

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

REFERENCE: 20/4817/FUL

Received: 12/10/2020

Validated: 12/10/2020

WARD: Childs Hill

Expiry: 28/02/2021

PPA Date: 28/02/2021

Final Revisions: 24/12/2020

APPLICANT: Capital Concrete Limited

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

1. RECOMMENDATION(S)

Recommendation I

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

- a) That the development operates within, and does not exceed, the parameters and limits established by Planning Permission 17/5761/EIA (as amended) and the conditions attached to it;
- b) Legal Professional Costs Recovery Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- c) Enforceability All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

Recommendation II

That upon completion of the agreement specified in Recommendation I, the Strategic Planning Committee APPROVE planning application 20/4817/FUL subject to the conditions listed in Appendix A of this report; and

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

2. APPLICATION BACKGROUND & SUMMARY

2.1 The Local Planning Authority ('LPA') has received a planning application seeking full planning permission to erect and operate a concrete batching facility, including the provision and use of associated infrastructure, on 'Plot 3' of Cricklewood Railway Yard on land to the rear of 400 Edgware Road. The planning application (ref. 20/4817/FUL) was originally submitted on 12th October 2020 with amendments to the proposed development later submitted to the LPA on 24th December 2020.

2.2 The proposed development is described in detail in Section 4 of this report. In summary, the proposed development would consist of the following:

- The erection of a concrete batching plant consisting of:
 - Loading hopper;
 - Covered conveyor system (two sections);
 - Aggregate hopper;
 - Mixer tower;
 - 4no. cement silos;
 - 2no. water tanks;
 - A laboratory unit; and
 - A storage container.
- 5no. aggregate storage bays, 1no. sand storage bay, and 2no. drying bays (all constructed with steel posts with sleeper infill);
- 2no. substation/transformer units;
- An office and welfare facility unit (including showers and lockers);
- Bin storage area;
- A fuel tank;
- 8no. car parking bays (including 1no. disabled parking bay, 1no. active electric vehicle charging point, and 3no. passive electric vehicle charging points);
- Cycle shelter and Sheffield stands for 10no. bicycles;
- A 3-metre high acoustic barrier around the Mixer Tower; and
- A 2.4-metre high palisade fence around the perimeter of Plot 3.

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

2.4 The aggregate and non-putrescible (construction) waste rail transfer facility has been delivered in relation to the wider Brent Cross Cricklewood ('BXC') regeneration scheme. The BXC outline planning permission identified and granted consent for the Strategic Rail Freight Interchange facility located at Hendon Waste Transfer Station to be replaced with a Rail Freight Facility on land to the west of the Midland Main Line railway. This is to enable land to the east of the Midland Main Line railway to be developed to deliver part of the BXC regeneration scheme, including the new

Thameslink Train Station.

- 2.5 The Applicant currently operates a concrete batching facility off Brent Terrace (North) to the northeast of the Application Site. However, this facility was originally constructed and operated by Breedon. A merger between Breedon and Brett Group has resulted in the establishment of Capital Concrete Ltd who have since acquired use of the site.. That existing concrete batching facility occupies land required to deliver development falling within Phase 1 (South) of the BXC regeneration scheme, which commenced construction in 2020. The site is subject to a Compulsory Purchase Order and, as such, the Applicant is required to vacate that land to enable delivery of the regeneration scheme.

3. DESCRIPTION OF THE SITE AND SURROUNDINGS

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

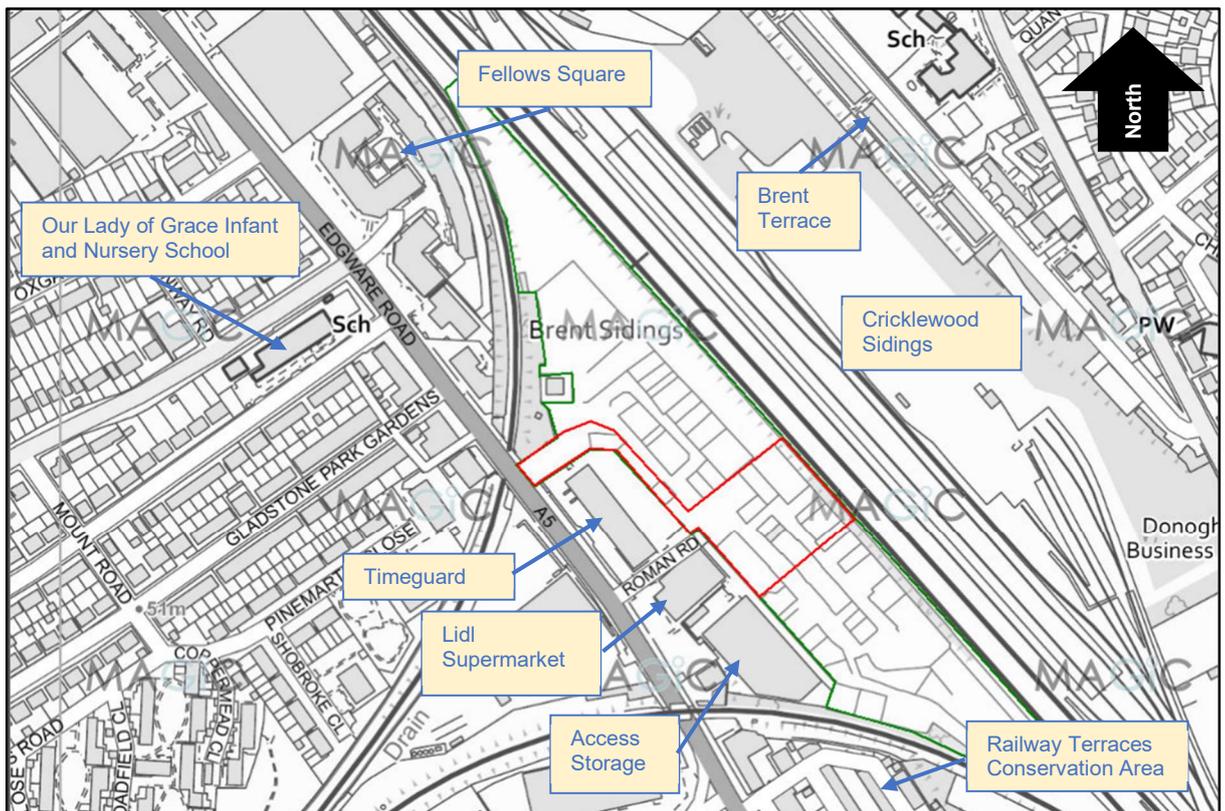


Figure 1: Application Site location situated on Plot 3 (red line) of the consented aggregate and non-putrescible (construction) waste rail transfer facility (green line) (Source: Magic Maps (DEFRA), 2021).

3.2 The Application site is bounded immediately to the northeast by the Hendon freight railway lines and the Midland Mainline railway; and to the southwest by the rear of a number of buildings fronting onto the Edgware Road, including those occupied by Timeguard, Lidl supermarket and Access Storage. Within the broader aggregate and construction waste rail transfer facility, the Application Site would be sited on 'Plot 3' which is located between Plot 2 to the northwest – consented for use as a construction waste transfer operation (from road to rail) – and Plot 4 to the southeast – consented for use as an aggregate waste transfer operation (from rail to road). Beyond the wider site lies the Railway Terraces Conservation Area and a number of residential properties to the southeast, which are situated south of the Cricklewood Curve railway embankment (approximately 100 metres away from Plot 3); and Fellows Square to the northwest sited beyond the Brent Curve railway embankment (approximately 133 metres away).

- 3.3 As identified within the Council's development plan Proposals Map, the site is designated as 'Rail related employment land'. The effect of this policy designation is to safeguard existing employment sites that meet the needs of modern business requirements associated with the use of the railway.
- 3.4 Other designations within the vicinity of the application site (in addition to the aforementioned Railway Terraces Cricklewood Conservation Area) includes six listed buildings: Grade II Milestone at Gratton Terrace – approximately 375 metres to the south; Grade II Church of St Michael – approximately 550 metres to the southwest; the Grade II The Crown Public House and hotel and associated Grade II lamp standards – approximately 720 metres to the south-southeast; Grade II Dollis Hill Synagogue and forecourt railings – approximately 850 metres to the west-southwest; and the Grade II* The Old Oxgate – approximately 930 metres to the northwest of the Site. These heritage assets are all over 500 metres from the site and embedded within the wider urban grain of the area. The Welsh Harp Local Nature Reserve, which is also designated as a Site of Special Scientific Interest (SSSI), is also located over 1 kilometre away to the north-northwest of the application site, to the north of the A406 North Circular.
- 3.5 The Application Site (and wider aggregate and construction waste rail transfer facility) is in the ownership of Network Rail and is currently leased to DB Cargo (UK) Limited, a licenced freight operating company. The Site is operational railway land adjacent to the Midland Mainline and Hendon freight lines and was historically used for operational railway purposes. In more recent years, the site was sub-let by DB Cargo (UK) Limited to a company called Eurostorage who allowed the occupation of the land by a number of tenants and variety of uses, including car breakers, scaffold storage, metalwork, body shop and car repair merchants. From late 2016, DB Cargo (UK) Limited commenced the process of relocating and removing these uses from the land in preparation for the development of the previously consented aggregate and construction waste rail transfer facility. This process was completed in April 2017. The subsequent aggregate and construction waste rail transfer facility was constructed in 2019 and operations commenced on Plots 1 and 2 of the facility in March 2020 following the discharge of all outstanding pre-operation obligations¹.

4. BRENT CROSS CRICKLEWOOD REGENERATION SCHEME

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

¹ As set out in application number 19/6294/CON which was approved by the LPA on 10th March 2020.

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

The application is accompanied by an Environmental Statement.'

- 4.2 The permitted regeneration scheme identifies the Application Site (and wider consented aggregate and construction waste rail transfer facility) as forming part of 'Plot 60' within the Railway Lands Development Zone. This Plot has outline planning consent for the delivery of an intermodal rail freight facility. The new rail freight facility is identified as being required as part of the BXC regeneration scheme to replace Network Rail's existing designated Strategic Rail Freight Interchange Site on the east side of the Midland Mainline. The replacement of the existing Strategic Rail Freight Interchange site is necessary to ensure deliver the New Thameslink Train Station as part of the wider BXC regeneration. The rail freight facility/Plot 60 falls within the Phase 2 (South) (Thameslink Station) sub-phase of the scheme which also includes the development to deliver the aforementioned New Thameslink Train Station in addition to a replacement Waste Handling Facility, and replacement railway sidings and train stabling facility.
- 4.3 Paragraph 5.78 and Appendix 15 of the Revised Development Specification ('RDSF') along with Parameter Plans 018 (Waste and Freight Facilities) and 025 (Indicative Zonal Layout Plan_The Railway Lands) submitted in support of the BXC S73 application provided detail on the approved principles and parameters for the rail freight facility. The rail freight facility ('RFF') envisaged at the time of the S73 Planning Application, and as granted by the outline planning consent, was for a 24-hour intermodal facility for conventional freight (i.e. goods transported by container, pallets or roll cages). The RFF was anticipated to include the following:
- 4.3.1 Construction of a building with a maximum floorspace of 29,300m², including a mezzanine;
 - 4.3.2 Building height to be a minimum of 12 metres and maximum of 16 metres with the exception of the southern elevation adjacent to the Railway Terraces Cricklewood Conservation Area where the height would be restricted to 12 metres (at the eaves);

- 4.3.3 A 7.5 metre wide landscaped buffer along the edge of the railway line and embankment to the southwest of the site, incorporating a substantial noise screen as part of a package of noise mitigation measures to minimise disturbance in the Conservation Area;
 - 4.3.4 The building would be set back at least 15 metres from the railway line and embankment to the southwest of the site;
 - 4.3.5 A landscape buffer zone to the northwest of the site may also be incorporated to minimise noise impacts;
 - 4.3.6 Vehicular access would be directly from the A5, with a separate new entrance and exit;
 - 4.3.7 The rail connection would consist of three sidings adjacent to the Midland Mainline, with one being inside the building;
 - 4.3.8 Operational parking provided on site for 120 cars and 40 HGVs; and
 - 4.3.9 Operations would be enclosed or shielded from adjacent residential properties to minimise noise impacts.
 - 4.3.10 A maximum of 400 HGV movements per 24-hour period (200 in, 200 out); and
 - 4.3.11 A shift pattern of 06:00-14:00, 14:00-22:00 and 22:00-06:00.
- 4.4 The above described RFF therefore had the benefit of outline planning consent by virtue of the BXC S73 Permission, which also granted full planning permission for nine 'Gateway Junctions' that support the wider development. The new junction off the A5 to serve the RFF was included as one of these Gateway Junctions and therefore benefited from full planning permission.
- 4.5 The S73 Permission is supported by a Revised Design and Access Statement, Revised Design Guide and a number of other technical assessments relating to, inter alia, traffic and transport, noise and vibration, air quality and design. The S73 Permission and the preceding 2010 outline permission were also accompanied by Environmental Statements. In respect of the RFF, the Revised Design and Access Statement recognises that development within the Railway Lands Development Zone would be industrial in nature to fulfil utilitarian functions.
- 4.6 Notwithstanding the expectations of the BXC S73 Permission, by the time detailed planning consent was sought from the LPA, the delivery of an intermodal facility for containerised conventional freight facility (as envisaged at the outline planning stage) was not deemed to be viable nor appropriate to meet the prevailing freight market demand. Consequently, an alternative RFF was sought by way of a 'drop-in planning

application' in 2017 – LPA planning permission ref. 17/5761/EIA² – which included the provision of an aggregate and non-putrescible (construction) waste rail transfer facility. The consented development includes creation of four operational Plots with Plots 1, 3 and 4 permitted to facilitate the transfer of aggregate from rail to road; and Plot 2 to facilitate the transfer of construction waste from road to rail. The Application Site falls within this consented aggregate and construction waste rail transfer facility and would be sited on Plot 3 of the facility.

- 4.7 There is an existing concrete batching operation located off Brent Terrace (North) which is operated by the Applicant. The land upon which this existing concrete batching facility sits is required to facilitate delivery of the first phases of the BXC regeneration scheme (development within Phase 1 (South)). However, it should be noted that this Application does not propose the relocation the existing concrete batching equipment from the Brent Terrace (North) site to the Application Site. Instead, the Applicant confirms that the replacement facility would be constructed using new, modern plant and equipment. In its own right, the need for land to deliver part of the BXC regeneration scheme is not any justification for siting a replacement concrete batching facility at this particular Application Site. The acceptability of the proposed development, including its location, is assessed below in Section 8 of this report.

