

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

**REFERENCE:** 21/3936/FUL

**Received:** 14/07/2021

**Validated:** 14/07/2021

**WARD:** Childs Hill

**Expiry:** 30/11/2021

**PPA Date:** 21/01/2022

**Final Revisions:** n/a

**APPLICANT:** Capital Concrete Limited

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

## 1. RECOMMENDATION(S)

### Recommendation I

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

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

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

b) Legal Professional Costs Recovery

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

c) Enforceability

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

### Recommendation II

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

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

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

## **2. APPLICATION BACKGROUND & SUMMARY**

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

### **What changes have been made compared to the last application?**

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

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

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

### **Is concrete batching classed as 'heavy industry?'**

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

**Does the proposal involve the production of cement?**

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

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

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

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

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

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

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

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

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

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

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

### **What environmental benefits are there from the proposal?**

- 2.13 Improving air quality is a key priority for London and this application will contribute to reducing air pollution by reducing the number of HGV trips. This application will enable concrete to be manufactured on-site utilising the aggregate that is already permitted to be imported by rail to the Rail Freight Facility. Moving goods and material by rail is significantly less polluting and more sustainable than by road. Rail freight produces 76% less CO<sub>2</sub> and 90% lower particulate emissions than the equivalent road journey. If consented the proposed development would remove approximately 17,106 HGV road miles per month from local roads, which equates to 205,275 HGV road miles per year. The proposal will enable the local demand for concrete to be met with fewer road HGV miles and lower emissions and congestion.

### **Summary of proposals**

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

constructed with steel posts with sleeper infill);

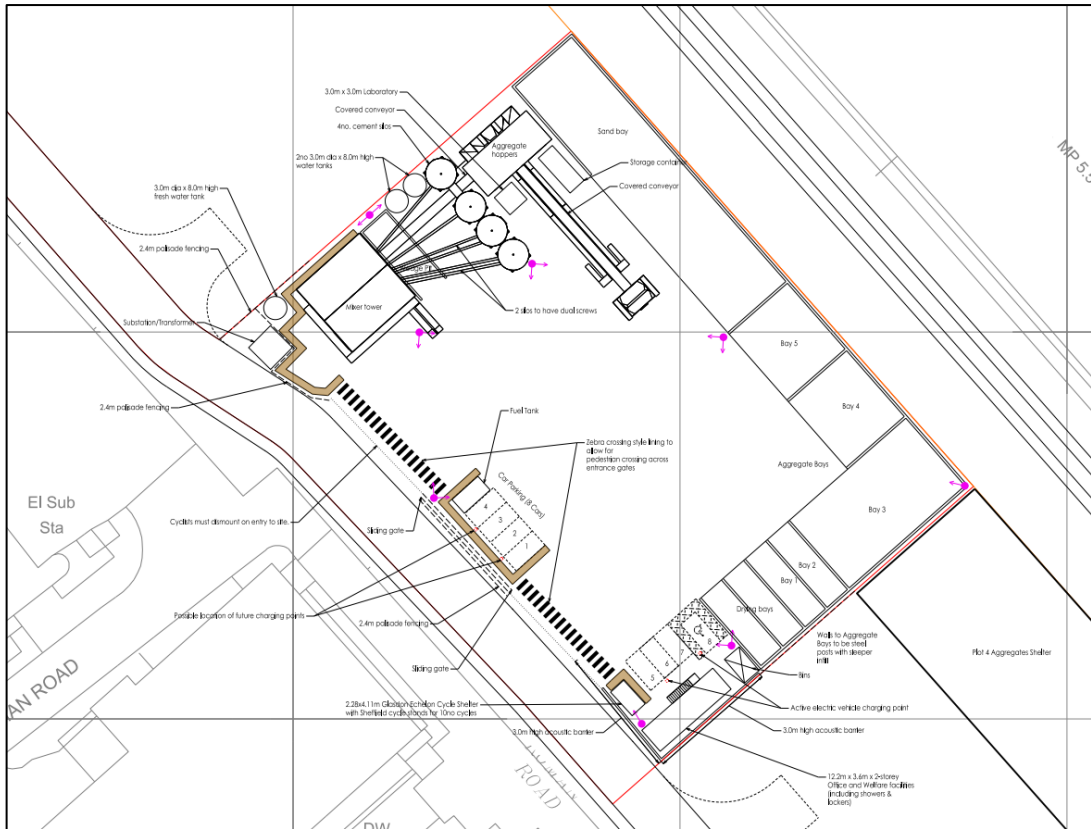
- 1no. substation/transformer units;
- An office and welfare facility unit (including showers and lockers);
- Bin storage area;
- A fuel tank;
- 8no. 8 metre high lighting columns with either one or two luminaries attached (Tamlite Stadia lighting fitting<sup>1</sup>);
- 8no. car parking bays (including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

