

Section 257 Town and Country Planning Act 1990

**Brent Cross Cricklewood Regeneration Phase 1A North (Claremont Park) Stopping Up Order
2019**

STATEMENT OF CASE

THE LONDON BOROUGH OF BARNET

Introduction

1. The London Borough of Barnet (“the Council”) as local planning authority seeks the confirmation of the Secretary of State under section 259 of the Town and Country Planning Act 1990 (“TCPA”) of a Stopping Up Order made under section 257 of the TCPA 1990.
2. The Order in question was made on 5 December 2019. It is entitled the ‘Brent Cross Cricklewood Regeneration Phase 1A North (Claremont Park) Stopping Up Order 2019’ (“the Order”). The Order is attached as **Appendix A**.

Statutory Provisions

3. Section 257 (1) TCPA 1990 provides:
 - (1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to be carried out –
 - (a) In accordance with planning permission granted under Part III...
4. Section 259(1) TCPA 1990 provides:
 - (1) An order made under section 257 or 258 shall not take effect unless confirmed by the appropriate national authority or unless confirmed, as an unopposed order, by the authority who made it.

...

(4) Schedule 14 shall have effect with respect to the confirmation of orders under section 257 or 258 and the publicity for such orders after they are confirmed.

5. Schedule 14 TCPA 1990 contains a number of procedural requirements for the making and confirmation of an order.

The Order

6. The Order, if confirmed, has the effect of stopping up a number of stretches of public footpath within Claremont Park, as shown on the maps at Schedule 1 of the Order. As shown on the Order Map there are 9 stretches of existing public footpath to be stopped up by the Order:

- (a) A-F: a length of 232m from the gates on Brent Terrace to the entrance/exit to Claremont Way (East);
- (b) G-H: a length of 54m from the junction with the footpath in (a) at point G to the entrance/exit to Claremont Way (East);
- (c) I-J: a length of 20m from the junction with the footpath in (a) at point I to the entrance/exit to Claremont Road;
- (d) K-E: a length of 33m from between 11 and 12 Claremont Way (West) to the junction with the footpath in (a) at point E;
- (e) K-D: a length of 42 m from between 11 and 12 Claremont Way (West) to the junction with the footpath in (a) at point D;
- (f) B-L: a length of 30m from the junction with the footpath in (a) at point B to the junction with a footpath at point L;
- (g) L-M: a length of 30m from the junction with an unclassified track at point L to the entrance/exit to Clitterhouse Crescent;
- (h) C-L: a length of 25m from the footpath in (a) at point C to the junction with an unclassified track at point L;
- (i) A-O: a length of 48m from the entrance/exit on Brent Terrace to the junction with Claremont Way (West).

The Tests for Confirmation

7. An Order under section 257 TCPA 1990 should be confirmed where it meets:

- (a) The “necessity test”; and
 - (b) The “public interest test.
8. The “necessity test” derives from the statutory provisions in s257(1). It must be shown that the stopping up is necessary in order to enable the development to be carried out in accordance with planning permission.
9. The “public interest test” derives from the discretionary nature of the power to make or confirm the order (see Vasiliou v Secretary of State for Transport [1991] 2 All ER 77). The Secretary of State should approach the exercise of discretion on the footing that the planning decision has been resolved in favour of the development being allowed to proceed. It is on that basis that he must determine whether the disadvantages and losses, if any, flowing directly from the order are of such significance that he ought to refuse to make the order.

The Necessity Test – Planning Permission

10. There are two relevant planning permissions. The Order Map identifies the two application areas. The permissions are as follows:
- (1) Permission 19/2291/FUL (“Claremont Park Permission”). Full planning permission was granted on 18 October 2019 for the provision of a new Neighbourhood Park at Claremont Park comprising improvements and modifications to Claremont Way Open Space, changes to levels, hard and soft landscaping works, the introduction of play equipment, park furniture, a pond, fencing, shared pedestrian and cycling routes and all associated works. A non-material amendment to the Claremont Park Permission pursuant to section 96A of the Town and Country Planning Act 1990 was approved on 14 July 2020 which, *inter alia*, provides that the footpaths running through the new Claremont Park shall be kept open for public use. The Claremont Park Permission (along with the NMA decision notice) is attached as **Appendix B**.
 - (2) Permission 18/6645/FUL. Full Planning permission was granted on 18 March 2019 for the construction of highways infrastructure and associated public real comprising High Street South (East Works), Claremont Park Road (Part 1), Claremont Avenue (south of High Street South (East Works)) and Claremont Road Junction North, required in association with Phase 1 South of the consented regeneration of the Brent Cross Cricklewood regeneration area. This permission is attached as **Appendix C**.