5. PROPOSED DEVELOPMENT

- 5.1 The proposed development is for the erection and use of a concrete batching plant and associated infrastructure, including an office, welfare facility, vehicular parking on Plot 3 of the Cricklewood Railway Yard site, together with the use of an existing access off the A5 Edgware Road. The proposed development is described further below in relation to the construction phase and operational phase:

Construction Phase

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

² As now amended by application ref. 19/3098/NMA, which was approved by the LPA in November 2019.

commissioning trials and tests. During this period, the remaining infrastructure and final surfacing details would be completed.

Operational Phase

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

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

5.6 The Applicant has forecast the scale of the proposed development with 100,000m³ of concrete based products to be exported from the Site per annum. This would result in the requirement for 180,000 tonnes per annum of coarse and fine aggregates to be imported to the Site via the existing and consented aggregate and construction waste rail transfer facility. Planning permission 17/5761/EIA permits the importation of a total volume of 1,000,000 tonnes of aggregate by rail per annum (as limited by Condition 6); and Condition 9 of planning permission 17/5761/EIA restricts the storage of

aggregates (or construction waste, as applicable) to 15,000m³ on each Plot. The proposed development would therefore seek to import around 18% of the total aggregates permitted under planning permission 17/5761/EIA to be imported to the wider site by rail.

- 5.7 To produce the proposed volume of concrete (100,000m³ per annum) the Applicant states that 36,000 tonnes of cement per annum would be required to be imported to the Site via purpose-specific 30-tonne tankers (HGVs). Upon arrival at the Site, the cement would be pumped pneumatically through a sealed system into one of four vertically aligned steel silos, each standing at a height of 15 metres above ground level. Both the silos and tankers are fitted with negative pressure systems which would prevent the escape of cement dust during the transfer process.
- 5.8 The production of concrete would also require other additives and the Applicant states that these would be imported to the Site by road at rate of approximately one delivery per week. The additives required for concrete include metal or plastic fibres and specific chemicals to alter the chemical and/or physical properties of the concrete products. Both are proposed to be imported by road with fibre products arriving in 20kg sacks and other additives delivered and stored within Intermediate Bulk Containers (IBC).
- 5.9 For the production of 100,000m³ of concrete per annum, an average of 113 HGV movements are proposed per day (56.5 in, 56.5 out)³ which would comprise an average of 7no. loads per day of imported additives (cement, fibres or other chemicals) and an average of 50no. loads of concrete exported from the site per day. The Applicant states that day to day lulls in trading and periods of more intense activity are to be expected based on customer demand. However, the proposed total number of HGV movements would fall within the limits already controlled by Condition 17 of planning permission 17/5671/EIA, which allows up to 452 HGV movements per day (226 in, 226 out) Monday to Friday and up to 264 HGV movements (132 in, 132 out) on Saturdays. The proposed average of 113 HGV movements per day equates to 25% of the wider site's permitted total.
- 5.10 On that basis, the proposed development would operate between the same hours as already consented for the wider aggregate and construction waste rail transfer facility: 07:00 to 19:00 Mondays to Fridays and 07:00 to 14:00 on Saturdays with no operations on Sundays or Bank Holidays.

Associated and Ancillary Development

- 5.11 The proposed development would create employment for 11no. full-time members of staff. Consequently, the Site would provide 8no. car parking spaces (inclusive of 1no. active, 3no. passive electric vehicle charging points and 1no. disabled parking space) and a cycle shelter with Sheffield stands to park 10no. bicycles. The proposed welfare

³ For the purpose of the recommended condition in Appendix A of this report (and recognising the proposed daily fluctuations in concrete exports), the proposed Condition 23 has referenced 114 HGV movements per day (as an average) to enable complete trips to be made – i.e. 57 in, 57 out.

facilities include locker and shower facilities for staff members.

5.12 In addition to external lighting consented by planning permission 17/5671/EIA (as approved pursuant to Condition 11 by application 19/6294/CON), the proposed development would include the erection of 8no. additional lighting columns within the Application Site. These columns would stand at a height of 8 metres above ground level and house Tam-lite Stadia light fittings – the same as those already permitted.

5.13 The proposed development also incorporates the erection of associated structures required to carry out the concrete batching process. This includes:

- Laboratory unit – measuring 9m² and standing at height of 2.71 metres. This would house an external air conditioning unit;
- Modular, 2-storey office and welfare unit – occupying 44.65m² of floor area (89.30m² over two floors) and standing at a height of 5.33 metres with an external staircase for access to the upper level;
- Two substation/transformer units;
- Bin store area;
- A fuel tank;
- Two 8-metre high water storage tanks;
- A storage container;
- 5no. aggregate storage bays, 1no. sand storage bay, and 2no. drying bays (the latter serving the purpose of receiving any waste concrete and settled concrete solids from the wedge pit) constructed using steel posts and sleeper infills. These would stand at a height of 5.7 metres in line with those already consented by the aggregate and construction waste rail transfer facility⁴.
- 1no. wedge pit to collect water and sediment following the cleaning out of each concrete mixer lorry and any other surface water from the Site. The Applicant states that the wedge pit is periodically emptied with any sediment either fed back into the plant or taken off site for recycling (where possible), and water returned to the plant's holding tanks for re-use in the concrete manufacturing process;
- A steel, 2.4-metre high palisade fence enclosing Plot 3.

5.14 Akin to the dust mitigation measures secured for the consented aggregate and construction waste rail transfer facility, the proposed development includes the erection

⁴ In accordance with the requirements of Condition 3 attached to planning permission 17/5671/EIA, the detailed Plot Layout for Plot 3 includes the construction of an aggregate storage bay with a 5.7-metre high steel post and sleeper infill containment structure at the northern extent. The Plot Layout Plan for Plot 3 was approved under LPA application 20/2282/CON in July 2020.

of 4no. dust suppression sprinklers which would ensure that the operational parts of the Site benefit from water coverage. Sprinkler locations include at the northern corner of the Plot and along the northwest boundary relative to the aggregate and sand storage bays, respectively; adjacent to the proposed car parking area facing inward to the Plot; and within the plant area covering the loading hopper and connecting conveyor system.

6. MATERIAL CONSIDERATIONS

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

Key Relevant Planning Policy

6.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (published March 2016) and the development plan documents in the Barnet Local Plan (namely the Core Strategy DPD and Development Management DPD both adopted September 2012).

6.3 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.

6.4 More detail on the policy framework relevant to the determination of this planning application and an appraisal of the proposed development against those relevant development plan policies is set out in subsequent sections of this report dealing with specific policy and topic areas. Table 1 below summarises The London Plan and 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 20/4817/FUL

The London Plan (March 2016)	
London's Places	
Policy 2.13	Opportunity Areas and Intensification Areas
London's Economy	
Policy 4.4	Managing Industrial Land and Premises
London's Response to Climate Change	
Policy 5.3	Sustainable Design and Construction
Policy 5.12	Flood Risk Management
Policy 5.13	Sustainable Drainage
Policy 5.14	Water Quality and Wastewater Infrastructure

Policy 5.15	Water Use and Supplies
Policy 5.20	Aggregates
Policy 5.21	Contaminated Land
London's Transport	
Policy 6.1	Strategic Approach
Policy 6.3	Assessing Effects of Development on Transport Capacity
Policy 6.9	Cycling
Policy 6.13	Parking
Policy 6.14	Freight
Policy 6.15	Strategic Rail Freight Interchanges
London's Living Spaces and Places	
Policy 7.4	Local Character
Policy 7.8	Heritage Assets and Archaeology
Policy 7.14	Improving Air Quality
Policy 7.15	Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
Implementation and Monitoring Review	
Policy 8.2	Planning Obligations
Barnet Local Plan – Core Strategy DPD (September 2012)	
Policy CS NPPF	National Planning Policy Framework – Presumption in favour of sustainable development
Policy CS2	Brent Cross – Cricklewood
Policy CS5	Protecting and enhancing Barnet's character to create high quality places
Policy CS8	Promoting a strong and prosperous Barnet
Policy CS9	Providing safe, effective and efficient travel
Policy CS13	Ensuring the efficient use of natural resources
Barnet Local Plan – Development Management DPD (September 2012)	
Policy DM01	Protecting Barnet's character and amenity
Policy DM04	Environmental considerations for development
Policy DM06	Barnet's heritage and conservation
Policy DM14	New and existing employment space
Policy DM17	Travel impact and parking standards
Unitary Development Plan (2006) – Chapter 12: Cricklewood, Brent Cross and West Hendon Regeneration Area	
Policy GCrick	Cricklewood, Brent Cross, West Hendon Regeneration Area
Policy C1	Comprehensive Development
Policy C2	Urban Design – High Quality
Policy C3	Urban Design – Amenity
Policy C7	Transport Improvements
Policy C10	Employment

6.5 Since publication of the initial Draft new London Plan in December 2017, the Mayor has been progressing the new London Plan to supersede the policies contained within the current London Plan 2016 (as referenced in Table 1 above). Following examination in public during January to May 2019, subsequent amendments and directions from the Secretary of State, the Mayor has recently issued the final 'Publication London Plan' to the Secretary of State (in December 2020) with the intention to finalise and adopt the new London Plan by Spring 2021. Given the significant progress in this Plan's process, the draft policies contained within 'Publication London Plan' (December 2020) document carry significant weight in the determination of planning applications. Consequently, Table 2 below lists those draft development plan policies relevant to the determination of this planning application:

Table 2: Draft Publication London Plan policies most relevant to the determination of planning application 20/4817/FUL

Publication London Plan (December 2020)	
Chapter 1: Growth Corridors and Opportunity Areas	
Policy SD1	Opportunity Areas
Policy SD10	Strategic and Local Regeneration
Chapter 3: Design	
Policy D13	Agent of Change
Policy D14	Noise
Chapter 6: Economy	
Policy E4	Land for industry, logistics and services to support London's economic function
Chapter 7: Heritage and Culture	
Policy HC1	Heritage, conservation and growth
Chapter 9: Sustainable Infrastructure	
Policy SI1	Improving Air Quality
Policy SI5	Water Infrastructure
Policy SI10	Aggregates
Policy SI13	Sustainable Drainage
Chapter 10: Transport	
Policy T1	Strategic approach to transport
Policy T4	Assessing and mitigating transport impacts
Policy T5	Cycling
Policy T6	Car parking
Policy T6.5	Non-residential disabled persons parking
Policy T7	Deliveries, servicing and construction
Chapter 11: Funding the London Plan	
Policy DF1	Delivery of the Plan and Planning Obligations

6.6 In addition to this, the Council are also working producing a new Local Plan for Barnet, with a Barnet Draft Local Plan published for consultation (pursuant to Regulation 18 of the Town and Country Plan (Local Planning) (England) Regulations 2012 (as amended)) during January-March 2020. The adopted Local Development Scheme

suggests that further consultation under Regulation 19 of the aforementioned Regulations is intended to take place in the Winter of 2020/21. Relevant policies set out within this Barnet Draft Local Plan include those set out in Table 3 below. However, given the stage at which this Local Plan has progressed, little weight can be attached to its policies at this stage and, therefore, in the determination of this planning application:

Table 3: Barnet Draft Local Plan (Reg 18) (January 2020) policies relevant to the determination of planning application 20/4817/FUL.

Barnet Draft Local Plan (Reg 18) (January 2020)	
Chapter 4: Growth & Spatial Strategy	
Policy GSS02	Brent Cross Growth Area
Policy GSS11	Major Thoroughfares
Chapter 6: Character, Design and Heritage	
Policy CDH01	Promoting High Quality Design
Policy CDH02	Sustainable and Inclusive Design
Policy CDH08	Barnet's Heritage
Chapter 9: Economy	
Policy ECY01	A Vibrant Local Economy
Chapter 10: Environment and Climate Change	
Policy ECC01	Mitigating Climate Change
Policy ECC02	Environmental Considerations
Chapter 11: Transport and Communications	
Policy TRC01	Sustainable and Active Travel

6.7 A number of other documents, including supplementary planning documents, design guidance and national planning practice guidance, are also material to the determination of the application. This includes:

- Cricklewood, Brent Cross and West Hendon Development Framework (2005);
- National Planning Policy Framework (February 2019);
- The National Planning Practice Guidance;
- Noise Policy Statement for England (DEFRA, 2010);
- LB Barnet Planning Obligations SPD (2013);
- LB Barnet Sustainable Design and Construction SPD (2016);
- The Mayor's Sustainable Design and Construction SPG (2014); and
- The Mayor's The Control of Dust and Emissions during Construction & Demolition SPG (2014).

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

- The Mayor's Transport Strategy (2018)
- The Mayor's London Environment Strategy (May 2018)
- The Mayor's London Local Air Quality Management – Policy Guidance (2019);

- LB Barnet's Air Quality Action Plan 2017-2022; and
- DEFRA's Clear Air Strategy 2019.

Relevant Planning History

- 6.9 The most relevant planning history directly related to the Application Site is the aforementioned aggregate and non-putrescible (construction) waste rail transfer facility which was granted consent in July 2018 under planning permission 17/5671/EIA. The proposed development would be sited on Plot 3 of this consented development and carried out alongside the permitted importation of aggregate by rail operation.
- 6.10 The key planning history relevant to the consented aggregate and non-putrescible (construction) waste rail transfer facility is listed in Table 4 below:

Table 4: Summary of planning history relevant to the Application Site.

