

LOCATION: Claremont Way Open Space Brent Cross Cricklewood
Regeneration Area

REFERENCE: 21/1534/FUL **Received:** 19/03/2021
Accepted: 24/03/2021

WARD: Golders Green **Expiry:** 19/05/2021

CASE OFFICER: Fabiola Cedillo

APPLICANT: BXS Limited Partnership

PROPOSAL: The erection of a single storey park kiosk facility (Use Class E(a)/(b)) within the new neighbourhood park known as Claremont Park as approved under Application Reference 19/2291/FUL as a part of the Brent Cross Cricklewood Regeneration Scheme.

OFFICER'S RECOMMENDATION

APPROVE Application 21/1534/FUL subject to the recommended conditions listed in Appendix 1 of this report.

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

1. PROPOSAL AND SITE DESCRIPTION

Proposal

- 1.1 This application seeks full planning permission for the erection of a single storey kiosk building within the new Claremont Park being delivered as part of the Brent Cross Cricklewood regeneration scheme. The proposed kiosk will provide a total of 44 sqm GIA of floorspace (Use Class E(a) / (b)) to accommodate a retail facility for the provision of hot and cold drinks and snacks, associated refuse store, storage area and three publicly accessible toilet facilities. The kiosk will not serve hot food (except for toasted sandwiches and soups) or have cooking facilities that would require extraction. The proposed hours of opening proposed for the kiosk and associated facilities are 10:00 to 19:00 during the summer (1 June – 30 September inclusive) and 10:00 to 17:00 during the rest of the year (1 October – 31 May inclusive) on weekdays, weekends and Bank Holidays.
- 1.2 The proposal is for a single storey kiosk building measuring 3.14m in height at its tallest point. Cladding of all elevations is proposed with vertical timber panels. The serving of drinks and snacks will take place from a serving window with stainless steel counter. When the kiosk is closed, an internal roller shutter will secure the servery area. The proposed roof projects approximately 2m to the front of the building providing a covered walkway along the length of the front elevation where all access points to the building are located.
- 1.3 The entrance to the toilet facilities is proposed to be screened with perforated materials to provide privacy whilst ensuring a degree of visibility so as not to create an unsafe space. It is anticipated that artwork will adorn this screen which has not yet been designed.
- 1.4 Defensive hedge planting is proposed to the sides and rear of the kiosk. Hardstanding to the front of the kiosk is to match the materiality of the footpaths of the rest of Claremont Park.
- 1.5 The appearance of the kiosk is designed with a selection of natural materials to integrate into Claremont Park and without detracting from or appearing intrusive to the woodland setting.
- 1.6 The proposed location for the kiosk is in the south western area of the new Claremont Park, circa 6m from the southern boundary with back gardens of properties on Clitterhouse Crescent. It would be located on the southern east-west path through the park. The kiosk will be located opposite the main playground within the park providing a convenient location for playground visitors to use its facilities. Its location and proximity to junctions with other footpaths would provide easy access for all park users. A raised bank with new planting will sit behind the kiosk providing separation from rear gardens of residential properties along Clitterhouse Crescent and adding visual screening of the kiosk when viewed from the rear gardens and reflecting the wider vegetation of the new Claremont Park in the Kiosk's surroundings.
- 1.7 The following information has been submitted with this application:
 - Signed Application Form
 - Covering Letter
 - Location Plan
 - Design and Access Statement

- Drainage Statement
- Environmental Letter
- Tree Survey
- Plans, Elevations, Site Layout, Section:

Location Plan – BXS-PLAN-PLAP-36-A-P01 Rev: P01

Proposed Site Layout – BXS-PK001-INF001-A-PML-DR-07-P115-GF Rev: B

Proposed Plans and Elevations – BXS-PK001-INF001-DR-07-P101-GF Rev: B

Proposed N-S section - BXS-PK001-INF001-A-PML-DR-07-P120-GF Rev: C

1.8 The following revised plans have been submitted in response to comments from the Met Police. These plans were updated purely in respect of 1) removing the hardstanding to the sides and rear of the kiosk and replacing this with a defensible hedge planting, and 2) amending the external door to the Kiosk lobby (accessing the kitchenette, refuse and cleaning area and store), changing the door from a double door to a single leaf door on the basis of security advice. In all other aspects the drawings remain as originally submitted.

- Site Plan – P21086-FCH-BA-XX-DR-A-1200 Rev:P01
- General Arrangement – Floor Plans - P21086-FCH-BA-XX-DR-A-3000 Rev: P1
- General Arrangement – Elevations - P21086-FCH-BA-XX-DR-A-4000 Rev: P1
- Proposed N-S section - BXS-PK001-INF001-A-PML-DR-07-P120-GF Rev:C

Brent Cross Cricklewood Regeneration Scheme

1.9 Outline planning consent for the regeneration of Brent Cross Cricklewood (BXC) was originally granted in 2010 under planning permission C/17559/08. An application submitted pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended) was subsequently determined in 2014 (planning reference F/04687/13) approving a variation to the outline planning consent (the S73 Permission). This application was accompanied by an Addendum to the ES submitted alongside the 2010 outline planning application.

1.10 The S73 Permission for the comprehensive redevelopment of the Brent Cross Cricklewood regeneration area is a multi-phase scheme which is to be delivered over the next 16 years. Phases 1 and 2 are proposed to be delivered in a number of sub-phases that are divided between the north of the A406 North Circular and south of the A406 North Circular. Phases 3 to 7 are proposed to be delivered entirely south of the A406 North Circular.

1.11 To date, reserved matters applications have been approved for **Phase 1A (North)** (references 15/00720/RMA, 15/00769/RMA, 15/03312/RMA, 15/03315/RMA, 15/06571/RMA, 15/06572/RMA, 15/06573/RMA 15/06574/RMA); **1A (South)** (reference 15/06518/RMA); **Phase 1B (North)** (reference 17/2963/RMA); **Phase 1A (South)** (reference 17/8019/RMA); **Phase 1B (South)** in relation to Plot 12 (reference 17/6662/RMA); **Phase 1C** in relation to Plot 13 (reference 18/6337/RMA) and Plot 11 (reference 18/6409/RMA); **Phase 2 (South) (Thameslink Station)** in relation to the New Train Station (reference 19/6256/RMA); **Phase 2 (South) (Plots)** in relation to Plot 14 and Plot 17 including a tertiary street and area of public realm (reference 20/5690/RMA) and in relation to Plot 15 and Plot 16 (reference 21/0070/RMA) and in relation to

Claremont Park Road (Part 2) and High Street South items of Critical Infrastructure (LPA ref. 20/5534/RMA).

- 1.12 A number of 'drop-in' applications have also been granted in respect of specific parts of the BXC development. Of relevance to this application is planning permission reference 19/2291/FUL dated 18 October 2019 relating to the provision of a new neighbourhood park known as Claremont Park which comprises expansion and improvements to Claremont Way Open Space, changes to levels, hard and soft landscaping measures, the introduction of play equipment, park furniture, a pond, fencing, shared pedestrian and cycling routes and all associated enabling, incidental and temporary works.
- 1.13 In terms of delivery of the BXC development, significant progress has been made on several fronts. In relation to the new Brent Cross West train station, the new railway sidings are complete and the station itself is under construction and is due to open at the end of 2022. In relation to Brent Cross South, reserved matters for Plots 11, 12, 13 14 and 15 have been approved along with Highways and public realm infrastructure and Claremont Park improvements. Demolitions have been completed and the below ground works and ground re-profiling are well advanced in relation to the first plots and sections of new highway. The Temporary Open Space, 'Exploratory Park', is now complete and opened to the public in September 2020. Works to deliver improvements to the Claremont Road / Cricklewood Lane and the A5 / Cricklewood Lane junctions is also well advanced.

Site Description

- 1.14 The Brent Cross Cricklewood regeneration scheme, as approved by planning permission F/04687/13, covers a 151-hectare area. The regeneration area is bounded by the Edgware Road (A5) and the Midland Mainline railway line to the west and by the A41 to the east and is bisected east to west by the A406 North Circular Road. The regeneration area includes the M1 (Staples Corner) junction and the existing Brent Cross Shopping Centre and Bus Station to the north of the A406 and extends down to Cricklewood town centre encompassing junctions on Cricklewood Lane.
- 1.15 The site for the Kiosk is proposed within the new Claremont Park as approved under planning permission 19/2291/FUL dated 18 October 2019 which will replace the former Claremont Way Open Space which was an area of informal grassland located between the now demolished Claremont Way Industrial Estate and the rear garden boundary with residential properties on Clitterhouse Crescent.
- 1.16 The red line to the site comprises a site area of 185sqm which includes the Kiosk building, and the hedge planting to the sides and rear of the Kiosk, the covered walkway immediately fronting the Kiosk, and a small area to the east and west of the walkway. The Kiosk will be located within the context of the design and layout of the approved Claremont Park. In front of the Kiosk, to the northwest, will be the southern footpath within the park. To the south east a raised bank with trees and undercover planting are located along the edge the park to the rear of the residential gardens to a minimum depth of 6m. To the north of the site lies existing masterplan grassed area for informal use. To the west across the footpath lies the main children's play area within the park.
- 1.17 The nearest residential properties are located on Clitterhouse Crescent. A Terrace of four residential Properties, Nos. 26 to 32 are located to the southeast of the site with back garden boundaries adjacent to the planted bank between the Kiosk and the southern extent of the park.

Relevant Planning Policy

- 1.18 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 for the Site consists of The London Plan (March 2021), and the development plan documents which constitute the Barnet Local Plan (namely the Core Strategy DPD and Development Management Policies DPD both adopted September 2012).
- 1.19 Whilst Barnet's Development Management Policies DPD (September 2012) forms part of the development plan for the application area, paragraph 1.4.3 states that it will not apply to planning applications for comprehensive development in the Brent Cross regeneration area unless and until the Core Strategy is reviewed in accordance with Policy CS2 and Section 20:13 of the Core Strategy. To date, this review has not yet taken place and, therefore, the policies contained within the Development Management Policies DPD are not therefore material to the consideration of applications that form part of the outline planning permission. In this instance the Claremont Park Kiosk is being brought forward as a standalone 'drop in' planning application, and therefore is required to be assessed against the relevant DPD policies, as well as demonstrating that it will not undermine the objectives for comprehensive development set out in the above policies. The following policies are therefore relevant to the determination of this application.
- 1.20 Chapter 12 of Barnet's Unitary Development Plan (2006) remains extant and the policies contained within it are 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.
- 1.21 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.
- 1.22 Below summarises The London Plan and the Barnet Local Plan policies relevant to the determination of this planning application.

The London Plan

Policy G1 Green Infrastructure
Policy G4 Open Space
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands
Policy D4 Delivering good design
Policy D5 Inclusive design
Policy D11 Safety, security and resilience to emergency
Policy SI 1 Improving air quality
Policy D14 Noise
Policy T5 Cycling
Policy T7 Deliveries, servicing and construction
Policy SI 12 Flood risk management
Policy SI 13 Sustainable drainage

Barnet Local Plan – Core Strategy DPD (September 2012)

CS5 Protecting and enhancing Barnet's character to create high quality places
CS7 Enhancing and protecting Barnet's open spaces

CS9 Providing safe, effective and efficient travel
CS12 Making Barnet a safer place
CS13 Ensuring the efficient use of natural resources

Barnet Local Plan – Development Management Policies DPD (September 2012)

DM 01 Protecting Barnet’s character and amenity
DM 02 Development standards
DM 03 Accessibility and inclusive design
DM04 Environmental considerations for development
DM17 Travel impact and parking standards
DM15 Green Belt and open spaces
DM16 Biodiversity

Unitary Development Plan (2006) – Chapter 12 Cricklewood, Brent Cross and West Hendon Regeneration Area.

