way for the new train station. This is referred to in the Section 73 Planning Permission for BXC as New MML Train Stabling Facility. The replacement sidings comprise two components:

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

This application relates to component (b) and seeks planning permission for the construction and operation of new sidings, realignment of the existing Midland Main Line railway track and provision of associated infrastructure to ensure the continued delivery of a number of rail related services, which are currently provided at the Cricklewood North Sidings. The Site would be utilised and operated by two Train Operating Companies ('TOCs'): Govia Thameslink Railway ('GTR') and East Midlands Trains ('EMT').

2.7 The proposed new sidings and train stabling facility would include:

- 5 no. new sidings adjacent to the existing South Sidings, which are proposed to be used for the stabling and servicing of trains, to re-provide the existing North Sidings that are required to be decommissioned;
- 6 no. North Sidings and 6no. Midland Mainline Lines which are proposed to be decommissioned, realigned and slewed to accommodate construction the New Thameslink Station;
- 2no. North Reception Roads;
- New driver's walkway;
- Signallers' Parking Bay;
- Vehicle barriers, bollards and a buffer stop;
- Pedestrian access gates;
- Overhead line equipment;
- Noise barrier;
- Lighting columns and external lighting; and
- Construction compounds facilities including single storey modular buildings and parking.

2.8 The replacement sidings compound under item (a) is the subject of a separate planning application (ref. 18/5244/EIA) which is also before the Planning Committee for consideration as part of the same agenda.

**Who has submitted this application?**

2.9 The planning application has been submitted by GL Hearn planning consultants on behalf of the London Borough of Barnet. The Brent Cross Thameslink project team is responsible for procuring and delivering the new Thameslink Railway Station facility on behalf of the London Borough of Barnet. The operational railway land is governed by

Network Rail, and occupied by Govia Thameslink Railway ('GTR') and East Midlands Trains ('EMT').

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

**Why has a drop-in application been submitted?**

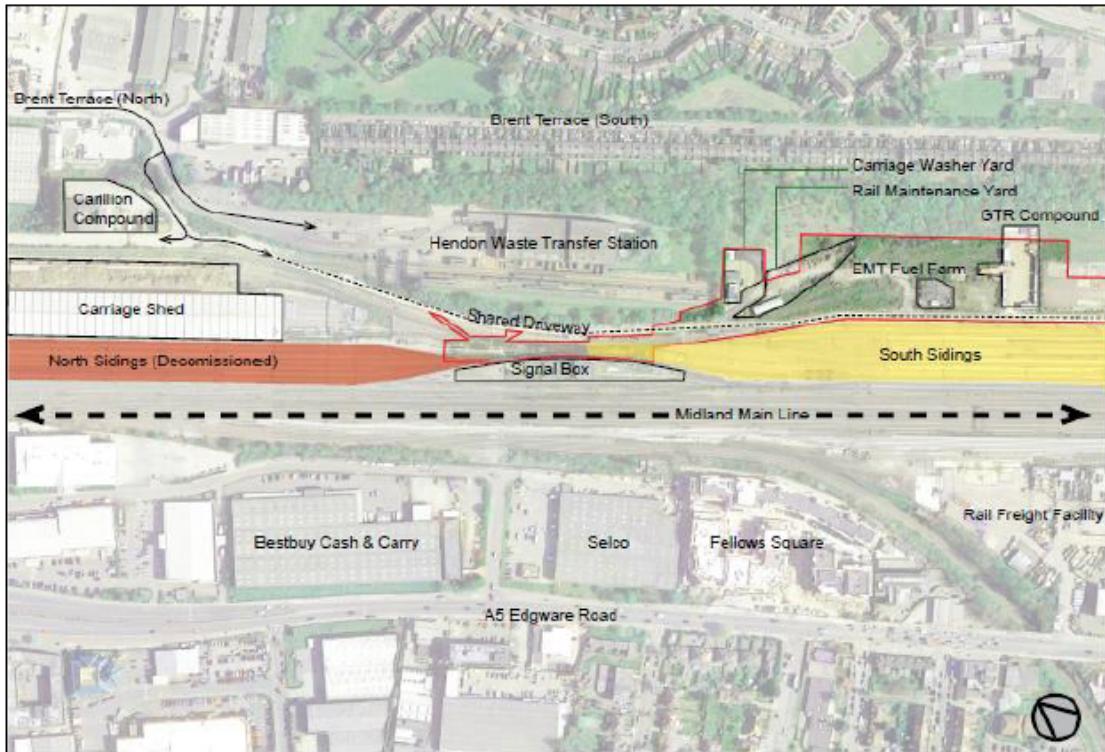
- 2.11 The Section 73 Planning Permission includes consent for the relocation of the existing MML Train Stabling Facility within the Railway Lands Development Zone. The S73 Permission defines the New MML Train Stabling Facility as '*replacement train stabling provision needed to facilitate delivery of the Development within the Railway Lands Zone as set out in...Parameter Plan 002 and Illustrative Infrastructure Drawing Ref. No. 649 SK 00 326*'. Parameter Plan 002 indicates an approximate location of the boundary of the railway land which divides developable land from land required for rail-related development (including the New MML Train Stabling Facility). However, the outline planning application acknowledged that the exact location of the rail operations boundary is to be agreed with Network Rail through the detailed design stages.
- 2.12 As a result of the detailed design process and engagement of Network Rail and other key stakeholders, it has become apparent that not all of the New MML Train Stabling Facility can be located within the Railway Lands Development Zone as originally envisaged in the S73 Permission. This is due to the constraints of the site including the extent of the operational railway boundary, the size and design of the replacement sidings to meet Network Rail's requirements, and the necessity to have the train stabling facilities within proximity to the existing sidings and Midland Main Line railway. The proposed new South Sidings would therefore be partly located on land within the adjacent Brent Terrace Development Zone which was originally envisaged to be developed for predominantly residential uses (i.e. no rail-related development). Consequently, it is evident that the proposed development would not be within the confines of the principles and parameters established by the S73 Permission. As such, planning permission cannot be sought through the mechanisms provided for within the S73 Permission (i.e. Conditions 47.5 and 47.6) and is therefore being sought by way of a 'drop-in planning application'. This will effectively drop the new proposal into the masterplan for Brent Cross. This is not unusual for large developments such as the BXC regeneration scheme and is an acceptable planning method provided it doesn't prejudice the delivery of the wider S73 Permission.

### 3. DESCRIPTION OF THE SITE AND SURROUNDINGS

- 3.1 The Application Site covers an area of land measuring approximately 10 hectares (ha) incorporating the proposed access arrangements off Brent Terrace (North) and temporary access off Brent Terrace (South), areas required for the provision of construction compounds, works to the existing Midland Main Line railway tracks, and construction of new South Sidings. The Site is located at the south-western extent of the BXC regeneration scheme and consists of land forming part of Network Rail's operational land in association with the Midland Main Line railway corridor that provides services between London St Pancras and the East Midlands and Yorkshire, in addition to existing freight lines. The Site is bound to the east by residential properties off Brent Terrace beyond an area of existing trees, Hendon Waste Transfer Station and part of Claremont Way Industrial Estate; to the north by the A406 North Circular and Junction 1 of the M1 motorway (Staples Corner); to the south by Cricklewood Railway Station; and to the west beyond the Midland Main Line railway by a number of commercial and industrial units situated off the A5 Edgware Road, including the recently consented Rail Freight Facility (ref. 17/5671/EIA) and the Waste Transfer Station (ref. 17/6714/EIA) as part of the BXC regeneration scheme.
- 3.2 The Application Site comprises land designated and operated as 'operational railway land' and provides train presentation, stabling and refuelling facilities for two Train Operating Companies, including Govia Thameslink Railway (GTR) and East Midlands Trains (EMT). The area also provides accommodation for the local Network Rail Track Maintenance Team who are currently based on the ground floor of signal box with the signaller occupying the upper floor. In summary, the Application Site currently consists of the following:
- Carriage washer, power Supply and signalling equipment yard;
  - Rail Maintenance Yard (associated with track team materials storage);
  - GTR compound, including offices, WCs and storage facilities accommodated in a series PortaKabins. The site also contains a compactor and waste bins located adjacent to the main yard;
  - EMT Fuel farm, including three 55,000L fuel tanks, dedicated power supply and a small accommodation building; and
  - 5 no. South Sidings, which are used for the stabling and servicing of trains and are to be expanded to the northeast to accommodate the proposed additional Sidings in order to decommission the North Sidings.
  - 6 no. North Sidings and 6no. Midland Mainline Lines which are proposed to be decommissioned, realigned and slewed to accommodate and construct the New Thameslink Station.
- 3.3 The extent of the proposed development is shown on the Combined Redline Boundary Plan Drawing no. 144918-3133-000-ZZZ-DRG-R-MF-000009. Figure 1 below is an extract from the '*Brent Cross Phase 2 (South) (Thameslink Station)*

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*'Drop – in Transport Report: Rail Sidings, July 2018'* illustrating the immediate site context, highlighting the key features related to the site.



- 3.4 Main access to the site is via a concrete access road from the north which connects to Brent Terrace (North) which in turn is accessed from Tilling Road. Tilling Road provides access to the strategic highway network via the A406 North Circular, the M1 Motorway and the A5 Edgware Road. There is no access to the site for the general public.
- 3.5 Land forming the Application Site and associated areas within the vicinity of it have historically been utilised for railway related land uses and activities, compromising engine sheds, rail related storage areas, rail related mechanical equipment and former freight sidings. The remainder of the site comprises former railway land which is mainly covered in scrub and hard surfaced areas. There are no trees within the site boundary however a band of existing trees lies to the east and north-east between the site and the properties on Brent Terrace.
- 3.6 In terms of the wider BXC regeneration, the Application Site would fall within the Brent Terrace Development Zone as defined on Parameter Plan 001 of the S73 Permission. The proposed site for the sidings roughly accords with the areas illustrated as Plots 38, 39, 40, 47, 48, 55 and open space in the form of a Nature Park (NP2). The BXC Development as permitted by the S73 Permission is further described below (see Section 4 of this report).
- 3.7 There are no statutory or non-statutory designations within the application Site. The nearest of such sites within the vicinity of the application Site include:
  - Brent Reservoir SSSI and Brent Reservoir/Welsh Harp Local Nature Reserve – approximately 300 metres to the northwest of the red line;

- Grade II\* The Old Oxgate – approximately 500 metres to the west-southwest;
  - Grade II Church of St Michael – approximately 700 metres to the south-southwest;
  - Grade II Milestone outside 3 & 4 Gratton Terrace – approximately 400 metres to the south;
  - Grade II Dollis Hill Synagogue and forecourt railings – approximately 1 kilometre to the southwest;
  - Cricklewood Railway Terraces Conservation Area – approximately 200 metres at the closest point to the south west across the Midland Main Line.
- 3.8 In respect of the heritage assets described above, it is worth noting that these are located within a highly urbanised environment that has experienced significant change over the years. Plus, some of these assets are situated in relation to the existing and well-established railway infrastructure and have indeed been designated in response to their connection to the railway (the Cricklewood Railway Terraces Conservation Area, for example). Given that the Midland Main Line lies in between the Application Site and the abovementioned assets, the proposed development would not be likely to materially alter the character or setting of the area; particularly as the proposal represents the re-provision of existing railway infrastructure and facilities that are already present on land to the east of the Midland Main Line.

#### 4. BRENT CROSS CRICKLEWOOD REGENERATION SCHEME

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

*Comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 - A5, offices, industrial and other business uses within Use Classes B1 - B8, leisure uses, rail based freight facilities, waste handling facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, CHP/CCHP, relocated electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste handling facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development (Outline Application).*

*The application is accompanied by an Environmental Statement.'*

- 4.2 The permitted BXC regeneration scheme is divided into a number of Development Zones based on the varying character and land uses within the regeneration area. Given the extensive railway infrastructure in the southwest quadrant of the regeneration area, the S73 Permission granted outline planning consent for a 'New MML Train Stabling Facility' within the 'Railway Lands Development Zone'; defined as 'Rail Enabling Works' for the replacement train stabling provision to facilitate delivery the 'New Train Station'.
- 4.3 The S73 permission originally identified the New MML Train Stabling Facility to be delivered in Phase 4 (circa 2029). However, along with the Thameslink train station, the New MML Train Stabling Facility has been re-phased (planning reference 17/3661/CON) into the newly created Phase 2 (South) (Thameslink Station) sub-phase within Phase 2 to enable the new train station to be delivered in 2022.

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- 4.4 As illustrated on Parameter Plan 001 of the RDSF, the area of Phase 2 (South) (Thameslink Station) primarily comprises two development zones: Brent Terrace Development Zone and Railway Lands Development Zone.
- 4.5 The approximate location of the boundary to the operational railway which divides the developable land required for BXC development from the land that will remain as operational railway is shown on Parameter Plan 002 Rev 13 and Illustrative Infrastructure Drawing Ref No 649 SK 00 326 (Plan 17 of Schedule 8 of the S106 Agreement) contained within Appendix 7 to the RDSF. As defined in the RDSF, the boundary is indicative with the exact location of the rail operations boundary to be agreed with Network Rail.
- 4.6 Delivery of the New MML Train Stabling Facility is controlled through planning Conditions 47.5 and 47.6 of the S73 Permission; whereby Condition 47.5 controls the Rail Enabling Works which include the works to the railway lines necessary to enable the delivery of the MML Train Stabling facility and the new Train Station; and Condition 47.6 states the following:

*Prior to beginning the MML Train Stabling Facility as shown on Parameter Plan 002 Rev 13 and Illustrative Infrastructure Drawing Ref No 224\_PD\_IF\_000 Rev G<sup>1</sup> and to be provided in accordance with the Detailed Delivery (Non-PDP) Programme full details will be submitted to and approved by the LPA in accordance with relevant planning obligations contained in the S106 Agreement and the relevant Phase Details.*

*Reason: To ensure the provision of transport infrastructure to support comprehensive redevelopment to the satisfaction of the LPA.*

- 4.7 The 2014 S73 Permission also incorporates other control documents, including a Revised Design and Access Statement ('RDAS') and Revised Design Guide ('RDG'), that offer further guidance on the BXC Development.
- 4.8 A number of other technical assessments relating to, inter alia, traffic and transport, noise and vibration, air quality and design also accompany the S73 Permission.
- 4.9 The 2014 S73 Planning Application was also accompanied by, and determined on the basis of, conclusions contained within an Environmental Statement.