Planning Reference	Development	Decision
17/5671/EIA	Use of railway land for the transportation of aggregates and non-putrescible waste (construction) by rail including dismantling and removal of lighting tower; levelling of site and provision of landscape bund; 2no. open stockpile areas each containing 10 storage bins and 2no. partially enclosed stockpile areas each containing 10 storage bins; acoustic and perimeter fencing; CCTV, security hut, welfare hut, a weighbridge, 2 no. wheel wash facilities, dust suppression system, drainage, parking for HGVs and cars, traverser road, replacement rail track sidings, continued use of existing building for staff and welfare facilities; and other infrastructure and ancillary works including alterations to the existing access to Edgware Road and provision of new landscaping.	Approved (6 th July 2018)
18/5022/CON	Submission of details of conditions 15 (Construction Environment and Transport Management Plan) and 34 (Part 1A & 1B) (Contamination Site Investigation), pursuant to planning permission 17/5761/EIA dated 06/07/2018	Discharged (12 th October 2018)
18/6596/CON	Submission of details of conditions 16 (Servicing and Delivery Strategy) and 39 (Landscape and Ecology Maintenance Plan) pursuant to planning permission 17/5761/EIA dated 06/07/18.	Discharged (12 th February 2020)
19/1248/CON	Submission of details pursuant to conditions 22 (ANPR Details) and 35 (Fuel Tanks) of planning permission 17/5761/EIA dated 06/07/18.	Discharged (30 th January 2020)
19/3098/NMA	S96A application for non-material amendments to planning permission 17/5761/EIA dated 6th July 2018 for 'Use of railway land for the	Approved (22 nd November 2019)

	transportation of aggregates and non-putrescible waste (construction) by rail.' Amendments to include; relocation of weighbridges, weighbridge cabin and wheel washing facilities; revised parking area layout; amendment to Stockpile Enclosure structures; relocation of fuel tank; replacement of perimeter fence with acoustic fence along part of the western boundaries of Plot 1 and Plot 2; amendment to site access road design; erection of security gates; reduction in overall length of internal haul road; amendment to site drainage strategy; revised external lighting arrangements; revision to site levels; revision to dust suppression system arrangement; reduction in scale of landscape bund and replacement of acoustic fencing at the site's south-west boundary with a planted acoustic Eco-Barrier; and consequential amendments to plan references stated in Conditions 2, 3, 4, 8, 11, 20, 26, 30, 37, 38, 39 and 41 of planning permission 17/5761/EIA.	
19/6294/CON	Submission of details pursuant to Conditions 3 (Plot 1 & Plot 2 Layouts), 11 (Floodlight Details), 15 (Updated Construction Environment and Transport Management Plan), 28 (Site Management Plan), 31 (Noise Monitoring), 32 (Air Quality Monitoring), 34 (Part 2c) (Contamination Remediation Verification) and 36 (Acoustic Fence Specifications) of planning permission 17/5761/EIA dated 06/07/18.	Discharged (10 th March 2020)
20/2282/CON	Submission of details pursuant to Condition 3 (Plot 3 & Plot 4 Layouts) of planning permission 17/5761/EIA dated 06/07/18.	Discharged (29 th July 2020)

- 6.11 Prior to the aggregate and non-putrescible (construction) waste rail transfer facility development (planning permission 17/5761/EIA), there are no previous planning decisions relating to the Application Site (i.e. land to the rear of 400 Edgware Road). As referred to in paragraph 3.5 above, until April 2017 the site was occupied by a number of units including scaffold storage, car breakers, car repair merchants who sub-let the site from Eurostorage. Prior to this, the site has historically formed part of Network Rail's operational railway land.
- 6.12 There are also a number of planning, advertisement and building control records in relation to the buildings fronting onto 400 Edgware Road, however, these are considered to be of little relevance to the proposed development.

Pre-Application Engagement and Public Consultation

6.13 The Applicant has carried out pre-application engagement with the local community, community groups, Ward Councillors and other key stakeholders. Due to the restrictions imposed by the Government as a consequence of the Covid-19 pandemic, the Applicant's pre-application consultation has consisted of the following events:

Issuing of landowner letters	-	17 th June 2020
Development and publication of a project website: https://www.cricklewoodconcrete.co.uk/	-	17 th June 2020
Mail drop to 500 addresses within the area surrounding the Site	-	6 th July 2020
Site visits to an existing concrete batching facility (Wembley)	-	11 th and 16 th July 2020
A virtual exhibition	-	20 th July 2020

6.14 After these events, the Applicant invited participants to provide comments and/or feedback to help inform the design of the proposed development. As set out in the submitted Planning Application and Supporting Statement (PDE Consulting, October 2020), the concerns raised by those consulted related to:

- Surface water and the management of any run-off;
- Disposal of concrete in the event of lorries being prevented from leaving the site (e.g. a traffic incident on the A5);
- Relocation of the development to another Plot within the rail transfer facility or other mitigation to screen the plant;
- Concerns about over-development of the area;
- Impact on air quality in the locality; and
- Landscape impact due to the height of the proposed silos and a request to consider particular viewpoints in any landscape and visual impact assessment.

6.15 The Applicant has also engaged in pre-application discussions with the LPA prior to submitting this planning application. This has constituted a formal request for pre-application advice, which was issued on 21st January 2019 following the Applicant's initial approach to the LPA.

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

Statutory and Other Technical Consultation Responses

- 6.17 In accordance with the relevant Regulations (Town and Country Planning (Development Management Procedure) Order 2010 (as amended) and Town and Country Planning (Mayor of London) Order 2008), the Local Planning Authority ('LPA') conducted a number of consultations with both statutory and non-statutory bodies relevant to the development proposed within this planning application. The consultation responses received following this first consultation are summarised below with an Officer response provided where necessary for the purpose of clarification:
- 6.18 **Brent Council** have confirmed that they have no objections to the proposed development.
- 6.19 **Transport for London** ('TfL') does not object to the principle of the proposed development but had initially requested clarification in respect of the number of HGV movements; the provision of electric vehicle charging points and cycle parking for the proposed 11no. employees; use of Euro VI vehicles and a longer term plan for electric or other zero-carbon HGVs; membership of the Fleet Operator's Scheme and application of the Direct Vision standards; and details on how cyclists would be protected on site. TfL also suggested that the number of car parking spaces be reduced to 8no., a disabled/Blue Badge parking space be provided, and cycle parking spaces be increased in line with the emerging London Plan's promotion of car free development. The Applicant has responded to these suggestions through the submission of revised elements of the proposed development, as set out in Section 7 of this report.
- 6.20 **Network Rail** has no objections to the proposed development. It is noted that the proposed development would be sited on a leased freight yard owned by Network Rail and the developer must, therefore, enter into any necessary licences and agreements with us to undertake this work and operate the proposed scheme if they haven't done so already. They must also liaise with the Asset Protection Team prior to any construction work taking place on site to ensure that the scheme can be delivered safely and without impact to operational railway safety.
- 6.21 The **Environment Agency** have informed that LPA that they have no comments to make on the planning application.
- 6.22 **National Grid** did not provide any comments in response to the LPAs consultation.
- 6.23 **Affinity Water** did not provide any comments in response to the LPAs consultation.
- 6.24 **Thames Water** did not provide any comments in response to the LPAs consultation.
- 6.25 The Council's **Environmental Health Officer** raises no objection in principle to the proposed development stating that the existing Eco-Barrier would be sufficient mitigation for noise produced by the proposed concrete batching facility; and, given the process is mostly covered (the only open section relating to the transfer of aggregate from storage to the plant), it is unlikely that dust emissions would significantly increase as a result of the proposed development. Nevertheless, the Officer requested that a

response be provided in regard to whether the entirety of the concrete batching process could be covered – see Section 7 below in respect of further information submitted by the Applicant and further consultation responses received. It is otherwise recommended that the proposed development be tied into the relevant controls imposed in respect of the existing aggregate and construction waste rail transfer facility, including for air quality and noise monitoring, cleaning and maintenance of the internal haul road, dust suppression of aggregate stockpiles and adherence to the site management plan. Additional conditions are recommended in relation to a Construction Environmental Management Plan, registration of non-road mobile machinery, and noise from plant and ventilation units.

- 6.26 The Council's **Transport and Regeneration Officer** initially requested clarification on a number of points relating to the proposed car parking and cycle parking provisions, routes for pedestrians within the site, arrangements to keep the highway network clean and free of debris and concrete, and what measures are proposed to encourage staff to travel to work by sustainable modes of transport. See Section 7 below in regard to the Applicant's response and further consultation response.
- 6.27 The **Lead Local Flood Authority** raises no objection in principle subject to the following condition being imposed on any planning permission granted:

Development shall not begin until the following information has been submitted to and approved in writing by the London Borough of Barnet Planning Authority:

A Surface Water Drainage Strategy inclusive of evidence of Thames Water's agreement for discharge to their system at the proposed discharge rates; SuDS construction phasing; and SuDS adoption details.

- 6.28 The Council's **Urban Design and Heritage Officer** notes that the proposed site for this scheme sits just north of the Cricklewood Railway Terraces Conservation Area from which it is separated by railway tracks; and almost every property (barring modern development) within this Conservation Area has been placed on the Local List. The Officer states that the proposed development has the potential to have a visual impact on some views looking north out of the Conservation Area, particularly occupants along the northside of Dorchester Court. However, he notes that a large extent of the development does appear to be screened by the existing Eco-Barrier. To confirm his view of the proposed development, a further photomontage was requested illustrating views from Dorchester Court.
- 6.29 All **Ward Councillors** for **Childs Hill** and **Golders Green** were notified of the planning application. **Councillor Anne Clarke** of Childs Hill Ward has responded to this consultation as follows:

'When residents fervently opposed the application for the RFF in 2017, assurances were made about cleanliness, and an eco-barrier was put in place to mitigate the impact on the historic railway terraces. The need for these mitigations laid plain the fact that the RFF was not suited to be in a residential area. These mitigations have failed. The eco-barrier is like a beached whale partially collapsed behind the terraces and the road is in a shocking state.

In the short time the RFF has been in operation, their vehicles have covered the road and pavements with rocks and thick muck. The failure of enforcement and good practice mean that the planning committee should have no confidence of effective management should this application be approved.

Adding concrete to this site would be a change in how this site is used, bringing the site from light industry to heavy industry. There is no precedent for heavy industry in Cricklewood.

Air pollution needs to be taken seriously and I do not see documents in this application that look meaningfully at this issue. This is not satisfactory.

The height and design of the build are unacceptable. The silo is too tall and plainly not in keeping with the surrounding area.

Locally, we know all too well the impact of inappropriate sites in our community and how difficult it is to fight for enforcement once sites are operating. At a time of enormous growth, adding more detrimental facilities to our community is unfair to both current and future residents.

I urge the committee to reject this application.'

6.30 **Railway Terraces Residents Community Association** have raised objection to the proposed development and consider that the erection of a concrete batching facility would have a significant and deleterious impact on the amenity and well-being of residents, bringing heavy industry to a village setting. As such the proposed development is considered inappropriate. Reference is also made to the Eco-Barrier erected under planning permission 17/5761/EIA (as amended by 19/3098/NMA) which partially collapsed in July 2020. As this application relies on the presence of the Eco-Barrier as a the main mitigation for visual and noise impacts on residents of the Railway Terraces, the Residents Association considers it premature to consider this application and it should not be considered until the Eco-Barrier has been reinstated in full. Even with a functioning Eco-Barrier, the Residents Association object to the proposed development on the following grounds:

- Visual impact – The proposed facility would be just under 17 metres at its tallest point and create an unsightly industrial building that would dominate the skyline. Parts of the plant remain visible from parts of the Terraces and a number of bedrooms at the northern end of Midland Terrace and Dorchester Court look directly onto the silos. The plant is visible from Viewpoint D.
- Air quality – The air quality modelling is not robust and does not use statistics from plants that are the same – the assessment uses readings from a site that handles aggregates. Dust modelling has also been based on emissions from quarries (which handle inert materials and not cement) and there is a gap in the evidence base in respect of idling cement lorries and the impact this would have on air quality. No reasoned argument is put forward by the Applicant as

to why augmented monitoring would not be needed if a concrete plant were building given the new presence of cement, additives, loading and ready-mix vehicle emissions.

- Dust and traffic on the roads – Lorries from the existing site have left mud and dust on the A5 and pedestrian footway on a number of occasions. The Applicant relies on site management arrangements for the existing site – we have no confidence existing mitigation measures will be sufficient for the additional, more toxic, industrial process proposed.
- Importation of cement – Currently only inert aggregates are imported to the site by rail and building waste by road. If the concrete batching facility is built it will require cement to be imported which is a highly caustic and toxic substance with a risk of contamination to air and water.
- Noise pollution – The 3-metre high acoustic barrier around the plant would be insufficient to block noise from aggregates being propelled up a conveyor belt which is above the height of this barrier. The noise report does not consider the cumulative impact of the plant operating in addition to activities already taking place.
- Introduction of heavy industry into this part of Cricklewood – This part of Cricklewood has been home to residential homes, light industry, retail and other similar uses for decades. The creation of such a site would be a radical and unwarranted departure from the area's heritage.
- Inadequate consultation process with the wider community – The Applicants have not sent letters to all households. The length of the consultation period was too short to enable residents to verify and critique the noise report. There is no evidence alternative layouts have been explored by the Applicant and have not engaged with the Residents Association about.
- Lack of clarity in some aspects of the development – Inadequate exploration of the impact of cement/concrete wash off entering the water system; inadequate explanation of lighting proposed; and there needs to be clarity regarding the stockpiling of aggregates and application of limits.

Officer Response: As noted elsewhere in this report (paragraphs 8.52 – 8.54), the LPA are aware of the collapsed Eco-Barrier structure and continue to be in liaison with the operator of the aggregate and construction waste rail transfer facility (DB Cargo (UK) Limited). Planning permission for this rail transfer facility development requires the Eco-Barrier to be erected and maintained in an appropriate condition for the purposes of acoustic attenuation. As such, its current state of repair represents a technical breach of the conditions attached to the planning permission (ref. 17/5761/EIA). Whilst the proposed development and assessments supporting the planning application considers the effect of the Eco-Barrier in mitigating the impacts of the proposed concrete batching facility, it is correct and appropriate in planning process terms to pursue the reinstatement of the Eco-Barrier through enforcement of the existing rail transfer facility planning permission (ref. 17/5761/EIA). This planning application is,

therefore, being recommended for approval on the basis of the Eco-Barrier (or such other acceptable replacement) being in place. As such, in the event that Members resolve to grant planning permission for the proposed development, a condition has been recommended (see Appendix A) that would prevent the commencement of any concrete batching operations until the Eco-Barrier (or such other acceptable replacement) has been reinstated or constructed to achieve the necessary acoustic and visual mitigation. .