11. The Order is primarily justified by the Claremont Park Permission. Permission (2) in paragraph 10 above affects only a short section of element G-H in paragraph 6 above. That stretch of land is required to deliver and will form part of the highway permitted by that permission.
12. It was a condition of the Claremont Park Permission that the development be carried out in accordance with a number of approved drawings (see condition 2 at **Appendix B**). That includes the overall landscape plan BXS-PK001-INF002-L-TLA-DR-90-P000-XX Rev 00, which identifies a number of paths through the new proposed park. The drawings also address the landscape surface finishes. Condition 6 requires that prior to the installation of the top surface of any footpath within the new proposed park, details and samples of the surface course material to be used be submitted and approved by the Council.
13. Condition 3 is a pre-commencement condition that requires the submission and approval of a Construction Environmental Management Plan.
14. It is clear from the approved drawings that the Claremont Park Permission cannot be constructed without the cessation of use of the existing footpaths described in paragraph 6 above. Further, the approved layout of the proposed park is incompatible with the use of those footpaths, which under the approved layout will cease to exist. Drawing BXS-Plan-Over-50-A-P01 attached as **Appendix D** shows the relationship between the Claremont Park Permission and its approved paths as against the existing Claremont Park and existing paths.

Public Interest and Objections

15. The Claremont Park Permission will deliver significant and long term enhancements to the quality and enjoyment of Claremont Park. This permission sits within the wider Brent Cross regeneration project which will see widespread change to the area. The improvement of Claremont Park is an important part of that regeneration and the uplift in the quality and usability of the area.
16. The new park will provide a range of landscape characters, and retain and enhance the woodland character of the park. There will also be defined areas of playground, a pond and decking, as well as outdoor sports facilities.

17. The accessibility within the park will also be improved. There will be a hierarchy of interconnecting routes including a main 3m wide shared pedestrian and cycle route (orientated NW-SW and E-W) with connecting secondary paths through and around the park. All spaces within the park will be interconnected through a legible footpath network. The internal footpath network will connect to the wider movement network across the regeneration area. The proposed park promotes ease of movement, accessibility and connectivity. In addition, the proposals incorporate accessible benches, picnic tables and access to all features of the park, and equipment for all age groups and abilities. The levels strategy achieves an accessible footpath network across the park, as well as main lawns which are proposed to be 1:40 shallower (which is considered accessible), and a central bank towards the southern edge with a gradient between 1:3 and 1:10 enclosing the lawns, demonstrating accessibility and inclusivity.
18. In addition to providing a significant enhancement of the open space itself, the enhancement of the open space also forms an integral part of the Market Quarter Zone of the wider regeneration proposals approved in July 2014 (F/04487/13) which delivers a new town centre. Within that wide regeneration the Market Quarter provides a primarily residential zone with mixed active ground floor uses. The enhanced Claremont Park will serve the needs of the resident and working population of that zone. It will form part of the network of open spaces across the regeneration area pursuant to the open space strategy secured by that permission.
19. The planning merits of the proposed new park were carefully considered by the Council in deciding to grant planning permission, and the officers' report addressing those merits is attached as **Appendix E**.
20. The proposed new park provides substantial public interest benefits and complies with the development plan and the approved regeneration proposals for the wider area.
21. The ownership of the park will remain in the Council, as will the long term management and maintenance responsibilities. There is an approved Landscape and Ecology Management Plan (see condition 12 of the Claremont Park Permission).

Objections

22. Four relevant objections were made in response to the making and publicising of the Order which have not been withdrawn. The relevant objections were made by:
 - (1) Mr Neill Dane, a resident of Brent Terrace;
 - (2) Ms Lorraine Thomas, a resident of Brent Terrace;

- (3) Mrs Gina Emmanuel on behalf of the Brent Terrace Resident's Association;
- (4) Libby Martin on behalf of the Ramblers Association.