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<sup>1</sup> Plan ref. 224\_PD\_IF\_000 Rev. G referred to in Condition 47.5 has been superseded by plan no. 649\_SK-00\_326, which is contained within Appendix 7 of the RDSF.

## 5. DESCRIPTION OF PROPOSED DEVELOPMENT:

5.1 The application seeks planning permission for the following proposed development:

*"The construction of a train stabling facility involving the installation of railway tracks, vehicle barriers and bollards and a buffer stop; construction of pedestrian and drivers' walkways; erection of pedestrian access gates, vehicle restraint barriers, overhead line equipment, noise barriers, and lighting columns; provision of single storey modular buildings, parking spaces, and construction compounds; and the realignment of existing Midland Main Line railway tracks to serve the new Train Station"*

5.2 The proposal comprises the following rail components:

- 5 no. new sidings (*low-speed track section separate from the main running line where trains are able to be parked*) adjacent to the existing South Sidings, which are proposed to be used for the stabling and servicing of trains, to re-provide the existing Cricklewood Down Sidings (also known as North Sidings) that are required to be decommissioned;
- 6 no. North Sidings and 6no. Midland Mainline Lines which are proposed to be decommissioned, realigned and slewed to accommodate construction the New Thameslink Station;
- 2no. North Reception Roads;
- New driver's walkway;
- Signallers' Parking Bay;
- Vehicle barriers, bollards and a buffer stop;
- Pedestrian access gates;
- Overhead line equipment;
- Noise barrier;
- Lighting columns and external lighting; and
- Construction compounds facilities including single storey modular buildings and parking.

5.3 The MML Train Stabling Facility is proposed to be approximately 1800m long, with the realignment works approximately measuring 1200m long. The facility would consist of five new sidings, (each approximately measuring 500m long and capable of accommodating 3 x 8 car trains per track or 2 x 12 car trains; a maximum of 15 trains at any time). The proposed rail infrastructure is required for the operation of both the Thameslink and MML Railway, and would be utilised and operated by two Train Operating Companies: Govia Thameslink Railway and East Midlands Trains.

5.4 All trains currently stabled on the North Sidings would be relocated to the new facility which would also be utilised to stable two Network Rail Tamper Trains. It is understood the new facility would accord to the current timetable, which envisages that only 13

EMT trains and 2 GTR rains would utilise the facility with in a 24-hour period and only 5 trains would be stabled overnight. The timetable may vary or be amended in the future, however, would not significantly differ and would not increase the number of trains stabled.

- 5.5 The new proposed level crossing would provide a safe track crossing point for the railway operational staff and vehicles, which are required to cross the tracks to access the new Compound and TOC accommodation building. Details of the operational railway and the new Train Stabling Facility are shown on the following plans: 'South Reception Roads and Mainlines Drawing Sheets 1 to 7' and the realignment of the existing railway to serve the new Train Station are shown on the 'North Reception Roads and Mainlines Drawings sheets 1 to 8'. The main elements of the proposed development are further described below.

#### Track Re-alignment works including North Reception Roads

- 5.6 It is understood four mainline tracks are required to be realigned to accommodate the platforms for the proposed new Thameslink Train Station, and two reception lines are required to be aligned to connect the stabling facility to the existing Midland Mainline Railway. The MML Track re-alignment and North Reception Roads have been designed to allow for a temporary tie-in with the existing Scissor Crossing (*two pairs of switches that cross cover over between two parallel train tracks forming an X*), which would be replaced at a later stage of the development when the crossing will no longer be required for the rail operations of this Application site. It is understood the proposed new North Reception Roads will be constructed with the permissible limits of Adjacent Line Open (ALO) working.
- 5.7 The new rail track will connect to the existing rail track from the Cricklewood end and will reduce to a single track to connect back to the MML. Once the MML Stabling Facility has been constructed, the existing North Sidings will be de-commissioned.

#### Supporting Rail Infrastructure

- 5.8 The proposal includes new and modified Overhead Line Equipment, which are electrified by means of a 25kV supply. New and modified signalling power points, heating, lighting and modification to the existing South Sidings substation are proposed. In addition to the relocation of the Auto Transformer Feed (ATF) to allow for the new Thameslink Train Station, the proposal also includes New Relocatable Equipment Buildings (REBs), cabinets and signals to accommodate the changes made to the MML Train Stabling Facility and Track Re-alignment works. The position of the supporting rail infrastructure would follow the profile of the new MML Train Stabling Facility and Track re-alignment.
- 5.9 The Driver's walkway, 1.5m in width was initially envisaged to provide access to the new compound and GTR accommodation via the existing Cricklewood Station; however, would now extend further to provide future access to the Thameslink Train Station and include secure entrance and exit points to meet GTR Requirements. This access will only be used by drivers and in the future, it is envisaged that a secure

turnstile gate and secure door would be proposed; to allow drivers to access the rear of the station eastern entrance.

- 5.10 To support the end of the Tamper Sidings, a Buffer stop is proposed which is a device that prevents the trains going past the physical section of the end of the track.
- 5.11 A Noise barrier is proposed along the eastern perimeter of the operational rail boundary, whereby the height varies between 2.5m and 5m high.
- 5.12 Three parking spaces (one with passive charging facility), associated with the existing signal box are proposed and would be located outside the railway fenced area. Access from the Signaller's parking bay would be via a security controlled turnstile and controlled from the Signal Box. In the interim period, the security controlled turnstile would adjoin the private access road via Brent Terrace (north), with the long-term provision adjoining to the new Spine Road (both to be constructed and assessed as part of the Phase 2 (South) (Thameslink Station Approach)).
- 5.13 The Application site would be bounded by a security fence to prevent public access and would only be accessible by authorised personnel via a fob or card access system. Pedestrian safety would be achieved through the use of a kerbed and tactile paving, and clear road markings separating pedestrians from the vehicles. An extensive Armco barrier would run parallel to the sidings to guard pedestrians and vehicles. The level crossing over the MML Train Stabling Facility would have a textured rubber finish and inspection walkways would have a textured concrete finish to provide a non-slip surface.

#### Construction Compounds

- 5.14 Two temporary construction compounds and two construction worker car parking areas are proposed along the east of the application site. These will include:
  - Printing and Network Connection;
  - Parking, Plant and Material Storage areas;
  - Welfare, toilets, changing facilities and drying rooms.
- 5.15 The construction compound would be divided between the Main Compound and the Satellite compound; whereby the main compound would be constructed in two phases. A modular office building is proposed, circa being 36m x 24m situated within the footprint of the existing scarp yard. The modular office would initially accommodate 50 people until March 2019. Car parking spaces for approximately 100 vehicles are proposed, although it is understood that this number of vehicles is not expected during the construction of the sidings due to travel plan initiatives and through encouraging car share opportunities.
- 5.16 The secondary compound is proposed to facilitate the initial main works for the sidings and will provide car parking facilities for 30 vehicles. Access to the car park would be via Brent Terrace (South), through an existing access point which would be reinstated. This car park would be controlled on a permit system. It is understood no HGV vehicles

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are proposed to access this car park and no vehicles would park on Brent Terrace itself. A safe walkway would be erected and managed to ensure vehicle and pedestrian segregation is adequately maintained. To mitigate any potential impact to Brent Terrace (South) residents, the access will only be utilised during daytime midweek hours and access for night-time of weekend works is proposed to be via Tiling Road.

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

- 6.1 As described in Section 4 of this report, the S73 Permission for the BXC' regeneration scheme grants outline planning consent for the 'New MML Train Stabling Facility' (replacement train stabling provisions required to facilitate the delivery of Development within the Railway Land Development Zone including the new Thameslink train station) and is identified as part of the 'Rail Enabling Works'.
- 6.2 The application site falls within the Railway Lands Development Zone as identified on Parameter Plan 001 of the S73 Permission. This zone spans the western boundary of the Masterplan and contains the rail related infrastructure and land uses.
- 6.3 The delivery of New MML Train Stabling Facility is controlled by Planning Condition 47.6 of the S73 Permission and requires full details of the MML Train Stabling Facility to be submitted to and approved by the LPA. Such details are expected to accord with parameters illustrated on Parameter Plan 002, Illustrative Infrastructure Drawing Ref No 224\_PD\_IF\_000 Rev G<sup>2</sup> and relevant Phase Details (required by Planning Condition 14.2). Therefore, ordinarily, development of a Train Stabling Facility within the Railway Lands Development Zone to facilitate operation of the Railway Sidings could be secured through the submission (and approval) of details pursuant to Planning Condition 47.6.
- 6.4 In the text which accompanies Parameter Plan 002 within the Revised Development Specification Framework ('RDSF'), Paragraph 16 indicates that the railway boundary on 'Illustrative Infrastructure Drawing Ref No 224\_PD\_IF\_000 Rev G' is indicative, with the exact location of the rail operations boundary to be agreed with Network Rail. This demonstrates that a degree of flexibility was envisaged at the outline planning stage to subsequently determine the boundary between the Railway Lands and Brent Terrace Development Zones. Nevertheless, based on the Local Planning Authority's pre-application engagement with the Applicant and review of the submitted planning application, it is recognised that the proposed development would be situated outside the Railway Lands Development Zone where the New MML Train Stabling Facility was envisaged to be located, and instead within the adjacent Brent Terrace Development Zone. Specifically, the proposed development would encroach onto land indicated for delivery of Plots 38, 39 and part of Plot 47 which are identified to deliver principally residential development along with retail and creche uses (as identified in Table 8a Schedule of Parameter Plan 029 and the Zonal Floor Space Schedule contained in Appendix 5 which divides developable floorspace between the Development Zones). The proposal also appears to encroach onto land which is identified for the delivery of 0.42 hectare of open space (Nature Park 2 – Railway Lands Nature Park). As such, it is evident that the proposed development would not be in conformity with the relevant principles and parameters established by the S73 Permission and therefore the proposed development could not come forward pursuant to Condition 47.6. Therefore,

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<sup>2</sup> Plan ref. 224\_PD\_IF\_000 Rev. G referred to in Condition 47.6 has been superseded by plan no. 649\_SK-00\_326, which is contained within Appendix 7 of the RDSF.

detailed approval is sought by way of this ‘drop-in’ planning application.

- 6.5 In order to assess the divergence of the proposals from the development permitted by the S73 Permission, the LPA identified the need for this drop-in application to be accompanied by suitable and acceptable evidence to demonstrate that the proposed development would not undermine or prejudice the delivery of the BXC regeneration scheme. To facilitate the LPA’s consideration of the proposed development, evidence has therefore been submitted in support of this planning application in form a ‘Brent Cross Thameslink Works Package B: Sidings – Brent Terrace Reconciliation Feasibility Study’ (August 2018). The aim of this study was to demonstrate (insofar as is possible) compatibility with the principles of the BXC masterplan, and provide adequate evidence to demonstrate that the S73 Permission will remain capable of implementation notwithstanding construction of the proposed Sidings Compound in addition to the proposed new sidings/rail tracks and realignment of the existing Midland Mainline railway tracks as set out in associated planning application 18/5647/EIA. Consideration of this study is expanded upon in Section 8 (Planning Considerations) of this committee report.
- 6.6 The use of ‘drop-in applications’ in the context of outline planning consents, particularly for large regeneration projects delivered over a number of years, is not an uncommon planning approach<sup>3</sup>. Indeed, two drop-in planning applications have been approved to date in relation to the Rail Freight Facility and Waste Transfer Station within the S73 Permission. The purpose of utilising such an approach is so that alternative development on land that benefits from outline planning permission can be achieved. However, in the case of BXC, the use of ‘drop-in applications’ would only be considered acceptable to the Local Planning Authority providing that (1) the proposed development is compatible with the S73 Permission; (2) it does not undermine or prejudice the overall delivery of the wider masterplan (i.e. comprehensive development of the BXC area); and (3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications.
- 6.7 In the event that planning permission is granted for the proposed development, or any other ‘drop-in application’, two planning permissions would effectively coexist for development of the same land. In this instance, the Pilkington Principle would apply whereby implementation of any planning permission for the proposed development (if granted) would render the respective part of the S73 Permission un-implementable. However, provided that the alternative proposals within the ‘drop-in application’ and any subsequent permission granted pursuant to them does not prejudice the delivery of any other part of the approved BXC regeneration scheme, the proposed development can be delivered in the context of the S73 Permission. The Local Planning Authority is satisfied with this planning approach subject to the aforementioned caveats ((1) to (3) in paragraph 6.9).