6.31 **Dollis Hill Residents Association** object to the proposed development on the following grounds:

- The complete change (from DB Cargo's planning permission) to an industrial processing use is unacceptable in a residential area. Sufficient concrete batching for the locality should be established at the (Capital Concrete Ltd) Neasden plant which is not located in a residential area.
- To make concrete, sand is needed. This means aggregates delivered by train will include very finely crushed aggregate and will be more likely to blow around in the wind even though there will be dust suppression spray. The site is above the level of the A5 and dust from aggregate, sand and concrete will also blow down onto it.
- Noise from the site is unacceptable near a residential area. The measurements from the background noise levels are too high, and the noise assessment did not separately consider each of the noisiest and most persistent sources of noise (e.g. drone of concrete mixing, revving of concrete mixer lorries and loud noises when lorries, shovels and hoppers are loaded or moving contents).
- The washing facilities proposed do not remove all dripping concrete or mud, which then spills out from vehicles onto the A5. Rain washes dust and mud downhill from the site to the A5 making it unsafe for pedestrians, cyclists and other vehicles.

Officer Response: The consented aggregate and non-putrescible (construction) waste rail transfer facility already permits the importation of aggregates, including those considered MOT Type 1, 2 and 3. Type 1 includes fine aggregates such as sand. Potential impacts arising from the proposed development in relation to noise and air quality have been addressed in Section 8 of this report. The Applicant has also clarified that the Site would have its own washing facilities to ensure concrete or mud are not tracked off the Site. Officers have also recommended that any planning permission be subject to a condition requiring the submission, approval and implementation of a Site Management Plan which will be expected to set out vehicle washing procedures in addition to other controls relating to noise and air quality.

6.32 **NorthWestTwo Residents Association** object to the proposed development for the following reasons:

- The site has been described as being for rail freight or rail related uses – this goes beyond that in bringing an industrial process onto the site.

- The proposal will create more air pollution and be more visually intrusive.
- It would also bring more HGV movements at an earlier stage than the permitted development.
- Conditions imposed on the rail transfer facility were designed to allow aggregate and waste handling to proceed and set high enough limits to tolerate intermittent peaks. This application argues that systematic increases in pollution are acceptable as long as they do not exceed those permissive levels.
- The noise assessment does not present data from working concrete plants and only models outputs for selected receptors without on-site measurements.
- The GL Hearn air quality assessment (submitted with planning application 17/5671/EIA) states that 'additional monitoring may be required' as a result of the proposed concrete batching plant. If this application were to be approved, the previously conditioned off-site monitoring must be installed and additional monitoring required.
- The application fails to consider that the immediate area is becoming more residential – reference is made to developments at Gladstone Parade (54 residential units), the Matalan site (238 residential units) and conversion of the MS offices into 53 residential units.

Officer Response: The principle of the proposed development in respect of siting a concrete batching facility within the confines of the Cricklewood Railway Yard site is considered in paragraphs 8.1 – 8.12 of this report. The report also addresses the potential impacts of the proposed development including in respect of visual impacts (paragraphs 8.14 – 8.23) and local air quality (paragraphs 8.24 – 8.37), with a condition recommended in Appendix A of this report to secure the additional air quality monitoring suggested by the Applicant. In response to comments about HGV movements and their timing, it is useful to clarify that the number of HGV movements consented by planning permission 17/5671/EIA are not required to be implemented in any phased manner and conditions attached to that planning permission limit the maximum number of HGV trips per day. As set out in Section 8 of this report, the proposed development would operate out of Plot 3 of the aggregate and construction waste rail transfer facility and within the already permitted HGV movement limitation. Therefore, there would be no additional HGV movements as a result of this proposed development. All assessments submitted in support of this planning application has considered the effect of the proposed development on nearby relevant sensitive receptors and these assessments have been reviewed by the necessary technical advisers who have not expressed any concern about the data used or methodologies adopted.

Public Consultation Responses

6.33 Upon validation of the planning application, the LPA notified 536 properties within the vicinity of the application site. The total number of public representations received in response to this planning application, plus other representations received outside of the consultation area, was **162**. All 162 representations **object** to the proposed development. Of those, **10 objectors** (including one elected Childs Hill Ward Councillor) have requested to speak at the Strategic Planning Committee meeting. The objections raised relate to the following issues and are summarised in Appendix B to this report:

- Principle of the development;
- Location of the proposed development;
- Amenity impacts, including air quality, noise, and lighting
- Landscape and visual impacts;
- Traffic and Highway Impacts;
- Monitoring and enforcement;
- Lack of consultation;
- Reliance on a collapsed Eco-Barrier; and
- Impact on heritage assets (the Railway Terraces Conservation Area).

6.34 A further public consultation was carried out following the receipt of additional information seeking to amend the proposal (as described in Section 7 below)⁵. Those who had previously made representations in response to this planning application were notified of the submission of this additional information and were afforded the opportunity to make further comments. In response to this second public consultation, a total of **48 additional representations** were received, all of whom **object** to the proposed development.

7 SUBMISSION OF ADDITIONAL INFORMATION

7.1 As a result of the LPA's consultation exercise following registration of the planning application and the consultation responses received (summarised above) from statutory and non-statutory consultees, technical advisers and members of the public, the Applicant has sought to amend the proposal to address the objections raised. Revised and additional information was therefore submitted to the LPA on 24th December 2020 and included the following documents:

- Cover Letter from PDE Consulting, dated 24th December 2020;
- Updated Landscape and Visual Impact Assessment (Kedd Limited, December 2020);
- An addendum to the Air Quality Assessment: 'Cricklewood Air Quality Dust

⁵ Given that this submission was made just prior to Christmas holidays, the LPA allowed a period of 21-days (instead of 14-days) for the review of the revised and additional information submitted and to allow further comments to be made.

Assessment Note' (WYG, 22nd December 2020);

- An addendum to the Noise Assessment Report (WBM Acoustic Consultants, 7th December 2020); and
 - The following revised and new drawings:
 - 12153-WMS-ZZ-XX-DR-C-30401-S3-P14 – Site Layout Plan;
 - 12153-WMS-ZZ-XX-DR-C-30402-S3-P8 – Dust Suppression Layout (new drawing);
 - 12153-WMS-ZZ-XX-DR-C-30604-S3-P6 – Proposed Plant Elevations; and
 - 12153-WMS-ZZ-XX-DR-C-30901-S3-P9 – Tracking Analysis.
- 7.2 Upon receipt of this information, the LPA conducted a further consultation exercise notifying all those who had made representations in response to the initial public consultation exercise and re-consulting all non-statutory and statutory organisations previously consulted. As a result of this subsequent consultation exercise, further responses were received from some of the abovementioned statutory and non-statutory consultees. The following paragraphs summarise their responses.
- 7.3 The Council's **Environmental Health Officer** has reviewed the additional documents submitted regarding air quality in respect of the proposed amendments to the scheme. He considers that the alterations are likely to reduce dust emissions. It has also been confirmed that the Applicant has simultaneously made a Pollution Prevent Control application to the Local Authority for a Part B Environmental Permit as required under the Environmental Permitting Regulations 2016 (as amended). If granted, the Part B Permit would be monitored by the Local Authority including in relation to dust mitigation measures. Therefore, subject to the aforementioned conditions (paragraph 6.26), in addition to conditions securing the use of Euro VI HGVs as a minimum, the maintenance of daily log to ensure application of best practicable means and dust suppression activities, no objections are raised to the proposed development.
- 7.4 The Council's **Urban Design and Heritage Officer** has reviewed the additional photomontage representing a view from Dorchester Court and has confirmed that his initial view (paragraph 6.29) remains unchanged.
- 7.5 The Council's **Transport and Regeneration Officer** is satisfied the revised site layout and vehicle tracking addresses the concerns previously raised. Therefore, subject to conditions relating to electric vehicle charging points, cycle parking, a workforce travel plan and construction transport management plan, no objections are raised to the proposed development.
- 7.6 The **Environment Agency** have stated that the application is located within an area with no environmental constraints within their remit. The proposal is therefore considered to be low risk and the Agency have no further comments to make.
- 7.7 **Thames Water** have now provided comment on the planning application stating that the surface water infrastructure may not be sufficient to accommodate the needs of the proposed development. As such, a condition relating to confirmation being provided that surface water network upgrades have been completed prior to occupation of the

development has been recommended. This is in addition to other conditions relating to safeguarding buffers in respect of strategic water mains and agreement of methods for any required piling.

As explained in paragraph 8.72 below, the Applicant has since clarified to Thames Water that the proposed development would be connecting into the existing and built drainage infrastructure implemented under planning permission 17/5761/EIA, which was agreed by Thames Water.

7.8 **Councillor Anne Clarke** of Childs Hill Ward has also provided further comments in response to the amended scheme, stating:

'This is further to comments I previously made. The changes made to the plan do not alter my objection to the principle of a concrete batching plant in this location, and the planning portal illustrates that local residents still object.

Whilst I disagreed with the original application for the RFF, mitigations were put in place to make the facility more bearable to residents. These mitigations are not optional and I am disappointed to see this application ahead of the faulty eco barrier being fixed.

The experience so far of DB Cargo's facility has been one of mucky roads and many heavy vehicle movements, it is currently operating well below capacity. The wear and tear on the A5 is visible and the pavements along with street furniture are covered in mud and aggregate.

Concrete manufacturing will bring heavy industry right beside a conservation area, and a wider community that continues to grow in population.

It would be irresponsible of me as a ward councillor to support the bringing of heavy industry, noise, pollution and toxic chemicals to the doorsteps of residents I serve. I wouldn't want it in my own back yard and I certainly don't want it in theirs.

I urge the committee to reject this application.'

7.9 Taking account of the amendments to the planning application, response from the Applicant, and the updated information provided since raising those initial objections, the **Railway Terraces Community Residents Association** have reiterated their objection to the proposed development (see paragraph 6.30 of this report). The following additional points have been stated:

- We note the reduction of height from 17 metres to 15 metres but this is still much too high.
- Even with the change in design specification and with the trees in foliage, the plant would remain visible from parts of the Railway Terraces.

- The Applicant's response on the air quality assessment approach does not engage in any meaningful way with the points previously made in respect of using the previous GL Hearn modelling.
- The Residents Association consider it irrelevant whether the National Air Quality Objectives have been achieved or not, and maintain that 2005 and 2010 air quality standards are not in keeping with modern air quality standards.
- The Applicant's response to ensuring active monitoring of air quality in respect of the use of cement does not address that fundamental concern that any exceedances would be emissions of a toxic pollutant within a few metres of densely populated area.

7.10 On re-consultation **TfL** have reiterated that they raise no objection to the principle of the proposed concrete batching but had sought some clarification on the detail of the proposal. In reviewing the revised scheme, TfL have stated that the proposed car parking and cycle parking (including the provision of electric vehicle charging points and disabled parking) are in accordance with TfL's advice. In addition, it is suggested that conditions be imposed securing the use of Euro VI vehicles, compliance with the Direct Vision standard and at least Silver membership of the Fleet Operators Recognition Scheme (FORS).

7.11 **Network Rail** have confirmed that they have no further comments to make on the additional information submitted and the comments previously made still apply (see paragraph 6.20).

8 PLANNING APPRAISAL

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

Principle of the Proposed Use

Rail Related Employment Land:

- 8.1 The Application Site falls on land identified as 'Rail Related Employment Land' within the Proposals Map associated with the Council's Unitary Development Plan ('UDP') (2006). The Proposals Map that formed part of the adopted UDP (2006) remains the Proposals Map for the subsequent adopted Barnet Local Plan (i.e. the Core Strategy and Development Management Policies DPDs), which has been safeguarded in cognisance of Policy 4.4 of the London Plan (i.e. taking account of the need for strategic and local provision for...transport facilities (including intermodal freight interchanges)). Consequently, saved Policy C10 of Chapter 12 of the UDP (2006), which refers directly to this designation, is material to the consideration of this application and states that: *'Within the area defined on the Proposals Map as rail-related employment land and mixed used land, the council will require the provision of...A rail freight transfer facility with associated uses; Developments for business (B1), industrial (class B2) and warehouse uses (class B8); and Rail-linked waste transfer and materials recycling facility'*.
- 8.2 Also pertinent to this planning application is Policy CS8 of the Core Strategy DPD and Policy DM14 of the Development Management Policies DPD, both of which seek to support businesses by safeguarding employment sites that meet the needs of modern business; and to resist the loss of B Class use on existing employment spaces. Although the Use Class Order has been recently amended since the inception of Policy C10 of the UDP (2006), it is evident that land allocated as 'Rail Related Employment Land' was intended to accommodate some industrial uses falling within the B2 and B8 Use Classes. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 revokes the B1 Use Class and replaces it with the new Class E(g) but the B2 Use Class (General Industrial) and B8 Use Class (Storage or Distribution) remain unchanged. A concrete batching plant would fall within the B2 Use Class. The proposed development would therefore result in the relocation of an existing business from Claremont Way Industrial Estate to land designated as an employment site – Rail Related Employment Land for which B2 uses are permissible.
- 8.3 Paragraph 13.3.2 of the Core Strategy DPD recognises that the BXC regeneration proposals involve the displacement of existing industrial uses, including those located at Claremont Way Industrial Estate which is where the Applicant currently operates a concrete batching facility. It is further stated that provision for relocation of the waste transfer facility and rail freight facility together with business, industrial and warehouse and distribution uses will be made on land bordered by the A5 and MML railway. The relocation of the waste transfer facility and rail freight facility have already been

achieved through the granting of drop-in planning permissions 17/6714/EIA and 17/5761/EIA, respectively. The Core Strategy DPD arguably, therefore, suggests that other displaced industrial uses (such as the existing concrete batching facility) could also be accommodated on land within the BXC regeneration area and explicitly land off the A5 Edgware Road.

- 8.4 In respect of the principle of the proposed development and its location on designated employment land (albeit rail-related), it is evident there is policy support for a B2 Use Class (General Industrial) development to be sited on the Application Site. There is also recognition of the need to relocate existing industrial uses displaced as a consequence of the BXC regeneration scheme, and the proposed development would result in the existing concrete batching facility (although, physically, new plant and equipment would be erected) being relocated within the boundary of the BXC development granted outline planning consent under planning permission F/04687/13 dated 23rd July 2014.