Policy GCrick – Cricklewood, Brent Cross and West Hendon Regeneration Area
Policy C2 – Urban Design – High Quality
Policy C3 – Urban Design – Amenity

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

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

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

- Mayor’s London Environment Strategy (May 2018)
- London Local Air Quality Management – Policy Guidance (2016); and
- LB Barnet’s Air Quality Action Plan 2017-2022;

Relevant Planning History

1.25 Planning history held by the London Borough of Barnet which is relative and proximal to the proposed development site is summarised below:

19/2291/FUL – Approved 18 Oct 2019

Provision of a new Neighbourhood Park (Claremont Park) comprising improvements and modifications to Claremont Way Open Space, changes to levels, hard and soft landscaping measures, the introduction of play equipment, park furniture, a pond, fencing, shared pedestrian and cycling routes and all associated enabling, incidental and temporary works.

20/0789/CON – Approved 15 Apr 2020

Submission of details pursuant to the discharge of Condition 13 (Non Native Invasive Species) of planning permission reference 19/2291/FUL dated 18/10/19 relating to Claremont Park Improvements associated with the Brent Cross Cricklewood Regeneration area.

21/1913/CON – Approved 8 July 2021

Submission of details pursuant to Condition 12 (Landscape and Ecology Management Plan) pursuant to planning permission reference 19/2291/FUL dated 18 October 2019 relating to the provision of a new Neighbourhood Park (Claremont Park).

21/1990/CON – Approved 8 July 2021

Submission of details for the discharge of Condition 21 (Drainage Details) pursuant to planning permission reference 19/2291/FUL dated 18 October 2019 relating to the provision of a new Neighbourhood Park (Claremont Park).

20/2817/NMA – Approved 14 July 2020

Application pursuant to Section 96A of the Town and Country Planning Act for non-material amendments to planning permission reference 19/2291/FUL dated 18 October 2019 in relation to Claremont Park being delivered as part of the redevelopment of the Brent Cross Cricklewood Regeneration Scheme. The proposed amendments relate to Condition 21 (Drainage) to allow for the submission of details prior to the commencement of the relevant part of the development, and the addition of a Condition to ensure that new footpaths being provided in the park are kept open to the public at all times save for any temporary closure for maintenance.

20/5467/NMA – Approved on 31 March 2021

Application pursuant to Section 96A of the Town and Country Planning Act for non-material amendments to planning permission reference 19/2291/FUL dated 18 October 2019 in relation to Claremont Park being delivered as part of the redevelopment of the Brent Cross Cricklewood Regeneration Scheme. The proposed amendments relate to replacement of a stepped route with a step-free path and associated changes to site levels, path width adjustment to allow for maintenance vehicle access, path placement adjustment to correspond to the location of Temporary Visitor Centre pursuant to 20/2332/FUL, removal of perimeter fence on the western side, and changes to the wording of Condition 19 in relation to play and activity equipment located within the RPA of trees.

21/1849/NMA – Approved 17 June 2021

Application pursuant to Section 96A of the Town and Country Planning Act for non-material amendments to planning permission 19/2291/FUL dated 18 October 2019 for the provision of a new neighbourhood park (Claremont Park) as part of the Brent Cross Cricklewood Regeneration Scheme. The proposed amendments relate to Condition 2 (Approved Drawings) including changes to the soft landscape scheme (planting palette, soft landscape build ups, and tree pit details), path layouts, landscaping features surrounding main play area, adjustment levels around existing trees and proposed basketball area, park entrance and path widths, surfacing of basketball area and informal paths, layout of timber decking area to the pond, location and specification of park furniture (dog waste and litter bins, cycle stand, water fountains, boulders, skateable benches, gabions, and basketball area fencing); the addition of a Condition to allow for variation of planting species along with appropriate updates to management, and the addition of a Condition to require the submission of details and location of CCTV equipment.

Statutory and Other Technical Consultation Responses

LBB Lead Local Flood Authority

- 1.26 The Council's Local Lead Flood Authority confirmed this application is acceptable subject to the drainage strategy approved as part of planning application 20/1990/CON which relates to drainage details for Claremont Park.

LBB Trees and Landscape

- 1.27 No trees that have not already been approved for removal will be impacted by this proposal. No details of utilities have been provided such as drainage, water, electricity, gas and telecoms. However, there is plenty of space to deliver these without impacting on the retained trees, perhaps an indicative sketch could be provided for reassurance on this matter. Landscape around the kiosk has already been considered under application 19/2291/FUL and as recently amended by 21/1849/NMA. Recommendation: No objection.

LBB Greenspaces

- 1.28 No comments received in relation to this application at the time of the writing of the report. However, LBB Greenspace officers were engaged in Pre-application discussions with the applicant and raised no objection to the principle of a Kiosk in this location with café and toilet facilities for the benefit of users of the new park. The team confirmed this will be a great asset for the park and subject to some minor comments fully supported the proposal. Comments included: *toilets to remain freely accessible to all park users and not restricted to users of the Café; a darker colour to the metal work of the privacy screen will sit better in the park compare to the green; need to consider how easily the structure could be climbed onto to avoid people getting on the roof.*

The submitted proposals are for publicly accessible toilets which has been confirmed by the applicant. A condition to secure this is recommended. The colour to the metal work of the privacy screen it subject to further detail which has been secured by way of condition. In respect of climbing, the proposed kiosk building is 3.15m in height which exceeds 2.4m which is the minimum height considered to deter climbing. External cladding to all sides of building do not offer footholds or potential climbing elements to the roof level. As such, the LPA considers Greenspaces concerns are satisfactorily addressed.

LBB Environmental Health

- 1.29 The Council's Environmental Health Officer reviewed the submitted information and confirmed on 7 April 2021 that they have no objections to the proposals. The officer confirmed no noisy plant is intended and the proposed development is considered enough distance from residents not to have an impact. However, the Officer confirmed the applicant will need to register with the Council's Food Safety Team if food is sold (<https://www.barnet.gov.uk/environmental-problems/food-safety>). This has been recommended as an informative.
- 1.30 The Officer provided further comments on 2 June 2021 to advise the imposition of a compliance condition that restricts preparation of hot food involving cooking of raw ingredients. The reason is to ensure that nearby residents are not disturbed from low level cooking fumes and if they do apply to serve hot food (beyond toasted sandwiches and soups) they would need to do so with appropriate technology for kitchen extract odour abatement.

LBB Highways and Transport

- 1.31 The Council's Highways and Transport team confirmed there are no highway or transport impacts associated with the kiosk and there is no objection to an approval on these grounds.

Metropolitan Police Design Out Crime Officer

- 1.32 The Metropolitan Police DOCO reviewed the submission and made a number of recommendations including a request to include a planning condition requiring the development to demonstrate Secured By Design (SBD) compliance prior to occupation. They have however confirmed that they raise no objection to the proposal. The recommendations, applicant and officer's responses are summarised below.

Met Police Comments - Covered walkway

- 1.33 The covered walkway could become a problem with ASB and crime as this area could provide shelter to be misused outside the operating hours of the kiosk or if the kiosk remains un-tenanted for any period of time. It can provide shelter from inclement weather or an area of concealment.
- 1.34 *Recommendation:* The recommendation is that the cover is either removed, or if this is a necessity, the canopy is retractable and can be closed outside operating hours. If this cover is essential, then a 'hit and miss' slatted design of this covered roof is recommended so that it does not provide a total shelter from inclement weather.

Met Police Comments - Sides and rear of kiosk

- 1.35 The sides and rear of the kiosk contain a fairly large surface area that could potentially become an area that is criminally damaged (via graffiti). This is especially important as this park will not be locked or secure in hours of darkness.
- 1.36 *Recommendation:* A layer of defensive planting (such as pyracantha, berberis etc) of 1m deep and up to 2m high to be incorporated around the sides and rear of the kiosk to help protect against criminal damage and also help to remove these areas from a person or group wishing to loiter outside of general levels of natural surveillance and legitimate activity.

Met Police Comments - CCTV

- 1.37 *Recommendation:* Incorporating CCTV as part of the overall security strategy for the site can be beneficial from a crime prevention perspective. Overt CCTV cameras can help to provide a visible deterrent to those whom may potentially wish to misuse the kiosk area/park and provide a management/enforcement/investigative tool if an incident were to occur.

Met Police Comments - Intruder alarm/socket

- 1.38 *Recommendation:* The applicant should consider an intruder alarm with motion detectors for the main lobby door and roller shutter as these can be approached from the public realm. If not, a 13a socket or spur should be provided within the premises for the management/tenant to easily incorporate an intruder detection system if they wished.

Met Police Comments - Secured by Design (SBD):

- 1.39 It is positive the applicant is willing to commit to SBD. As the park is open for public access 24/7, the kiosk would be quite isolated once it is closed and in hours of darkness. Therefore the incorporation of various security rated/target-hardening measures are important to help protect against burglary. The Met Police request that the development achieve formal SBD Accreditation with the following specific SBD recommendations:
- *Lobby door-set* – a single leaf door set to be incorporated instead of a leaf and a half, as this provided higher degree of robustness. The lobby door-set should meet either LPS 1175 Issue 7:SR2 (or Issue 8:B3) or STS 202 BR2.
 - *Internal door-sets* – with the protection of the lobby door-set with the security standards above, the internal doors would be suitable for PAS24:2016.
 - *Roller shutter* – as this shutter is a potential target to attack and enter the kiosk, the recommendation is that this roller shutter is compliant with one of the following higher standards: LPS 1175 Issue 7:SR2 (or Issue 8:B3) or STS 202 BR2.
 - *Serving shelf* – consideration should be given to removing this lip and keeping this shelf flush with the building line to help prevent its potential future misuse as an 'ad-hoc set or bench', outside the kiosk operating times and in hours of darkness.
 - *Toilet locking strategy* – to help prevent illegitimate entry, the recommendation is that these door-sets contain at least two points of locking (1/3rd from top and 1/3 from bottom of door) via BS 3621 or BS 8621 key operated locks (not key pad), contain hinge bolts, that the doors consist of solid timber of at least 44mm, no gap over or under the door-frame. The toilet should also be subject to a daily inspection to identify and potential issues/damage/concealed items within.
 - *Privacy screening outside toilets* – this should remain as visually permeable as possible, to help prevent concealment and allow security staff or any park user to identify from a distance whether anybody is loitering behind this screening.

Met Police Comments – Overall recommendation:

- 1.40 I do not object to this proposal but in reference to the above and considering crime rates within the ward, I would respectfully request that a planning condition is considered and attached to any approval, whereby this development must achieve Secured By Design accreditation, prior to occupation.

Officer Response:

- 1.41 The Applicant has considered the above recommendations and have undertaken a number of changes to the Kiosk design, its surroundings and security measures in response. Considering the issues raised Officers have recommended the inclusion of two conditions Condition 12 'Management Plan' including details of Security Patrols, CCTV and other kiosk specific security features; and Condition 13 'Secured by Design' Requiring a report be submitted to the LPA to demonstrate Compliance with Secure by Design Standards.
- 1.42 Updated drawings have been submitted which remove hardstanding from the sides and rear of the kiosk replacing this with a hawthorn hedge to prevent access and antisocial behaviour as recommended. The covered walkway and Kiosk serving shelf have been retained.