23. The matters raised in those objections that remain may be summarised as follows:

- (a) Adequacy of consultation;
- (b) The impact of the stopping up order in terms of accessibility during the construction period;
- (c) The impact of the stopping up order in the long-term having regard to the status of routes;
- (d) Whether alternative powers could be used.

24. The Council has engaged with the relevant objectors and provided details of its response, which it will support in evidence before the Secretary of State.

25. (a) Consultation: The Council undertook consultation in accordance with schedule 14 of the TCPA 1990, as required of it.

26. (b) Construction Impacts: The Council recognises that a degree of disturbance during the development of the new park is inevitable. The existing footpaths need to be stopped up during the construction process for health and safety reasons and because at different times the routes will be impassable.

27. The stopping up of these footpaths will cause some inconvenience to local residents who currently make use of these paths. The objectors draw particular attention to element A-O – which connects Brent Terrace through to Claremont Way to the north; element A-F which connects Brent Terrace to Claremont Way to the North East; and element L-M which connects Claremont Park to Clitterhouse Crescent to the East.

28. The inconvenience will be minimised in a number of ways:

- (a) A network of permissive paths will be maintained throughout the construction process. The routes will vary through the construction process but the objective will be to provide as near equivalent points of access as is practical. This will be secured through the approval of the Construction Environmental Management Plan under condition 3 of the Claremont Park Permission.
- (b) The period of disruption will be minimised. Attached as **Appendix F** are drawings showing the routes to be made available for use by pedestrians and cyclists,

together with the anticipated indicative timeframes during which each route will be in place;

- (c) The applicant has demonstrated its commitment to ensuring that there are routes available through Claremont Park.

29. (c) Permanent Impacts: The new park will represent a significant enhancement in terms of convenience, continuity and accessibility. There will be more access points to the park, more pedestrian and cycle paths within the park, and a significant improvement in terms of access to the facilities for users with any mobility disabilities. The proposed permanent paths are shown on the approved layout drawing at **Appendix G**. This shows that access will continue between Brent Terrace and Claremont Way, and to the new development plots to the north-east of the park. Improved access is also provided to Clitterhouse Crescent to the east.

30. Further, the entire park will be held and maintained as public space. The Council remains the freehold owner of the park. Therefore, the public will have rights of access to the entirety of the park, with the identified and surfaced paths serving to facilitate ease of use. There is no disadvantage to the public as a user of the park or the paths – only advantage. In order to provide further assurances, a non-material amendment to the Claremont Park Permission has been approved which attaches the following condition to the Claremont Park Permission:

“The footpaths hereby approved and shown on plan BXS-PK001-INF002-L-TLADR-90-P000-XX Rev 0 shall be kept open at all times for use by the public on foot save for any temporary closure for the purposes of maintenance and/or repair in accordance with the approved Landscape Ecology and Management Plan (referred to in Condition 12) for such period or periods as may be reasonably required to carry out and complete such maintenance and/or repair”

31. (d) Alternative powers: There are no alternative powers that could secure the successful implementation and development of the Claremont Park Permission. Firstly, there is no intention to provide the same footpaths that exist now in the future. The routes will change as demonstrated on the drawing at **Appendix G**. Accordingly, any form of temporary traffic regulation order is futile and inappropriate.

32. Secondly, the proposed construction period is approximately 21 months. As explained above it is not possible to deliver alternative, diverted routes to coincide with the stopping up of the existing routes. During construction there will be temporary paths available, which will change

over time. The permanent solution is different from and incompatible with the existing. In addition, unlike in many s257 applications, the development in this case is open space with the entire park held by the Council for the purposes of providing open space. It is therefore unnecessary to divert the footpaths.

33. Thirdly, the making of a stopping order together with the Claremont Park Permission and the conditions attached gives the greatest degree of certainty to users.

34. In conclusion, the public interest test is met and there is no good reason to refuse to confirm the Order.

Future Steps

35. The Council will continue to engage with the objectors in relation to their objections. If this leads to the withdrawal of the objections the Council will immediately notify the Secretary of State with a view to confirming the Order itself.

36. If the relevant objections remain the Council will seek the earliest resolution of the issues by way either of written representations or an informal hearing. The Council is aware that the requirement of all parties is required for the written representations procedure to be used.