Operational Railway Land:

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

Brent Cross Cricklewood Regeneration Scheme:

- 8.6 As aforementioned, the site also falls within the Brent Cross Cricklewood ('BXC') Regeneration Area as identified by the 'Cricklewood, Brent Cross and West Hendon Regeneration Area Framework (2005)' and defined on the Proposals Map. This is also the subject of saved Policy GCrick within the UDP (2006). Outline planning permission for the comprehensive redevelopment of this regeneration area was originally granted by the Council in 2010 and subsequently varied through the mechanism provided in Section 73 of the Town and Country Planning Act 1990 (as amended). The Section 73 planning permission ('S73 Permission') was granted on 23rd July 2014 (planning reference F/04687/13), which is the permission currently being implemented.
- 8.7 Under the Section 73 planning permission, the Application Site, wider aggregate and construction waste rail transfer facility plus land occupied by other buildings fronting

onto the Edgware Road (Lidl, Timeguard and Access Storage) is identified to deliver a rail freight facility to replace an existing Strategic Rail Freight Interchange facility on the eastern side of the Midland Mainline railway connected to, and utilised by, Hendon Waste Transfer Station. The entirety of this land is identified as 'Plot 60' within the S73 Permission as illustrated on Parameter Plan 029 – Indicative Phasing Plan (Rev. P5) and described within the Revised Development Specification Framework. Plot 60 falls within the Phase 2 (South) (Thameslink Station) sub-phase of the BXC regeneration scheme.

- 8.8 As fully described within the Officer's Report associated with planning application 17/5761/EIA and referred to in paragraph 4.6 of this report, the BXC S73 Permission envisaged the delivery of a conventional rail freight facility for containerised goods on Plot 60. However, by the time detailed planning consent was sought from the LPA, such a facility was not deemed to be viable nor appropriate to satisfy market demand. As such, the now consented aggregate and non-putrescible (construction) waste rail transfer facility has been delivered following determination of drop-in planning permission 17/5761/EIA. A key material consideration of drop-in planning application 17/5761/EIA was whether an alternative rail freight facility would prejudice or undermine the ability to deliver comprehensive redevelopment of the BXC regeneration area. Ultimately it was considered that the aggregate and non-putrescible (construction) waste rail transfer facility would be delivered upon part of the same parcel of land identified for the purposes of delivering a replacement rail freight facility; broadly aligned with the principles and parameters of the BXC S73 Permission; and was capable of being delivered independently from other parts of the regeneration scheme as a discrete component of the BXC redevelopment. Drop-in planning permission 17/5761/EIA was therefore granted on the basis that the development did not prejudice the delivery of the wider BXC regeneration scheme and did not undermine the comprehensive redevelopment of the regeneration area.
- 8.9 The proposed concrete batching facility would be sited on Plot 3 of the consented aggregate and non-putrescible (construction) waste rail transfer facility and is proposed to be operated within the confines of the controls and limitations already established by the conditions attached to planning permission 17/5761/EIA (as amended by 19/3098/NMA). This includes siting the concrete batching plant within the already defined boundaries of Plot 3, utilising the existing access off the A5 Edgware Road and internal haul road arrangements, and making use of the consented rail transfer operation for the importation of aggregates to create concrete products. In respect of any impact on the ability to deliver the BXC regeneration scheme, the proposed development would not be likely to prejudice delivery of the consented regeneration scheme and nor would it undermine the comprehensive redevelopment of the regeneration area. As such, in this regard, the principle of the proposed development is considered to be acceptable.

The London Plan:

- 8.10 There are no policies within the London Plan (2016) that expressly relate to the provision of concrete batching plants in London. However, there is recognition of the need to provide space for less high-value activities crucial to sustaining the city's

metabolism, including manufacturing and logistics uses (paragraph 4.18 of the London Plan); and, in reconciling demand, to manage industrial capacity to meet strategic and local needs (Policy 2.7 – Outer London: Economy) which may result in industrial and related uses being sited outside designated industrial sites. Policy 5.3(C) (Sustainable Design and Construction) also makes reference to securing the sustainable procurement of materials and using local supplies where feasible. The proposed development would contribute to this objective by facilitating a local supply of concrete based products to construction projects in the vicinity of the Site, including that associated with the BXC regeneration scheme. The proposed facility would also utilise the existing facility to import aggregates by rail, thereby minimising HGV movements on the local transport network as it would not be necessary to supply aggregate as an ingredient for concrete by road.

- 8.11 The draft Publication London Plan (December 2020) includes policies relating to facilitating London's growth and recognises the need to make the best of land. In the context of the proposed development, Policy GG2(H) suggests that opportunities to maximise the use of infrastructure assets for more than one purpose is important to make the best use of land and support efficient maintenance. Policy T7 (Deliveries, servicing and construction) also states that development proposals should facilitate sustainable freight movement by rail – as aforementioned, the proposed development would result in a reduction in road-based freight movements associated with the production of concrete. Whilst the Application Site is not designated as industrial land, Policy E7 (Industrial intensification, co-location and substitution) does encourage the intensification of uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land with the existing rail transfer facility fulfilling an existing industrial function. However, this of course, needs to be weighed in the balance of the impact of such development on nearby sensitive uses.
- 8.12 The BXC Regeneration Area is also identified as an Opportunity Area within the London Plan. Policy 2.13B identifies that development proposals within opportunity areas should support the strategic policy directions for those areas. The strategic policy direction for the BXC opportunity area is reflected in Policy CS2 of the Core Strategy DPD (2012) and saved Policy C10 of the UDP (2006), which references the delivery of key rail facilities and developments for industrial uses as part of the comprehensive redevelopment to support the area's strategic location.

Protecting Barnet's Character and Amenity

- 8.13 The proposed development is for the construction and operation of a concrete batching facility which is to be located within an existing and operational aggregate and construction waste rail transfer facility. The proposal would result in the use of aggregates imported to the Site by rail (an already consented operation) in the creation of various concrete products for supply to local construction sites. A summary of the process involved in concrete batching is set out in paragraph 5.5 of this report. As a consequence of that process, there is the potential for the proposed development to generate air quality and noise impacts on nearby sensitive receptors. Additionally, the visual impacts of the proposed development in the context of the local landscape need

to be considered as a result of the erection of a concrete batching plant itself and ancillary development including the erection of additional external lighting. Each of these material planning considerations are discussed in turn below.

Local Character, Landscape and Visual Impact:

- 8.14 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 diversity⁶. On a more strategic level, Policy 7.4 of the London Plan states that development should have regard to (inter alia) form, function, scale, mass and orientation. Saved Policy C2 of the UDP also expresses the Council's objective to seek to achieve the highest standard of urban design in the BXC regeneration area; adding that proposals will need to be consistent with the strategic principles set down in the *Cricklewood, Brent Cross and West Hendon Development Framework (SPG)*.
- 8.15 The proposed development would result in the erection of a concrete batching plant consisting of various taller elements, including cement storage silos, water tanks, aggregate hopper and mixer tower; in addition to ground level infrastructure such as the aggregate storage bay containment structures (steel posts and sleeper infills), a two-storey office and welfare unit, laboratory unit and substations. To evidence the visual impacts of the proposed development, the Applicant has produced a Landscape and Visual Impact Assessment ('LVIA') including photomontages from viewpoints suggested through the pre-application public consultation with local residents and agreed with the LPA. This LVIA (updated in December 2020) considers the sensitivity of nearby receptors, magnitude of effects arising from the proposed development both in respect of the local landscape and receptors susceptible to visual impacts, and then assesses the significance of those impacts.
- 8.16 Noting that the Application Site lies within Natural England's 'Northern Thames Basin' Joint Character Area (associated with land rising above the low-lying marshy landscapes adjoining the coast and Thames estuaries) and locally within the 'Finchley Ridge Natural Landscape Area', it is characterised as being located within a dense urban environment inclusive of major transport infrastructure corridors (the A5 Edgware Road and MML railway). In its immediate environs, the Application Site sits within the consented aggregate and construction waste rail transfer facility which consists of open material stocking areas for aggregates and construction waste, in addition to large canopy structures (13.34 metres above ground level at the ridge of the structures) covering aggregate storage bays to the north (Plot 1) and south (Plot 4). To the east of the Site lies extensive railway infrastructure including the MML, Hendon freight lines, and Cricklewood sidings. Beyond this are residential suburban areas, including Brent Terrace. The Site is located adjacent to large retail, office and warehousing units (Lidl, Timeguard and Access Storage) which lie to the west and front onto the A5 Edgware Road. The A5 corridor consists of a mix of uses including large

⁶ Paragraph 10.5.5 of the Core Strategy DPD (2012).

retail, residential, commercial and a bus depot.

- 8.17 The proposed development would result in the construction of permanent concrete batching facility which, at its tallest aspect, would stand at a height of 15.0 metres above ground level (67.6 metres AOD). The Applicant has assessed the impact of this proposal from several local viewpoints including from within the Cricklewood Railway Terraces Conservation Area (from Johnston Terrace, Midland Terrace garden/green space, and Dorchester Court), from the A5 Edgware Road, from Fellows Square residential development to the north of the Site and from positions to the east of the MML railway. The Applicant's updated LVIA (December 2020) includes an assessment of both the landscape and visual impacts of the proposed development taking into account the sensitivity of receptors, the magnitude of change and the significance of the resultant impacts. The assessment of landscape sensitivity concludes that the impact of the proposed development would range from 'Very Slight Adverse' to 'Moderate Adverse', with the most notable impact (Moderate Adverse) experienced within the character area immediately to the south of the Site (i.e. the Railway Terraces). Based on the sensitivity of the 18no. identified receptors, the Applicant's assessment of visual impacts from residential receptors, public viewpoints, places of work and transport routes concludes that the visual change and significance of those changes would range between 'Neutral' to 'Moderate Adverse'. Again, the most notable impact (Moderate Adverse) has been identified at receptors to the south of the Site within the Railway Terraces.
- 8.18 The Applicant's LVIA is supported by a number of photomontages giving an indication of how the proposed development would be perceived from particularly sensitive receptors. Where necessary and influenced by existing vegetation, this includes a perspective in both Summer and Winter months. The photomontage from Johnston Terrace indicates that parts of the proposed concrete batching plant would be visible above the existing Eco-Barrier (this is partially screened by vegetation in the Summer months). From both Dorchester Court and the green space between Midland Terrace and Johnston Terrace, the photomontages demonstrate that the proposed concrete batching plant would not be visible above the Eco-Barrier structure – this is partly due to the topographical changes throughout the Railway Terraces area. When viewed from positions to the east of the MML railway (i.e. from within the Cricklewood Sidings area), the proposed concrete batching plant would be visible but within the context of intervening railway infrastructure and abutting the existing aggregate storage bay canopy structure.
- 8.19 Assessment of both landscape and visual impacts are predicated on the presence of the 'Eco-Barrier' installed adjacent to the Cricklewood Curve rail to principally mitigate the anticipated noise emissions from the consented aggregate and construction waste rail transfer facility. The LPA are aware of (and several public representations have made reference to) the partial collapse of the eastern extent of this Eco-Barrier structure in July 2020 and that it remains in an unrepaired state at the time of writing this report. The Applicant has similarly relied on the presence of this structure as mitigation for the proposed development (e.g. in respect of noise and air quality impacts). The status of this Eco-Barrier and its materiality in the consideration of this planning application is discussed further below in paragraph 8.52-8.54 of this report.

- 8.20 Having regard to the aforementioned development plan policies and taking account of the prevailing local character, the proposed development would be sited within the confines of an established industrial-type use in the form of the consented aggregate and construction waste rail transfer facility. It would also be positioned on operational railway land (with the importation of aggregate via the established rail head being a key element of the proposed scheme) and adjacent to extensive railway and rail-related infrastructure associated with the MML railway, Hendon freight lines and Cricklewood Sidings. As such, it is considered that the proposed concrete batching facility would not be entirely incongruous with the immediate character of the area.
- 8.21 Beyond the immediate environs of the Application Site, whilst elements of the proposed concrete plant may be visible from some receptors and positions outside the Site (including from within the Railway Terraces), as demonstrated by the submitted LVIA, it is considered that this would not significantly alter the character of the locality (the impact on the setting of the Conservation Area is considered below). With respect to views from the Railway Terraces, it is also noted that the skyline is already impacted by the Access Storage building, railway infrastructure and telecommunications infrastructure. In addition to this, the Eco-Barrier offers a significant visual benefit in restricting views of the proposed development and providing a green screen, particularly once the intended planting becomes established and matured. In respect of views from the A5 Edgware Road, these would be viewed in the context of the of significant rail and rail-related infrastructure associated with the MML rail, Hendon freight lines and the train stabling facilities to the east of the railway corridor (including that delivered as part of the BXC regeneration scheme). Therefore, when viewed against this backdrop, the proposal would not necessarily be out of character with these existing utilitarian structures and uses.
- 8.22 Overall it is considered that the proposed development would not be incongruous with the local mixed-use urban and utilitarian landscape character and, based on the evidence submitted, would not necessarily be in contravention of Policy CS5 of the Core Strategy DPD, Policy DM01 of the Development Management Policies DPD and Policy 7.4 of the London Plan (2016) given its co-location with the existing aggregate and construction waste rail transfer facility on operational railway land.
- 8.23 A number of public representations have referred to other planning applications within the vicinity of the Site which might alter the sensitivity of identified visual receptors – this includes the proposed construction of residential uses at the site currently occupied by Matalan retail unit to the east (in the London Borough of Brent)⁷; and the proposed construction of mixed-use residential development at the site currently occupied by B&Q to the south⁸. The LPA note that both these sites remain subject to planning

⁷ The London Borough of Brent planning application reference is 20/0115 and remains pending the planning authority's consideration at the time of reporting this planning application to Barnet's Strategic Planning Committee. The proposal is for the demolition of the existing Matalan retail unit and construction of three buildings of 3-7 storeys in height comprising a total of 238 residential units and commercial space (Use Class B1) at ground level.

⁸ This is being considered by the LPA (London Borough of Barnet) under application ref. 20/3564/OUT and remains pending consideration at the time of writing this report. The proposal is for the demolition of existing buildings and the comprehensive phased redevelopment of the site for a mix of uses including up to 1100 residential units (Use Class C3), and up to 1200 sqm of flexible commercial and community floorspace (Use

approval and are not, therefore, committed schemes that can be taken into account when determining this planning application. It should also be noted that Officers have consulted the London Borough of Brent in respect of this planning application and their response is outlined in Section 6 of this report.