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<sup>3</sup> The planning processes connected to the delivery of the Olympic Park by the London Legacy Development Corporation can be quoted as a preceding example for the use of ‘drop-in’ or ‘slot-in’ applications.

## 7. MATERIAL CONSIDERATIONS

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

### **Key Relevant Planning Policy**

- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (published March 2016) and the development plan documents in the Barnet Local Plan (namely the Core Strategy DPD and Development Management Policies DPD both adopted September 2012).
- 7.3 Chapter 12 of Barnet's Unitary Development Plan (2006) also remains extant and the policies contained within it are also material considerations given the location of the application site within the Brent Cross Cricklewood regeneration area. Taken together, these statutory development plans are therefore the main policy basis for the consideration of this planning application.
- 7.4 More detail on the policy framework relevant to the determination of this planning application and an appraisal of the proposed development against those relevant development plan policies is set out in subsequent sections of this report dealing with specific policy and topic areas. Table 1 below summarises The London Plan and the Barnet Local Plan policies relevant to the determination of this planning application.

**Table 1: Summary of the development plan policies most relevant to the determination of planning application 18/5244/EIA**

<b>The London Plan (March 2016)</b>	
<b><i>London's Places</i></b>	
Policy 2.13	Opportunity Areas and Intensification Areas
Policy 2.18	Green Infrastructure: The Multi-functional Network of Green and Open Spaces
<b><i>London's Response to Climate Change</i></b>	
Policy 5.2	Minimising Carbon Dioxide Emissions
Policy 5.3	Sustainable Design and Construction
Policy 5.11	Green Roofs and Development Site Environs
Policy 5.12	Flood Risk Management
Policy 5.13	Sustainable Drainage
Policy 5.14	Water Quality and Wastewater Infrastructure
Policy 5.21	Contaminated Land
<b><i>London's Transport</i></b>	
Policy 6.1	Strategic Approach
Policy 6.3	Assessing Effects of Development on Transport Capacity
Policy 6.9	Cycling
Policy 6.13	Parking
<b><i>London's Living Spaces and Places</i></b>	
Policy 7.4	Local Character

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Policy 7.14	Improving Air Quality
Policy 7.15	Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
Policy 7.19	Biodiversity and Access to Nature
Policy 7.21	Trees and Woodlands
<b><i>Implementation and Monitoring Review</i></b>	
Policy 8.2	Planning Obligations
<b>Barnet Local Plan – Core Strategy DPD (September 2012)</b>	
Policy CS NPPF	National Planning Policy Framework – Presumption in Favour of Sustainable Development
Policy C1	Barnet's Place Shaping Strategy
Policy CS2	Brent Cross – Cricklewood
Policy CS5	Protecting and Enhancing Barnet's Character to Create High Quality Places
Policy CS7	Enhancing and Protecting Barnet's Open Spaces
Policy CS8	Promoting a Strong and Prosperous Barnet
Policy CS9	Providing Safe, Effective and Efficient Travel
Policy CS13	Ensuring the Efficient Use of Natural Resources
<b>Barnet Local Plan – Development Management Policies DPD (September 2012)</b>	
Policy DM01	Protecting Barnet's Character and Amenity
Policy DM04	Environmental Considerations for Development
Policy DM14	New and Existing Employment Space
Policy DM16	Biodiversity
Policy DM17	Travel Impact and Parking Standards
<b>Unitary Development Plan (2006) – Chapter 12: Cricklewood, Brent Cross and West Hendon Regeneration Area</b>	
Policy GCrick	Cricklewood, Brent Cross, West Hendon Regeneration Area
Policy C1	Comprehensive Development
Policy C2	Urban Design – High Quality
Policy C3	Urban Design – Amenity
Policy C4	Sustainable Design
Policy C10	Employment

- 7.5 A number of other documents, including supplementary planning documents, design guidance and national planning practice guidance, are also material to the determination of the application. This includes:
- Cricklewood, Brent Cross and West Hendon Development Framework (2005);
  - National Planning Policy Framework (July 2018);
  - National Planning Practice Guidance;
  - Noise Policy Statement for England (DEFRA, 2010);
  - LB Barnet Planning Obligations SPD (2013);
  - LB Barnet Sustainable Design and Construction SPD (2016);
  - The Mayor's Sustainable Design and Construction SPG (2014);
  - The Mayor's The Control of Dust and Emissions during Construction &

- Demolition SPG (2014); and
- The Mayor's Land for Industry and Transport SPG (2012).

- 7.6 The Local Planning Authority also recognise other relevant topic specific frameworks that may be material to the consideration of this planning application. This includes:
- Mayor's Transport Strategy (2018)
  - Mayor's London Environment Strategy (May 2018)
  - London Local Air Quality Management – Policy Guidance (2016);
  - LB Barnet's Air Quality Action Plan 2017-2022;
- 7.7 In December 2017 the Mayor published a draft new London Plan for consultation. The consultation period ended 2<sup>nd</sup> March 2018. A further draft with the Mayor's minor suggested changes was published on 13<sup>th</sup> August 2018, along with consultation responses received by the Mayor on the draft new London Plan. However, this draft new London Plan remains subject to Examination in Public with the principal hearing sessions likely to be held during the first half of 2019. Any panel report considering this draft new London Plan are indicated as being published in Summer 2019<sup>4</sup>. Given the status of this New London Plan, limited, if any weight should be attached to the draft policies contained within it when considering this planning application.

### **Other Relevant Council Decisions**

- 7.8 Council decisions in relation to the regeneration of BXC date back to 2004. In relation to the delivery of the new Thameslink Station, relevant decisions have been made by the Cabinet Resources Committee and more recently by the Council's Assets, Regeneration and Growth Committee and Policy and Resources Committee. The following is a summary of relevant decisions.
- 7.9 The delivery of the Thameslink Station, and associated infrastructure including land acquisitions, will be funded by public sector initially from the existing Council capital budgets as approved by the Assets, Regeneration and Growth Committee on 17<sup>th</sup> March 2016 and Policy and Resources Committees on 17<sup>th</sup> May 2016 and 28<sup>th</sup> June 2016) and also from DCLG grant funding and public sector borrowing.
- 7.10 Cabinet Resources Committee, 16 January 2014 (Decision Item 6) – approved in relation to the Thameslink Station, that the Council continue the design and development work to develop the business case and funding strategy for delivery of the Thameslink Station, subject to approval of the capital funding bid by Cabinet on 25 February 2014.
- 7.11 On the 11<sup>th</sup> July 2016 and again on the 5<sup>th</sup> September 2016 the Council's Assets, Regeneration and Growth Committee approved the making of the London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 3) 2016 (known as CPO3) to assemble the land required to develop the Thameslink Station and associated infrastructure work packages. The Order was subsequently made on 7

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<sup>4</sup> The London Plan Examination in Public 2018-2019 – Panel Note 1: Preliminary Information about the Examination in Public (August 2018)  
([https://www.london.gov.uk/sites/default/files/ex01\\_lp\\_panel\\_note\\_no.1\\_final.pdf](https://www.london.gov.uk/sites/default/files/ex01_lp_panel_note_no.1_final.pdf)).

September 2016 and a public inquiry into CPO3 was conducted by an independent Planning Inspector appointed by the Secretary of State in September 2017. Subsequently on 15<sup>th</sup> May 2018, the Secretary of State for Housing, Communities and Local Government confirmed CPO3 in full.

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

### **Relevant Planning History**

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

**Table 2: Planning history of the Application Site**

C04437B	The provision of a refuse transfer station  British Railways Land Adjacent To Brent Terrace NW2	Approved 13/02/1975
18/3100/CON	Details of Early Works pursuant to Condition 49.1 relating to Sub-Phase 2 (South) (Thameslink Station) of planning permission F/04687/13 dated 23.07.2014 for the Brent Cross Cricklewood regeneration area	Approved 20/07/2018
18/5244/EIA	The construction of a compound for use by railway staff and train drivers, including the erection of a two storey office and welfare block with associated yards, site levelling, external lighting, fencing, gates, fuel tank firewall, and landscaping; construction of new service and access road with bollards and footways; vehicular parking; storage facilities; installation of underground attenuation tanks; the relocation of railway related plant and equipment including fuel tanks, sand silos, retention of plant associated with a carriage washing facility, waste bins, and compactor; and the temporary use of land for construction compounds, comprising site offices, material storage, and car parking.	Current application pending consideration

### **Pre-Application Public Consultation**

- 7.14 As set out in the ‘Record of Engagement, Station Sidings – Rail Realignment’ (prepared by GL Hearn, dated September 2018) submitted with the application, it is evident that the Applicant has undertaken extensive pre-application consultation with residents and other stakeholders in the context of the proposed development and the wider BXC regeneration scheme, particularly in relation to the development packages contained within Phase 2 (South) (Thameslink Station) sub-phase.
- 7.15 This consultation has been undertaken in accordance with the spirit of the advice laid out in the National Planning Policy Framework (NPPF), and additionally in response to guidance published by Barnet Council itself. Section 4.1.2 of the Council’s Statement of Pre-Application Consultation (2015) states *‘The aim of pre-application consultation is to encourage discussion before a formal application is made, enabling communities to have an influence on a planning proposal before it is finalised. The process can help to identify improvements and overcome objections at a later stage. Such pre-application consultations can take the form of exhibitions, presentations, workshops or simply a letter or mail shot’*.
- 7.16 The Applicant’s Consultation Statement sets out the programme of public and stakeholder consultation undertaken between April 2017 and July 2018. To advertise these events and notify residents and local businesses of proposals which are the subject of this planning application, a newsletter announcing the development of the compound and other elements of the project was posted out to approximately 42,000 residents and local business in mid-June 2018. In addition to this, the events were publicised on the Council’s website and via social media accounts.

#### **Stakeholder engagement and Public Engagement**

- 7.17 Residents and key stakeholders were invited to attend a dedicated stakeholder event, which took place on 21<sup>st</sup> June 2018 at the Claremont Free Church. 500 invites were delivered to the relevant addresses.
- 7.18 A series of public exhibition events were held to provide further information on the Sidings Compound and New Train Stabling Facility and MML Track Realignment proposal:
- Tuesday 26th June, 4pm – 8pm, Maurice and Vivienne Wohl Campus, 221 Golders Green, London, NW11 9DQ
  - Tuesday 3rd July, 6pm – 8pm, Crest Academy, Crest Road, London, NW2 7SN

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

## Statutory and Other Technical Consultation Responses

- 7.19 In accordance with the relevant Regulations (Town and Country Planning (Development Management Procedure) Order 2010 (as amended) and Town and Country Planning (Mayor of London) Order 2008), the Local Planning Authority ('LPA') conducted a number of consultations with both statutory and non-statutory bodies relevant to the development proposed within this planning application. The consultation responses received following this initial consultation (i.e. following validation of the planning application) are summarised below with an Officer response provided where necessary for the purposes of clarification:
- 7.20 **The Greater London Authority** have written to the Local Planning Authority (LPA) advising that, given the nature and scale of the proposals, the proposed development does not give rise to any new strategic planning issues. Therefore, the Mayor of London has confirmed that he does not need to be consulted further on this planning application and the LPA can proceed to determine the planning application without further reference to the Greater London Authority.
- 7.21 **Brent Council** did not provide any comments in response to the LPA's consultation.
- 7.22 **Transport for London** (TfL) is supportive of the proposed development and have requested clarification regarding the Construction Transport Management Plan (CTMP) provided with the planning application. The document generally accords with TfL Construction Logistic Guidance subject to the following clarifications raised:
- Demonstrate how the contractors will comply with Construction Logistics and Community Safety standard (CLOCS) (TfL guidance on Construction Logistics Plan), Fleet Operator Recognition Scheme, application of HGV Direct Vision Standard and limits to using of off road vehicles on the highway.
  - Delivery management system details should be provided.
  - For the designated routes and times of operation they should identify where there are potential vulnerable road users e.g. vehicles turning across cycle routes, routes sensitive receptors (e.g. primary schools).
  - Demonstrate the feasibility of movement by rail as part of the journey to site for each stage of construction and phase of construction.
  - Design for Manufacture and Assembly (DfMA) and off-site manufacture for each stage of construction and phase of construction.
  - How the opportunities to re-use materials on site has been considered.
  - Smart procurement to help minimise vehicle movements, this can apply to main contractor, sub-contractors and suppliers. CTMP should show how minimising vehicle movements and safety is embedded into procurement.

- The CTMP should set out how each contractor on site will be encouraged to collaborate with other contractors within the BXC regeneration area will co-operate and set out how liaison with adjacent sites will be managed. There are some positive statements on this aspect.
  - The CTMP should include information on staff travel or reference the Construction Workers Travel Plan
- 7.23 **Network Rail** is supportive of the proposal and acknowledge relevant Train Operating Companies have been consulted. The application is without prejudice to Network Rail's permitted development rights as enshrined in parts 8a and 18a of the General Permitted Development Order 1995.
- 7.24 **Environment Agency (EA)** raise no objection to the proposed development, and note the proposed development is sited with Flood Zone 1, which is land assessed as having less than 1 in 1,000 annual probability of river or sea flooding in any year. To reduce risk to the water environment the EA have recommended that surface water drainage from areas of hardstanding should be passed through oil separators prior to being discharged into any watercourse, soakaway or surface water sewer. Clean roof water or vehicle wash downs and detergents should be drained to foul sewer or a sealed system.
- 7.25 **Natural England** raise no objection and considers that the proposed will not have significant adverse impacts on statutorily protected sites or landscapes.
- 7.26 **National Grid** raised no objection to the proposed development, although noting that an operational gas apparatus is located within the application site boundary. An informative is suggested whereby the applicant is required to notify National Grid for approval prior to works commencing on site and ensuring requirements are adhered to.
- 7.27 **Thames Water** did not provide any comments in response to the LPA's consultation.
- 7.28 **Affinity Water** did not provide any comments in response to the LPA's consultation.
- 7.29 The Council's **Environmental Health Officer** provided comments in relation to air quality, noise and contaminated land impacts and concluded that further information was required to assess the impact of the proposed development. The comments are summarised below:
- **Noise and Vibration:** Clarifications are required for the proposed night time construction works and demonstrate how the predicted noise levels at the nearest sensitive receptors have been calculated; demonstrate whether the proposed noise barrier would provide sufficient mitigation; clarifications regarding piling methods and night time works trigger the need for a Section 61.