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

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

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



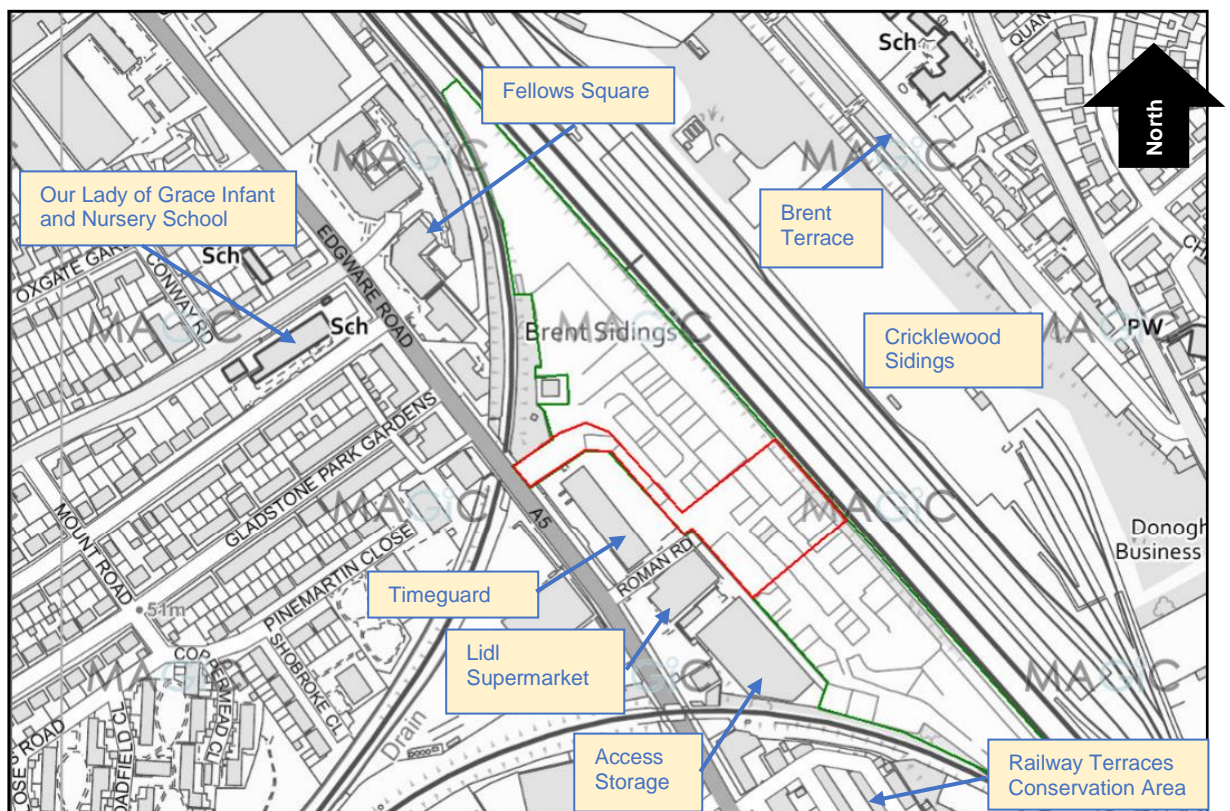
**Figure 1:** Proposed site layout and configuration of plant within Plot 3

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

2.18 Until its closure in April 2021, the Applicant operated a concrete batching facility off Brent Terrace (North) to the northeast of the Application Site (east of the MML railway corridor). This facility was originally constructed and operated by Breedon. A merger between Breedon and Brett Group has resulted in the establishment of Capital Concrete Ltd who subsequently acquired use of the Brent Terrace site. That former concrete batching facility occupied land required to deliver development falling within Phase 1 (South) of the BXC regeneration scheme, which commenced construction in 2020. The site was also subject to a Compulsory Purchase Order and, as such, the Applicant was required to vacate that land to enable delivery of the regeneration scheme.

### 3. DESCRIPTION OF THE SITE AND SURROUNDINGS

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

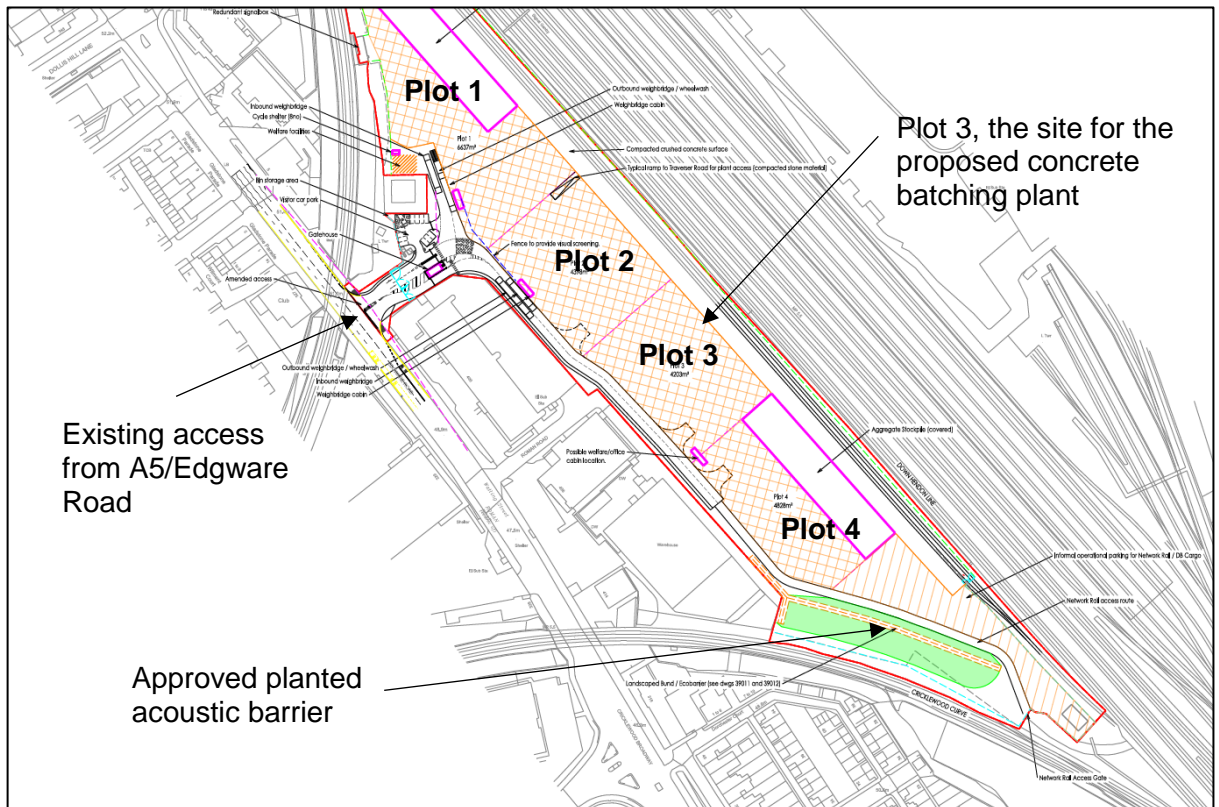


**Figure 2:** Application Site location situated on Plot 3 (red line) of the consented aggregate and non-putrescible (construction) waste rail transfer facility (green line) (Source: Magic Maps (DEFRA), 2021).