Air Quality:

- 8.24 The Application Site is located within an Air Quality Management Area (AQMA), as is the whole of the London Borough of Barnet. Policy 7.14 of the London Plan requires planning decisions to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality, particularly within AQMAs; be at least 'air quality neutral' and not lead to further deterioration of existing poor air quality; and ensure that where provision needs to be made to reduce emissions from a development, this is usually provided on-site. Reference to minimising pollution (including air) is also made within Policy 5.3 of the London Plan; and draft Policy SI1 (Improving Air Quality) of the new Publication London Plan (December 2020) similarly seeks to tackle poor air quality by ensuring development proposals are at least Air Quality Neutral so that they do not lead to further deterioration of existing poor air quality.
- 8.25 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.
- 8.26 The Applicant has submitted an Air Quality Assessment (October 2020) and an associated addendum (Air Quality Technical Note, 22nd December 2020) following revisions to the proposed development (i.e. revised plant layout and reduction in plant height). The Air Quality Assessment considers the impact of the proposed development both during the construction and operational phases of the concrete batching facility, with impacts during the operational phase considered in respect of emissions from traffic and dust emissions from the concrete batching process.

Construction Phase:

- 8.27 It is stated that the main emissions during the construction phases are likely to be from dust and particulate matter, particularly through the drier months of the year. Through consideration of the usual construction processes (earthworks, construction and track-out) in relation to sensitivity of nearby receptors, the assessment concludes that without any mitigation the impacts arising from the proposed development would be between negligible and low in relation to dust soiling, the health effects of particulate

matter (PM10s) and on ecological receptors. Notwithstanding this, the Applicant has proposed to implement various mitigation measures to manage dust emissions. Amongst other measures, this includes the implementation of a Dust Management Plan, use of machinery and dust generating activities positioned away from receptors, managing any stockpiled materials, and use of dust sweepers and wheel washing systems. To ensure the appropriate construction management measures are agreed and implemented, it is recommended that in the event of planning permission being granted, a condition be imposed requiring the submission, approval and implementation of an appropriate Construction Environmental Management Plan.

Operational Phase:

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

mitigation measures previously secured in relation to the aggregate and construction waste rail transfer facility and as illustrated on drawing number 12153-WMS-ZZ-XX-DR-C-30402-S3-P8 (Dust Suppression Layout), this includes the installation of a dust suppression system consisting of 4no. automated sprinklers covering the majority of Plot 3 (including all stockpiling and aggregate storage areas, the areas around the concrete batching plant, and the open yard areas). To further ensure compliance with the wider rail transfer facility, the Applicant also proposes to adopt measures set out within the approved Site Management Plan.

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

⁹ LPA application reference 19/6294/CON.

tanker to the silos. The latter is a matter the Council's Environmental Health Officer had also initially raised. However, the Applicant has clarified that the transfer of cement is an entirely enclosed process and the cement silos would be completely sealed, standalone units. Furthermore, these silos are designed with in-built mechanisms to prevent blow-out occurring due to over-pressurisation. This includes pressure sensors, alarms, integrated shut-off valves, pressure relief valves, and reverse air jet filters. Such design measures are recommended as best practice. Nevertheless, in response to these concerns, the Applicant has proposed to undertake additional temporary on-site dust monitoring covering a period 3 months prior to construction, the construction period and 3 months post construction including operation of the concrete batching facility. If planning permission is granted, this dust monitoring should be secured by planning condition.

- 8.34 Additionally, it recognised that the proposed concrete batching facility would be subject to an Environmental Permit in line with the Environmental Permitting Regulations 2016 and, in accordance with paragraph 183 of the NPPF, the planning system should not seek to duplicate or control processes or emissions subject to separate pollution control regimes. The Council's Environmental Health Officer has since confirmed that the Applicant has applied for a Part B Environmental Permit and this is pending consideration. The Officer has clarified that, if a Part B Permit is issued, the operation would be monitored including inspections twice a year and review of dust mitigation measures.
- 8.35 Policy 7.14 of the London Plan and draft Policy SI1 (Improving Air Quality) of the new Publication London Plan (December 2020), requires development proposals to be at least Air Quality Neutral so that they do not lead to further deterioration of existing poor air quality. The Applicant has addressed this matter within their Air Quality Assessment through consideration of the GLA's Air Quality Neutral Planning Support document (April 2014), which was used to establish the appropriate emissions benchmarks for buildings and transport in relation to the application of air quality neutral policies. This document describes how the relevant benchmarks have been derived in relation to buildings and transport emissions. For building emissions, it is noted that the benchmarks have been defined only in relation to buildings consuming gas or oil fuels. As the Applicant asserts, the proposed development would not result in the construction of any CHP or boilers and would not, therefore, generate emissions through the use of gas or oil fuels. The Building Emission Benchmarks are not applicable to this proposal. For transport emissions, the aforementioned document states that vehicle trips associated with B2 uses (for which the proposed development would be), Transport Emission Benchmarks would not be applicable because it is an industry that would otherwise require an Environmental Permit. As such, B2 uses are excluded from the relevant air quality neutral policies. On this basis, the proposed development is not considered to contravene the requirement to demonstrate air quality neutrality.
- 8.36 The Council's Environmental Health Officer has reviewed the planning application in respect of both air quality impacts. Whilst he had initially requested that further consideration be given to additional dust mitigation measures (i.e. the further enclosure of the cement silos to prevent dust blow-out during the transfer process), following

clarification from the Applicant in this regard, he is now content that the revisions to the proposed development would be likely to reduce dust emissions. As such, no objections are raised subject to conditions ensuring the proposed development is monitored in line with the existing monitoring regimes established for the aggregate and construction waste rail transfer facility; that daily logs are kept in respect of the facility operating under best practicable means and implementation of dust suppression measures; that the operations are carried out in line with the existing cleaning and maintenance programme for the wider site; and that only Euro VI HGVs should be used as a minimum. These measures can be secured by way of suitably worded planning conditions, including the aforementioned Site Management Plan.

- 8.37 On the basis of the foregoing and subject to the implementation of the recommended planning conditions relating to site management, additional dust monitoring, limitation of HGV movements and use of the lowest emission HGVs, it is considered that the proposed development would not be likely to cause any significantly adverse impacts on local air quality. As such, the proposed development is considered to accord with Policies 5.3 and 7.14 of the London Plan, Policies DM01 and DM04 of the Development Management Policies DPD and saved Policy C3 of the UDP.

Lighting:

- 8.38 Policy DM01 (f) of the Development Management Policies DPD states that, for development proposals incorporating lighting schemes, lighting should not have a demonstrably harmful impact on residential amenity (or biodiversity). As illustrated on drawing no. 12153-WMS-ZZ-XX-DR-C-30401-S3-P14 (Site Layout Plan), the proposed development includes the erection of 8no. new lighting columns within Plot 3. These would be in addition to the external lighting previously consented under planning permission 17/5761/EIA and details approved pursuant to Condition 11 of that planning consent (LPA application ref. 19/6294/CON). The proposed light fittings would be the same as those previously approved for the aggregate and construction waste rail transfer facility – TamLite Stadia LED lighting – and the submitted plan referred to above demonstrates that all lighting would face inward from Plot 3's boundaries. The Applicant has also clarified that the new lighting columns would stand at a height of 8 metres above ground level. Taking into account the location of nearby sensitive receptors, the boundary treatments already installed at the southwest and northeast boundaries of the aggregate and construction waste rail transfer facility (i.e. the Eco-Barrier and 5.1 metre high acoustic barrier adjacent to the MML railway), type of lighting, and the height and location of the proposed external lighting; it is considered that the proposed development would be unlikely to harm the amenity of nearby residents. In respect of any biologically or ecologically receptors that are sensitive to light, the proposed arrangement of lighting would be directed into the Site, which would assist in limiting any such impacts. As such, the proposed development is considered to satisfy the requirements of Policy DM01 of the Development Management Policies DPD and saved Policy C3 of the UDP.

Noise:

- 8.39 Policy 7.15 of the London Plan states that development proposals should (a) avoid

significant adverse noise impacts on health and quality of life; (b) mitigate and minimise existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses; (e) application of good acoustic design principles; and (g) promoting new technologies and improved practices to reduce noise at source. Policy CS13 of the Core Strategy seeks to improve noise quality by requiring Noise Impact Assessments in line with Barnet's SPD on Sustainable Design and Construction. While Policy DM04 of the Development Management Policies DPD states that proposals likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted and mitigation of noise impacts through design, layout, and insulation will be expected where appropriate. Saved Policy C3 of the UDP requires that development within the BXC regeneration area should generally protect and, wherever possible, improve the amenities of existing and new residents. Draft Policy D14 (Noise) of the Publication London Plan (December 2020) also states that proposals should manage noise by (inter alia) avoiding significant adverse impacts on health and quality of life; and mitigating and minimising potential adverse impacts of noise without placing undue restrictions on existing noise-generating uses.

- 8.40 The Council's Sustainable Design and Construction SPD (2016) states that the main sources of noise in Barnet include (inter alia) road and rail traffic, commercial and industrial land uses, and construction activities. The SPD then goes on to identify 'Noise Design Principles' to be considered by the applicant in the design and construction processes. Of particular relevance to the proposed development, the SPD advises that *'Any plant and machinery should be operated so as to ensure that any noise generated is at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property'*. The Council generally expects good acoustic design with mitigation measures that ensures a good level of amenity both externally and internally. Similar guiding principles are set out within the Mayor's Sustainable Design and Construction SPG (2014) in regard to reducing noise at source, containing noise sources and protecting noise sensitive receptors.
- 8.41 National planning guidance in relation to noise is set out in the National Planning Policy Framework which states at paragraph 123 that *'Planning...decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigation and reduce to a minimum other adverse impacts on health and quality of life arising from noise...including the use of conditions...'*. These noise objectives are derived from the *'Noise Policy Statement for England (DEFRA, 2010)'* and are generally reflected in all noise-related development plan policies. The consideration of noise impacts is provided by further guidance in the national Planning Practice Guidance. There are also British Standards relating to noise and vibration including: BS 5228: Code of Practice for Noise and Vibration Control on Construction and Open Sites (2009); BS 6472: Guide to Evaluation of Human Exposure to Vibration in Buildings (2008); BS 7385: Evaluation and Measurement for Vibration in Buildings (1993); BS 8233: Guidance on Sound Insulation and Noise Reduction for Buildings (2014); and BS 4142: Methods for Rating and Assessing Industrial and Commercial Sounds (2014).

- 8.42 The Applicant has prepared and submitted a Noise Impact Assessment which considers the likely noise impacts of the proposed development on Plot 3 in view of the existing noise emissions (and mitigation) associated with the wider aggregate and construction waste rail transfer facility. It appears this assessment has been carried out collaboratively between the Applicant's acoustic consultant (WMB Acoustic Consultants) and the acoustic consultant appointed by the operator of the aggregate and construction waste rail transfer facility (GL Hearn). Utilising the background levels established by the aggregate and construction waste rail transfer facility¹⁰ and noise data obtained from an existing operational concrete batching facility (at Silvertown), the Applicant has modelled predicted noise levels from the proposed development at the nearest residential receptors at Fellows Square and within the Railway Terraces. This includes consideration of the mitigating effects provided by both the existing acoustic mitigation measures associated with the aggregate and construction waste rail transfer facility, in addition to the Applicant's proposed mitigation which includes a 3-metre high acoustic barrier positioned around part of the concrete batching plant.
- 8.43 The results surmise that the noise levels experienced at the modelled receptors as a result of proposed development would be 33dB $L_{Aeq,1 \text{ hour}}$ at 38 Needham Terrace, 37dB $L_{Aeq,1 \text{ hour}}$ at 22 Midland Terrace, and 50dB $L_{Aeq,1 \text{ hour}}$ at Fellows Square. All of these predicted noise levels demonstrate that noise from the proposed development would be below background levels during both weekday and weekend operational periods. As such, the rating noise levels arising from operation of the proposed concrete batching facility would be considered to fall below the 'Lowest Observed Adverse Effect Level' where noise impacts are defined as either 'not noticeable' or 'noticeable but not intrusive' in accordance with the criteria set out in the national Planning Practice Guidance and Noise Policy Statement for England (2010). In planning terms, this is considered to be acceptable as there would be no significant adverse impacts on health or quality of life as a result of the proposed development in accordance with paragraph 123 of the NPPF.
- 8.44 The Council's Environmental Health Officer has also reviewed the Applicant's noise impact assessment in regard to the application of an appropriate methodology, robustness of the assessment, and therefore acceptability of its conclusions. It is noted that the Officer is content that the proposed development would be unlikely to cause any significant impacts on nearby receptors as a result of the existing and proposed noise mitigation measures. This includes the existing Eco-Barrier (see paragraph 8.52-8.54 of this report for further information relating to this) and the proposed additional 3-metre high acoustic barrier to be erected around the concrete batching plant. However, as set out in paragraphs 6.26 and 7.3, the Environmental Health Officer has recommended that any planning permission be subject to conditions including those relating to noise. This includes ensuring the monitoring of noise levels from the proposed development in line with the existing monitoring regime established for the aggregate and construction waste rail transfer facility. In regard to this latter requirement, and as similarly described in relation to air quality monitoring, the LPA would recommend that this be secured by way of a condition requiring the submission,

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

approval and implementation of a Site Management Plan which describes the proposed monitoring regime, the applicable Site Action Levels and remedial measures to be taken in the event of any exceedance of those levels.

- 8.45 Paragraph 122 of the NPPF is also noted insofar as it requires that LPAs focus on whether the development itself is an acceptable use of land and the impact of that use rather than the control of processes or emissions themselves which are subject to other pollution control regimes. In terms of noise, the proposed development will also be subject to controls imposed by the Environmental Protection Act 1990 (i.e. statutory nuisances). Therefore, given the foregoing, the proposed development is considered to be an acceptable use of land as it would not be likely to give rise significant adverse impacts from noise that would harm the amenity of nearby sensitive receptors. Therefore, the proposed development is considered to be in compliance with Policy 7.15 of the London Plan, Policy CS13 of the Core Strategy DPD, Policy DM04 of the Development Management Policies DPD and saved Policy C3 of the UDP.