- 1.43 Updated drawings have been submitted which remove two leaf door set replacing it with a single leaf door.
- 1.44 In respect of CCTV, the applicant confirmed CCTV will monitor the Kiosk 24/7 and there will be management and security presence on site to prevent antisocial behaviour. A Condition has been applied requiring the applicant to submit a Management Plan with details of CCTV, intruder alarm, and hedge maintenance prior to the Kiosk opening to the public. As such, the LPA consider the Met Police Officer's concerns have been satisfactorily addressed.
- 1.45 The covered walkway this provides an important feature of the Kiosk offering shelter to customers and to those using the bathroom facilities and encouraging queues out of the way of the adjacent footpath. In its current form it is considered appropriate to the robust and simple nature of the proposed building. Given that the park, and specifically the kiosk, will be under 24 hour CCTV with an on-site security presence, the applicant did not consider that the removal of the covered walkway or its replacement with a slatted or retractable design a necessary measure to deter sheltering or other anti-social behaviour in this area.
- 1.46 The applicant explained that the Kiosk serving shelf is necessary for the Kiosk to be accessible to wheelchair users, and the depth of the lip (28cm) is not sufficient to allow a person to sit upon it.
- 1.47 Having reviewed the applicant's response the Met Police reiterated their concern with the design of the covered walkway suggesting that an alternate design would remove the need to 'move anyone on' in the first place. It was however accepted that the use of CCTV would be a useful measure subject to it being centrally monitored 24/7 with an immediate security response to any potential future incident or problem. In this manner it may prevent a crime or incident from being committed.
- 1.48 The applicant reiterated that an on-site security presence would be present and that the site (and surrounding park) will be covered by 24hour CCTV. Under such security measures they considered it unlikely that there will be the need to 'move anyone on' in the first place.
- 1.49 The security measures proposed are considered acceptable in respect of managing antisocial behaviour on the site and across the surrounding park where the development is proposed. A condition requiring a Management Plan that includes details of on-site security presence and CCTV has been recommended. A requirement to included centrally monitored CCTV has also been incorporated in the Condition to address the Met Police's recommendation.
- 1.50 In respect of the Met Police request that the Kiosk seeks SBD accreditation ahead of opening the LPA does not have a policy basis for insisting that formal accreditation would be achieved, however, a number of commitments have been made throughout the submission documentation for elements of the scheme to be SBD compliant. It is therefore considered appropriate for and whilst recommended the Met Police's lack of objection is not dependant upon this requirement. The applicant has however committed within their submission to achieve SBD standards in many respects of the Kiosk development, a condition has therefore been recommended which requires such compliance to be demonstrated to the LPA prior to use of the Kiosk.
- 1.51 In light of the above amendments and the conditions attached to this application it is considered that the Met Police Officer's concerns have been satisfactorily addressed.

Brent Cross Community Access Forum

1.52 No comments were received.

Public Consultation

1.53 Upon validation of the planning application, the LPA notified 587 properties within the vicinity of the Application Site. Site notices were also posted on 1 April 2021 in the vicinity of the site. The public consultation ran for a 4-week period. The total number of public representations received in response, plus other representations received outside of the consultation area, was 7. All 7 representations raised objections. Of those 7 objections, 1 has requested to speak at the Planning Committee. The objections raised broadly relate to the following issues:

- Proximity to residential gardens and playground
- Tree loss / no new planting
- Loss of visual amenity
- Overlooking / loss of privacy
- Smell, noise, misuse of toilets
- Noise
- Pollution
- Antisocial behaviour and security

1.54 Representations are summarised below with the relevant Planning Officer response.

Concerns over the proposed location

Objection:

- *Suggestion to relocate the kiosk next to the road or elsewhere*
- *Concern over proximity of kiosk to residential gardens*

Officer Response:

The proposed location of the Kiosk is within the western reach of the new Claremont Park near its southern boundary. It is adjacent to an east-west footpath which will run through the south side of the new park and is alongside a junction in the path leading directly to the northern east-west footpath.

The main playground within the new park will be located directly opposite the Kiosk.

The application has set out the key principles which have informed the proposed location. Key to these are visibility of the Kiosk within the park; ease of accessibility; convenient location in respect of the playground; ease of servicing and maintenance; and being sensitively located in relationship to its visual impact on the park. Other points of note include consideration of proximity to existing utilities, and the even distribution of facilities within the park wider area.

The proposed location is visible and easily accessible for all park users due to its relatively central location and proximity to a footpath junction connecting the southerly and northerly footpath through the park, this also facilitates ease of servicing and delivery as direct vehicular access can be gained without the need to turn the vehicle.

The proposed location is directly opposite the main entrance to the playground which provides level access to and from the Kiosk. This ensures easy level access to toilet and refreshment

facilities for children and their parents/carers to and from the play area, as well as for other users of the park.

Following receipt of the objections the applicant submitted a supporting document providing confirmation of the alternative locations which were considered by the project team prior to submitting this application for a Kiosk in its proposed location. The images within the document show that at an alternate location considered to the north of the park would result in the need to walk a distance of at least 108m by footpath to access the kiosk and its toilet facilities from the main playground entrance. The secondary northern access points to the playground would not provide level access or would be indirect due to the position of play elements.

A northern location was also considered to be more visually obtrusive being located in areas of lower lawn and meadow planting rather than the proposed location where it would be embedded within the more heavily wooded landscape of the park edge including existing mature trees nearby in the play area and proposed new planting within the approved Claremont Park Improvements permission (19/2291/FUL).

It can be seen that the key principles which have informed the proposed location including visible and easily accessible for all park users, conveniently located for the playground, located so that it can be easily serviced and maintained, and sensitively located in relationship to its visual impact on the park have been achieved.

Whilst the applicant has set out the above considerations that led to the selection of the proposed location, it should be noted that the application must be assessed on its merits and based on the proposals submitted. The consideration of alternate locations is not material to the acceptability of the proposed development under consideration.

Objection:

- *Due to proximity of kiosk to playground, concern over everyone having to cross through the children's playground to use the toilet facilities; and concerns over constant concentrations of people around the kiosk and playground making parents feel uneasy.*
- *Out of view for a third of the park*

Officer's Response:

It is considered unlikely that many users of the Kiosk, who happened to be located directly across the play area from the café or toilets, would chose to cross directly through the children's playground. The Kiosk's proposed location allows access from three different directions along the footpaths within the park, (four if you consider the junction between the northern and southern footpaths a short distance to the north east). It is therefore considered that the proposed location is easily accessible without having to resort to crossing the play area. The majority of such individuals would, it is expected, chose to avoid walking directly through this area between all the equipment and children and avoid having to negotiate a steep playable bank or a series of switch backed children's paths set into this bank. It is more likely that they would follow the longer though gradual gradient of the available footpath. There may be some who chose directness over ease but these few individuals are unlikely to pass through frequently enough to impact upon the enjoyment of the Play Area.

Concerns that people gathering by the Kiosk may make parents feel uneasy are thought to be unwarranted. The majority of these may well be other parents, though in quieter times the presence of activity in this area including from those using the Kiosk would be reassuring. In the event that anti-social behaviour is an issue the CCTV and patrols in the area, discussed above under the MET Police comments, would serve to rapidly address such issues.

The Kiosk's raised location considered to be perfectly visible and easily accessible for all park users, in the end state signage will support this.

Objection:

- *Incorrect Illustration of the land form to the rear of the Kiosk*

Officer Response:

It is indicated in the objections that the drawing titled 'Proposed N-S Section' incorrectly illustrates a "natural land barrier" to the rear of the Kiosk. The bank shown in this section drawing does not reflect the current site levels but those of the approved Claremont Park application (19/2291/FUL). The objector is correct that at present the slope across Claremont Open Space is more gradual in proximity to the boundary, however with the earthworks and level changes there will be a more abrupt change in levels between the rear of the Kiosk and the boundary as a result of earthworks including a flattening out of a level 'terraced' area around the Kiosk and other hard works to sculpt the new park. This creates an abrupt drop in levels from those of properties at Clitterhouse Crescent allowing a drop of 1.5m to the level of the Kiosk and thereby reducing it's visual impact upon these properties.

Objection:

- *Closest utility connection is closest to the road, associated groundworks would increase costs and resident disturbance*

Officer Response:

The location of the kiosk is within or at a short distance from existing and new utility network that will support the new Claremont Park and nearby Claremont Park Road. In respect of associated groundworks and resident disturbance, a number of environmental measures including those to control noise and air pollution resulting from improvements to the whole park have been consented under the Construction Environmental Management Plan (CEMP) approved under LPA reference 21/0927/CON dated 28 April 2021. The scope of the works covered under such CEMP include consideration for the installation of a kiosk. As such, the impact of construction resulting from the kiosk has already been assessed, and associated measures to control noise and air pollution have been submitted and approved by the LPA. To secure this, a compliance condition to such CEMP is recommended.

Concern over reduced tree planting

Objection:

- *Loss of existing trees and no new trees to be planted*
- *Conservation of the wildlife and vegetation is being compromised by the introduction of the kiosk*
- *Trees and good design should be prioritised over business*
- *Loss of trees impact on the environment and visual amenity*

Officer's Response:

The proposed application does not include the removal of any trees or the planting of new trees. The proposed kiosk would insert itself onto a consented landscape scheme for the wider Claremont Park under 19/2291/FUL as amended by 21/1849/NMA dated 17 June 2021. The consented planting scheme surrounding the proposed location of the Kiosk includes lawn, shrubs and trees. The proposed Kiosk itself would be located in a small grassed area within

the approved Landscaping scheme. There is no proposal to reduce tree or any other planting, beyond a small grassed area within the footprint of the Kiosk.

The only reduced element of planting would be limited to the grassed area over which the proposed kiosk is proposed to sit. The footprint of the Kiosk is circa 44m² which is considered minimal in respect of the wider park. In respect of the consented use of the lawn where it is proposed (under 19/2291/FUL), this lawn is one of several small open pockets intended for informal use. The introduction of the kiosk would remove the ability to use this pocket as an open space, however a number of other similar areas remain along the southern edge of the park. Further, a number of large open spaces for informal recreation remain throughout the central and northern areas of the park. It is considered that the Kiosk as proposed is of small scale and will complement the consented use of the site as a public park, providing adequate facilities to allow visitors to the park to use the park comfortably. As such, and in line with Barnet's Policy CM15, the loss of a small area of open space to be replaced by a use that will complement and support the wider use of the park.

Loss of visual amenity

Objections:

- *Concern that the proposed location within the park and gatherings around the kiosk will impact the visual amenity of the park*
- *Visual impact of poor design*
- *The building would take away the view*
- *Loss of visual amenity from kiosk itself, people gathering around it and hardsurfacing around the kiosk*

Officer's response:

The proposed location will take advantage of the fall in topography from the southern boundary to reduce its visual impact upon neighbouring residential properties to the north. A drop in levels of 1.5m (nearly half the 3.1m height of the Kiosk) between Properties on Clitterhouse Crescent and the Kiosk would significantly reduce any possible visual impacts from these properties. Such impacts would be further reduced by the screening of the existing 1.8m high boundary fence, the set back of the Kiosk by between 6m and 8m from the boundary to these properties, and the circa 21m distance to the houses themselves given the garden depths. Further screening would result from the proposed planting of trees in the area including 5 trees to the rear of the Kiosk (1x Rowan Girth:20-25cm Height: 5-5.5m; 1x Crab apple tree Height:2-2.5m; 1x Wild cherry Girth: 16-18cm Height: 4-5m; 1x Field maple tree G:18-20cm; Height: 4.5-5m; 1x Wild service tree G:14-16cm Height: 4.5-5m), 4 trees to the peripheries of the Kiosk (1x Rowan G:20-25cm; 2x Silver birch 3-3.5m; 1x silver birch G:20-25cm) and the natural untreated cedar cladding to the rear and sides of the building would ensure the Kiosk did not appear out of place in its context.