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



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



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

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

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

#### **4. BRENT CROSS CRICKLEWOOD REGENERATION SCHEME**

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

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

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

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

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

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

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

## **5. PROPOSED DEVELOPMENT**

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

### **Construction Phase**

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

### **Operational Phase**

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

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

5.7 The Applicant has forecast the scale of the proposed development with 100,000m<sup>3</sup> of concrete based products to be exported from the Site per annum. This would result in the requirement for 180,000 tonnes per annum of coarse and fine aggregates to be imported to the Site via the existing and consented aggregate and construction waste rail transfer facility. Planning permission 17/5761/EIA permits the importation of a total volume of 1,000,000 tonnes of aggregate by rail per annum (as limited by Condition 6); and Condition 9 of planning permission 17/5761/EIA restricts the storage of aggregates (or construction waste, as applicable) to 15,000m<sup>3</sup> on each Plot. The proposed development would therefore seek to import around 18% of the total aggregates permitted under planning permission 17/5761/EIA to be imported to the wider site by rail.

5.8 To produce the proposed volume of concrete (100,000m<sup>3</sup> per annum) the Applicant states that 36,000 tonnes of cement per annum would be required to be imported to the Site via purpose-specific 30-tonne tankers (HGVs). Upon arrival at the Site, the cement would be pumped pneumatically through a sealed system into one of four vertically aligned steel silos, each standing at a height of 14.5 metres above ground level (67.1 metres AOD). Both the silos and tankers are fitted with negative pressure systems which would prevent the escape of cement dust during the transfer process.

- 5.9 The production of concrete would also require other additives and the Applicant states that these would be imported to the Site by road at rate of approximately one delivery per week. The additives required for concrete include metal or plastic fibres and specific chemicals to alter the chemical and/or physical properties of the concrete products. Both are proposed to be imported by road with fibre products arriving in 20kg sacks and other additives delivered and stored within Intermediate Bulk Containers (IBC).
- 5.10 For the production of 100,000m<sup>3</sup> of concrete per annum, an average of 113 HGV movements are proposed per day (56.5 in, 56.5 out)<sup>4</sup> which would comprise an average of 7no. loads per day of imported additives (cement, fibres or other chemicals) and an average of 50no. loads of concrete exported from the site per day. The Applicant states that day to day lulls in trading and periods of more intense activity are to be expected based on customer demand. However, the proposed total number of HGV movements would fall within the limits already controlled by Condition 17 of planning permission 17/5671/EIA, which allows up to 452 HGV movements per day (226 in, 226 out) Monday to Friday and up to 264 HGV movements (132 in, 132 out) on Saturdays. The proposed average of 113 HGV movements per day equates to 25% of the wider site's permitted total.
- 5.11 On that basis, the proposed development would operate between the same hours as already consented for the wider aggregate and construction waste rail transfer facility: 07:00 to 19:00 Mondays to Fridays and 07:00 to 14:00 on Saturdays with no operations on Sundays or Bank Holidays.

### **Associated and Ancillary Development**

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

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

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

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

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



## 6. MATERIAL CONSIDERATIONS

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

### Key Relevant Planning Policy

6.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is the London Plan (2021) and the development plan documents in the Barnet Local Plan (namely the Core Strategy DPD and Development Management DPD both adopted September 2012).

6.3 Chapter 12 of Barnet's Unitary Development Plan (2006) was saved at the time of the adoption of the 2012 Core Strategy and the policies contained within it are therefore also material considerations given the location of the application site within the Brent Cross Cricklewood regeneration area. Taken together, these statutory development plans are therefore the main policy basis for the consideration of this planning application.

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

*Table 1: Summary of the development plan policies most relevant to the determination of planning application 21/3936/FUL*

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

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

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

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

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

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

- 6.9 A number of other documents, including supplementary planning documents, design guidance and national planning practice guidance, are also material to the determination of the application. This includes:
- Cricklewood, Brent Cross and West Hendon Development Framework (2005);
  - National Planning Policy Framework (2021);
  - The National Planning Practice Guidance;
  - Noise Policy Statement for England (DEFRA, 2010);
  - LB Barnet Planning Obligations SPD (2013);
  - LB Barnet Sustainable Design and Construction SPD (2016);and
  - The Mayor's The Control of Dust and Emissions during Construction & Demolition SPG (2014).

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

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

### **Relevant Planning History**

#### Planning Application 20/4817/FUL:

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

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

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

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

#### **Reason 1:**

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

**Reason 2:**

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

- 6.14 The Applicant has subsequently submitted an appeal to the Secretary of State via the Planning Inspectorate (PINS) against the LPA's refusal of planning application 20/4817/FUL. This appeal was lodged on 19<sup>th</sup> August 2021<sup>6</sup> and PINS have determined that the appeal will follow the hearing procedure. At the time of writing the LPA are awaiting the hearing date to be set by the Planning Inspectorate.