Heritage Assets

- 8.46 The Application Site lies to the north of the Railway Terraces Cricklewood Conservation Area, with the Cricklewood Curve railway embankment and Eco-Barrier structure separating the two areas. The 'Railway Terraces Cricklewood Conservation Area – Character Appraisal and Management Proposals (December 2016)' prepared by the Council describes the Railway Terraces as being located within a wider area dominated by the railway and large industrial/commercial units. Construction of the Railway Terraces is known to have commenced in the late 1860s and are attributable to the railway heritage of Cricklewood. An Area of Special Archaeological Interest lies directly to the south of the Conservation Area, although Section 3.2 of the aforementioned Character Appraisal document confirms that there are no records of significant archaeological finds in the vicinity of the Conservation Area.
- 8.47 Policy 7.8 (d) of the London Plan states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. This is similarly reflected in the emerging Policy HC1 of the Publication London Plan (December 2020). Policy CS5 of the Core Strategy DPD states that the Council will proactively protect and enhance Barnet's heritage, including conservation areas. Policy DM06 of the Development Management Policies DPD states that (a) all heritage assets will be protected in line with their significance, (b) development must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet, (c) proposals involving or affecting heritage assets should demonstrate (inter alia) significance of the heritage asset, impact on that significance, and impact on setting of the heritage asset. This is in line with the NPPF which sets out policies to conserve heritage assets in a manner appropriate to their significance.
- 8.48 Whilst the proposed development is located in close proximity to this Conservation Area, there are a number of factors that need to be considered to assess the impact of the proposed development on the significance of this heritage asset. As a starting

point, the character of the Conservation Area coincides with, and is attributable to, the presence of the railway and associated infrastructure that have been established and continually used for over 150 years. As such, the area has evolved in tandem with the railway industry and its associated uses. Prior to the construction of the aggregate and construction waste rail transfer facility, the Application Site (and wider Cricklewood Railway Yard) had housed various B2 and B8 land uses creating a mix of commercial, sui generis and light industrial uses. Therefore, such uses in proximity to the Conservation Area are not unusual. Additionally, the boundary between the Application Site/Cricklewood Railway Yard and the Conservation Area is defined by the Cricklewood Curve railway embankment, which is an active rail freight line which would continue to be used regardless of the success of this planning application. This embankment sits in an elevated position when viewed from the Railway Terraces and, in addition to the Eco-Barrier now installed within the Cricklewood Railway Yard site, limits views into the Application Site.

- 8.49 The planning application proposes the construction and operation of a concrete batching plant consisting of various elements of plant including cement silos, mixer tower, aggregate hopper, water tanks and covered conveyor systems. As a result of responses received following the LPA's initial consultation exercise, the Applicant has amended the scheme to reduce the maximum heights of the proposed plant with the tallest elements (cement silos and aggregate hopper) now proposed to be 15.0 metres above ground level. The Applicant has produced photomontages as part of their LVIA to demonstrate how this development might be viewed from various receptors. In respect of the Railway Terraces Conservation Area, it is evident some aspects of the proposed concrete batching plant would protrude just above the existing Eco-Barrier structure when looking north, particularly from elevated positions within the Railway Terraces (given the topographical changes) and at the first floor level within some residential properties.
- 8.50 The Applicant has also submitted a Heritage Statement which considers the impact of the proposed development on designated and non-designated heritage assets. In respect of the Railway Terraces Conservation Area, it is stated that the proposed development area is sited within an existing and historic industrial setting and that views from the Railway Terraces Conservation Area are dominated by the Cricklewood Curve railway embankment.
- 8.51 Given the presence of the existing Eco-Barrier (or any replacement of it – see paragraph 8.52 - 8.54 of this report), it is evident that only partial views of the tops of the proposed concrete batching plant would be visible from some positions within the Railway Terraces Conservation Area. Furthermore, it is noted that the boundary of the Application Site is approximately 120 metres from the Conservation Area. Added to the fact that the Conservation Area's significance is directly attributable to the railway heritage of Cricklewood and that it has not been uncharacteristic for land within the vicinity of this heritage asset to accommodate industrial type uses, it is considered that the proposed development would not result in any substantial harm to the setting of the Conservation Area. The Council's Urban Design and Heritage Officer has reviewed the planning application and advises that a large extent of the proposed development

would be screened by the Eco-Barrier/green wall. As such, the proposed development is considered to be in compliance with Policy 7.8 of the London Plan and Policy DM06 of the Development Management Policies DPD.

Status of the 'Eco-Barrier'

- 8.52 Planning permission 17/5761/EIA for the aggregate and construction waste rail transfer facility (as amended by 19/3098/NMA) requires the construction and retention of acoustic attenuation measures in order to ensure the development does not cause any harm or injury to the amenity of local residents. A key element of acoustic mitigation secured by the above planning permission is the 'Eco-Barrier' (a large green wall structure) erected along the southwest boundary of the Cricklewood Railway Yard site. This provides noise mitigation to the residential sensitive receptors within the Railway Terraces to the south of the site.
- 8.53 The LPA are aware that part of this Eco-Barrier collapsed in July 2020 and has yet to be reinstated. As the abovementioned planning permission contains conditions requiring that barrier to be in place throughout the lifetime of the development, Officers have (and continue) to be in dialogue with the operator (DB Cargo (UK) Ltd) regarding its reinstatement and rectifying a technical breach of the planning permission. It is understood that extensive investigations have been conducted (and are being concluded) by specialists appointed by DB Cargo (UK) Ltd to investigate the cause of the collapse and the safest and most effective means by which the barrier is either repaired or replaced. As a result of those investigations to date, the LPA understand that the operator is seeking to replace the Eco-Barrier with an alternative green wall structure that achieves the required noise attenuation effect in respect of the abovementioned sensitive receptors. This will be subject to the relevant planning decision-making procedures in due course and the LPA continue to engage with the operator in this regard. In the meantime, the site has been made safe following a period of vibration monitoring and movement monitoring and an exclusion zone is in place around the remaining structure.
- 8.54 It is, however, recognised that the Eco-Barrier has been factored into the Applicant's assessments as part of this planning application for the proposed concrete batching plant and it forms part of the package of mitigation measures in respect of noise, landscape impact and visual amenity. It is, therefore, important that the collapsed portion, or replacement of the structure in its entirety, is secured prior to the commencement of any permitted concrete batching plant operations. This can be secured by way of a suitably worded planning condition in the event that Members were minded to grant planning permission. Draft Condition 2 set out in Appendix A of this report prevents the concrete batching operation commencing until the acoustic barrier positioned along the southwest boundary of the Cricklewood Railway Yard site has been completely reinstated or replaced with an alternative acoustic barrier that achieves the necessary level of acoustic attenuation as required by planning permission 17/5761/EIA (as amended 19/3098/NMA).

Highways and Transport Impacts

Strategic Approach

- 8.55 Chapter 6 of the London Plan provides strategic policies on transport. Policy 6.1 sets out the Strategic Approach to integrating transport and development, and of particular relevance to the proposed development, by (f) facilitating the efficient distribution of freight whilst minimising its impact on the transport network. This is reiterated in Policy 6.14 of the London Plan which states that the Mayor will promote movement of freight by rail, especially with a view to relieving congestion in London; and similar requirements are set out in Policy 6.15 in relation to the provision of strategic rail freight interchanges – this includes B(a) to deliver modal shift from road to rail, B(b) to minimise impacts on the wider transport network, B(c) to be well-related to rail and road corridors capable of accommodating freight movements, and B(d) be well-related to their proposed markets. These objectives are similarly emphasised in draft Policy T7 of the Publication London Plan (December 2020), and draft Policy T1 expresses the need to make the most effective use of land, reflecting its connectivity and accessibility...and ensure any impacts on the transport networks and supporting infrastructure are mitigated. The narrative associated with this draft Policy T1 also refers to the Mayor's aim of minimising freight trips on the road network, promoting safe, clean and efficient freight functions (paragraph 10.1.3).
- 8.56 The proposed development would seek to take advantage of the established aggregate and construction waste rail transfer facility authorised by planning permission 17/5761/EIA, which re-provides a designated Strategic Rail Freight Interchange facility¹¹, by utilising the aggregates imported to the Site (i.e. Plot 3) by rail to produce concrete. The use of such rail transport infrastructure would align with the principles encouraged by the abovementioned development plan policies as it facilitates the movement of freight by rail. The Applicant has also made reference to an existing concrete batching facility off Brent Terrace, which is sited on land that has been compulsorily purchased by the Council to facilitate delivery of the BXC regeneration scheme. This existing Brent Terrace concrete batching facility (currently operated by the Applicant) receives aggregate by road and serves a similar market area to that envisaged for the proposed development (with the target market being within 3 to 5 miles of the Site). By virtue of the closure of the Brent Terrace concrete batching facility, the proposed development would in fact result in an overall reduction of HGV movements (and therefore reduction in congestion) on the local highway network proximal to the Application Site as those HGV trips associated with the Brent Terrace facility would cease to be necessary due to the aggregate instead arriving at the Application Site by rail. It is considered that the proposed development therefore satisfies the strategic transport development plan policies outlined above insofar as it would deliver modal shift from road to rail; be located in direct relation to, and served by, the MML rail corridor and A5 Edgware Road (the matter of capacity to accommodate HGV movements is discussed below); and be well-related the proposed market given that the concrete market is already established and served by the Brent

¹¹ The Strategic Rail Freight Interchange delivered as a consequence of planning permission 17/5761/EIA replaced the Strategic Rail Freight Interchange associated with Hendon Waste Transfer Station. This re-provision was necessary to facilitate delivery of the BXC regeneration scheme

Terrace concrete batching facility. As such the proposed development is considered to be compliant with Policies 6.1, 6.14, 6.15 of the London Plan (2016) and draft Policy T7 of the Publication London Plan (2020).

Highway Capacity and Safety

- 8.57 The Site is accessible directly off the Strategic Road Network and is proximal to the motorway network (M1) and Transport for London's Road Network (A406 North Circular), which would enable traffic generated by the proposed development to reach it by using these strategic roads. The proposed development would use the existing (improved) priority junction off the A5 Edgware Road that currently serves the consented aggregate and construction waste rail transfer facility and access the Site (Plot 3) via the existing internal haul road arrangements. The proposed concrete batching facility and traffic associated with it would also be monitored by the approved automated entry control system which utilises ANPR to only allow registered vehicles onto the site.
- 8.58 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 draft Policy T4(E) which states that the cumulative impact of development on...the road network capacity should be taken into account and mitigated. Policy CS9 of the Core Strategy DPD sets the Council's priorities safe, effective and efficient travel by ensuring traffic flows more smoothly and more efficient freight movements. More specifically, Policy DM17 of the Development Management Policies DPD contains matters to be considered when determining planning applications including (but not limited to) road safety, road hierarchy, location and accessibility, travel planning and parking management.
- 8.59 The proposed development is expected to generate 100,000 tonnes of concrete based products per annum, which equates to approximately 113 HGV movements (56.5 in, 56.5 out) per day. Such trips would be associated with the use of concrete lorries collecting and delivering concrete to the market, and the importation of additives. However, the Applicant has explained that the production and transport of concrete is expected to fluctuate depending on demand. As such, the Applicant has stated that 113 HGV movements per day represents a daily average over a period of a year based on the production of 100,000 tonnes of concrete based products.
- 8.60 In the context of the HGV movements authorised by planning permission 17/5761/EIA (i.e. a maximum of 452 HGV movements (i.e. 226 in, 226 out) Mondays to Fridays), which governs all HGV movements arriving and departing from Plots 1-4, the proposed trips amount to 25% of that overall limitation. The Applicant has proposed to operate within the confines of this wider site limit and, as such, the proposed development would not generate any additional HGV trips on the highway network. Therefore, it follows that the proposal would not have any adverse impacts or affect the safety of the local highway network and would be in compliance with Policy 6.3 of the London Plan, Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD.

- 8.61 Whilst the proposed development would not cause any additional trips on the highway network and not lead to any further congestion, if planning consent were to be granted, two planning permissions would co-exist each allowing HGV movements arriving at and departing from the Cricklewood Railway Yard site. Therefore, in order for the LPA to ensure that the total number of HGV trips remain compliant with the limit assessed within and specified by planning permission 17/5761/EIA, it is recommended that any planning permission granted be subject to a condition controlling both HGV trips associated with the proposed development and cumulative HGV trips associated with the aggregate and construction waste rail transfer facility. Furthermore, any condition limiting the production and export of concrete based products to 100,000 tonnes per annum would inherently also limit the number of HGV trips associated with the proposed development. Together, these controls are considered adequate to ensure the local highway network capacity and safety are not comprised or degraded.
- 8.62 It is noted that a number of public representations have expressed concern about the tracking of mud, concrete and debris being tracked onto the public highway and the impact this may have on highway safety. The Applicant has clarified that wheel and vehicle washing facilities would be provided on Plot 3 and that all concrete lorries are washed down prior to exiting the concrete batching facility. Furthermore, concrete products are transported off-site in sealed concrete lorries and the transference of concrete onto the highway is unlikely. Therefore, the proposed development is not likely to cause mud or dirt being tracked onto the public highway. However, as previously recommended, any planning permission should be subject to a condition requiring the Applicant to submit for approval a Site Management Plan (see Planning Appraisal sections relating to 'Air Quality' and 'Noise'). This would be an appropriate document for the Applicant to identify in detail how concrete, mud and debris would be prevented from being tracked onto the highway; and, on approval of any such document, this would also be a sufficient control for the LPA to enforce against any breaches of the Site Management Plan should they arise.

Parking Provisions

- 8.63 As illustrated on drawing no. 12153-WMS-ZZ-XX-DR-C-30401-S3-P14, the proposed development would provide a total of 8no. vehicle parking spaces, including 1no. disabled parking space, and 1no. active and 3no. passive electric vehicle charging points. The proposed development would also see 10no. cycle parking spaces provided by Sheffield stands under a Glasdon Echelon shelter. These would be positioned adjacent to the proposed office and welfare unit.
- 8.64 For commercial car parking provisions, Policy 6.13 of the London Plan (2016) Parking Addendum states that the applicable standards for B2 and B8 employment uses should have regard to the B1-related standards, although a degree of flexibility may be required to reflect different trip-generating characteristics. This approach is reflected in the draft Policy T6.2 of the Publication London Plan (2020), emphasising that parking for industrial uses should be considered on a case-by-case basis and flexibility applied in light of site-specific circumstances. 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. In accordance with the updated standards within draft Policy T6.2 of the Publication London Plan, the non-operational maximum standards for B1 employment use in Outer London Opportunity Area locations is one space per 600 square metres of gross internal floorspace. The proposed development would result in the creation of circa 99m² through the erection of an office and welfare facility portacabin and laboratory unit; and would employ 11no. full-time employees to operate the proposed concrete batching facility. The staff trips would therefore be characteristic of employees arriving and departing at the beginning and end of the working day. The proposed development would provide 8no. car parking spaces to accommodate those staff, in addition to cycle parking provisions (discussed below). Given the need to consider site-specific circumstances for parking associated with B2 uses and taking into account that both TfL and the Council's Transport Officer have raised no objection to the planning application, it is considered that the proposed development is in line with the expectations of Policy 6.13 of the London Plan, draft Policy T6.2 of the Publication London Plan, and Policy DM17 of the Development Management Policies DPD. In the event of planning permission being granted, it is noted that the Council's Transport Planning Officer has recommended the inclusion of a condition requiring the submission and approval of a Workplace Travel Plan.