**Landmark Chambers,
180 Fleet Street,
London EC4A 2HG**

GUY WILLIAMS

19 October 2020

DATED 28th November 2019

PUBLIC PATH STOPPING UP ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

**BRENT CROSS CRICKLEWOOD REGENERATION PHASE 1A NORTH (CLAREMONT PARK)
STOPPING UP ORDER 2019**

PUBLIC PATH STOPPING UP ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

BRENT CROSS CRICKLEWOOD REGENERATION PHASE 1A NORTH (CLAREMONT PARK) STOPPING UP ORDER 2019

This order is made by the London Borough of Barnet under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up the footpaths to which this order relates in order to enable development to be carried out in accordance with the following planning permissions that have been granted under Part III of the Town and Country Planning Act 1990 ("the 1990 Act"):

1. Full Planning Permission with reference 18/6645/FUL dated 18 March 2019 for the Construction of highways infrastructure and associated public realm comprising High Street South (East Works), Claremont Park Road (Part 1), Claremont Avenue (south of High Street South (East Works) and Claremont Road Junction North, required in association with Phase 1 (South) of the Brent Cross Cricklewood regeneration area; and
2. Full Planning Permission with reference 19/2291/FUL dated 18 October 2019 for the provision of a new Neighbourhood Park (Claremont Park) comprising improvements and modifications to Claremont Way Open Space, changes to levels, hard and soft landscaping measures, the introduction of play equipment, park furniture, a pond, fencing, shared pedestrian and cycling routes and all associated enabling, incidental and temporary works.

BY THIS ORDER:

1. The footpaths over the land shown by bold black lines on the attached map and described in the Schedule to this order (the "**Schedule**") shall be stopped up as provided below.
2. The stopping up of the footpaths shall have effect on the date of confirmation of this order.
3. Where immediately before the date on which the footpaths are stopped up there is apparatus under, in, on, over, along or across them belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

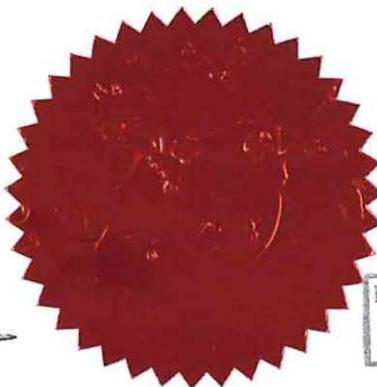
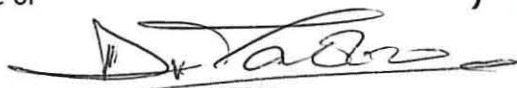
SCHEDULE

Description of site of existing paths or way

1. 232 metres of public footpath as shown by a bold black line running between points A and F on the attached map with reference 23624002-STR-HGN-100-DR-D-01001 Rev P6 ("the Map") running from the kissing gates on Brent Terrace continuing in a north easterly direction through Claremont Park to the junction with Claremont Way.
2. 48 metres of public footpath as shown by a bold black line running between points A and O on the Map running from the kissing gates on Brent Terrace continuing in a north westerly direction through Claremont Park to the junction with Claremont Way.
3. 30 metres of public footpath as shown by a bold black line running between points B and L on the Map running in a south easterly direction through Claremont Park.
4. 30 metres of public footpath as shown by a bold black line running between points L and M on the Map running in an easterly direction through Claremont Park to the junction with Clitterhouse Crescent.
5. 25 metres of public footpath as shown by a bold black line running between points C and L on the Map running in a southerly direction through Claremont Park.
6. 42 metres of public footpath as shown by a bold black line running between points K and D on the Map running in a broadly south easterly direction through Claremont Park to the junction with the footpath that runs between point A and F.
7. 33 metres of public footpath as shown by a bold black line running between points K and E on the Map running from Claremont Way in an easterly direction through Claremont Park to the footpath that runs between point A and F.
8. 20 metres of public footpath as shown by a bold black line running between points I and J on the Map running in a easterly from the junction with the footpath that runs between point G and F and the junction with Claremont Road.
9. 54 metres of public footpath as shown by a bold black line running between points H and G on the Map running from Claremont Way continuing south into Claremont Park.