When viewed from the park the Kiosk would be set within the new tree planting on the bank behind it, complemented by existing vegetation in the back gardens of properties on Clitterhouse Crescent. This setting would be further emphasised by the mature retained trees within the Play area. Again the simple palate of materials, either cedar or a dark grey painted features, would be suited to the surroundings and are not considered to detract from the park.

The position of the single storey Kiosk is set low enough in respect of the properties on Clitterhouse Crescent to not significantly interrupt views from these residences. When viewed from within the park the Kiosk will be set within surrounding planting at the edge of the park and would not impact upon views across the park as it might do if it was located within the lower planted areas to the north of the new Claremont Park.

Whilst the Kiosk will act as a gathering point for activity during its opening hours it is not considered that the presence of park users to the front of this building will detract from the appearance of the park. The hardstanding areas to the sides and rear of the Kiosk have been replaced with a Hawthorne hedge which will both dissuade anti-social behaviour and provide an appropriate natural screen to these less active sides of the building.

The hardstanding to the front of the building would represent a minor continuation of the wider footpath material which, whilst it would replace a small area of grass would not be considered to have a significantly detrimental impact upon the appearance of the park.

Overlooking / loss of privacy

Objection:

- *Concern on overlooking to the residential properties and loss of privacy*
- *Concern from kiosk users looking directly into adjacent resident rooms 24/7*

Officer's Response:

There are no windows or openings to the rear of the Kiosk that could result in overlooking to the residential properties to the south. There are also no points of access at the rear of the building that would draw people to the back of the kiosk and result in overlooking.

The nearest residential building is located approximately 21.5 meters away from the rear of the kiosk. The height of the Kiosk is approximately 3.1m of which circa 1.5m is below the level of the nearby Residential Properties on Clitterhouse Crescent due to the levels difference. The 1.8m high Boundary Fence provides further privacy to these residential properties.

As referred to above, new planting will be incorporated to the raised bank that sits between the rear residential gardens and the kiosk. The planting includes a mix of specimen shrubs which will have a height of 1.25-2m on the first day of planting, which would subsequently grow. Between the shrubs, there is a mixture of mature trees to be planted up to 25cm in girth (with an approximate clear stem of up to 2.4m), with some multi stem trees up 3.5m in height.

Together, the aforementioned topography, existing fence and new planting is considered to prevent overlooking.

Concern over toilets (smell, misuse)

Objections:

- *Concerns over proximity of public toilet to the residential back fence leading to potential smell, and misuse of toilet (or the space behind it for drug taking).*
- *Constant smell due to constant 24-hour demand on toilets due to major development of the wider Brent Cross*

Officer's Response:

In respect of potential smells and misuse of toilets, the applicant has confirmed toilets will be cleaned and inspected on a regular basis by the applicant's Estate Management team, ensuring they are maintained to a high level of cleanness. To secure this, a Condition is recommended requiring applicant to submit a Management Plan with a focus on safety and security including details of frequency and standards of toilet cleaning and contact details in the event cleanliness issues arise; details of security guard presence during business hours

and out of hours; details of inspections to the public toilets and maintenance and monitoring of security measures including CCTV, intruder alarm, and locks.

In addition, the applicant has revised the proposal by removing the originally proposed hardstanding to the sides and rear of the kiosk and replacing this with a defensible hedge (hawthorn, 1m wide and 2m tall). This, along with the consented new planting on the bank to the rear of the kiosk, is considered to reduce the ability for people to loiter around the kiosk. Together, the amended design and the management measures referred to above are considered to reduce the ability for people to loiter around the rear of the kiosk and misuse this area.

The toilets would only be open to the public during the opening hours of the Kiosk which vary between 10:00 and 17:00 10:00 and 19:00 during the summer months (1st June to 30 September). This ensures that there would be a degree of passive overlooking during opening hours from the Kiosk and it also means that the facilities will not be open 24 hours a day as per the resident's concerns.

Noise

Objections:

- *Noise disturbance from daily use*
- *Increase in noise levels close to adjacent residents due to constant disturbance throughout the day due to lines for drinks, seating and toilets.*
- *Concentrated noise and disturbance resulting from use (deliveries, people waiting, antisocial behaviour at night). Concern over noise being constant as the park is will not be gated at night.*
- *A similar kiosk in another park in London (Golder Hill Park) shows higher noise levels in the kiosk area than those along the footpaths and footpaths with trees.*

Officer's Response:

The potential for noise generation by the Kiosk is not considered to be significant.

A level of noise will occur as a result of users of the Kiosk or associated toilets talking to one another whilst queuing or eating this is not likely to be a significant or disturbing level or type of noise. The activity associated with the Kiosk will also be located to the main façade on the far side of the Kiosk from residential properties with the structure of the Kiosk and the covered walkway reflecting sound away from the Residential Premises.

In respect of the function of the Cafe, the submitted drawings and documentation supporting this application confirms there are no kitchen extract facilities, mechanical plant or ventilation proposed which would generate noise. The Council's Environmental Health Officer has reviewed details submitted and confirmed to have considered the distance between the proposed Kiosk and residences on Clitterhouse Crescent and raised no noise concerns in relation to the building proposed.

In respect of noise generated by comings and goings to the Kiosk and queuing for drinks, seating, and toilets, including that associated with availability of tables and chairs, this is considered to be minimal in the context of the consented Claremont Park. The consented park includes a children's playground including seating which sits directly opposite to the proposed location of the Kiosk which will give rise to noise from children and visitors using the playground and its surroundings. As such, the consented function and use of Claremont Park already allows people to gather, chat and play in the area where the Kiosk is proposed irrespective of the Kiosk presence. It is expected that many of the users of the Kiosk will be

users of the consented playground which would be already generating noise by gathering, playing and chatting. Other users of the Kiosk may be users of the surrounding park or area, and any noise generated by the comings and goings of these visitors is considered minimal in the context of the background noise generated by users of the consented playground. Further, the opening hours proposed for all uses of the kiosk (kitchenette, store, toilets) are 10:00 to 19:00 during the summer and 10:00 to 17:00 during the rest of the year which are considered to be appropriate for the intended use, and they do not affect early hours of the morning or later hours of the evening/night-time. A condition to secure Hours of Operation is therefore recommended.

In respect of Golders Hill Park Refreshment House showing higher noise levels in the kiosk area than those along the footpaths and footpaths with trees, this café is much larger with extensive seating and not directly comparable to the small-scale nature of the Kiosk proposed. Again, no concerns have been raised by Environmental Health officers in respect of the potential for significant noise impacts as a result of the Kiosk proposed.

Concerns have been raised that there will be constant noise in the vicinity of the Kiosk 24 hours of the day. Given the restricted opening hours of both the Café and the toilets this situation is considered unlikely. The submitted application form confirms the hours of opening for the proposed Kiosk are 10:00 to 17:00 or 10:00 to 19:00 during the summer period. All elements of the Kiosk (kitchenette, storage, refuse store, toilets) will be closed by 19:00 at the latest during the summer months or by 17:00 for the rest of the year. Activity relating to the Kiosk, and any associated noise which as explained above is likely to be minimal and muted from the residents point of view by the presence of the bulk of the Kiosk itself between any likely noise source and receptor.

In respect of noise generated from antisocial behaviour around the Kiosk during out of operating hours, the building and planting proposed have been designed to deter such behaviour and CCTV will monitor the Kiosk and be directly linked to a security patrols in the event that anti-social behaviour is detected.

Pollution

Objection:

- *Concern over pollution impact from delivery vans servicing the kiosk*
- *Concern over litter, rats and other pests around the Kiosk and behind residential gardens*

Officer's Response:

In respect of the impact from delivery vans servicing the kiosk, this is considered minimal as the proposed development is of small scale (limited to the provision of cold snacks and hot drinks) therefore a low number of associated trips are expected. Notwithstanding, a Condition is recommended requiring details of frequency and size of vehicles subject to approval of the LPA. Further, the applicant has submitted a drawing that illustrates the servicing route for the kiosk. This route runs on secondary footpaths and forms a loop between the two main entrances (without having to turn within the park) minimising traffic to the north east-west path which is the main shared pedestrian and cycle route through the park.

In respect of litter, rats and other pests around the Kiosk and behind residential gardens, this situation is not expected a commitment to a number of maintenance measures including cleaning and horticultural health have been submitted and approved through the Landscape Ecology and Management Plan for the entirety of Claremont Park which covers the area around the Kiosk, under LPA reference 21/1913/CON dated 8 July 2021.

Antisocial behaviour behind the kiosk and security

Objection:

- *Unsafe to walk by it at night-time*
- *Potential issues with urinating and antisocial behaviour behind toilets and near residential fences when toilets are closed*

Officers Response:

In respect of the safety around the kiosk at night time and antisocial behaviour behind the kiosk during out of hours, this situation is not expected for the following reasons.

Amendments to the proposal have been made to remove hardstanding from the sides and rear of the kiosk, replacing this with defensible planting (hawthorn hedge, 1m wide and 2m height). This, together with the consented planting to the rear of the Kiosk including shrubs and trees, is expected to reduce the ability for people to loiter around the kiosk. Such amendment is shown in the Proposed Site Layout drawing no. BXS-PK001-INF001-A-PML-DR-07-P115-GF Rev D.

The applicant has confirmed that CCTV will monitor the Kiosk 24/7 and there will be management presence on site to assist with managing any anti-social behaviour which may occur. To secure this, a Condition has been recommended to require the applicant to submit a Management Plan with a focus on safety and security including details of security guard presence on site, regular patrols during business hours and out of hours, and details of CCTV and intruder alarm including location, maintenance and monitoring. Details of maintenance of the defensive hedge planting to the sides and rear of the kiosk is also requested as part of the Management Plan.

It is further noted that the wider Claremont Park will also incorporate CCTV apparatus and details of equipment and location are to be submitted under Condition 23 pursuant to 19/2291/FUL for the delivery of the new Claremont Park.

2. PLANNING APPRAISAL

Landuse/Principle of development

Compatibility with the s73 permission and 'Drop In' application for Claremont Park Improvements.