Planning Permission 17/5761/EIA:

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

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

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

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

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

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

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

## Pre-Application Engagement and Public Consultation

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



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

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

### **Statutory and Other Technical Consultation Responses**

- 6.25 In accordance with the relevant Regulations (Town and Country Planning (Development Management Procedure) Order 2010 (as amended) and Town and Country Planning (Mayor of London) Order 2008), the Local Planning Authority ('LPA') conducted a number of consultations with both statutory and non-statutory bodies relevant to the development proposed within this planning application. The consultation responses received following this consultation are summarised below with an Officer response provided where necessary for the purpose of clarification:
- 6.26 **Brent Council** have confirmed that they have no objections to the proposed development.
- 6.27 **Transport for London** ('TfL') does not object to the principle of the proposed development but had initially requested clarification in respect of the minimum amount of materials to be imported to the site by rail, the method of importation of sand and cement, and confirmation that all ready-mix concrete would be exported by road. The Case Officer provided a response confirming that: (1) the importation of aggregates (including sand) was permitted and controlled by planning permission 17/5761/EIA (as amended) and not, therefore, an operation proposed by this Application; (2) all aggregate to supply the proposed concrete batching facility would nonetheless be imported to the site by rail only; (3) cement would be imported to the site by road in specialised vehicles; and (4) that all ready-mix concrete products would only be exported from the site by road in concrete mixer lorries. TfL was satisfied with this clarification and confirmed their acceptance of the proposed development.
- 6.28 In confirming that the proposed development would be sited on land owned by Network Rail (leased to DB Cargo (UK) Ltd), **Network Rail** have no comments to make on the proposed development other than to advise that the developer should seek the relevant Landlord's Consent if they haven't done so already and will be required to enter into any relevant licences or agreements with Network Rail in order to safely construct and operate on railway land.
- 6.29 The **Environment Agency** have informed that LPA that they have no comments to make concerning this planning application as, while the EA Checklist highlighted there was potentially contaminated land, the site itself does not fall within a Source Protection Zone and is therefore outside the Environment Agency's remit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Officer Response: See response to Cllr Clarke comments above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the Cricklewood site.

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Public Consultation Responses**

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

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

## 7 PLANNING APPRAISAL

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

### **Principle of the Proposed Use**

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

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

- 7.6 The S73 Permission for the regeneration of Brent Cross Cricklewood granted outline permission for the construction of a rail freight facility and associated industrial and business uses on the site of the Cricklewood Railway Yard. Parameter Plan 004 and 005 which show the permitted ground and upper level uses, in respect of the area for Building Zone RL2 (which corresponds to Plot 60 including the RFF and the sites along the Edgware Road frontage). The Zonal Floorspace Schedule, within Appendix 5 of the Revised Design and Specification Framework, permits the following uses for the 61,314m<sup>2</sup> of floorspace in the Railway Lands Zone: “*Industrial/Storage & Distribution (Classes B2 and B8) inc rail and freight (of which 6,500sq.m may be used within Use Classes B1, B2 and B8 as small units)*”. The proposal for industrial uses falling within these use classes on this site was therefore already established by the S73 Permission.
- 7.7 In accordance with London Plan Policy GG5, the proposed concrete batching plant will be located on a site with an existing industrial use that has the benefit of a rail connection to minimise freight movements by road, and would be located to serve local regeneration development including that associated with BXC, thereby providing industrial space in the right location to support economic development and regeneration.
- 7.8 Paragraph 13.3.2 of the Core Strategy DPD recognises that the BXC regeneration proposals involve the displacement of existing industrial uses, including those located at Claremont Way Industrial Estate which is where the Applicant previously operated a concrete batching facility. It is further stated that provision for relocation of the waste transfer facility and rail freight facility together with business, industrial and warehouse and distribution uses will be made on land bordered by the A5 and MML railway. The relocation of the waste transfer facility and rail freight facility have already been achieved through the granting of drop-in planning permissions 17/6714/EIA and 17/5761/EIA, respectively. The Core Strategy DPD arguably, therefore, suggests that other displaced industrial uses (such as the recently closed concrete batching facility) could also be accommodated on land within the BXC regeneration area and explicitly land off the A5 Edgware Road.
- 7.9 In respect of the principle of the proposed development and its location on designated employment land (albeit rail-related), there is clear in principle policy support for a B2 Use Class (General Industrial) development to be sited on the Application Site. There is also recognition of the need to relocate industrial uses displaced as a consequence of the BXC regeneration scheme, noting that the proposed new development would replace the Applicant’s recently closed concrete batching facility on Brent Terrace on an alternative site within the boundary of the BXC development granted outline planning consent under planning permission F/04687/13 dated 23<sup>rd</sup> July 2014.



### The London Plan:

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

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

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

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

#### Operational Railway Land:

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

#### Brent Cross Cricklewood Regeneration Scheme:

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

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

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

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

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

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

## Protecting Barnet's Character and Amenity

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

### Local Character, Landscape and Visual Impact:

- 7.25 Policy CS5 of the Core Strategy DPD and Policy DM01 of the Development Management Policies DPD refers to the Council's aspiration for development to respect local context and distinctive local character incorporating high quality design principles including character, continuity and enclosure, quality of public realm, ease of movement, legibility, accessibility, adaptability and diversity<sup>8</sup>. On a more strategic level, Policy D3 of the London Plan states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations, respond to the existing character of a place, be of high quality. Saved Policy C2 of the UDP also expresses the Council's objective to seek to achieve the highest standard of urban design in the BXC regeneration area; adding that proposals will need to be consistent with the strategic principles set down in the *Cricklewood, Brent Cross and West Hendon Development Framework (SPG)*.
- 7.26 The proposed development would result in the erection of a concrete batching plant consisting of various elements including cement storage silos, water tanks, aggregate hopper and mixer tower; in addition to ground level infrastructure such as the aggregate storage bay containment structures (steel posts and sleeper infills), a two-storey office and welfare unit, single storey laboratory unit and substations. To evidence the visual impacts of the proposed development, the Applicant has produced a Landscape and Visual Impact Assessment ('LVIA') prepared by KEDD Ltd (dated June 2021) including photomontages from viewpoints suggested through the pre-application public consultation with local residents and agreed with the LPA. LVIA is a tool used to identify and assess the significance of and the effects of change resulting from development on both the landscape as an environmental resource, in its own right, and on people's views and visual amenity. The submitted LVIA has been carried out in general accordance with the Landscape Institute and the Institute of Environmental Management Guidelines for Landscape and Visual Impact Assessment (GLVA3), TGN 06/19 - Visual Representation of development proposals, and Natural England's – An Approach to Landscape Character Assessment.