Dated: 28th November 2019

THE COMMON SEAL OF THE MAYOR AND)
BURGESSES OF THE LONDON BOROUGH)
OF BARNET was hereunto affixed in the)
presence of)



No. IN SEAL
REGISTER
40/3214

Authorised Signatory



NOTE

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DOCUMENTATION. DO NOT SCALE FROM THIS DRAWING. USE ONLY PRINTED DIMENSIONS.
2. ALL DIMENSIONS, CHANGES, LEVELS AND COORDINATES ARE IN METRES UNLESS DEFINED OTHERWISE.
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE PROSPECTUS AND SAFETY PLAN FOR ANY IDENTIFIED POTENTIAL RISKS.

SET:

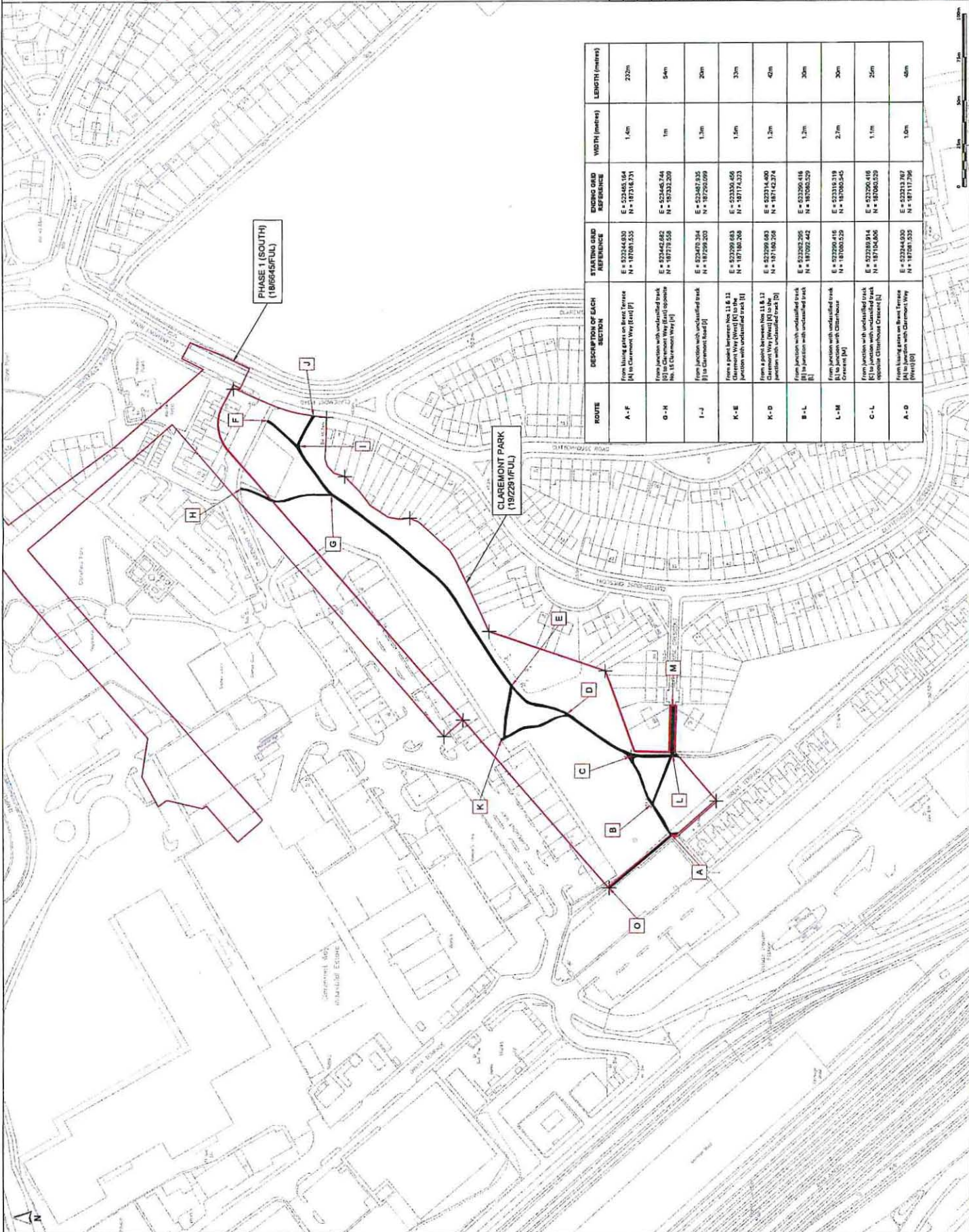
- PUBLIC FOOTPATHS TO BE STOPPED UP
- DEVELOPMENT PLOT BOUNDARIES

PAP

P6	15/NOV/19	DEVELOPMENT MOUNTAIN	A&Z	CIM	PVC
P5	06/NOV/19	REVISIONS TO DEVELOPMENT MOUNTAIN	A&Z	CIM	PVC
P4	01/NOV/19	REVISED FOLLOWING CONSULTATION WITH BRENT CROSS SOUTH	A&Z	CIM	PVC
P3	18/OCT/19	1537 ADDED TO TITLE	A&Z	CIM	PVC
P2	03/OCT/19	UP AREA LIMITED TO BRENT CROSS SOUTH	A&Z	CIM	PVC
P1	05/SEP/19	TIME ACROSS	A&Z	CIM	PVC
REV	15/AUG/19	ORIGINAL ISSUE	A&Z	CIM	PVC
DES	DATE	DESCRIPTION	A&Z	CIM	PVC
DES	CHK	APP	DES	CHK	APP



Client: BRENT CROSS SOUTH LIMITED PARTNERSHIP
 Project Title: BRENT CROSS SOUTH
 Drawing Title: CLAREMONT PARK PROW TO BE STOPPED UP (S237)
 Status: WORK IN PROGRESS
 Scale: A1
 Date: 1.1.2020
 Rev: P6
 Drawing No: 23624002-STR-HGN-100-DR-D-01001



ROUTE	DESCRIPTION OF EACH SECTION	STARTING GRID REFERENCE	ENDING GRID REFERENCE	WIDTH (metres)	LENGTH (metres)
A-F	From existing gates on Brent Terrace (A) to Claremont Way (East) (F)	E = 523244.030 N = 187108.353	E = 523465.164 N = 187116.731	1.4m	232m
G-H	From junction with undeveloped track (G) to Claremont Way (East) opposite Plot 18 (Claremont Way) (H)	E = 523442.682 N = 187219.558	E = 523465.164 N = 187332.209	1m	54m