- **Air Quality:** All HGV's vehicles should be Euro VI/6 compliant. Submission and approval of a Construction Environmental Management Plan requested prior to works commencing on site and other conditions including that all HGVs are Euro VI compliant as a minimum and emissions standards for Non-Road Mobile Machinery.
- **Land Contamination:** The assessment submitted is considered to be satisfactory. A condition is recommended requiring the submission and approval of a remediation method statement. Where remediation of contamination on the site is required, completion of the remediation detailed in the method statement shall thereafter be carried out and a report that provides verification that the required works have been carried out, shall also be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

*Officers Response:*

*Further to the Environmental Health Officer's consultation response, the Applicant provided clarification in respect of all matters raised, including clarification regarding the potential noise and vibration impacts of the proposed development. As discussed in paragraphs 8.28-8.50 below, the Council's Environmental Health Officer is now content with the information submitted.*

- 7.30 The Council's **Transport Planning and Regeneration Team** raised no objections to the proposed development subject to the following clarifications regarding the Construction Impact Assessment, construction traffic and general traffic once the development is built and in operational, effect of construction HGV on Brent Terrace North and any nearby sensitive receptors; and suggested a number of conditions, including:
- Submission and approval of a full travel plan;
  - A delivery and servicing management plan;
  - Compliance with the Construction Traffic Management Plan submitted with the planning application;
  - A submission and approval of a Supplemental Construction Traffic Management Plan for the transportation and delivery for the transporting of the switch and crossing units prior to these arriving on site; and
  - Details of cycle and parking facilities prior to occupation.
- 7.31 The **Lead Local Flood Authority** did not provide any comments in response to the LPA's consultation.
- 7.32 The Council's **Development Travel Plans Team** did not provide any comments in response to the LPA's consultation.
- 7.33 All **Ward Councillors for Childs Hill and Golders Green** were notified of the planning application.
- 7.34 Based on the Council's current database, a number of other residents' associations

and community forums were also consulted on the planning application but have not provided any comments. This included: **Cricklewood Community Forum**, **Cricklewood Neighbourhood Association**, **Cricklewood Residents Association**, **Railway Terrace Community Association**, **Brent Terrace Residents Association**. However, no comments have been received from these particular organisations.

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

#### **Public Consultation Response**

- 7.36 Upon validation of the planning application, the LPA notified **568** properties within the vicinity of the Application Site. The Application was advertised in the Local Press Newspaper on **25<sup>th</sup> September 2018** and by site notice. The public consultation ran for a 4-week period between **20<sup>th</sup> September to 18<sup>th</sup> October 2018**.
- 7.37 No representations in relation to this planning application have been received by the LPA.

## 8 PLANNING CONSIDERATIONS

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

### **Principle of the Proposed Development**

#### Brent Cross Cricklewood Regeneration Scheme

- 8.2 The Application Site falls entirely within the Brent Cross Cricklewood ('BXC') Regeneration Area as identified by the 'Cricklewood, Brent Cross and West Hendon Regeneration Area Framework (2005)' and defined on the Local Plan Proposals Map. This designated regeneration area forms part of the adopted development plan for the area and is the subject of saved policies contained within Chapter 12 of the Council's UDP (2006) and the Local Plan: Core Strategy DPD (2012). Outline planning permission for the comprehensive redevelopment of this regeneration area was originally granted by the Council in 2010 and subsequently varied through the mechanism provided in Section 73 of the Town and Country Planning Act 1990 (as amended). The S73 planning permission was granted on 23<sup>rd</sup> July 2014 (planning reference F/04687/13) ('2014 S73 Permission') and is the planning permission currently being implemented for the comprehensive redevelopment of the BXC regeneration area.
- 8.3 The approved BXC Development permits the delivery of a 'New MML Train Stabling Facility' as part of the Phase 2 (South) (Thameslink Station) sub-phase and is defined within the S73 Permission as an item of Critical Infrastructure (Pre-Phase (South)). As set out within Section 5 (f) of the RDSF, paragraph 5.51 recognises that delivery of development within Station Quarter would be facilitated by relocation of the existing train stabling facilities (currently situated immediately to the west of the Jerich Shed) to within the Railway Lands Development Zone. The broad location of the New MML Train Stabling Facility is also identified on the Illustrative Infrastructure Diagram (plan no. 649\_SK-00\_326) contained within Appendix 7 to the RDSF. This is generally situated south of the identified location of the MML Link Bridge and between the Midland Mainline railway corridor and the rear of the Development Plots off Spine Road South. This area is consistent with existing operational railway land owned by Network Rail and currently utilised by Train Operating Companies Govia Thameslink Railway ('GTR') and East Midlands Trains ('EMT').
- 8.4 The proposed development seeks to deliver the New MML Train Stabling Facility as part of the BXC Development (in addition to consideration of the concurrent planning application 18/5244/EIA for the relocation of an existing compound and facilities utilised by GTR and EMT) to facilitate the construction of the New Thameslink Train Station. It also seeks permission for associated track realignment necessary to accommodate the new station platforms. Both are permitted by the s73 Planning Permission for BXC and therefore it is considered that the principle of the proposed development is acceptable.

London Borough of Barnet's Planning Policy Framework

- 8.5 The principle of the BXC regeneration scheme is embedded within the Council's development plan for the area, namely the Local Plan: Core Strategy DPD (2012) ('Core Strategy'). The BXC regeneration scheme is expected to deliver a substantial amount of residential, employment, education, commercial, retail and green/open space development and Policy CS2 of the Core Strategy directs the Council's expectation for this to be delivered comprehensively.
- 8.6 To facilitate the delivery of the New Train Station (which is in Phase 2 (South) (Thameslink Station) sub-phase of the BXC Development), the existing Midland Main Line (MML) and the Cricklewood Down Sidings are required to be relocated to ensure land can be made available to construct the New Train Station. The proposed development seeks to achieve this by re-providing this railway infrastructure adjacent to the existing South Sidings.

The London Plan (March 2016)

- 8.7 The London Plan (2016) contains a number of strategic policies which support sustainable growth and development of Outer London. The London Plan Policy 2.13 designates the "Cricklewood/Brent Cross" as a Key Opportunity Area (Map 2.4). The Opportunity and Intensification Areas are controlled by Policy 2.13 Part B which indicates that development proposals within areas should support wider regeneration by providing the necessary social and other infrastructure to sustain growth.
- 8.8 Annex 1 of the London Plan outlines the broad principles for the Cricklewood/Brent Cross Opportunity Area, which includes reference to capitalising on public transport improvements including Thameslink upgrade works. Though, the planning policy does not specially recognise the development proposed, the New Train Station is recognised. As such, it is evident that the relevant regional planning policy framework recognises the need to delivery appropriate infrastructure, and specifically a strategic facility to meet the needs of North London, within identified Opportunity Areas, which includes BXC.

Draft London Plan (December 2017)

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

station. It is therefore evident that the principle of the proposed development continues to be enshrined and supported within regional planning policy.

### **Brent Cross Cricklewood (BXC) Regeneration Scheme**

- 8.10 The Application Site falls entirely within the boundary of the BXC regeneration scheme which benefits from outline planning permission by virtue of the 2014 S73 Permission. This permission consents the delivery of a New MML Train Stabling Facility within the Phase 2 (South) (Thameslink Station) sub-phase of the BXC Development, which is required to replace the existing sidings to the west of the Jerich Shed (Cricklewood Down Sidings) and enable delivery of the new Thameslink train station. The Council acknowledges that regeneration schemes of this scale and nature are typically carried out over a number of years from its initial conception, through detailed design stages, multi-stage planning consenting process, and thereafter implementation of the approved development. The permitted BXC regeneration scheme is projected to be completed beyond 2031 having been initially set out in the Cricklewood, Brent Cross and West Hendon Development Framework in 2005. As is apparent in this instance, it is therefore reasonable to expect the scheme requirements to evolve throughout the duration of the planning process and, consequently, it is likely that amendments to a scheme permitted at the outline stage may be required. The key changes since the S73 Permission was granted in respect of this drop-in planning application are: the identification of Network Rail's operational railway boundary, need to re-provide existing railway operators' compound areas and rail-related equipment, and identification of land required to deliver this replacement stabling facility taking into account other requirements of the operational railway network.
- 8.11 As governed by the S73 Permission, all rail related works are restricted to the Railway Lands Development Zone however, the parameter plans allow limited space to accommodate all the track sidings and stabling requirements. Therefore, the proposed development consequently encroaches into the indicative Brent Terrace Development Zone (where such development is not permitted by the S73 Permission) and could potentially impact upon the delivery of defined development plots. As a result of this divergence from the approved parameters of the S73 Permission, the Applicant is seeking permission for the relocation of the existing Cricklewood Down Stabling's and the MML Railway within the Railway Lands Development Zone and provide a similar function, by virtue of a 'drop-in planning application' as opposed to through the mechanism provided by Condition 47.6 of the S73 Permission.
- 8.12 Whilst any drop-in application will need to be assessed on its own merits against relevant development plan policies and other material considerations, as is addressed later in this report, a key consideration relevant to the determination of this planning application is (1) the compatibility of the proposed development with the S73 Permission and (2) whether it would impinge upon or prejudice delivery of the wider BXC regeneration scheme. This relates to the objectives contained within saved Policies CGrick and C1 of the UDP and Policy CS2 of the Core Strategy DPD.

#### Compatibility with the BXC S73 Permission:

- 8.13 In regard to the first consideration, the applicant has submitted evidence to

demonstrate the development seeks to adhere the principles and parameters established by the S73 Permission, and not prejudice the delivery of the remainder BXC masterplan. Such evidence has been submitted in form a Reconciliation Feasibility Study: Report titled '*Brent Cross Thameslink Works Package B: Sidings, Brent Terrace Reconciliation Feasibility Study, August 2018*' which was prepared by Capita Property and Infrastructure Limited.

- 8.14 The core principles of the study were to examine the effect of locating the Compound (subject of a separate planning application – 18/5244/EIA) and the existing MML Railway and the Cricklewood Down Stabling and sidings (subject of this planning application) partly within the Brent Terrace Development Zone and, ultimately, whether such proposals would undermine or prejudice delivery of the BXC Development. Specifically, the Study assesses the relationship of the entire sidings related developments with the wider BXC masterplan relative to Brent Terrace and Railway Lands Development Zones, including the Spine Road South, Development Plots 38, 39, 40, 47, 48 and 55, and Nature Park 2 (Railways Lands Nature Park<sup>5</sup>), and considers whether any of the displaced items of Critical Infrastructure and/or Development Plots could still be delivered within the parameters of the S73 Permission. The Study therefore illustrates various permutations to demonstrate that the permitted floorspace, infrastructure and open space provisions could be redistributed elsewhere within the Brent Terrace Development Zone in accordance with the approved parameters.
- 8.15 The S73 Permission approves the BXC masterplan on the basis of development within a series of Development Zones, which reflect differing character areas of the BXC Development. These zones are defined on Parameter Plan 001 and are respectively shown in greater detail on the Indicative Zonal Layout Parameter Plans (numbered Parameter Plans 020 to 028). The Brent Terrace Development Zone seeks to deliver principally residential development with retail and education facilities. The Railway Lands Development Zone is envisaged to deliver industrial development and business uses including Rail Freight and Waste Handling Facilities.
- 8.16 Development Zones are sub-divided into Building Zones (zones in which buildings will be built) as informed by the location and extent of the approved highway and pedestrian network and the general location of open spaces, as shown on the other Parameter Plans. The total development floorspace is divided between the Development Zones in accordance with the Zonal Floorspace Schedule contained in Appendix 5 of the RDSF and then further divided across Building Zones as illustrated on Parameter Plan 014.
- 8.17 The floorspace area permitted within the Brent Terrace Development Zone is a total of 200,022m<sup>2</sup>, which includes that allocated to Building Zones: BT1, BT2, BT3 and BT4. Table 6 in Appendix 2 to the RDSF, sets out the floor space thresholds for each Building Zone (see Table 3 below), including that identified for the primary uses envisaged in the Development Zone in addition to a quantum of remaining floorspace. The total primary use development floorspace for the Brent Terrace Development Zone (i.e. for residential plus retail and educational uses) indicates that the area envisaged

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<sup>5</sup> Nature Parks are classified as an 'open space typology' within the Public Realm and Open Space Strategy.

## APPENDIX B:

to be developed is 199,418m<sup>2</sup>. For the purposes of the Applicant's Reconciliation Study, any non-residential floor space allocation has been subtracted from the developable floor space allowance (including 4,864m<sup>2</sup> of community use in BT3 and 372m<sup>2</sup> of retail use in Plot 34 in BT4) as these allocations would not be affected by the proposed development. Therefore, the total developable residential floorspace allowance that could be affected by the proposed development is 194,182m<sup>2</sup>.