- 2.1 This application has been submitted as a standalone application though it falls within the boundary of approved development under the Brent Cross Regeneration Proposals as approved by application F/04687/13 (the s73 Permission). It relates to development not approved within the s73 Permission and falls within an area of the Brent Cross Regeneration which is subject to detailed consent as a result of the s73 Permission and a subsequent drop in application, 19/2291/FUL (as amended by s96a application 21/1849/NMA) for the 'Claremont Park Improvements'. As such it is necessary to have consideration for compatibility with the wider s73 permission and to ensure that it would not give rise to any additional significant environmental impacts when considered against the Environmental Impact Assessment carried out with the s73 Permission as well as considering the material impacts of the Kiosk in its own right.
- 2.2 The red line of this application is located within the western reach of the park towards the southern boundary with the rear gardens of properties on Clitterhouse Crescent. It would be located within a small grassed area of the landscaping approved within 19/2291/FUL (as amended), for the delivery of the Claremont Park Improvements.
- 2.3 The LPA are content that the proposals are complementary with the consented designs for the Claremont Park Improvements and subject to the further evaluations of the acceptability of the proposals within this report, do not consider that the delivery of this small scale park Kiosk would prejudice the wider comprehensive delivery of the Brent Cross Cricklewood regeneration scheme, nor the detailed approval of Claremont Park Improvements where it would have minimal effect upon the approved landscaping and planting proposals within the existing permission given the proposed location within a restricted area of proposed lawn planting.
- 2.4 A number of pre-commencement conditions in respect of the Claremont Park Improvement works have been approved ahead of the start of the park works. Where such issues have already been addressed it is unnecessary to duplicate these requirements in respect of issues of Contaminated Land, Drainage/Flooding and Construction Management. Following the appraisal below details of issues already addressed by the works relating to Claremont Park have been set out under from Paragraphs 2.78-2.84.

Landuse

- 2.5 Development on public open space is typically safeguarded against by Development Management Policies. Development Management Policy DM15: Green Belt and Open Spaces is of most relevance to the current application. Policy DM15 states that Open spaces will be protected from development, however it recognises that:

Policy DM15 (Extract)

In exceptional circumstances loss of open space will be permitted where the following can be satisfied:

a. The development proposal is a small scale ancillary use which supports the use of the open space ...

Any exception will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity.'

- 2.6 Supporting text (paragraph 16.3.3) specifies that an evaluation of the potential impacts upon Biodiversity should be undertaken in accordance with Policy DM16.
- 2.7 Barnet's Park and Open Spaces Strategy 2016-2026 states that new policies will be developed to support the positive contribution that parks can make to the quality of life in Barnet, including: *'improve parks facilities and encourage more park cafes and other businesses.'*
- 2.8 The consented scheme for Claremont Park under 19/2291/FUL will provide 2.07 ha of improved public open green space as part of the BXC Regeneration. The proposed kiosk would occupy an area of just over 43sqm within the overall provision of open space of the new Claremont Park. Such reduction in this discreet location is considered not to detract from the usability or functionality of the approved park.
- 2.9 Through the provision of toilet and food and drink facilities is considered that the proposed Kiosk would benefit visitors to the park, allowing longer visits through an ancillary use which complements the function of the park and children's playground. In this respect, and given the very limited footprint of the proposed building, the kiosk is considered to align to the exceptional circumstances described in Policy DM15 and the intent to improve park facilities expected by Barnet's Park and Open Space Strategy.
- 2.10 In respect of the impact on biodiversity, the proposed scheme does not remove any previously approved tree or shrub planting as consented for the new Claremont Park under 19/2291/FUL. Its proposed location is on previously consented grass area that would have formed a small pocket of informal open space along the southern periphery of the new park. The wider park would continue to offer several other such incidental areas along with many larger green spaces. The revised scheme includes a defensible Hawthorne hedge which would contribute to the wider ecological value of the new park. Whilst an increased degree of activity in the location is expected as a result of the proposal this is not considered likely to significantly impact upon wildlife in the area in a location in close proximity to a busy playground in this urban parkland area. The proposals do not include external lighting and will therefore not impact on species such as bats.
- 2.11 The benefits offered by the kiosk providing an ancillary role to the use of park are considered to outweigh the loss of a small area of open space within the wider park. In line with policy DM15, the proposed development is considered to be small-scale, ancillary to the use of the open space, would not harm the character of the open space or have a significant impact on biodiversity.

Location

- 2.12 The Kiosk would be located in the western reach of Claremont Park towards the southern boundary shared with properties on Clitterhouse Crescent. The kiosk would be adjacent to the southern east-west footpath within the park. Across the footpath to the south west would be the main entrance to the Park's play area. The footpath diverges immediately to the north of the application site with one arm intersecting the northern east-west footpath and the other continuing to the east in proximity to the southern park boundary.
- 2.13 The nearest residential properties would be on Clitterhouse Crescent in particular a terrace of four residential Properties, Nos. 26 to 32 located to the southeast of the site

are in a parallel orientation to the kiosk. These properties have back gardens that end with a 1.8m high boundary fence. On the Park side of this boundary a planted bank would drop by circa 1.5m from the garden level of these residential properties over a distance of between 6 and 8 meters before reaching the Kiosk. The houses themselves would be circa 21m from the closest point of the Kiosk building.

- 2.14 Being located alongside the southern footpath in close proximity with junctions with the northern footpath would set the facility in an accessible location with DDA compliant Gradients in the footpaths allowing the level changes across the site to be negotiated by all users. This location easily accessed from both north and south footpaths would also provide for ease of access for necessary maintenance and delivery vehicles.
- 2.15 By positioning the Kiosk near to the main level playground entrance the facility is well located for use by parents and children who may find it more taxing to travel to the play area encumbered by small children, prams and other equipment and who may require more frequent use of the toilet facilities.
- 2.16 Although in proximity to the southern boundary of the park shared with residential properties on Clitterhouse Crescent the building itself would be located between 6 and 8 meters from the boundary and a distance of over 21m from the nearest residential building.
- 2.17 The potential for the proposed development to impact upon the amenity of these residential properties is discussed further below. It has also been considered in response to concerns raised by residents in the Public consultation section above. Given the focus of activity on the façade facing away from the residential Properties; the height of the proposed building combined with the level changes; the distance from the boundary of the kiosk; the screening from the existing fencing and proposed planting; as well as the natural cedar cladding proposed on elevations of the building facing residential properties, the proposed location is considered to be appropriate in respect of its proximity to neighbouring residential buildings.
- 2.18 The proposed location is considered to be accessible to all users of the park whilst being located in an area where users of the play area will benefit from its close proximity. Being in a raised location within the park would make the kiosk easily visible to other park users and whilst set towards the boundary with Properties on Clitterhouse Crescent the characteristics of the single storey Kiosk and the associated levels and landscaping in its surroundings do not raise significant concerns in respect of its proximity to neighbouring residential Properties.

Character and Design

- 2.19 Policy CS5 of the Core Strategy DPD and Policy DM01 of the Development Management Policies DPD refers to the Council's aspiration for development to respect local context and distinctive local character incorporating high quality design principles including character, continuity and enclosure, quality of public realm, ease of movement, legibility, accessibility, adaptability and diversity. 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).
- 2.20 On a more strategic level, London Plan policies under the 'London's Living Spaces and Places' Chapter sets out aspirations for high quality public realm environment. Policy D4

Delivering good design of the London Plan (2021) states that development should have regard to form, function, scale, mass and orientation of surrounding buildings; ensure buildings create a positive relationship with street level activity; and allow buildings to make a positive contribution to the character of a place to influence the future character of the area.

Design

- 2.21 The proposed development comprises a single storey building of approximately 16m x 3m. A roof projects by 2m from the front façade providing shelter under a covered walkway. The building would accommodate: a kitchenette/café with a serving counter; a store; a cleaning room; a refuse storage area; and three toilets including one to Disability Discrimination Act (DDA) standards. Entrance to the store and café would be located roughly centrally in the front of the building. The covered walkway would be partially screened to the front of the toilets.
- 2.22 The application has been submitted with details of the proposed material supported by precedent images (Page 13 of the Design and Access Statement).
- 2.23 Vertical timber cladding in untreated Cedar is proposed on all facades to the building. This is considered to provide a natural woodland character that aligns to the park setting and woodland character of the new park. The timber cladding would cover anthracite grey colour (RAL 7016) powder coating paint on the main structure of the building. All doors, frames and opening trims, copings and soffits and external posts would also be in the same matt powder coated RAL 7016 paint maintaining a simple robust and attractive palate.
- 2.24 The screen fronting the toilet doors has been shown in similar untreated Cedar cladding however it has been indicated that the applicant may wish to vary the details of this screen. Details of the final appearance of this element the proposal have therefore been secured by condition 10. Other details are secured by compliance with the submitted plans.
- 2.25 The proposed materials would give the kiosk a simple robust and natural appearance and are considered to be acceptable for a park Kiosk set within the context of the existing and proposed trees and landscaping of the park.
- 2.26 In order to reduce the likelihood of antisocial behaviour in respect of the Kiosk a 1m wide and 2m tall Hawthorne hedge would be planted to the rear and sides of the building.
- 2.27 The building design in timber with its surrounding hedge references the consented woodland character of the new park and is considered to sit comfortably within the overall context of the park.
- 2.28 In terms of accessibility, the submitted drawings show there is level access to the building perimeter, providing accessible accesses on all entrances to the building. The kiosk serving height is set at 85cm to assist with wheelchair access and purchases. A wheelchair accessible toilet is also provided which includes baby changing table set at the appropriate height. The drawings also demonstrate wheelchair turning space is provided outside the wheelchair accessible toilet (between the toilet door and the privacy screen to the toilets).

Neighbouring Residential Amenity

- 2.29 The nearest residential properties to the application site are on Clitterhouse Crescent. A terrace of four residential Properties, Nos. 26 to 32 located to the southeast of the site are in a parallel orientation to the kiosk and might be considered to be the most likely to be impacted by this new development.
- 2.30 These properties have back gardens that end with a 1.8m high boundary fence. Within the new Claremont Park a planted bank would drop down to the Kiosk by circa 1.5m from the residential garden level over a distance of between 6 and 8 meters. The houses themselves would be circa 21m from the closest point of the Kiosk building.
- 2.31 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. Policies DM01 and DM04 of the Development Management Policies DPD states that all development should demonstrate high levels of environmental awareness and be based on an understanding of local characteristics
- 2.32 The presence of the Kiosk has the potential to impact upon local residents' amenities in a number of ways. Considerations below address issues of outlook, privacy and anti-social behaviour, as well as disturbance resulting from noise or smells associated with the use of the Kiosk.

Outlook

- 2.33 The height of the proposed Kiosk is 3.1m, therefore approximately half of the kiosk building's height would be below the level of the adjacent rear properties. Accounting for the presence of the 1.8m high boundary fence, the proposed Kiosk will be screened from view from residents of Clitterhouse Crescent unless viewed obliquely from above at a distance of over 21m from windows within the 1st floor of these homes.
- 2.34 The bank between the Kiosk and the Clitterhouse Crescent garden boundary has been approved with soft landscaping which includes a number of trees which will, upon planting, range between 2 and 3.5m in height. Further growth to these trees will enhance their screening effect over a number of years. This planting has already been approved as a part of the Claremont Park Soft Landscaping scheme and beyond the grassed area under the footprint of the proposed Kiosk is not affected by the current application.
- 2.35 It is considered that given: the height of the proposed Kiosk and the natural materials used to clad it; the distance of the Kiosk from the adjacent terraced houses; the level change between these houses and the Kiosk; the height of the existing boundary fence; and the consented planting, that the Kiosk would not result in a detrimental impact upon the outlook of neighbouring residential properties either in views from the gardens or from the houses themselves.

Privacy

- 2.36 Whilst the Kiosk will provide a focal point for activity within the park, this will be located to the front façade of the building away from the residential properties.
- 2.37 Shrub and tree planting to the rear of the kiosk towards the boundary with residential properties, (including the defensive Hawthorne hedge) combine with a new steep bank to make it undesirable for users of the facility to approach any closer to the residential boundary. Level changes between the footpath and the rear gardens of upwards of 1.5m

combined with the existing 1.8m high hedge would prevent any overlooking into these private gardens.