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<sup>8</sup> Paragraph 10.5.5 of the Core Strategy DPD (2012).

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Not applicable to the proposal for a concrete batching facility.*

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

*Not applicable to the proposal for a concrete batching facility.*

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

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

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

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

*There are no existing trees on the application site.*

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

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

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

Air Quality:

- 7.43 The Application Site is located within an Air Quality Management Area (AQMA), as is the whole of the London Borough of Barnet. Policy SI 1 of the London Plan (2021) states that development proposals should not; lead to further deterioration of existing poor air quality; create any new areas that exceed air quality limits; or create unacceptable risk of high levels of exposure to poor air quality. In order to achieve this, the policy states that development proposals must at least be Air Quality Neutral so that they do not lead to further deterioration of existing poor air quality and must be submitted with an Air Quality Assessment.
- 7.44 Saved Policy C3 of the UDP requires that development within the BXC regeneration area should generally protect and, wherever possible, improve the amenities of existing and new residents. As relevant to the consideration of air quality, Policies DM01 and DM04 of the Development Management Policies DPD states that all development should demonstrate high levels of environmental awareness and contribution to climate change mitigation; be based on an understanding of local characteristics; and ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate. The provision of air quality assessments is also referred to in Policy CS13 of the Core Strategy.
- 7.45 The Applicant has submitted an Air Quality Assessment (20<sup>th</sup> May 2021) prepared by Tetra Tech. The Air Quality Assessment considers the impact of the proposed development both during the construction and operational phases of the concrete batching facility, with impacts during the operational phase considered in respect of emissions from traffic and dust emissions from the concrete batching process.

*Construction Phase:*

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

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

*Operational Phase:*

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

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

- 7.50 Through planning permission 17/5761/EIA (as amended by 19/3098/NMA and 21/3828/NMA), the operator of the wider aggregate and construction waste rail transfer facility, DB Cargo UK Ltd, is obliged to carry out air quality (and noise) monitoring to measure levels of PM10s, NO2 and dust and ensure operations on site do not exceed the agreed thresholds relevant to those emissions. As approved through the discharge of Condition 32 attached to planning permission 17/5761/EIA<sup>9</sup>, the extent of air quality monitoring consists of one dust gauge and PM10 monitor positioned in proximity to residential properties at Fellows Square to the north; a dust gauge and automated air quality monitoring station on the internal haul road relative to prevailing wind directions; a dust gauge at the southwest boundary of the site (adjacent to the southern elevation of the Eco-Barrier); and an automatic air quality monitoring station and dust gauge to be positioned at the nearest sensitive receptor within the Railway Terraces. Whilst the DB Cargo have experienced difficulties in erecting the off-site monitoring station and dust gauge on third party land, aggregate and construction waste transfer operations on Plots 1 and 2 of the facility have been measured since commencement and continue to be monitored. The results are published in a live format on a publicly accessible website and monthly reports are issued to the Council. No exceedance of Site Action Levels as set out in the approved Site Management Plan (Condition 28 of planning permission 17/5761/EIA) has been identified to date.
- 7.51 Although the risk of dust and other emissions has been identified as 'low' by the Applicant, the proposed development would introduce a further operation (i.e. the batching of concrete) to the wider aggregate and construction waste rail transfer site. It is considered appropriate and reasonable for the LPA to ensure that the proposed development does not cumulatively cause any exceedance of the abovementioned air quality Site Action Levels. Therefore, any planning permission for the proposed development should be subject to a condition requiring the submission and approval of a Site Management Plan that (in addition to other matters) which sets out how the concrete batching facility operations would be monitored to ensure it does not cause any exceedance of the air quality thresholds at nearby sensitive receptors. This should also incorporate a Dust Management Plan inclusive of details of the previously mentioned Dust Suppression System and its operation.
- 7.52 Concerns have been raised through consultation responses to the application by the local community in relation to the potential emissions from the use of cement (and the inherent health risks associated with this) and for dust blow-out when transferring imported cement from tanker to the silos. The transfer of cement is an entirely enclosed process. Cement is delivered to the site by tanker and pumped pneumatically into the cement silos which are completely sealed. The silos and tanker are fitted with a

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<sup>9</sup> LPA application reference 19/6294/CON.

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

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

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

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

Lighting:

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

## Noise:

- 7.58 Policy D14 (Noise) of the London Plan states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by: avoiding significant adverse noise impacts on health and quality of life; mitigating and minimising existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses; separating new noise-sensitive development from major noise sources (such as road, rail, air transport, and some types of industrial use) through the use of distance, screening, layout, orientation; mitigate any potential adverse effects through applying good acoustic design principles, and promoting new technologies and improved practices to reduce noise at source. Policy CS13 of the Core Strategy seeks to improve noise quality by requiring Noise Impact Assessments in line with Barnet's SPD on Sustainable Design and Construction. While Policy DM04 of the Development Management Policies DPD states that proposals likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted and mitigation of noise impacts through design, layout, and insulation will be expected where appropriate. Saved Policy C3 of the UDP requires that development within the BXC regeneration area should generally protect and, wherever possible, improve the amenities of existing and new residents. Draft Policy D14 (Noise) of the Publication London Plan (December 2020) also states that proposals should manage noise by (inter alia) avoiding significant adverse impacts on health and quality of life; and mitigating and minimising potential adverse impacts of noise without placing undue restrictions on existing noise-generating uses.
- 7.59 The Council's Sustainable Design and Construction SPD (2016) states that the main sources of noise in Barnet include (inter alia) road and rail traffic, commercial and industrial land uses, and construction activities. The SPD then goes on to identify 'Noise Design Principles' to be considered by the applicant in the design and construction processes. Of particular relevance to the proposed development, the SPD advises that *'Any plant and machinery should be operated so as to ensure that any noise generated is at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property'*. The Council generally expects good acoustic design with mitigation measures that ensures a good level of amenity both externally and internally.
- 7.60 National planning guidance in relation to noise is set out in the National Planning Policy Framework which states at paragraph 185 that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life."* These noise objectives are derived from the *'Noise Policy Statement for England (DEFRA, 2010)'* and are generally reflected in all noise-related development plan policies. The consideration of noise impacts is provided by further



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

- 7.61 The Applicant has prepared and submitted a Noise Impact Assessment prepared by WMB Acoustic Consultants which considers the likely noise impacts of the proposed development on Plot 3 in view of the existing noise emissions (and mitigation) associated with the wider aggregate and construction waste rail transfer facility. The assessment has been carried out collaboratively with the acoustic consultant appointed by the operator of the aggregate and construction waste rail transfer facility (GL Hearn). Utilising the background levels established by the aggregate and construction waste rail transfer facility<sup>10</sup> and noise data obtained from an existing operational concrete batching facility (at Silvertown), the Applicant has modelled predicted noise levels from the proposed development at the nearest residential receptors at Fellows Square and within the Railway Terraces. This includes consideration of the mitigating effects provided by both the existing acoustic mitigation measures associated with the aggregate and construction waste rail transfer facility, in addition to the Applicant's proposed mitigation which includes a 3-metre high acoustic barrier positioned around the southern boundary of Plot 3.
- 7.62 The results surmise that the noise levels experienced at the modelled receptors as a result of proposed development would be 33dB LAeq,1 hour at 38 Needham Terrace, 37dB LAeq,1 hour at 22 Midland Terrace, and 50dB LAeq,1 hour at Fellows Square. All of these predicted noise levels demonstrate that noise from the proposed development would be below background levels during both weekday and weekend operational periods. As such, the rating noise levels arising from operation of the proposed concrete batching facility would be considered to fall below the 'Lowest Observed Adverse Effect Level' where noise impacts are defined as either 'not noticeable' or 'noticeable but not intrusive' in accordance with the criteria set out in the national Planning Practice Guidance and Noise Policy Statement for England (2010). In planning terms, this is considered to be acceptable as there would be no significant adverse impacts on health or quality of life as a result of the proposed development in accordance with paragraph 123 of the NPPF.
- 7.63 The Applicant submitted a technical note prepared by GL Hearn (20 October 2021) which responded to the comments raised by the Developer of the Matalan site to determine whether there is a potential noise impact from Capital Concrete's activities at the proposed residential development on that site. They compared their assessment to the baseline noise levels reported in the noise impact assessment submitted by Ziser London (the Developer for the Matalan site) for their own planning application.