I-J	From junction with undeveloped track (I) to Claremont Way (J)	E = 523449.304 N = 187259.251	E = 523465.164 N = 187332.209	1.3m	20m
K-E	From junction with undeveloped track (K) to Claremont Way (West) (E) to the Claremont Way (West) (E)	E = 523299.683 N = 187160.268	E = 523305.456 N = 187174.323	1.5m	33m
K-D	From a point between Nos 11 & 12 Claremont Way (West) (K) to the junction with undeveloped track (D)	E = 523299.683 N = 187160.268	E = 523314.400 N = 187142.374	1.2m	42m
B-L	From junction with undeveloped track (B) to junction with undeveloped track (L)	E = 523262.295 N = 187092.442	E = 523260.416 N = 187080.529	1.2m	30m
L-M	From junction with undeveloped track (L) to junction with Claremont Way (M)	E = 523260.416 N = 187080.529	E = 523315.319 N = 187080.545	2.7m	30m
C-L	From junction with undeveloped track (C) to junction with undeveloped track (L) to junction with undeveloped track (L) to junction with Claremont Way (West) (C)	E = 523260.416 N = 187104.806	E = 523260.416 N = 187080.529	1.1m	25m
A-D	From existing gates on Brent Terrace (A) to junction with Claremont Way (West) (D)	E = 523244.030 N = 187108.353	E = 523213.787 N = 187117.796	1.0m	48m

Planning and Building Control
2 Bristol Avenue, Colindale, London, NW9 4EW
Contact Number:

Miss Georgina Redpath
DP9 Ltd
100 Pall Mall
London
SW1Y 5NQ

Application Number: **19/2291/FUL**
Registered Date: 29 April 2019

TOWN AND COUNTRY PLANNING ACT 1990

GRANT OF PLANNING PERMISSION

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby:

GRANTS PLANNING PERMISSION for:

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

At: Claremont Way Open Space In The Vicinity Of Claremont Way At Brent Cross Cricklewood Regeneration Area, North West London

as referred to in your application and shown on the accompanying plan(s):