- 2.38 Given the distance to the houses of upwards of 21m combined with the screening afforded by the proposed tree planting it is not considered that there will be significant impacts upon the privacy of residents through viewing windows on the upper floors of the existing houses. Ground floor windows will not be able to be seen.
- 2.39 In light of the above it is not considered that the increased activity associated with the Kiosk would impact upon the privacy of neighbouring residents. The Kiosk itself includes no windows or points of access on elevations facing residential properties on Clitterhouse Crescent.

Anti-Social Behaviour

- 2.40 The potential for the kiosk to act as a focal point within the park for anti-social behaviour has been raised by both residents and the Met Police and is addressed within the comments sections above.
- 2.41 The LPA is satisfied that in light of the parkwide CCTV and the regular presence of patrols which can be actively guided as a result of the live CCTV feed that anti social activity is unlikely to become established in this area. The Kiosk application has been updated to include defensive planting around the sides and rear of the building with a 2m high Hawthorne Hedge and the building itself is robust and has been committed to be delivered with features to Secure by design standards.
- 2.42 It is therefore not considered that, as a result of the proposed development, the neighbouring residential properties would be significantly impacted by anti-social behaviour arising from the presence of the Kiosk. Such matters are further discussed under the Safety and security section below.

Operation including noise odour and hours of use

- 2.43 The proposed use of the Kiosk includes a Class E(a) / (b) Café ((a) is for the display or retail sale of goods, other than hot food, principally to visiting members of the public; (b) is for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises). A restrictive condition prevents the preparation of raw foodstuffs and accordingly no specialised ventilation machinery is required which would raise the possibility of smells and noise arising from the operation of the kitchen itself.
- 2.44 The proper management of the toilet facilities will prevent odours associated with poorly managed facilities from impacting on neighbouring residents and a condition requiring details of the maintenance regime has been included.
- 2.45 There is potential for a level of noise arising from the increased activity around the Kiosk, from those queueing to use the facilities or making use of associated external tables and chairs around the entrance to the play area to eat or drink their purchases. Those making use of the Kiosk would be on the far side of the building from the residential properties and the building itself would reflect noise away from the residential properties. Anyone choosing to sit within the play area to eat or drink their purchases would be further away from the rear garden boundary and noise generated is likely to be undistinguishable above the noise of children playing.

- 2.46 It should be noted that Environmental Health Officers who were consulted in respect of this application raised no concerns pertaining to possible noise or odour impacts arising from the proposed development.
- 2.47 The opening hours of the proposed development (including kitchenette, toilets and the availability of associated tables and chairs) were submitted as between 10:00 to 17:00 all year round. During the assessment of the application the applicant has requested a variation to the hours of operation to accommodate later opening during the summer months. The revised proposal would allow opening from 10:00 to 19:00 for the summer (1 June – 30 September inclusive) and 10:00 to 17:00 for the rest of the year (1 October – 31 May inclusive) on weekdays, weekends and Bank Holidays. The variation equates to an extension of two hours during the summer period only.
- 2.48 Such extension is considered reasonable as the park is expected to be used for longer hours during the summer due to longer hours of daylight and improved weather. Officers consider this change to be both reasonable and minimal in terms of the overall impacts that would result from the Kiosk and have not considered it necessary to reconsult on this relatively minor variation to the proposal. A condition to secure these hours of operation has been included.
- 2.49 In light of the above considerations, it is not considered that the proposed Kiosk would result in any significant impacts upon the amenities of neighbouring residential properties.

Safety and Security

- 2.50 Policy D 11 (Safety, security and resilience to emergency) of the London Plan 2021 require developments to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
- 2.51 Policy CS12 (Making Barnet a safer place) requires developers to demonstrate they have incorporated design principles which contribute to community safety and security in all new development, and promote safer streets and public areas including open spaces. Policy CS5 (Protecting and enhancing Barnet's character to create high quality places) requires developments to address the principles of national design guidance including Secured by Design. Policy DM01 of LBB Development Management Policies requires development proposals to create safe and secure environment and reduce opportunities for crime and minimise the fear of crime. Policy DM02 (Development standards) requires development where appropriate to demonstrate compliance with national and London wide standards including Secured by Design, the national Police initiative.
- 2.52 Page 14 of the submitted Design and Access Statement addresses Security & Management and confirms a number of security and management measures that have been incorporated into the design and management of the proposed development.
- 2.53 In respect of design, the proposed kiosk building is 3.15m from ground to parapet. This exceeds 2.4m which is the minimum height considered to deter climbing. Details submitted also state the applicant is willing to consider anti-climb paint to the top of steel columns if additional climbing deterrent felt necessary.
- 2.54 External cladding to all sides of building do not offer footholds or potential climbing to the roof level. This includes the proposed vertical timbers for the privacy screen to the toilets which are proposed without mid height horizontal structures. However, as this

privacy screen may be subject to further design to incorporate artwork, a Condition to secure final details for this screen which continue to deter climbing is recommended.

- 2.55 Windows from all sides of the building have been avoided to reduce the potential of forced entry targets. In respect of offering light and ventilation for people working inside the Kiosk, the Kiosk hatch is proposed to provide this which is considered acceptable.
- 2.56 The statement also confirms commitment to apply and adopt Secure by Design Principles throughout the building. A condition to secure a report that demonstrates adherence to these principles has been included in this recommendation.
- 2.57 In respect of the immediate landscape surrounding the Kiosk within the red line boundary, the application originally proposed hardstanding to match adjacent footpath. Following concerns raised by the Met Police Officer and members of the public regarding potential antisocial behaviour to the rear of the Kiosk, the applicant reviewed proposals to remove hardstanding from the sides and rear of the kiosk, replacing this with defensible planting hawthorn. This is considered to reduce the ability for people to loiter around the rear of the kiosk and the Met Police Officer has confirmed to be satisfied with such change and the concern to be addressed.
- 2.58 As reported in the consultation section of this report, the Met Police Officer reviewed the details proposed and supported the overall design of the kiosk in respect of safety and security.
- 2.59 The site will be subject to 24 hour CCTV and on-site security presence reducing the likeliness of antisocial behaviour under the covered walkway the concerns raised in relation to these two aspects are considered to be addressed. As detailed below, a Condition to secure details of CCTV and security presence has been recommended.
- 2.60 The proposed hours of operation are 10:00 to 17:00 and 10:00 to 19:00 during the summer, including toilets. This means toilets will be closed/locked when the kiosk closes at 17:00 or 19:00, so there will be no access to the Kiosk after dark.
- 2.61 Subject to the recommended conditions referred to above, the proposed development is considered acceptable in relation to safety and security. The proposals are considered to be in accordance with the Local Plan, and compatible with the S73 Permission without affecting the comprehensive delivery of the wider BXC regeneration scheme.

Highways and Transport Impact

- 2.62 Policy T4 of the London Plan (2021) requires development proposals to be fully assessed at both strategic and local level to ensure development does not adversely affect safety on the transport network. Policy T5 of the London Plan (2021) sets minimum standards for the provision of new cycle parking for new development. Policy CS9 of the Core Strategy DPD identifies the need for major proposals to incorporate transport assessments, travel plans and delivery and servicing plans. Policy DM17 of the Development Management Policies DPD contains matters to be considered when determining planning applications including (but not limited to) road safety, road hierarchy, location and accessibility, travel planning and parking management.
- 2.63 Paragraphs 108 and 109 of the NPPF (2018) are also relevant to the consideration of this planning application. In assessing applications for development, paragraph 108 advises that it should be ensured that, *'(c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety,*

can be cost effectively mitigated to an acceptable degree. Paragraph 109 also states that *Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

- 2.64 Servicing and maintenance of the Kiosk can be easily facilitated using vehicles on the network of footpaths outside of hours when necessary. The associated vehicles would not have a significant impact upon the surrounding road network.
- 2.65 In accordance with London Plan Policy T5, due to the size of the proposals, a requirement for cycle parking is not generated. Therefore, the proposals are acceptable on transport grounds.

Ecology/ Biodiversity

- 2.66 Policy CS7 of the Core Strategy DPD and Policy DM16 of the Development Management Policies DPD states that the Council will ensure that development protects existing site ecology and makes the fullest contribution to local biodiversity improvements; and also affords protection to existing SINCs. Equally, Policy G6 and G7 of the London Plan (2021) states that development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity; and states that proposals should give sites of borough and local importance for nature conservation the level of protection commensurate with their importance.
- 2.67 In respect of management of non-native plants across the wider Claremont Park, an Invasive Species Survey Report for Claremont Park has been approved under LPA reference 20/0789/CON dated 15 April 2020. The report identifies areas of invasive non-native plants, a method statement to ensure that any soils imported to the site are free from invasive plants, and method statement for the removal or long-term management in the event invasive species are found on site or imported.
- 2.68 In respect of tree removal across the wider Claremont Park, trees to be removed and retained (and associated protection methods) have been consented under for the delivery of the new Claremont Park under 19/2291/FUL (Project no. 6907 Revision B and drawing no. 6907-D3-AIA- Rev B).
- 2.69 This application is supported by a *Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan In Accordance with BS 5837:2012 – Claremont Park Kiosk, Claremont Road, Brent Cross, London, NW2 1TG (Project No 8494)* prepared by Hayden's Arboricultural Consultants dated 8/12/2020.
- 2.70 The report confirms no trees will be required to be removed for the delivery of the proposed Kiosk. It also confirms the alignment of the proposed kiosk and the landscaping around it does not encroach with the Root Protection Areas (RPA's) of any trees that are to be retained under planning permission 19/2291/FUL for the provision of a new neighbourhood park (Claremont Park).
- 2.71 It does however identify groups of trees and individual trees to be retained that are in most proximity to the Kiosk that will require protection during the construction. The protection method for some of these trees for the delivery of the new Claremont Park has already been considered and consented as part of 19/2291/FUL though the specific

requirements of this stand alone application require addressing appropriately in respect of the delivery of the Kiosk.

- 2.72 Paragraph 6.2 of the *Preliminary Arboricultural Method Statement & Tree Protection Plan* states that “*Subject to achieving Planning Permission, it is recommended that a detailed Arboricultural Method Statement & Tree Protection Plan should be provided. This will include the following: fencing type, tree felling specification, project phasing and an extensive auditable monitoring schedule.*” In accordance with this requirement a condition has been attached to the recommendation for approval which requires submission of a final Arboricultural Method Statement with particular focus on necessary tree protection measures for trees adjacent and close to the Kiosk application site.
- 2.73 The revisions submitted on 24 of June to incorporate a hedge to the perimeter of the Kiosk along with 30cm wide of clay pavers between the Kiosk and the hedge. This replaces the original proposal of a full area of hardstanding surrounding the Kiosk. It is considered that this will not only help with deterring antisocial behaviour, but also bring ecological benefits that will tie in with the green infrastructure of the surrounding consented new park. A condition for a Management Plan that included maintenance details of the hedge is recommended. This reflects the relevant requirements of Condition 27.9 of the s73 permission in respect of Landscape and Ecology Management Plan.
- 2.74 Further, the proposals do not include any external lighting and so will not impact on any species such as bats.
- 2.75 For the above reasons the scheme is considered to be acceptable on ecological grounds.