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

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

- 8.18 The S73 Permission permits floor space to be transferred between Building Zones within a Development Zone. Each Building Zone can be increased by up to 15% above the amount expressed within the RDSF for that zone, subject to the limit on the overall floor space permitted within each Development Zone as set out in the Zonal Floorspace Schedule. Taking account of this principle and utilising the aforementioned calculation of the quantum of residential floorspace that could be affected by the proposed development (194,182m<sup>2</sup>), the Applicant has considered five possible options within the Reconciliation Study. These options provide examples of how floorspace could be re-distributed between the Building Zones, subject to the relevant limits/allowances, to facilitate implementation of the proposed development whilst ensuring compliance with the parameters of the S73 Permission (i.e. maximum height of buildings, for example).
- 8.19 The Reconciliation Study therefore confirms that it would be possible to redistribute the displaced land uses within Building Zones BT4 and BT2, without exceeding the total approved floorspace allocated to the Brent Terrace Development Zone or otherwise breaching the parameters of the BXC Development set by the S73 Permission. With regards to Nature Park 2, the Study has similarly demonstrated that the required amount of open space (0.42ha) can be provided notwithstanding any affected Development Plots or displaced residential floorspace. Taking into consideration Parameter Plans 015 and 029 of the RDSF, which demonstrates one way in which the BXC Masterplan could be delivered, and considering that the S73 Permission did not define or specifically recognise development required as part of the rail enabling works to support the realignment of New MML Train Stabling Facility; it is considered the Brent Terrace Reconciliation Study provides adequate evidence demonstrating that the S73 Permission will remain capable of implementation in the context of implementation of the proposed development.
- 8.20 As such, it is considered that the proposed development would not prejudice the

delivery of the wider BXC regeneration scheme and therefore not undermine the comprehensive redevelopment of the regeneration area in accordance with the abovementioned development plan policies (saved Policy C1 of the UDP and Policy CS2 of the Core Strategy DPD).

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

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

- 8.22 If Members were minded to grant planning consent for the development proposed under this Drop-In application, two planning permissions would effectively co-exist for a similar development on the same land. As explained in paragraph 6.10 above, the implementation of any drop-in planning permission would have the effect of rendering the respective parts of the 2014 Section 73 outline permission un-implementable (the 'Pilkington Principle'). However, provided the implementation of any such drop-in permission does not prejudice the delivery of the wider BXC development, this planning approach is acceptable in respect of the extant outline planning permission and planning policy support for the comprehensive redevelopment of the BXC regeneration area.
- 8.23 In the event of a drop-in permission being granted, it would be necessary for the applicant to seek approval for minor amendments to the S73 Permission to reconcile the two planning permissions. However, this can be achieved through the mechanism provided for by Section 96A of the Town and Country Planning Act 1990 (as amended) which should be submitted to the Local Planning Authority for approval.

**Protecting Barnet's Character and Amenity**

- 8.24 The proposed development seeks to replace existing train stabling facilities to enable the release of land required to deliver the new Thameslink Train Station, along with the amendments to the Midland Mainline railway tracks to make way for the installation of the new station platforms. Although the proposed development would result in the re-provision of existing rail-related development and sidings, the planning application describes these as being relocated and situated parallel to existing residential properties off Brent Terrace. The proposed development therefore has the potential to generate impacts relating to noise and vibration, air quality and land contamination on these nearby sensitive receptors. These are assessed further below under the respective headings.

Local Character, Landscape and Visual Impact, and Design:

- 8.25 Policy CS5 of the Core Strategy DPD and Policy DM01 of the Development Management Policies DPD refers to the Council's aspiration for development to respect local context and distinctive local character incorporating high quality design principles including character, continuity and enclosure, quality of public realm, ease of movement, legibility, accessibility, adaptability and diversity<sup>6</sup>. On a more strategic level, Policy 7.4 of the London Plan states that development should have regard to (inter alia) form, function, scale, mass and orientation of surrounding buildings; ensure buildings create positive relationship with street level activity; and allow buildings to make a positive contribution to the character of a place to influence the future character of the area. Saved Policy C2 of the UDP also expresses the Council's objective to seek to achieve the highest standard of urban design in the BXC regeneration area; adding that proposals will need to be consistent with the strategic principles set down in the *Cricklewood, Brent Cross and West Hendon Development Framework (SPG)*.
- 8.26 The townscape character of the Application Site is defined by its historical railway context, and its current use in association with the operational railway. The surrounding area is highly urban in character with substantial transport corridors and disparate mixed-use development, including Claremont Industrial Estate and Hendon Waste Transfer Station immediately to the east of the Application Site<sup>7</sup>, and the Midland Mainline railway corridor to the West. A linear arrangement of residential properties is situated to the east of the Site with an established bank of scrub and tree belt forming a barrier between. There are also some noticeable topographical changes between the Site and these residential properties with land falling away from the Site with a distinct change from the boundary of Network Rail's land toward Brent Terrace.
- 8.27 Although planning permission is being sought for the BXC New MML Train Stabling Facility by virtue of a drop-in planning application, the area has been identified by the S73 Environmental Statement (Annex H) as forming part of the 'Railway Sidings Character Area'. The character of this area (and therefore location of the Application Site) is considered to be '*...operational land in the form of an elevated plateau with no public access*' where '*The area is predominantly derelict with a cover of rough grass and tall herbs*' and '*Despite the open nature and elevation of the plateau the area is not heavily overlooked...and...the majority of surrounding residential areas are not orientated to look over the area...*'<sup>8</sup>. The proposed development seeks to deliver railway infrastructure within the confines of the existing, operational railway corridor and indeed re-provides infrastructure that is currently provided at the existing Cricklewood Down Sidings. As such, based on the characteristics of the area and nature of the proposed development, the development would not be incongruous within the surrounding urban context. The proposal would therefore be complimentary to the area by virtue of it being required to facilitate continued operation of the railway network within operational railway land.

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<sup>6</sup> Paragraph 10.5.5 of the Core Strategy DPD (2012).

<sup>7</sup> Both the Claremont Industrial Estate and Hendon Waste Transfer Station are planned to be demolished and area redeveloped as part of the BXC regeneration scheme.

<sup>8</sup> Sourced from paragraphs 3.14-3.17 of Annex H in Volume 2 of the 'Section 73 Environmental Statement (Vol. 2)' (BXC02, October 2013).

Air quality

- 8.28 Saved Policy C3 of the UDP requires that development within the BXC regeneration area should generally protect and, wherever possible, improve the amenities of existing and new residents. As relevant to the consideration of air quality, Policies DM01 and DM04 of the Development Management Policies DPD states that all development should demonstrate high levels of environmental awareness and contribution to climate change mitigation; be based on an understanding of local characteristics; and ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate. The provision of air quality assessments is also referred to in Policy CS13 of the Core Strategy.
- 8.29 The Application Site is located within an Air Quality Management Area (AQMA), as is the whole of the London Borough of Barnet. The Application Site also lies in close proximity to an AQMA within the London Borough of Brent. Policy 7.14 of the London Plan requires planning decisions to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality, particularly within AQMAs; be at least ‘air quality neutral’ and not lead to further deterioration of existing poor air quality; and ensure that where provision needs to be made to reduce emissions from a development, this is usually provided on-site. Reference to minimising pollution (including air quality and odour) is also made within Policies 5.3 (Sustainable Design and Construction).
- 8.30 The Applicant has provided an assessment of air quality and dust impacts of the proposed development within Chapter 9 of the Supplementary Environmental Statement ('SES') (September 2018). This assessment considers the impact of the proposal on nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM10) emissions in relation to nearby sensitive receptors, including properties off Brent Terrace to the east and Claremont Primary School beyond Brent Terrace (South), for both the construction and operational phases of the proposed development. For the construction phase, the Applicant has identified a peak of 5 train deliveries per day and around 10 HGVs per day to facilitate the construction of the proposed development and translated these into anticipated emissions. In terms of the operational phase of the proposed development, the Applicant has modelled five scenarios to consider the cumulative impacts of the proposal alongside Phase 1 of the BXC Development and the wider Phase 2 (South) (Thameslink Station) sub-phase developments. These scenarios include a 2012 baseline, a 2021 ‘Do Nothing’ scenario, a 2021 ‘Do Something’ scenario, and two 2017 sensitivity tests for both ‘Do Nothing’ and ‘Do Something’ scenarios. The operational phase assessment is principally related to a ‘Roads Modelling Assessment’ as the proposed development would not result in any change to existing movements of trains (i.e. quantity nor frequency) once the proposed rail tracks become fully operational.
- 8.31 The Applicants’ assessment concludes that the construction phase of the proposed development in terms of air quality would have a negligible to low risk of dust soiling and human health effects subject to the application of mitigation measures set out within the Appendix 9C of the SES. These mitigation measures would typically form part of a Construction Environmental Management Plan.

- 8.32 In terms of the operational phase, the Applicant has conducted a focussed cumulative assessment considering sensitive receptors within 500 metres of the Site and, in particular, assessing changes in traffic movements as a consequence of the proposed development. For NO<sub>2</sub> concentrations, the modelling concludes in the 2021 Do Something scenario that 7 of the 32 modelled receptors would result in an exceedance of the NAQO for NO<sub>2</sub> (40 micrograms/m<sup>3</sup>) resulting in 1 substantially adverse, 6 moderately adverse and 11 slightly adverse impacts. However, compared to the 2012 baseline, where 26 of the identified receptors exceed the NAQO for NO<sub>2</sub>, the implementation of the 'BXC Thameslink Station' would in fact result in an overall reduction in exceedances of the NAQO. The Applicant has also advised that this modelling takes into account a number of worst case assumptions, including assuming a continuation of traffic generation from existing land uses that would instead be replaced as a result of the wider BXC Development. Furthermore, given that the proposed development would represent a continuation of existing operations at the Cricklewood Down Sidings, it would not result in any new or additional demand in respect of road or rail traffic movements, and use of rail-related plant and machinery. Therefore, the impact of the proposed development is considered to be negligible. With the application of appropriate mitigation measures (including, but not limited to, all HGVs being Euro VI compliant) it is considered that any residual impact of the proposed development itself would also be negligible.
- 8.33 In regard to impacts arising from PM10 emissions, the Applicant's assessment concludes that the predicted annual mean PM10 concentrations for all modelled receptors would be well below the relevant NAQO in all scenarios. Therefore, taking into account the nature of the proposed development as a re-provision of existing sidings and no intensification in the use or operation of those sidings, the impact of the proposed development in this respect is also considered to be negligible.
- 8.34 With regard to nearby ecological receptors, the cumulative impacts of the proposed development in addition to the wider Phase 2 (South) (Thameslink Station) sub-phase of the BXC Development would result in a slight reduction in NOX emissions at the Brent Reservoir SSSI. Albeit, it is acknowledged that the baseline indicates an exceedance of the relevant NAQO notwithstanding the proposed development nor wider BXC regeneration scheme.
- 8.35 In terms of the Air Quality Neutrality test, the proposed development would be for the re-provision of existing sidings facilities (North Sidings being decommissioned and replaced by the new South Sidings) and realignment of the existing Midland Main Line tracks. The proposal would not, therefore, result in any intensification or other change to the operation of the sidings or the adjacent railway. As such, the proposed development is not anticipated to cause additional emissions of NOx or PM10s from either road or rail sources and, as a result, the air quality neutral assessment is not necessary.
- 8.36 To support the LPA's consideration of this aspect of the proposed development, the Council's Environmental Health Officer has reviewed the appropriateness and acceptability of the Applicant's assessment to determine whether the proposal is likely to give rise to any significant impacts. In her view, the mitigation measures proposed

for the construction phase are acceptable subject to the imposition of conditions relating to: the provision of a Construction Environmental Management Plan (as referred to in paragraph 8.30 above), all HGVs being Euro VI compliant and preventing the idling of engines on-site, and compliance to the relevant emissions standards for all Non-Road Mobile Machinery ('NRMM'). Operationally, it is recognised that the proposal would otherwise result in a continuation of the existing operations at the sidings.

- 8.37 In view of the foregoing, it is considered that the proposed development would not result in the worsening of existing air quality and would not result in any significant increase in NOx or PM10 emissions. This consideration is based on the proposal resulting in the re-provision and relocation of existing rail infrastructure and facilities that currently operate out of Cricklewood Down Sidings; and that the proposal would not result in any intensified use of the railway sidings. Any such emissions, including dust, prevalent during the construction phase can be adequately managed through the application of good site working practices and this can be secured by way of an appropriately worded planning condition requiring the submission, approval and implementation of a Construction Environmental Management Plan. As recommended by the Environmental Health Officer, conditions requiring all HGVs associated with the proposed development to be Euro VI standard, as a minimum, and NRMM emission standards should also be imposed on any planning permission granted to ensure the proposal does not worsen local air quality. Therefore, subject to the imposition of such conditions, the proposed development is therefore considered to be in compliance with the relevant abovementioned development plan policies.