- 8.65 Policy 6.13 of the London Plan also requires that 1 in 5 spaces provide electrical charging points, including active and passive. Policy CS9 of the Core Strategy DPD generally supports the provision of electric vehicle charging infrastructure. The proposed development would provide 1 active and 3 passive electric vehicle charging points within a total of 8no. car parking spaces. It is noted that both the Council's Transport Officer and TfL are content with this level of provision and, as such, the proposed development is considered to be compliant with Policy 6.13 of the London Plan and Policy CS9 of the Core Strategy DPD.
- 8.66 Policy 6.13 of the London Plan requires parking for disabled people to be provided in line with Table 6.2, which requires 5% of the total capacity to be provided. Draft Policy T6.5 of the Publication London Plan states that non-residential disabled persons parking should be provided in accordance with levels set out in Table 10.6. For workplaces, Table 10.6 also requires 5% of car parking spaces to be designated and enlarged as a disabled parking space. Five per cent of the total 8no. car parking spaces proposed at the Site would equate to 0.4 space. Of the 8no. parking spaces proposed, one would be designated for disabled persons. As such, the proposed development is in compliance with the Policy 6.13 of the London Plan and the Publication London Plan standard.
- 8.67 The London Plan (2016) minimum cycle parking standards for B2 uses is one short stay space per 500m² of gross external floorspace and one long-stay space per 1,000m² of gross external floorspace. These standards remain unchanged within the draft Publication London Plan (2020). Through the erection of an office and welfare, 2-store portacabin and a small laboratory unit, a total of 99m² of floorspace would be provided at the Site. The total area of Plot 3 is 0.422ha (4,220m²). The proposed development would provide 10no. cycle parking spaces, which was increased in line with the recommendation of TfL following initial consultation on this planning

application, and now satisfies the aforementioned standards. Therefore, in respect of cycle parking, the proposed development is in compliance with the requirements set out in Table 6.3 of the London Plan.

Flooding and Drainage

- 8.68 The Application Site is located in Flood Zone 1 (i.e. at the lowest probability of flooding) and is not located within any Groundwater Source Protection Zone. The nearest watercourse is also some distance from the Site – with Clitterhouse Stream approximately 1km to the east, and the River Brent approximately 1.3km to the northwest. However, in recognition that the previous planning application for the wider aggregate and construction waste rail transfer facility was supported by a Flood Risk Assessment (FRA), the Applicant has prepared and submitted a FRA and accompanying Surface Water Drainage Strategy.
- 8.69 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. This objective is similarly reflected in draft Policy SI12 of the Publication London Plan. The Planning Practice Guidance provides an indication of flood risk vulnerability classifications for different development types (Table 2) and identifies whether that development would be appropriate within the relevant flood zone (Table 3). The proposed development would be considered to fall within the 'less vulnerable' category; nevertheless, the site is within Flood Zone 1 where development is generally considered appropriate across all flood zones, with a less than 0.1% annual exceedance probability of flooding. This does not, however, take into account climate change. On the installation of an additional surface water attenuation storage tank in addition to the surface water drainage infrastructure previously implemented in association with planning permission 17/5761/EIA, the submitted FRA concludes that the proposed development would not result in any increased risk of flooding. The additional attenuation infrastructure would be sized to sufficiently cope with storm run-off including a 40% allowance for climate change. Taking into account the consultation responses received from both the Environment Agency and Lead Local Flood Authority ('LLFA'), who raise no objections or concerns relating to flooding, the proposed development is considered to be in accordance with Policy 5.12B of the London Plan (2016).
- 8.70 In consideration of surface and foul water drainage proposals, Policy 5.13A of the London Plan requires development proposals to utilise Sustainable Urban Drainage Systems (SUDS), aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed close to its source as possible in line with the following drainage hierarchy: (1) store rainwater for use, (2) use infiltration techniques, (3) attenuate rainwater in ponds or open water features, (4) attenuate rainwater by storing in tanks, (5) discharge rainwater direct to a watercourse, (6) discharge rainwater to a surface water sewer/drain and (7) discharge rainwater to a combined sewer. This hierarchy is referred to in Policy DM04 (g) of the Development Management Policies DPD stating that development should demonstrate compliance with it; and the aim of

minimising any potential harm to the water environment through the use of SuDS is set out in Policy CS13 of the Core Strategy DPD. The achievement of greenfield run-off rates and re-use of rainwater is similarly described within draft Policy SI13 of the Publication London Plan. 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.

- 8.71 The proposed development would be sited on Plot 3 of the existing aggregate and construction waste rail transfer facility, which benefits from an approved and constructed drainage scheme to deal with both surface and foul water. This already includes the provision of a subterranean attenuation tanks with oil interceptors within Plot 3¹² in addition to a series of surface and foul water drains. As set out in the submitted Surface Water Drainage Strategy (Ambiental Environmental Assessment, dated 18/08/2020), on assessment of the proposed development, the Applicant has identified the need for an additional attenuation (geocellular) tank to be installed to deal with additional surface water run-off as a result of the proposed concrete batching process and specifically to accommodate the climate change allowance requirements. The Applicant also intends to utilise a rainwater harvesting system to pump and re-use surface water within the concrete batching plant, rather than relying entirely on a mains water supply. In accordance with the aforementioned SuDS hierarchy, the Applicant has demonstrated the use of methods described in (1), (4), (6) and (7) as being feasible for the proposed development. It is noted, however, that detailed aspects of the proposed drainage strategy require further design including the specific rainwater harvesting system. Therefore, as suggested by the LLFA, any planning permission should be subject to a condition requiring the submission and approval of refined Surface Water Drainage Strategy including details of the SuDS construction phasing and adoption details. On this basis, the proposed development is considered to be in compliance with Policies 5.13 and 5.15 of the London Plan, draft Policy SI13 of the Publication London Plan, Policy CS13 of the Core Strategy DPD and Policy DM04 of the Development Management Policies DPD.
- 8.72 In respect of wastewater infrastructure, it is noted that Thames Water have raised concerns about capacity of the existing surface water infrastructure and has identified a strategic water main in the proximity of the Site (within 15 metres). Consequently, a number of conditions and informatives have been recommended in the event that the LPA granted planning permission (these have been included in Appendix A to this report in the absence of further clarification from Thames Water at the time of writing). However, it is understood that the Applicant is seeking to connect to the existing and built drainage infrastructure provided by the aggregate and construction waste rail transfer facility (with the addition of a further attenuation tank to accommodate climate change requirements only) and not, therefore, proposing to make any changes to the drainage scheme already agreed by Thames Water and consented through planning permission 17/5761/EIA. On that basis, and subject to the inclusion of the additional

¹² As described within the AECOM 'Cricklewood Aggregates Terminal: Surface and Foul Water Drainage Technical Note' (dated 17 November 2017) and illustrated on approved drawing no. 60514840-SHT-10-PH02-C-00017.

attenuation tank, it is considered that adequate water and wastewater infrastructure is in-situ to accommodate the proposed development. Therefore, the planning application is considered to accord with Policy 5.14 of the London Plan.

Contaminated Land

- 8.73 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.
- 8.74 The proposed development would be situated on Plot 3 of the consented aggregate and construction waste rail transfer facility. Through determination of planning application 17/5671/EIA, the LPA assessed the potential for any risk in respect of land contamination and required further details to be approved in respect of the proposed remediation strategy and confirmation of that strategy being implemented by way of a pre-commencement condition (Condition 34). The obligations set out in Part 1(a) and 1(b) of Condition 34 of planning permission 17/5761/EIA were satisfactorily discharged in October 2018 (under LPA application ref. 18/5022/CON) enabling the site to be remediated and construction works to begin. In accordance with Part 2(c) of Condition 34, the operator of the aggregate and construction waste rail transfer facility subsequently verified the completion of the necessary land remediation works in November 2019 under LPA application ref. 19/6294/CON, which was approved in March 2020. The Site now consists of concrete slabs and some areas of made ground.
- 8.75 The Applicant has submitted a Ground Condition Desk Top Survey (Ground Condition Consultants, dated June 2020) to confirm the status of the Site in respect of potential for contamination of land. It is confirmed that the previous site investigation and remediation works did not result in any contamination hotspots being discovered within Plot 3. It is noted that there is potential for contaminants to be present in the ground underlying the site as result of the historic industrial and rail uses, however, the proposed development would result in the Site being covered by a complete concrete hard standing with no soft landscaping. As such, risk associated with these potential contaminants is low. The report also identifies the potential for ground gas generation due to the thickness of made ground. However, this is not considered to be a significant risk and the only enclosed accommodation would consist of porta-cabin type structure raised off the ground with a sealed floor, providing a clear ventilation void. The Council's Environmental Health Officer has reviewed the planning application and confirmed that there are no concerns in relation to land contamination. Given the foregoing, it is considered that the proposed development would not activate or spread any contamination and is in compliance with Policy 5.21 of the London Plan and Policy DM04 of the Development Management Policies DPD.

Sustainable Construction and Climate Change

- 8.76 London Plan Policy 5.3B states that development proposals should demonstrate sustainable design standards in regard to its construction and operation; and meet minimum standards outlined the Mayor's '*Sustainable Design and Construction SPG*' (April 2014) including efficient use of natural resources and minimising pollution, for example. Policy CS13 of the Core Strategy similarly promotes the highest environmental standards and efficient use of natural resources.
- 8.77 The proposed development would result in the erection and operation of a concrete batching facility, including the provision of porta-cabin style building units only. The Applicant has explained the concrete batching process, which would include a rainwater harvesting system to collect rainwater for re-use in the creation of concrete based products. Additionally, any surface water arising from the across the Site, washing down of vehicles or dust suppression would be collected within the stored within the 'wedge pit'. Any settled solids in the wedge pit would be transferred to the drying bays for 48 hours and subsequently taken off site to be reused as a recycled construction material. Also, in the unlikely event that a concrete lorry is loaded but unable to depart the Site, the Applicant has stated that the concrete product would be used to make bricks for use in construction.
- 8.78 Insofar as is reasonable for an operation of this nature and in recognising that the concrete batching process is a water consumptive process, the Applicant has sought to minimise the use of natural resources where possible and taken measures to ensure any waste or unwanted by-product is either re-used on the batching process or recycled. Therefore, it is considered that the proposed development generally accords with the objectives of Policy 5.3 of the London Plan and Policy CS13 of the Core Strategy DPD.

Planning Obligations

- 8.79 Paragraph 203 of the NPPF states that Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The Council's '*Planning Obligations SPD*' (April 2013). As set out within this report and schedule of 'Draft Conditions' contained in Appendix A, a number of conditions are recommended to ensure the impacts of the proposed development are appropriately mitigated. Should any of those conditions be breached or a complaint received regarding the authorised development, it is the Council's duty to investigate any such complaint and, where it is considered expedient, enforce against a breach of the planning permission to regularise the development.
- 8.80 Paragraph 204 of the NPPF states that Planning Obligations should only be sought where they meet all of the following tests: (1) necessary to make the development acceptable in planning terms; (2) directly related to the development; and (3) fairly and reasonably related in scale and kind to the development. On the basis and as outlined above, it is considered that the use of appropriate planning conditions are adequate to control the proposed development.

- 8.81 However, it is recognised that the proposed development would be situated within the context of a wider development site and is intended to be operated within the parameters and limits imposed by a separate planning permission – i.e. planning permission 17/5761/EIA for the aggregate and non-putrescible (construction) waste rail transfer facility. The compliance with such limits and controls has been identified by the Applicant as key mitigation measures for the proposed development. Therefore, if planning permission were to be granted, this should be subject to a Unilateral Undertaking between the Applicant and all others with an interest in the land to ensure the cumulative impacts and effects of the proposed development in combination with existing development does not exceed the relevant controls and limitations imposed in relation to the wider site (i.e. Cricklewood Rail Yard).

9 ENVIRONMENTAL IMPACT ASSESSMENT

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

10 EQUALITY AND DIVERSITY ISSUES

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

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

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 a decision to grant planning permission for this proposed development would comply with the Council's statutory duty under this legislation.

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

11 CONCLUSION

- 11.1 Planning application 20/4817/FUL seeks planning permission for the erection and operation of a concrete batching facility, including the provision and use of associated infrastructure, which is to be sited on Plot 3 of the consented aggregate and non-putrescible (construction) waste rail transfer facility (as consented by planning permission 17/5761/EIA and subsequently amended by 19/3098/NMA). It is intended that the proposed development would therefore operate alongside and within the confines of the limits already established by planning permission 17/5761/EIA. Amongst other matters, this includes adherence to the existing air quality and noise monitoring regimes; and to operate within the overall permitted maximum number of HGV trips associated with the wider Cricklewood Railway Yard site. As set out in Section 8 and Appendix A of this report, a number of conditions have been recommended in order to secure the imposition of these and other relevant controls. Additionally, approval of this Application is subject to the requirement for the Applicant, operator of the aggregate and construction waste rail transfer facility and any others with an interest in the land to enter into a Unilateral Undertaking to ensure that the proposed development would be operated within the parameters and limitations already established by planning permission 17/5761/EIA (as amended) to ensure the cumulative impacts of both developments remain within acceptable limits.
- 11.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. The impacts of the proposed development have been considered in light of the relevant development plan policies. The assessment set out in the body of this report above (Section 8) considers the key material considerations relating to the principle of the proposed development, local character and amenity, highways and transport impacts, heritage assets, flooding and drainage, contaminated land, and sustainable design and climate change. In summary, the proposed development is considered to be acceptable in planning policy terms 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.
- 11.3 It is concluded that the proposed development taken overall therefore accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, **APPROVAL** is recommended subject to the conditions as set out in Appendix A of this report and the Applicant entering into a Unilateral Undertaking.

LIST OF APPENDICES

APPENDIX A – DRAFT CONDITIONS

APPENDIX B – SUMMARY OF PUBLIC REPRESENTATIONS

SITE LOCATION PLAN

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

REFERENCE: 20/4817/FUL