Flood Risk and Drainage

- 2.76 CS13 (Ensuring the efficient use of natural resources) states that Barnet will minimise the potential for fluvial and surface flooding by ensuring development does not cause harm to the water environment, water quality and drainage systems. Development should utilise SUDS in order to reduce surface water runoff and ensure such run-off is managed as close to its source as possible subject to local geology and ground water levels.
- 2.77 Policy DM04 states that development should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run-off. All new development in areas at risk from fluvial flooding must demonstrate application of the sequential approach set out in the NPPF (paras 100 to 104) and provide information on the known flood risk potential of the application site.

Considerations addressed under Claremont Park submissions

Contaminated Land

- 2.78 In respect of land contamination issues: An investigation of site contamination for Claremont Park, included the area where the Kiosk is proposed. It was approved by the LPA under reference 20/0925/CON dated 2 April 2020. The submitted report confirms at Section 10(P55) that based on the level of contamination identified, no remediation work will be necessary for Claremont Park. Also, that given that the proposals for the

park include clean soil and topsoil, this is considered appropriate and sufficient to address any potential risks to end users.

Drainage / Flood risk

- 2.79 A Drainage Statement prepared by Arup dated 17 February 2021 was submitted with this planning application. The statement confirms the Kiosk sits within the Claremont Park site for which a Flood Risk Assessment was previously approved under 19/2291/FUL. The statement outlines the drainage design for the Kiosk in the context of the approved Claremont Park Flood Risk Assessment (document reference BXS-PK001-INF002-D-ARP-RP-90-002-XX dated 28 March 2019) which is provided as Appendix A to the statement.
- 2.80 In respect of surface water drainage, surface water from the Kiosk roof will be discharged, via downpipes (concealed behind the timber framing), into surface water pipes within the adjacent footpath and connect into the wider Claremont Park surface water network. These pipes discharge to a large pond within the central park area. This ponds provides attenuation volume to allow a restricted discharge at approximately the greenfield runoff rate into the adjacent network via a manhole with flow control device. Appendix B at Appendix E shows the proposed surface water drainage route.
- 2.81 The central section of Claremont Park covers a catchment area of 15,000m² which includes the Kiosk site. This area discharges into the proposed pond which provides attenuation volume to allow a restricted discharge at approximately the greenfield runoff rate. The catchment area of the Kiosk roof is 83m² which is a very small proportion of the catchment area flowing to the pond. Therefore, there is no change to the conclusions of the Claremont Park FRA.
- 2.82 In respect of foul water drainage, foul drainage is required for the proposed Kiosk building as this includes toilets and sinks. Foul drainage will be conveyed from the Kiosk building via pipes. These will continue through Claremont Park before joining the network in the adjacent road. Appendix B at Appendix E shows the proposed foul water drainage route.

Construction Environmental Management Plan (CEMP)

- 2.83 Considering the mitigation of construction impacts a CEMP have already been approved under reference 21/0927/CON on 28 April 2021 in respect of the wider area of Claremont Park but also pertaining to the predicted inclusion of the Kiosk Development. Assumptions were made over the exact form of the Kiosk and the approval of the wider CEMP with reference to the inclusion of the Kiosk building was not considered to prejudice the LPA's decision making abilities in respect of the current application as there would have been minimal change from the proposed mitigation operations approved either with or without the Kiosk. The consented CEMPs (21/0927/CON) demonstrates the mitigation measures that will be taken to control and limit noise, vibration, dust and air pollution associated with the delivery of the Kiosk.
- 2.84 A condition requiring compliance with the measures committed to in the approved CEMP has been attached to this recommendation, therefore, noise and air pollution mitigation measures associated with construction of the Kiosk has been covered by these controls.

3. ENVIRONMENTAL IMPACT CONSIDERATIONS

- 3.1 This application is supported by an Environmental Letter *Environmental consideration of the forthcoming detailed application for a new kiosk to be located within Claremont Park on land within the Brent Cross Cricklewood Regeneration Area* prepared by Arup dated 22 March 2021.

The letter confirms the proposed development has been informed by the relevant parameters and principles of the outline approval thereby ensuring that the comprehensive redevelopment of BXC as permitted by the S73 Permission will not be prejudiced by its delivery.

- 3.2 In the context of the S73 Permission and Claremont Park, the following observations are made confirming the proposed development will not result in any change to the:

- *consented BXC or Claremont Park red line boundaries;*
- *overall quantum of residential floorspace to be delivered by BXC;*
- *vehicle access or car/cycle parking arrangements;*
- *consented drainage or utilities strategy for Claremont Park or the S73 Permission;*
- *consented energy or sustainability strategy – the proposed development will not comprise any plant or mechanical heating or cooling;*
- *mitigation measures required, which will continue to be implemented in accordance with the S73 Permission; and*
- *consented timing or programme of delivery for Claremont Park or the S73 Permission meaning there will be no new sensitive receptors impacted.*

- 3.3 The submitted letter also makes the following observations in respect of likely environmental effects:

- *The proposed development is not located within a sensitive area and is not of a nature, size or scale that, when considered on its own merits, is likely to result in significant adverse environmental effects that would require environmental impact assessment.*
- *The proposed development has been designed to complement the consented design of Claremont Park and its subsequent (and pending) amendments. The location of the proposed kiosk has been chosen such as to avoid any impacts on the open lawns or play areas. It is also conveniently located within a short distance from a range of facilities within Claremont Park and easily accessible from the pedestrian and cycle routes.*
- *The timber frame of the building, whilst visible within sight lines across Claremont Park such that it is easily accessible for visitors, will enable it to blend into the character of Claremont Park, surrounding tree planting and character of the local area. The consented tree planting and raised bank immediately to its south which will comprise dense planting, will nestle the proposed kiosk into the surrounding contours and screen the proposed development from residential properties along Clitterhouse Crescent. Overall, no new or different significant adverse landscape or visual amenity effects are anticipated.*
- *The proposed development will not introduce any additional noise generating uses, mechanical plant or ventilation. The proposed uses are complementary to the function and use of Claremont Park, as consented. Overall, no new or different significant adverse noise effects are anticipated.*

- *The proposed development will not include any external lighting and so will not impact on any photophobic species, notably bats.*
- *The provision of the additional 43.69 sqm GIA of commercial floorspace is anticipated to generate 1-2 full-time equivalent jobs. This is considered de minimus, particularly in the context of the overall delivery of commercial floorspace and employment within BXC as a whole.*
- *The consented design of Claremont Park currently shows there to be open space and planting within the proposed location of the kiosk. The proposed development will therefore result in a very small reduction (circa 43.69sqm or 0.004 hectares) in the overall provision of open space and planting. This is not considered to be significant, particularly when considered in the context of circa 34 hectares of new or improved open space (a net gain of circa 9 hectares) to be delivered by the wider S73 Permission.*
- *The proposed development is not expected to generate a significant number of additional vehicle trips as its intention will be to serve and provide amenities for users of Claremont Park. The non-material amendments to a couple of the footpaths within Claremont Park that are currently being considered by LBB (LBB ref: 20/5467/NMA) will enable it to be easily accessed by service and maintenance vehicles Claremont Park Road.*
- *The construction of the kiosk has already been taken into account within the Claremont Park construction programme and so will not result in any new or different significant adverse construction effects.*

3.4 The letter concludes that the proposed development is not of a nature, scale or size that would *require* environmental impact assessment. However, as it is located within the BXC redevelopment area it requires consideration in the context of the BXC Environmental Statement. As demonstrated above the letter has considered the development in the context of the existing Claremont Park and S73 Permission, and when doing so it does not result in any new or different environmental effects beyond those already identified and reported within the BXC ES or environmental assessment that supported the Claremont Park application which remain valid.

3.5 Therefore, in environmental terms, the proposed development does not prejudice or *undermine* comprehensive redevelopment of the BXC and is compatible with the S73 Permission and conclusions of the BXC ES. No further environmental input to or assessment of the proposed development is required.

4. EQUALITIES AND DIVERSITY

4.1 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.”

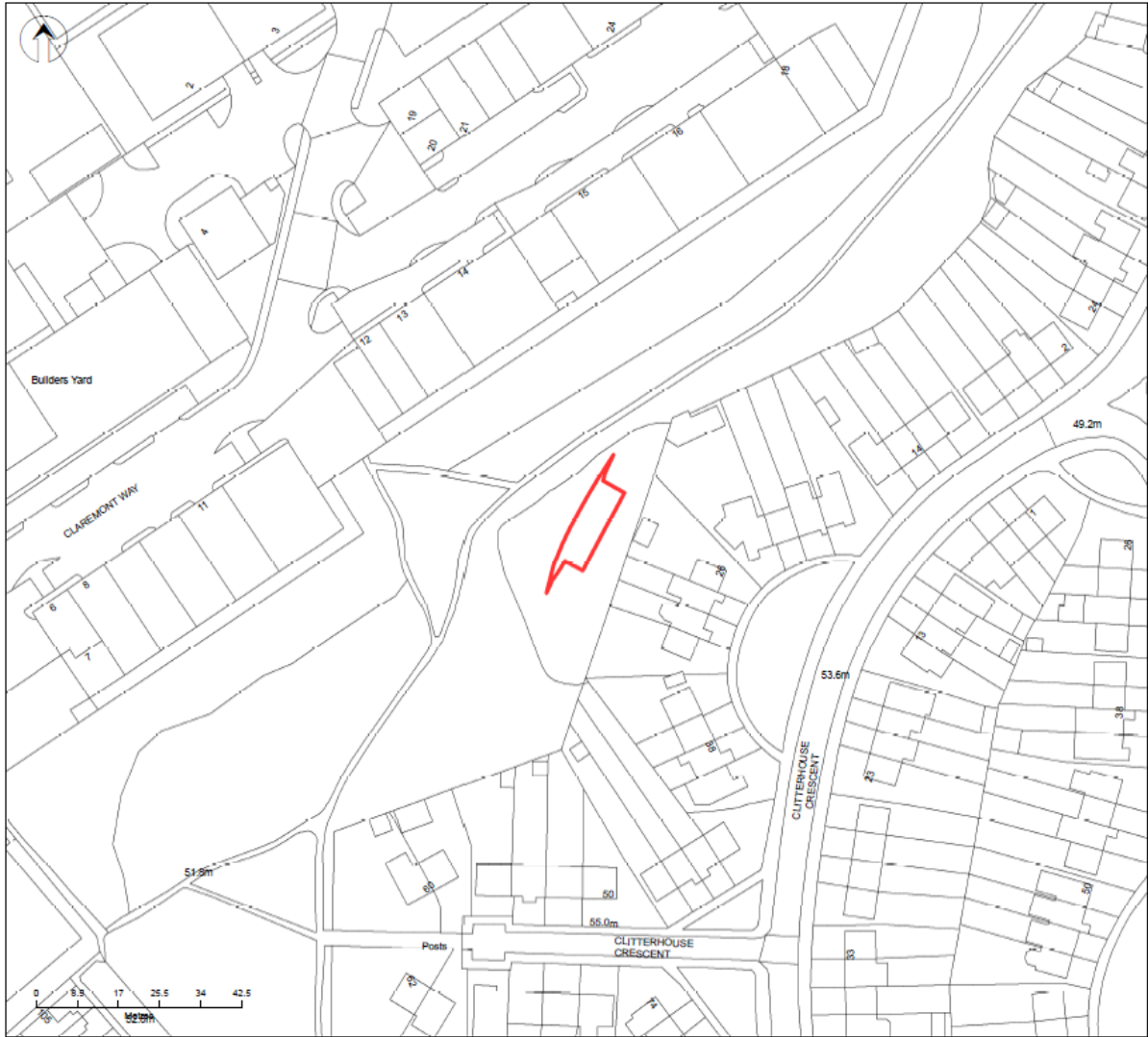
- 4.2 For the purposes of this obligation the term “protected characteristic” includes:
- age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex; and
 - sexual orientation.
- 4.3 In considering this planning application and preparing this report, Officers have had regard to the requirements of this section and have concluded that should a decision to grant planning permission for this proposed development be taken, it would comply with the Council’s statutory duty under this important legislation.