#### Noise and Vibration

- 8.38 Policy 7.15 of the London Plan states that development proposals should seek to manage noise by (inter alia) (a) avoiding significant adverse noise impacts as a result of new development; (b) mitigate and minimise existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without imposing unreasonable restrictions; and (e) the application of good acoustic design principles. Saved Policy C3 of the UDP and Policy DM04 of the Development Management Policies DPD states that development within the (BXC) regeneration area should protect and, wherever possible, improve the amenities of existing and new residents, and that mitigation of noise impacts should be delivered through design, layout, and insulation where appropriate. Policy CS13 of the Core Strategy also makes reference to the need to provide a Noise Impact Assessment to which the Applicant has satisfied this requirement through the provision of an assessment within Chapter 6 of the SES (September 2018).
- 8.39 The Applicant's assessment of noise impacts considers such emissions during both the construction and operational phases of the proposed development; whereas vibration impacts are considered for the construction phase only as per the scope of the assessment agreed with the LPA through a formal Scoping Opinion in accordance

with the EIA Regulations 2017<sup>9</sup> (see Section 10 below for further information).

*Operational Impacts:*

- 8.40 With regard to operational noise levels, the Applicant has advised that the proposed development would result in the removal of the existing North Sidings and construction and operation of 5no. new sidings (referred to as 'Roads 6-10') adjacent to the existing South Sidings (referred to as 'Roads 1-5'), and that Roads 6-8 would be used by GTR operating electric powered trains, and Roads 9-10 (closest to Brent Terrace) would be used by EMT operating diesel trains. The proposed new sidings would be used to stable these trains only, with any other associated operations continuing to operate on the existing South Sidings (Roads 1-5). The main source of operational noise would therefore be the movement of trains. The anticipated noise levels from operation of the proposed sidings has been considered in respect of the nearest sensitive receptors including residential properties off Brent Terrace and Claremont Road to the east, Handley Grove to the south and Fellows Square and the Cricklewood Railway Terraces Conservation to the west beyond the Midland Main Line railway.
- 8.41 Noise levels at Handley Grove and Claremont Road were modelled as being below existing background levels during both the daytime and night time and, therefore, any impact on these properties is considered to be negligible. In respect of Fellows Square, the anticipated noise levels from the proposed development (circa 50dB LAeq) would be below baseline level for which the development has been insulated for (69dB LAeq); therefore, the proposed development is not expected to give rise to any adverse impacts at these receptors. For the Cricklewood Railway Terraces Conservation Area, the assessment indicates that noise levels are anticipated to be 5dB above background levels; however, this needs to be considered in context of the existing noise environment, and the Applicant has suggested that the noise levels from the proposed development (Roads 6-10) would be similar to (and therefore indistinguishable from) noise levels currently experienced from the existing South Sidings (Roads 1-5). Consequently, it is considered that the proposed development may result in noticeable but not intrusive noise impacts at these receptors but such impacts are not considered to be adverse in accordance with BS:4142 (2014) and would not necessarily require any specific measures in accordance with the national Planning Practice Guidance.
- 8.42 The most significant noise impact has been identified at Brent Terrace, where the levels anticipated would be 5-10dB above existing background levels. This indicates that there is likely to be an adverse impact which, in accordance with the national Planning Practice Guidance and Policy 7.15 of the London Plan, should be mitigated. Therefore, in order to mitigate this impact, the Applicant has proposed the erection of a noise attenuation barrier (varying between 2.5 to 5.0 metres in height) along part of the eastern and north-eastern boundary of the Site (as shown on drawing no. 144918-3133-000-ZZZ-DRG-R-MF-000012 Rev. A02). The effect of this barrier is reported as resulting in noise levels from operation of the proposed development being 5dB below background levels (i.e. a reduction of up to 15dB). The Council's Environmental Health

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<sup>9</sup> As a result of the distance between the proposed sidings and residential receptors and low speeds at which trains would travel during operational phase, it was accepted that the proposed development would be unlikely to give rise to any significant vibration effects.

Officer has reviewed the assessment of operational noise impacts and appropriateness of mitigation proposed and considers that the noise barrier would be sufficient to reduce operational noise to acceptable levels.

*Construction Impacts – Noise:*

- 8.43 In assessing construction noise levels, the Applicant has considered a worst-case scenario taking into account cumulative construction activities (i.e. several items of plant operating simultaneously). The extent of construction works has been categorised into four broad phases: (1) formation and drainage for the new sidings; (2) overhead line equipment for new sidings; (3) civil works for new sidings; and (4) formation of drainage and overhead line equipment for realignment of the existing Midland Main Line tracks. The first three phases are expected to be carried out mostly in the daytime during the hours of 08:00-17:00. As set out in Appendix 6.2 to the SES (September 2018), the predicted worst case noise levels arising from these works would be no more than 71dB LAeq,T at the nearest receptors along Brent Terrace. This predicted noise level would not exceed the limitation permitted by Condition 28.9 of the BXC S73 Permission in relation to BXC-related construction, demolition or engineering works, which specifies a noise limit of 75dB during normal construction hours (08:00-18:00) in relation to nearby residential properties. This is a limit that the LPA has previously considered to be acceptable for construction works. Furthermore, the Applicant has advised that the assessment contained within Chapter 6 of the SES (September 2018) is a worst-case scenario based on noise levels for plant and equipment set out in BS:5228 (2014), where the values contained within this standard are generally considered to be out of date as quieter equipment is available for use. The specific details of the plant and equipment to be used during the construction phase can be reasonably conditioned through the requirement to provide a Construction Environmental Management Plan. The Council's Environmental Health Officer is satisfied that the proposed daytime construction activities would not exceed acceptable noise levels.
  
- 8.44 The fourth phase relates to works on the Midland Main Line (i.e. the live tracks with existing train services running on them) and can therefore only be carried out once rail services have ceased (at 23:00) and prior to their recommencement the following morning (at 05:00). The noisiest operation during this night-time period has been identified as piling works to install overhead line equipment. The levels predicted at source (i.e. 10 metres from the piling equipment) is 88dB LAeq,T which translates to 56dB LAeq,T at the nearest receptor in Brent Terrace (130 metres away). However, cumulatively, without mitigation, the proposed night time construction works are expected to generate noise levels of 65dB LAeq,T. The Council's Environmental Health Officer has identified that these modelled noise levels during the night-time would cause a significantly adverse impact over the proposed construction phase between January 2019 to December 2020. In response to these concerns, the Applicant has provided further clarification in respect of the proposed night-time working including information about the proposed piling, worst-case assumptions used to inform the noise assessment and an indicative construction programme.
  
- 8.45 In respect of piling works, the Applicant has stated that the proposed development

would require a total of 70no. piles to be driven to install the overhead line equipment and, taking into account the limited duration of working on the railway during the night (23:00-05:00), it would only be feasible to drive a maximum of 2no. piles per night. This equates to a maximum of 35 nights over a two-year period where piling activity would take place. The Applicant has also confirmed that this would not happen over 35 consecutive nights and, as per the indicative construction programme provided for clarification purposes, is likely to occur within approximately six two-week periods over the first half of the overall construction phase (i.e. spread between February 2019 to January 2020). Furthermore, the Applicant has clarified that piling works would not take place for more than 10 nights in any 15-day period or over more than 40 nights in any six-month period. Noise impacts from piling (the noisiest night time activity) would therefore be intermittent and not continuous over the entire construction phase. The Applicant has also provided additional explanation regarding the noise assessment stating that the assessment is very much worst case assuming that all piling works would be carried out at 130 metres away from all properties. In practice, this would not be the case as piles would need to be driven along the length of the proposed new sidings resulting in the noise source moving closer or further away from different properties. The anticipated difference between the location of any pile driving (and the nearest residential receptor) and the residential properties on Brent Terrace furthest away from the noise source is expected to be around 15dB quieter. On recalculation of predicted noise levels from piling activity, the Applicant has also confirmed that noise levels would not be expected to exceed 60dB LAeq,<sub>1hr</sub> at the nearest Brent Terrace receptors.

- 8.46 To address the predicted significant adverse noise impacts during the night-time construction works, the Applicant has proposed a number of mitigation measures, including: opting for lower-noise equipment, use of repositionable acoustic screening systems, use of hybrid generators that operate off a battery during the night, monitoring ambient noise levels prior to and during construction works, and issuing of notifications and liaison with the local community. Details of such measures can be provided as part of a Construction Environmental Management Plan which can be secured by way of a pre-commencement condition. The Council's Environmental Health Officer has been engaged in discussions with the LPA and the Applicant who, overall, recognises the potentially significant impact of the proposed development from noise during the night-time but considers that the implementation of proposed mitigation measures would result in a reduction of the predicted impact. Furthermore, the Environmental Health Officer has advised that Section 61 of the Control of Pollution Act 1974 provides a control mechanism outside of the planning process that would be applicable to the construction phase of the proposed development. This mechanism enables the Local Authority to issue prior consent to the developer for works on construction sites and facilitates the ability to attach conditions relating to measures that are required to be implemented (including noise mitigation), to limit or qualify any change in circumstance and to limit the duration of any such consent. It is also considered reasonable to attach conditions to any forthcoming planning permission which have the effect of setting appropriate noise limitations and restricting the frequency of piling works to ensure that the proposed development would not be unacceptable in planning terms.
- 8.47 Overall it is acknowledged that it would not be possible to carry out the proposed work to the operational railway tracks during the day when the live railway is in operation,

and that night time working is therefore a necessity. Whilst noise emissions from night time construction works associated with the proposed development would have a noticeable and potentially intrusive impact on residents of Brent Terrace, the Council's Environmental Health Officer has indicated that the reported noise levels would be reduced by the application of mitigation measures proposed. Furthermore, such impacts would ultimately be for a temporary period and would cease upon completion of the construction of the proposed new sidings. It is also noted that such construction works on the railway can, in most circumstances, be carried out under permitted development rights by Network Rail where it would not be possible to control such works by means of the planning conditions proposed to be imposed on this application.

- 8.48 As described above, the proposed development is a key component of the BXC regeneration scheme and the delivery of these rail works (as well as the proposed Sidings Compound which is the subject of planning application 18/5244/EIA also before the Planning Committee) is fundamental to facilitate the construction of the new Thameslink train station. As expressed within the Council's evidence for Compulsory Purchase Order 3, early delivery of the new train station is a key catalyst to the delivery of the BXC Development, and particularly thousands of new homes, office and employment development as part of Brent Cross South.

*Construction Impacts – Vibration:*

- 8.49 Chapter 6 of the SES (September 2018) states that the principal cause of vibratory impacts would be the driving of piles to install the overhead line equipment. Various piling methods have been proposed and the assessment indicates that percussive piling would not cause any perceptible impacts on the nearest sensitive receptors. Vibratory piling does, however, have the potential to result in adverse impacts that should therefore be mitigated and minimised. The Applicant has stated that such impacts would be for short durations and completed on a limited number of nights (see paragraph 8.44 above). Mitigation proposed to offset this impact includes the provision of notification to the nearest residential receptors. The Council's Environmental Health Officer is satisfied that any vibratory impacts would be broadly acceptable given the limited duration, subject to the proposed mitigation being secured as part of a Construction Environmental Management Plan to be approved prior to commencement of the development.

*Overall Conclusion for Protecting Barnet's Character and Amenity:*

- 8.50 In view of the potential noise and vibration impacts arising from the proposed development, it is considered that the most adverse impacts are only likely to occur during the construction phase and would therefore be temporary. Furthermore, the Applicant has confirmed that such impacts would arise during relatively short timeframes within the overall construction programme, rather than for the entire two-year period. The impact of the proposed development during the operational phase is considered to be acceptable. Subject to the imposition of appropriate conditions, the Council's Environmental Health Officer is broadly content with the predicted impacts of the proposed development, which are considered to be a worst-case scenario. As such, the proposed development is considered to be broadly in compliance with the abovementioned development plan policies.

## Highways and Transport Impacts

- 8.51 Policy 6.3 of the London Plan (2016) requires development proposals to be fully assessed at both corridor and local level to ensure development does not adversely affect safety on the transport network. This is similarly a requirement set out in the draft New London Plan (2017) – draft Policy T4. Policy CS9 of the Core Strategy DPD identifies the need for major proposals to incorporate transport assessments, travel plans and delivery and servicing plans. Policy DM17 of the Development Management Policies DPD contains matters to be considered when determining planning applications including (but not limited to) road safety, road hierarchy, location and accessibility, travel planning and parking management.
- 8.52 Paragraphs 108 and 109 of the NPPF (2018) are also relevant to the consideration of this planning application. In assessing applications for development, paragraph 108 advises that it should be ensured that (*inter alia*) '*(c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*' Paragraph 109 also states that '*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'
- 8.53 The planning application is supported by a transport assessment – document titled 'Phase 2 (South) (Thameslink Station) – Drop-in Application Transport Report: Sidings (July 2018)' and Travel Plan document titled 'Phase 2 (South) (Thameslink Station): Sidings Travel Plan (July 2018)'. These reports provide the Applicants' assessment of the proposed development in regard to capacity of the site access, proposed HGV movements and traffic flows on the A5 Edgware Road.
- 8.54 The proposed development delivers part of the BXC regeneration scheme, the applicant has based this transport assessment on the 'Thameslink Model' which is a derivative of the BXC Design Development Model ('BXC DDM') used to assess the highway impact of the entire regeneration scheme focusing on the capacity of nine 'Gateway Junctions' which are to be improved to mitigate any such highway impacts from the wider regeneration scheme. The 'Thameslink Model' incorporates detailed approvals for the BXC regeneration scheme to date (i.e. Phase 1A North and Phase 1B North reserved matters approvals) and continues to include the assumptions in relation to the wider BXC development as set out within the S73 Application, including the land uses contained within the Phase 2 (South) (Thameslink Station) sub-phase.
- 8.55 The 2013 ES and other EIA documentation identified an overall minor adverse residual impact (i.e. the likely impact of the Development, taking account of proposed mitigation measures) associated with increased traffic, which will include some congestion on the highway network. Based on the above information, the environmental impacts in

relation to operational traffic as identified in the 2013 ES and other EIA Documentation remain valid. No significant negative residual environmental impacts are anticipated to occur on the basis that the triggers, transport monitoring and reconciliation mechanisms, and construction management regime are implemented through planning conditions attached to the S73 Permission and the S106 Agreement.