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

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

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

### **Heritage Assets**

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

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

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

## Highways and Transport Impacts

### Strategic Approach

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

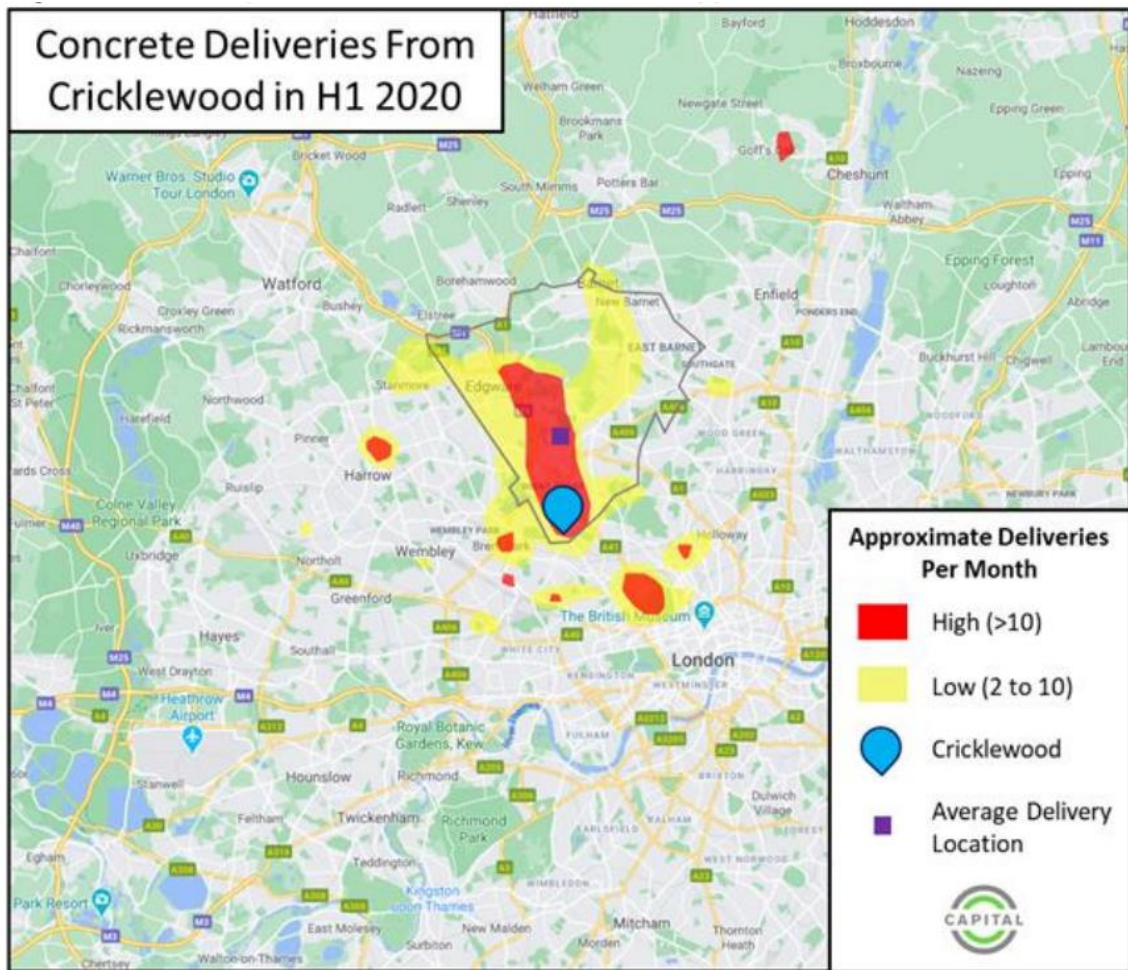


Figure 4 heat Map of concrete deliveries from the former Brent Terrace concrete batching site

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

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

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

#### Highway Capacity and Safety

7.80 The Site is accessible directly off the Strategic Road Network and is proximal to the motorway network (M1) and Transport for London's Road Network (A406 North Circular), which would enable traffic generated by the proposed development to reach it by using these strategic roads. The proposed development would use the existing (improved) priority junction off the A5 Edgware Road that currently serves the consented aggregate and construction waste rail transfer facility and access the Site (Plot 3) via the existing internal haul road arrangements. The proposed concrete batching facility and traffic associated with it would also be monitored by the approved automated entry control system which utilises ANPR to only allow registered vehicles onto the site.

7.81 Policy T4 (E) of the London Plan (2021) states that the cumulative impact of development on public transport and the road network capacity... should be taken into account and mitigated while part (F) states that development proposals should not increase road danger. Policy CS9 of the Core Strategy DPD sets out the Council's priorities safe, effective and efficient travel by ensuring traffic flows more smoothly and more efficient freight movements. More specifically, Policy DM17 of the Development Management Policies DPD contains matters to be considered when determining planning applications including (but not limited to) road safety, road hierarchy, location and accessibility, travel planning and parking management.

7.82 The proposed development is expected to generate 100,000 tonnes of concrete based products per annum, which equates to approximately 113 HGV movements (56.5 in, 56.5 out) per day. Such trips would be associated with the use of concrete lorries collecting and delivering concrete to the market, and the importation of additives. However, the Applicant has explained that the production and transport of concrete is expected to fluctuate depending on demand. As such, the Applicant has stated that 113 HGV movements per day represents a daily average over a period of a year based on the production of 100,000 tonnes of concrete based products.

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



## Parking Provisions

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

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

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

### **Flooding and Drainage**

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

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

- 7.97 In consideration of surface drainage proposals, Policy SI 13 (Sustainable drainage) of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed close to its source as possible in line with the following drainage hierarchy: (1) store rainwater for use, (2) rainwater infiltration to ground at or close to source, (3) attenuate rainwater in ponds or open water features ('green infrastructure features'), (4) discharge rainwater direct to a watercourse, (5) controlled rainwater discharge to a surface water sewer or drain and (6) controlled rainwater discharge to a combined sewer. This hierarchy is referred to in Policy DM04 (g) of the Development Management Policies DPD stating that development should demonstrate compliance with it; and the aim of minimising any potential harm to the water environment through the use of SuDS is set out in Policy CS13 of the Core Strategy DPD.
- 7.98 The proposed development would be sited on Plot 3 of the existing aggregate and construction waste rail transfer facility, which benefits from an approved and constructed drainage scheme to deal with both surface and foul water. This already includes the provision of a subterranean attenuation tanks with oil interceptors within Plot 3<sup>11</sup> in addition to a series of surface and foul water drains. The existing site is partly developed with hardstanding areas comprising in total approximately 0.422ha. Following development, the total impermeable area will remain the same. As such, there will not be an increase in runoff post development.
- 7.99 As set out in the submitted Drainage Strategy (Ambiental Environmental Assessment, dated 8 June 2021) which is appended to the Flood Risk Assessment, on assessment of the proposed development, the Applicant has identified the need for an additional attenuation (geocellular) tank to be installed to deal with additional surface water run-off as a result of the proposed concrete batching process and specifically to accommodate the climate change allowance requirements. The Applicant also intends to utilise a rainwater harvesting system to pump and re-use surface water within the concrete batching plant, rather than relying entirely on a mains water supply.
- 7.100 In accordance with the aforementioned SuDS hierarchy, the Applicant has demonstrated the use of methods described in (1), (4), (5) and (6) as being feasible for the proposed development. It is noted, however, that detailed aspects of the proposed drainage strategy require further design including the specific rainwater harvesting system. Therefore, draft condition 27 in Appendix A of this report requires the submission and approval of refined Surface Water Drainage Strategy including details