5. CONCLUSION

- 5.1 The application documents have covered a wide range of topics that convey the merits of the proposal in its own right, as well as its suitability within the context of the s73 outline planning application proposals. The proposed development is a small-scale ancillary use complementary to the function and use of the new Claremont Park as consented. It is considered to be a positive addition to the new park, providing public and accessible facilities to all users of the park. The location and design of the proposed development do not harm the open character of the park, as it is carefully placed at the foot of what will be a densely planted bank and all facades to the building are proposed in natural timber. The raised bank between the proposed development and the resident gardens, and the new trees to be planted on the bank, ensure outlook and privacy will be protected in terms of residential amenity. Noise generated by the proposed development is not considered significant as there will be no cooking facilities that would require extraction, activity relating to the kiosk is likely to be minimal and muted by the presence of the bulk of the Kiosk and the background noise generated by users of the consented playground, and restricted hours of operation will be secured by condition. The loss of open space is considered minimal, as only a small grassed area will be lost, without having a significant impact on biodiversity. The proposed development incorporates security measures through design of the building and management secured by way of condition, to prevent and manage anti-social behaviour during business hours and out of hours. Management measures will also ensure public facilities are cleaned and inspected regularly. The surface water draining from the roof will incorporate into the wider Claremont Park surface water network with minimal impact as the catchment area of the kiosk roof is a very small proportion of the wider catchment area. Previously consented CEMPs associated with the consented Claremont Park demonstrate that mitigation measures will take control and limit any noise, vibration, dust and air pollution associated with the delivery of the Kiosk. The proposed development is supported by an Environmental Letter that confirms the proposed development is not of a nature, scale or size that would require environmental impact assessment. It also confirms the proposed development does not prejudice or undermine comprehensive redevelopment of the BXC and is compatible with the S73 Permission and conclusions of the BXC ES. As such, in accordance with Policy DM15 the loss of open space for the proposed development is considered acceptable. The proposals are therefore considered to be acceptable and is recommended for APPROVAL.

SITE LOCATION PLAN

APPLICATION 21/1534/FUL



APPENDIX 1
Draft Conditions

CONDITIONS

1 Commencement and Time Limits

The development hereby permitted must be begun within three years from the date of this permission.

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

2 Approved Plans

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

BXS-PLAN-PLAP-36-A-P01 Rev: P01 - Location Plan
P21086-FCH-BA-XX-DR-A-1200 Rev P01 – Site Plan
P21086-FCH-BA-XX-DR-A-3000 Rev P1 – General Arrangement – Floor Plans
P21086-FCH-BA-XX-DR-A-4000 Rev P1 - General Arrangement – Elevations
BXS-PK001-INF001-A-PML-DR-07-P120-GF Rev C – proposed N-S section
Claremont Park Kiosk Design and Access Statement Rev B 16 June 2021

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

3 Construction Environmental Management Plan

The development shall be implemented in accordance with the measures detailed within the Construction & Environmental Management Plan (WIE17335-120-R-2-3-3_CEMP) dated February 2021 (updated April 2021) by Waterman Infrastructure & Environment Limited, as approved by LPA reference 21/0927/CON dated 28 April 2021, or with such updated Construction & Environmental Management Plan as shall replace the aforementioned plans which may be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), Policies 5.21, 5.3, 5.18, 7.14 and Policy D14 and Policy SI 1 of the London Plan (2021), and to accord with the Mayor's The Control of Dust and Emissions During Construction and Demolition SPG (2014).

4 Hours of construction

The permitted hours of construction work and/or any associated enabling, incidental and temporary work hereby permitted shall be carried out between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No construction work and/or any associated enabling, incidental and temporary work shall be carried out outside these hours without written consent of the LPA. No construction work and/or any associated enabling, incidental and temporary work shall be carried out on Sundays or Bank Holidays.

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

5 Construction Noise

Noise levels at any occupied residential property due to construction or demolition or Site Engineering and Preparation Works shall not exceed 75dB LAeq (10 hour) measured at 1m from the façade of the nearest occupied property, during the hours from 8.00am to 6.00pm Monday to Friday, and 75dB LAeq (5 hour) during the hours from 8.00am to 1.00pm on Saturday unless such works have the prior approval of the Local Authority, under s61 of the Control of Pollution Act 1974.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (September 2012) and Policy D14 of the London Plan (2021).

6 Tree Protection

Prior to commencement of construction of the development, an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) in accordance with the principles of '*Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan In Accordance with BS 5837:2012 Project No. 8494 Claremont Park Kiosk, Claremont Road, Brent Cross, London, NW2 1TG; Revision: Original, Date: 08/12/2020*' shall be submitted to and approved by the LPA.

Details shall include consideration of trees in the vicinity of the application site including those on the boundary with residential properties on Clitterhouse Crescent and will recommend tree protection fencing as necessary. All protective fencing in proximity to the site shall be retained for the duration of the construction of development and in accordance with the approved AMS and TPP.

Reason: To protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 and DM16 of the Development Management Policies DPD (adopted September 2012) and Policy G7 of the London Plan (2016).

7 New planting

Planting shall be provided in accordance with the species specified on the approved plans unless variations (along with consequential amendments to the Management Plan pursuant to Condition 12) are submitted to the LPA and approved pursuant to this condition.

All new planting shall comply with best practice including the requirements specified in BS 3936 (1992) 'Specification of nursery stock: Part 1, Trees and Shrubs', and in BS 4428 (1989) 'Recommendations for general landscape operations', or subsequent versions of such standards. Apart from formative pruning in accordance good arboricultural practice, none of the new plants planted shall be pruned within a period of five years from the completion of the development unless written approval is obtained from the LPA.

Any plants which, within a period of five years, from the completion of the development die, are removed, or become seriously damaged or diseased or otherwise fail to thrive, shall be replaced in the next planting season with others of similar size and species unless and to the extent that any variation to the approved landscaping works is first approved in writing by the LPA.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with Policy CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and DM01 of the Development Management Policies DPD (adopted September 2012) and Policy G7 of the London Plan (2021).

8 Drainage

The development shall be implemented in accordance with the measures detailed in the Claremont Park Kiosk Drainage Statement BXS-PK001-INF000-D-ARP-FN-XX-014-XX dated 17 February 2021 by Arup and detailed drainage scheme for Claremont Park as approved by the LPA under planning reference 21/1990/CON dated 8 July 2021.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan (2012), Policy SI 13 of the London Plan (2021), and changes to SuDS planning policy in force as of 6 April, 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753). Additionally to ensure that surface water runoff is managed in accordance with Conditions 44.5, 44.9 and 45.2 of the S73 Planning Permission for the redevelopment of the Brent Cross Cricklewood Regeneration Area, granted 23rd July 2014 (reference F/04687/13).

9 Privacy screen details

Prior to the installation, details of screening fronting the toilet doors within the building hereby approved shall be submitted to and approved in writing by LPA. The screen shall remain visually permeable to help prevent concealment and allow security staff or any park user to identify from a distance whether anybody is loitering behind this screening. The design of the screen shall also avoid mid height climbing elements or potential foot holds to deter climbing.

Reason: To safeguard the character and visual amenities of the site and wider area and in the interest of safety and security to ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties, and provides a safe and secure environment for users of the development, the wider site and existing and new neighbouring residents, in accordance with Policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and Policy D11 of the London Plan 2021.

10 Opening hours

Opening hours of the proposed development (including kitchenette, toilets and the availability of associated tables and chairs) shall be limited to 10:00 to 19:00 during the summer (1 June – 30 September inclusive) and 10:00 to 17:00 during the rest of the year (1 October – 31 May inclusive) Monday to Sunday including Bank Holidays unless otherwise agreed in writing with the LPA.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and Policy D14 of the London Plan 2021.

11 Management Plan

Prior to the development being open to the public for its consented use, a management plan with a focus of safety and security shall be submitted to and approved by the LPA. The development shall thereafter be operated in accordance with the approved management plan. The plan shall include, but not be limited to the following:

- Details of the security guard presence on site including regular patrols, during business hours and out of hours;
- Details of centrally monitored CCTV apparatus and intruder alarm/socket including location, maintenance and monitoring;
- Details of maintenance and monitoring of the security features of the building;
- Details of management in relation to the external areas including availability of associated tables and chairs, hardscape and hedge planting surrounding the Kiosk;
- Frequency and size of vehicles associated with deliveries, maintenance and servicing;
- Frequency and standards of toilet cleaning, including security inspections, and contact details in the event cleanliness issues arise.

Reason: In the interest of safety and security and ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties, and provides a safe and secure environment for users of the development and existing and new neighbouring residents, in accordance with Policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and Policy D11 of the London Plan 2021.

12 Secured by Design

Prior to the development being open to the public for its consented use, a report demonstrating compliance with the Secured By Design standards (or any superseding standards) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and maintained in accordance with the approved details for the lifetime of the development.

Reason: To ensure the site benefits from appropriate Secured by Design features in the interest of safety and amenity of the occupants of the site and existing neighbouring residents

in accordance with Policies CS5 and CS12 of the Barnet Local Plan Core Strategy DPD (2012) and Policy D11 of the London Plan (2021).

13 No installation of telecommunications

Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

14 Class Order

The building shall be used as a Kiosk (Class Order E(a)/(b)) in accordance with the details hereby approved, and for no other purpose (including any other purpose in Class E) of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

The preparation of hot food involving the cooking of raw ingredients may not be undertaken within proposed development unless prior written approval is obtained from the LPA.

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area. To ensure that nearby residents are not disturbed from low level cooking fumes. Commercial hot food premises are not proposed as part of this application and the proposed kitchenette is not suitable for such use. As such the above restriction is necessary to ensure that the amenities of the neighbouring occupiers are not prejudiced by odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).'

15 Public access to toilets

The toilets hereby approved and shown on plan P21086-FCH-BA-XX-DR-A-3000 Rev P1 shall be for use by the general public and not restricted to users of the Café.

Save for any temporary closure for the purposes of maintenance and/or repair in accordance with the approved Management Plan (referred to in Condition 11) or for such period or periods as may be reasonably required to carry out and complete maintenance and/or repair the toilets will be kept open during the opening hours stipulated under Condition 10.

Reason: To ensure that the new toilets remain accessible to the public.

INFORMATIVES

1. Development

The term 'development' in the conditions attached to this decision shall be taken to mean the development permitted by this consent.

2. NPPF

In accordance with paragraph 38 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist Applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the Applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan and the approved S73 Permission reference F/04687/13.

3. Food Safety

The applicant is reminded that it will need to register with the Council's Food Safety Team if food is sold. Registration details are found on <https://www.barnet.gov.uk/environmental-problems/food-safety>. The Food Safety Team can be contacted at Email: foodsafety@barnet.gov.uk Telephone: 020 8359 7995.

4. Tree bio-security

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

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