- 8.56 The Applicants Transport Assessment demonstrates that the proposed development would result in minimal operational traffic on the highway network. There are no highway works proposed on the London Borough of Barnet Highway network. No road closures, nor diversions are envisaged to facilitate the proposed works. However, if required, the appropriate application and notice periods should be applied for from London Borough Barnet as Highway Authority and local residents should also be informed in advance of any forthcoming public highway road closures.
- 8.57 The submitted Construction Traffic Management Plan ('CTMP') estimates that the maximum number of HGV movements generated by the proposed development would be 15 vehicles per weekday (30 two-way movements). No HGV access would be permitted via the Brent Terrace (South), although approximately 2No. 7tonne box vans per day would utilise this entrance for delivery of office supplies etc. Waste skip delivery or collection lorries would only enter the application site when required. The majority of deliveries of material and removal of spoil associated with construction would arrive/be exported via rail, whereby approximately 125 trains are expected throughout the construction period. Some permanent way materials (items for the rail tracks) would need to be delivered by road, as they would be too large to be transported by train. However, these vehicles (60ft articulated lorries) would be scheduled for delivery with agreement with the Highway Authority, and would not pass through residential areas but utilise the mixed industrial and commercial area by the North Circular Road. This reduces the amount of road movement and no adverse effects are expected along public highway roads.
- 8.58 Construction delivery vehicles would generally arrive between 9am-4pm, although there would be the occasional requirement for deliveries during evenings or overnight (when night works are planned). No construction delivery vehicles would arrive, or depart site between the hours of 08:00 and 09:00 or between 17:00 and 18:00 to avoid peak times for the road network.
- 8.59 The main construction compound, north of the proposed development would initially accommodate 50 people until March 2019, thereafter the facility is envisaged to double in capacity to facilitate approximately 100 people. The car park associated with this compound would consist of 100 car parking spaces, whereby access would be via Brent Terrace (North), off Tilling Road. The secondary compound, south of the proposed development would accommodate 30 car parking spaces accessed via Brent Terrace (South). To mitigate any potential impact to Brent Terrace residents, access would only be utilised during normal daytime midweek hours and for night-time or weekend works, access would be via Tilling Road. No vehicles would be permitted to park on Brent Terrace South. No HGV vehicles are proposed to access the secondary car park and a permit system would be in place, which would be managed by security to control the number of vehicles. All workers would be encouraged to utilise local transport or car share to minimise traffic movements on the local highway network.

The vast majority of staff would access/egress outside peak hour periods and, non-office staff would arrive prior to 07:00 hours start and leave before 17:00 hours.

- 8.60 No new or different mitigation measures over and above those identified in the 2013 ES and other EIA documentation, including the Consolidated TA, have been identified as being necessary as part of the proposed development in relation to construction traffic. The proposed development would help contribute to a higher proportion of travel by public transport in this part of London by facilitating the development of a new Train Station. However, as recommended by the Council's Transport Planning and Regeneration team, any forthcoming planning permission should be subject to conditions relating to the provision of a full Travel Plan, a submission of a Servicing and Delivery Strategy, compliance with the submitted CTMP, and provision of a supplemental CTMP relating to the transportation and delivery for the transporting of the switch and crossing units prior to these arriving on site. Liaison with the Applicant in regard to such controls has resulted in their indication that such conditions would be acceptable.
- 8.61 Therefore, subject to the imposition of the above conditions, to ensure that such works are secured, and taking into account the abovementioned development plan and national planning policies, it is considered that the proposed development would not cause any severe impacts on the highway network and it has been demonstrated that appropriate mitigation can be delivered to offset any adverse impacts to ensure that the proposed development (and wider BXC regeneration scheme) operates within acceptable limits on the highway network.
- 8.62 The Council's Transport Planning and Regeneration Team are content that it has been demonstrated that the proposed development can operate without unacceptably increasing conflicting movements on the road network. It is therefore considered that the applicant has provided sufficient evidence to demonstrate that the proposed development accords with the requirements of Policy 6.3 of the London Plan and Policy DM17 of the Development Management Policies DPD.

### **Parking and Cycling Provisions**

- 8.63 Saved Policy C8 of the UDP relates to the provision of parking within the Cricklewood, Brent Cross and West Hendon regeneration area specifying standards for particular uses. The proposed development (Sui Generis) does not accord with any of the listed uses and therefore the parking standards should follow the London Plan. Policy 6.13 of the London Plan and associated Table 6.2 in the Parking Addendum sets out the maximum parking standards which are to be the basis for considering planning applications. Policy DM17 (g) of the Development Management Policies DPD requires that development should provide parking in accordance with the London Plan standards except in the case of residential development, which is not applicable to this planning application.
- 8.64 Parking provision should be considered in view of the strategic approach to transport in Outer London (Policy 2.8 of the London Plan), of which the most salient of these approaches to the proposed development is improving public transport access and encouraging greater use of cycling and walking in respect of how staff travel to and

from the site. Policy 6.13 of the London Plan also requires that 1 in 5 spaces provide electrical charging points, parking for disabled people in line with Table 6.2, and meet minimum cycle parking standards.

- 8.65 Three parking spaces (one with passive charging facility), associated with the existing signal box are proposed and would be located outside the Railway fence. Access from the Signaller's parking bay would be via security controlled turnstile, which would be controlled from the Signal Box. In the interim period, the security controlled turnstile would adjoin the private access road via Brent Terrace (north); with the long-term provision adjoining a new access road through the development connecting to the new Spine Road (both to be constructed and assessed as part of the Phase 2 (South) (Thameslink Station Approach)).
- 8.66 The Council's Transport Planning and Regeneration Team required details of cycle and parking facilities for the signal box prior to occupation, as within the immediate vicinity of the development no cycle parking provisions are proposed. However, the applicant does not anticipate that staff would cycle to work, given the nature of the development and type of vehicles accessing the main access route. Nevertheless, the ancillary planning application (ref. 18/5244/EIA) for the relocation compound, which is also before the Planning Committee for consideration, provides sufficient cycling parking provisions should the member of staff located at the signal box intend to cycle.
- 8.67 It is considered the proposed parking comply with saved Policy C8 of the UDP, Policy DM17 of the Development Management Policies DPD and Policy 6.13 of the London Plan.

### **Biodiversity**

- 8.68 Policy CS7 of the Core Strategy DPD and Policy DM16 of the Development Management Policies DPD states that the Council will ensure that development protects existing site ecology and makes the fullest contribution to local biodiversity improvements; and also affords protection to existing SINCs. Equally, Policy 7.19 of the London Plan states that development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity; and states that proposals should give sites of borough and local importance for nature conservation the level of protection commensurate with their importance.
- 8.69 In terms of biodiversity, the Application Site itself is of little ecological value as it is currently influenced and dominated by existing railway and road infrastructure. Furthermore, works have recently been carried out to remove invasive species, scrub vegetation and spoil from the site, including asbestos, as part of the approved Early Works consented under application 18/3100/CON pursuant to Condition 49.1 of the S73 Permission. The nearest (nationally) designated nature conservation site is the Welsh Harp SSSI and Brent Reservoir LNR which is located approximately 300 metres to the northwest of the Site's redline boundary. A further 14 non-statutory designated sites (including one Local Nature Reserve) were also recorded within 1.5 km. The Applicant recognises the importance of these nature conservation sites in addition to the biodiversity importance of the existing tree belt which runs parallel to the east and north of the site between Brent Terrace and the Application Site. This vegetated

corridor is considered to be of regional importance for bats and other protected species.

- 8.70 The Application is supported by an assessment of Biodiversity impacts as contained within Chapter 7 of the SES (September 2018). The assessment evaluates potential ecological impacts during all stages of the development; including construction, operation and decommissioning. The Applicant has confirmed, that during a walk over survey commissioned by Capita in 2015, it was confirmed that parts of the Brent Terrace Development Zone is classified as Open Mosaic Habitat (OMH) area (defined as a 'Habitat of Principal Importance' under Section 41 of the NERC Act 2006 and considered a UK BAP Habitat).
- 8.71 The assessment reviews potential ecological impacts, which are likely to occur during the construction and operational phases of the proposed development. This assessment concludes that the clearing of vegetation on site would be a direct impact of the proposed development due to the potential to encounter reptiles and invertebrate species which utilise such habitats. In terms of indirect impacts, the proposed development is likely to include disturbance to key species utilising retained habitats, particularly as a result of noise, vibration and external lighting. The most notable identified impact would be to bat species utilising the adjacent tree line for foraging and commuting. In terms of mitigation to offset any identified adverse impacts to reptiles and invertebrates, the Applicant has proposed the adoption of a precautionary method of works for vegetation clearance approach under the supervision of a suitably qualified ecologist.
- 8.72 In respect of identified impacts on bat species, the principal consideration would be the use of external lighting and the effect this could have on the foraging and commuting behaviours of protected bat species, particularly as the proposed development would be operational over a 24-hour period. In accordance with the Standing Advice set out in the national Planning Practice Guidance and paragraph 175 of the NPPF (2018), planning permission should only be refused where significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for. As set out in the Applicant's assessment, the proposed development has the potential to cause major adverse impacts to protected bat species, particularly through the provision of external lighting in close proximity to the adjacent tree line identified as a 'Core Sustenance Zone' of regional importance. The Applicant recognises the importance of this existing bat flight line and has proposed directional lighting that is directed away from the vegetation corridor. Nevertheless, there is a lack of detail within the planning application and a condition should be imposed on any planning permission granted to mitigate any potential light spill beyond the application boundary. As such, it is considered that any impacts on protected bat species can be reasonably mitigated through the provision of appropriately designed lighting.
- 8.73 Taking into account the limited opportunities offered by this previously developed environment, it is considered that the proposed development has sought to provide solutions which would have the effect of protecting the existing biodiversity and ecological value of an otherwise utilitarian site. Therefore, subject to the inclusion of appropriate conditions, the proposed development is considered to be in compliance with Policy CS7 of the Core Strategy, Policy DM16 of the Development Management

Policies DPD and Policy 7.19 of the London Plan.

### Lighting

- 8.74 Lighting is currently provided on the existing MML Stabling Facility and the North Sidings. As part of the decommissioning works, it is understood new lighting would be installed within the proposed inspection walkways located in between the new MML Train Stabling Facility sidings, comprising 6m tall raised and lower lighting columns. Each column would have luminaire fittings with 60 watts (230V) LED luminaires. The lighting illumination level for the inspection walkways located within the South Sidings are proposed to be 30lux. The walkways shall be used for the yard operator to inspect and access trains stabled within the facility.
- 8.75 Lighting is also proposed within the signallers parking bay and would run along the length of the proposed Drivers Walkway at suitable intervals. The lighting illumination level proposed would be 10lux, which shall comprise 6m tall lighting columns. These columns shall be mounted LED Platform Lights, which are proposed to be installed to ensure that when in their lowered position there is no clash with other infrastructure and that, where relevant, minimum clearance dimensions would be achieved.
- 8.76 Policy C3 of the UDP seeks to protect the amenity of new and existing residents. More appropriately, Policy DM01 (f) of the Development Management Policies DPD states that, for development proposals incorporating lighting schemes, lighting should not have a demonstrably harmful impact on residential amenity (or biodiversity). In respect of residential receptors at Brent Terrace and it is considered that the proposed development would not be likely to have any detrimental impact on the amenities of nearby residents due to the presence of the existing, established vegetative corridor (subject to this being safeguarded, as discussed below); topographical changes between the site and properties off Brent Terrace; and the distance between the Site and Brent Terrace.
- 8.77 There is a lack of detail within the planning application with regards to mitigations and any potential light spill beyond the application boundary. As the proposed Sidings facility would operate 24 hours a day, light spill from the Application Site towards the tree belt has the potential to disturb species using the nearby habitats and, specifically, protected bat species using the area for commuting and/or foraging (see paragraph 8.71 above). However, as described under the 'Biodiversity' section above, such an impact can be reasonably mitigated through the provision of detailed lighting designs in order to mitigate any potential light spill. It is therefore recommended that a condition be imposed on any planning permission requiring the submission and approval of details pertaining to external lighting. Therefore, subject to this condition it is considered the development would accord with the abovementioned development plan policies.

### **Sustainable Construction and Climate Change**

- 8.78 London Plan Policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy

be lean, be clean and be green. Policy 5.3B states that development proposals should demonstrate sustainable design standards in regard to its construction and operation; and meet minimum standards outlined the Mayor's '*Sustainable Design and Construction SPG*' (April 2014) including incorporation of renewable energy technologies and low or zero carbon technologies, and achieve regulated carbon dioxide standards. Whereas, Policies 5.10C and 5.11A relate to the provision of green infrastructure and sustainable design considerations, stating that major development proposals should contribute to urban greening and deliver as many objectives as possible including (but not limited to) sustainable urban drainage and enhancement of biodiversity. Additionally, Policy CS13 of the Core Strategy promotes the highest environmental standards and efficient use of natural resources; and saved Policy C4 of the UDP states that the Council will seek to ensure that the redevelopment of the BXC regeneration area pursues the highest standards of environmental design.