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

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

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

### **Contaminated Land**

- 7.102 Policy DM04 (e) of the Development Management Policies DPD, states that proposals on land likely to be contaminated should be accompanied by an investigation to establish the level of contamination in the soil and/or groundwater and identify suitable mitigation.
- 7.103 The proposed development would be situated on Plot 3 of the consented aggregate and construction waste rail transfer facility. Through determination of planning application 17/5671/EIA, the LPA assessed the potential for any risk in respect of land contamination and required further details to be approved in respect of the proposed remediation strategy and confirmation of that strategy being implemented by way of a pre-commencement condition (Condition 34). The obligations set out in Part 1(a) and 1(b) of Condition 34 of planning permission 17/5761/EIA were satisfactorily discharged in October 2018 (under LPA application ref. 18/5022/CON) enabling the site to be remediated and construction works to begin. In accordance with Part 2(c) of Condition 34, the operator of the aggregate and construction waste rail transfer facility subsequently verified the completion of the necessary land remediation works in November 2019 under LPA application ref. 19/6294/CON, which was approved in March 2020. The Site now consists of concrete slabs and some areas of made ground.
- 7.104 The Applicant has submitted a Ground Condition Desk Top Survey (Ground Condition Consultants, dated April 2021) to confirm the status of the Site in respect of potential for contamination of land. It is confirmed that the previous site investigation and remediation works did not result in any contamination hotspots being discovered within Plot 3. It is noted that there is potential for contaminants to be present in the ground underlying the site as result of the historic industrial and rail uses, however, the proposed development would result in the Site being covered by a complete concrete hard standing with no soft landscaping. As such, risk associated with these potential contaminants is low. The report also identifies the potential for ground gas generation due to the thickness of made ground. However, this is not considered to be a significant risk and the only enclosed accommodation would consist of porta-cabin type structure raised off the ground with a sealed floor, providing a clear ventilation void. The

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

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

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

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

### **Planning Obligations**

- 7.110 Paragraph 203 of the NPPF states that Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The Council's '*Planning Obligations SPD*' (April 2013). As set out within this report and schedule of 'Draft Conditions' contained in Appendix A, a number of conditions are recommended to ensure the impacts of the proposed development are appropriately mitigated. Should any of those conditions be breached or a complaint received regarding the authorised development, it is the Council's duty to investigate any such complaint and, where it is considered expedient, enforce against a breach of the planning permission to regularise the development.
- 7.111 Paragraph 204 of the NPPF states that Planning Obligations should only be sought where they meet all of the following tests: (1) necessary to make the development acceptable in planning terms; (2) directly related to the development; and (3) fairly and reasonably related in scale and kind to the development. On the basis and as outlined above, it is considered that the use of appropriate planning conditions are adequate to control the proposed development.
- 7.112 However, it is recognised that the proposed development would be situated within the context of a wider development site and is intended to be operated within the parameters and limits imposed by a separate planning permission – i.e. planning permission 17/5761/EIA (as amended) for the aggregate and non-putrescible (construction) waste rail transfer facility ('the RFF Permission'. The compliance with such limits and controls has been identified by the Applicant as key mitigation measures for the proposed development. It is also necessary to ensure that the cumulative impacts and effects of the proposed development in combination with existing RFF Permission development does not exceed the relevant controls and limitations imposed by Planning Permission 17/5761/EIA (as amended) for the RFF site.
- 7.113 Planning permission has been implemented for the Cricklewood Rail Freight Facility ('RFF') (ref 17/5761/EIA as subsequently amended by approval ref 19/3098/NMA and 21/3828/NMA). This application for planning permission for a concrete batching plant is for development within the RFF site so that one of the four plots (Plot 3) would be used not only to import aggregate by rail and road as already permitted by the RFF Permission, but to mix aggregates and materials to produce concrete for use locally.
- 7.114 Given the overlapping site boundary of the concrete batching plant application within the RFF envelope, the reliance on the RFF permission in part for the concrete batching operation (i.e. importing aggregates by rail, use of the access etc), and that the Applicant (Capital Concrete Ltd) commits not to exceed the thresholds for environmental impacts (road, air quality, noise) contained in the RFF Planning Permission, a Unilateral Undertaking between the Applicant and all others with an

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

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

## **8 ENVIRONMENTAL IMPACT ASSESSMENT**

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



## 9 EQUALITY AND DIVERSITY ISSUES

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

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

9.2 For the purposes of this obligation the term “protected characteristic” includes:

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

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

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

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

## 10 CONCLUSION

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

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

- 10.5 The LPA are satisfied that the proposed development can be suitably controlled through the use of conditions (as recommended in Appendix A) and an appropriate legal agreement (Unilateral Undertaking) to ensure that the established limitations for the entire Cricklewood Railway Yard site are adhered to in respect of the proposed development in cumulation with the already consented aggregate and construction waste rail transfer operations undertaken by DB Cargo (UK) Ltd. These controls would be in operation alongside other environmental permitting regimes outside the planning system.
- 10.6 The proposal will contribute to reducing air pollution by reducing the number of HGV trips. Moving goods and material by rail is significantly less polluting and more sustainable than by road. Rail freight produces 76% less CO<sub>2</sub> and 90% lower particulate emissions than the equivalent road journey. The proposed development would remove approximately 17,106 HGV road miles per month from local roads, which equates to 205,275 HGV road miles per year, enabling the local demand for concrete to be met with fewer road HGV miles and lower emissions and less congestion.
- 10.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. Based on the planning policy assessment and other material considerations such as the wider consented aggregate and construction waste rail transfer facility and existing mitigation measures secured through that planning permission, and taking account of the technical evidence submitted in support of this Application (which has been reviewed and accepted by the Council's relevant technical advisers), it is considered that the proposed development accords with the relevant development plan policies. For these reasons, it is considered that there are material planning considerations which justify the grant of planning permission. Accordingly, the application is recommended for **APPROVAL** subject to the conditions as set out in Appendix A of this report and subject to the Applicant entering into a Unilateral Undertaking as set out in the recommendation to this report.

**LIST OF APPENDICES**

**APPENDIX A – DRAFT CONDITIONS**

**APPENDIX B – SUMMARY OF PUBLIC REPRESENTATIONS**

## SITE LOCATION PLAN

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

**REFERENCE:** 21/3936/FUL