- 8.79 The application solely relates to the construction, operation and realignment of new and existing railway track and associated infrastructure to accommodate a number of rail related services, which are currently provided at the Cricklewood North Sidings. The development proposal does not therefore involve the construction of any building nor permanent structure. Nevertheless, a Construction Environmental Management Plan (CEMP) in line with the British Standard 42020.2013 'Biodiversity – Code of Practice for Planning and Development' is required to be submitted to the LPA for approval prior to commencement of the development.

### **Flood Risk and Drainage**

- 8.80 The Site falls within the Dollis Brook and Upper Brent catchment of the River Brent, which drains into the Lower Brent catchment further downstream. The Application Site is, however, located within Flood Zone 1, away from Zone 2 and 3 and is therefore at the lowest risk of flooding from fluvial sources (below 0.1% chance of occurring each year). In terms of groundwater, the Site does not fall within, nor within the vicinity of, any Groundwater Source Protection Zone and is predominantly underlain by London Clay Formation. In terms of surface water flood risk, the Site is partly located within the 'Clarendon Way Industrial Estate Critical Drainage Area (CDA)' as highlighted within the Barnet Surface Water Management Plan. The main source of flood risk within this CDA is from surface water ponding in localised topographic low spots; however, the Barnet Surface Water Management Plan does not highlight any flood risk within the extent of the proposed development as a result of this. The Environment Agency's updated Flood Map for Surface Water identifies minor flood risk across the proposed Application Boundary, only the extent of the railway lines located to the north-west of the application side are at low to high risk of flooding; particularly under the North Circular Road. The two areas which are proposed for the welfare, parking and storage facilities are not illustrated at risk of surface water flooding.
- 8.81 In respect of flood risk, Policy 5.12B of the London Plan states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and associated technical guidance (now contained within the online Planning Practice Guidance) over the lifetime of the development. The national Planning Practice Guidance provides an indication of flood risk vulnerability classifications for different development types (Table 2) and identifies whether that

development would be appropriate within the relevant flood zone (Table 3). The proposed development would be considered to fall within the ‘less vulnerable’ category; and coincides with Flood Zone 1 where development is generally considered appropriate across all flood zones, with a less than 0.1% annual exceedance probability of flooding. Policy 5.13A of the London Plan requires development proposals to utilise Sustainable Urban Drainage Systems (SuDS) and ensure that surface water run-off is managed close to its source as possible in line with the following drainage hierarchy: (1) store rainwater for use, (2) use infiltration techniques, (3) attenuate rainwater in ponds or open water features, (4) attenuate rainwater by storing in tanks, (5) discharge rainwater direct to a watercourse, (6) discharge rainwater to a surface water sewer/drain and (7) discharge rainwater to a combined sewer. This hierarchy is referred to in Policy DM04 (g) of the Development Management Policies DPD stating that development should demonstrate compliance with it. In connection with this, Policy 5.15 of the London Plan states that development should minimise the use of mains water. Also, in regard to wastewater, Policy 5.14 of the London Plan requires development proposals to ensure that adequate wastewater infrastructure capacity is available in tandem with development.

- 8.82 The Applicant’s assessment demonstrates that the main source of flooding around the Application Site is surface water; however only a minor section of the proposed development area is at risk of flooding. The construction of the new south sidings, in addition to the realignment of the existing MML includes the construction of a drainage network. The proposed surface water system has been designed to collect runoff generated on the railway line with manhole chambers and convey them within linear drains placed along the railway line during the construction phase. For the new sidings, three parallel pipe lines would be constructed. Water within the pipe network would be conveyed in a north-west direction towards a common outfall which, at this stage is unknown; however, a typical detail for the proposed drainage network has been presented on Figure 8.4 within Chapter 8 (Water and Flood Risk) of the Applicant’s SES (September 2018). For the realignment of the MML, three parallel pipe lines would be constructed, whereby water would be collected in manhole chambers and conveyed within the pipe network in a northerly direction towards a common outfall located east of the railway line and south of the crossing with the North Circular Road.
- 8.83 Taking into account the design of the proposed development and mitigation measures proposed alongside the relatively low vulnerability of the Site in flood risk; it is considered that the proposed development generally satisfies the requirements of the abovementioned development plan policies, particularly making allowance for the limited opportunities to provide more innovative SuDS within the boundary of the operational railway.

### **Land Contamination**

- 8.84 Policy DM04 (e) of the Development Management Policies DPD, states that proposals on land likely to be contaminated should be accompanied by an investigation to establish the level of contamination in the soil and/or groundwater and identify suitable mitigation; and London Plan Policy 5.21 states appropriate measures should be taken to ensure previously developed land does not activate or spread contamination. Development which could adversely affect the quality of groundwater will not be

permitted. As contained within Chapter 10 of the SES (September 2018), the Applicant has carried out an assessment of the potential for land contamination arising from the proposed development.

- 8.85 An assessment of potential cumulative impacts arising from the wider Thameslink Phase of the BXC Regeneration Scheme in the context of the 2014 S73 Permission together with neighbouring developments has been undertaken. The assessment submitted reviewed both the construction and operational phases of the proposed development in relation to nearby receptors sensitive to potential ground contamination. The Applicant's assessment has identified potential source-pathway receptor linkages through a Conceptual Site Model and highlighted a number of potential impacts ranging from negligible to potentially major adverse. However, the Applicant has proposed implementation of the following mitigation measures to address any such impacts including: preparation of a Construction Environmental Management; drain cleaning to remove excessive oil in the drainage system; suitable PPE, and contamination remediation method statement. Taking these mitigation measures into account and the remediation effects they are likely to have, the residual impact of the proposed development is considered to range from negligible to minor adverse.
- 8.86 The Council's Environmental Health Officer has reviewed the Applicants' assessment in respect of the appropriateness of the methodology, robustness of the assessment and effectiveness of the proposed mitigation measures. Given the potential for contaminants to be present at the Application Site by virtue of the historic land use there is a need to ensure that such contaminants are not spread or activated as a result of the proposed development – particularly during the construction phase. As such, it is considered appropriate to condition any forthcoming planning permission to require the submission and approval of a remediation strategy (based on the site investigation used to inform the Applicants' assessment) and thereafter verification report to demonstrate that the approved remediation measures have been successfully implemented and completed.
- 8.87 It is considered that any such remediation strategy should consider the Remediation Zones previously approved for the Phase 2 (South) (Thameslink Station) sub-phase of the BXC Development pursuant to Condition 31.1 of the S73 Permission (planning permission ref. 17/6697/CON); and any Site-Specific Remediation Strategy being prepared for the same sub-phase as per the requirements of Condition 31.2 of the S73 Permission. Therefore, subject to inclusion of, and compliance with, the recommended condition, the proposed development is considered to be in compliance with Policy 5.21 of the London Plan and Policy DM04 of the Development Management Policies DPD.

### **Planning Obligations**

- 8.88 Paragraph 203 of the NPPF states that Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The Council's '*Planning Obligations SPD*' (April 2013). As set out within this report and schedule of 'Draft Conditions' contained in Appendix A, a number of conditions are recommended to ensure the impacts of the proposed development are appropriately

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mitigated. Should any of those conditions be breached or a complaint received regarding the authorised development, it is the Council's duty to investigate any such complaint and, where it is considered expedient, enforce against a breach of the planning permission to regularise the development.

- 8.89 Paragraph 204 of the NPPF states that Planning Obligations should only be sought where they meet all of the following tests: (1) necessary to make the development acceptable in planning terms; (2) directly related to the development; and (3) fairly and reasonably related in scale and kind to the development. On the basis and as outlined above, it is considered that the use of appropriate planning conditions are adequate in this instance to control the development, Officers do not recommend that any Planning Obligations should be sought.

**9 ENVIRONMENTAL IMPACT ASSESSMENT**

- 9.1 The planning application is accompanied by a Supplementary Environmental Statement (dated September 2018) which assesses the impact of the proposed development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 9.2 This Supplementary Environmental Statement has been prepared in cognisance of a formal Scoping Opinion issued by the LPA on the 25<sup>th</sup> July 2018. The submitted SES covers the following topics to determine whether the proposed development would be likely to give rise to any significant environmental effects and whether any mitigation measures were necessary to ameliorate any such impacts:
- Land use planning;
  - Traffic and Transport;
  - Noise and vibration;
  - Biodiversity;
  - Water and flood;
  - Air quality and dust;
  - Ground contamination;
  - Major accidents and disasters; and
  - Cumulative effects.
- 9.3 Given the relationship with the BXC regeneration scheme and the fact that the proposed development would be delivered as part of the BXC Development permitted by the S73 Permission, the SES also had regard to the EIA carried out in support of the BXC outline planning application approved in 2010 and subsequent S73 Application in 2014. Relevant comparisons between the conclusions of the BXC EIA and SES submitted with this planning application have been acknowledged above through the Planning Considerations section of this report having regard to the relevant material considerations.
- 9.4 The relevant assessments and conclusions from those assessments as contained within the SES (September 2018) have been considered by the LPA in consultation with the appropriate statutory and other technical advisers, as set out above, and it is concluded that the proposed development would not give rise to any new or different significant environmental effects that cannot be mitigated through the implementation of appropriate mitigation measures. Such mitigation measures can be secured through appropriately worded planning conditions as suggested in Appendix A of this report.

## 10 EQUALITY AND DIVERSITY ISSUES

- 10.1 Section 149 of the Equality Act 2010, which came into force on 5<sup>th</sup> April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:
- *Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
  - *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
  - *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*
- 10.2 For the purposes of this obligation the term “protected characteristic” includes:
- age;
  - disability;
  - gender reassignment;
  - pregnancy and maternity;
  - race;
  - religion or belief;
  - sex; and
  - sexual orientation.
- 10.3 In considering this planning application and preparing this report, Officers have had regard to the requirements of this section and have concluded that should a decision to grant planning permission for this proposed development be taken, it would comply with the Council’s statutory duty under this important legislation.
- 10.4 Notwithstanding that the proposed development seeks to deliver a railway infrastructure which would not ordinarily be accessible to members of the public, the site would be accessible by various modes of transport, including by foot, bicycle, public transport, private vehicle and commercial vehicles. A range of transport choices are therefore available for all users of the site. As such, and as far as is practicable taking into account the nature of the proposed development, the proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.
- 10.5 Additionally, the proposed development would facilitate the delivery of the New Thameslink Train Station as part of the wider BXC regeneration scheme which would deliver substantial benefits in respect of accessibility, housing, employment opportunities and community facilities.

## 11 CONCLUSION

- 11.1 The application seeks planning permission for the construction and operation of new sidings, realignment of the existing Midland Main Line railway track and provision of associated infrastructure to ensure the continued delivery of a number of rail related services, which are currently provided at the Cricklewood Down Sidings.
- 11.2 The existing Cricklewood Down Sidings (also known as North sidings) are required to be relocated further south to a location adjacent to the existing South Sidings, to make way for the new Thameslink train station (to be known as Brent Cross West); which is being delivered as part of the wider Brent Cross Cricklewood (BXC) regeneration scheme. The new station would deliver significantly improved accessibility to the area and unlock the delivery of new homes and a new office quarter which will generate thousands of new jobs as part of Brent Cross South.
- 11.3 The outline planning permission for the regeneration of BXC approved the delivery of a New MML Train Stabling Facility within the Railway Lands Development Zone, to replace the existing train sidings. However, as a result of detailed design for the new sidings, constraints of the site including the operational railway and the size and design of the replacement sidings tracks to meet Network Rail's requirements, the relocated sidings encroach onto land within the Brent Terrace Development Zone (i.e. outside the Railway Lands Development Zone). As a result, the proposed development would deviate from a number of the S73 Permission Parameter Plans, and therefore it cannot be considered through the mechanisms provided for within the S73 Permission (Conditions 47.5 and 47.6). Instead a stand-alone 'drop-in' application has been submitted which effectively drops the new proposal into the masterplan for BXC. This is not unusual for large developments such as BXC and is an acceptable planning method provided that it doesn't prejudice the delivery of the wider S73 Permission.
- 11.4 Taking into consideration Parameter Plans 015 and 029 of the RDSF, which demonstrates one way in which the BXC Masterplan could be delivered, and considering that the S73 Permission did not define or specifically recognise development required as part of the rail enabling works to support the realignment of New MML Train Stabling Facility, it is considered the Brent Terrace Reconciliation Study submitted with the application provides adequate evidence demonstrating that the S73 Permission would remain capable of implementation in the context of the proposed railway infrastructure. As such, it is considered that the proposed development would not prejudice the delivery of the wider BXC regeneration scheme and therefore would continue to satisfy the requirements for the comprehensive redevelopment of the regeneration area in accordance with the abovementioned development plan policies (saved Policy C1 of the UDP and Policy CS2 of the Core Strategy DPD).
- 11.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the LPA as set out in this

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report. The assessment has considered the key material considerations relating to the principle of the proposed development, local character and amenity (including air quality, noise and vibration), highways and transport impacts, biodiversity, flooding and drainage, contaminated land, and sustainable design and climate change. In summary, the proposed development is considered to be generally acceptable in regard to all of these considerations subject to the imposition of various conditions on any planning permission granted in order to secure the implementation of appropriate mitigation.

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

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SITE LOCATION PLAN – CRICKLEWOOD SIDINGS, LAND TO THE REAR OF BRENT TERRACE (SOUTH), LONDON NW2 1BX  
PLANNING APPLICATION 18/5647/EIA