Subject to the following condition(s):

1	Commencement and Time Limits
	<p>The development hereby permitted must be begun within three years from the date of this permission.</p> <p>Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	Approved drawings
	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none">• LANDSCAPE KEY BXS-PK001-INF002-L-TLA-DR-90-001-XX Rev 2• OVERALL LANDSCAPE PLAN BXS-PK001-INF002-L-TLA-DR-90-P000-XX Rev 00

- LANDSCAPE KEY PLAN BXS-PK001-INF002-L-TLA-DR-90-P010-XX Rev 02
- LANDSCAPE SURFACE FINISHES PLAN SHEET 1 OF 3 BXS-PK001-INF002-L-TLA-DR-90-P101-XX Rev 2
- LANDSCAPE SURFACE FINISHES PLAN SHEET 2 OF 3 BXS-PK001-INF002-L-TLA-DR-90-P102-XX Rev 2
- LANDSCAPE SURFACE FINISHES PLAN SHEET 3 OF 3 BXS-PK001-INF002-L-TLA-DR-90-P103-XX Rev 2
- LANDSCAPE LEVELS PLAN SHEET 1 OF 3 BXS-PK001-INF002-L-TLA-DR-90-P201-XX Rev 2
- LANDSCAPE LEVELS PLAN SHEET 2 OF 3 BXS-PK001-INF002-L-TLA-DR-90-P202-XX Rev 2
- LANDSCAPE LEVELS PLAN SHEET 3 OF 3 BXS-PK001-INF002-L-TLA-DR-90-P203-XX Rev 2
- TREE PLANTING PLAN SHEET 1 OF 3 BXS-PK001-INF002-L-TLA-DR-91-P301-XX Rev 02
- TREE PLANTING PLAN SHEET 2 OF 3 BXS-PK001-INF002-L-TLA-DR-91-P302-XX Rev 02
- TREE PLANTING PLAN SHEET 3 OF 3 BXS-PK001-INF002-L-TLA-DR-91-P303-XX Rev 02
- PLANTING PLAN SHEET 1 OF 3 BXS-PK001-INF002-L-TLA-DR-91-P311-XX Rev 02
- PLANTING PLAN SHEET 2 OF 3 BXS-PK001-INF002-L-TLA-DR-91-P312-XX Rev 02
- PLANTING PLAN SHEET 3 OF 3 BXS-PK001-INF002-L-TLA-DR-91-P313-XX Rev 02
- PAVING PATTERNS BXS-PK001-INF002-L-TLA-DR-90-D700-XX Rev 1
- PAVING INTERFACES BXS-PK001-INF002-L-TLA-DR-90-D701-XX Rev 0
- STANDARD BENCH TYPE 1 BXS-PK001-INF002-L-TLA-DR-90-D702-XX Rev 1
- STANDARD BENCH TYPE 2 BXS-PK001-INF002-L-TLA-DR-90-D703-XX Rev 1
- STANDARD BENCH TYPE 3 BXS-PK001-INF002-L-TLA-DR-90-D704-XX Rev 01
- STANDARD BENCH TYPE 4 BXS-PK001-INF002-L-TLA-DR-90-D705-XX Rev 2
- STANDARD PICNIC TABLE – TYPE 1 BXS-PK001-INF002-L-TLA-DR-90-D706-XX Rev 1
- STANDARD PICNIC TABLE – TYPE 2 BXS-PK001-INF002-L-TLA-DR-90-D707-XX Rev 1
- GABION WALL LOCATION DRAWING BXS-PK001-INF002-L-TLA-DR-90-D708-XX Rev 1
- BENCH INCORPORATED IN GABION WALL DETAIL BXS-PK001-INF002-L-TLA-DR-90-D709-XX Rev P00
- FURNITURE DETAIL BXS-PK001-INF002-L-TLA-DR-90-D710-XX Rev P00
- BESPOKE DECKING PLATFORM – DETAIL 1 BXS-PK001-INF002-L-TLA-DR-90-D711-XX Rev 2
- BESPOKE DECKING PLATFORM – DETAIL 2 BXS-PK001-INF002-L-TLA-DR-90-D712-XX Rev 2

- DECKING PLATFORM ON LAWN BXS-PK001-INF002-L-TLA-DR-90-D713-XX Rev 1
- BRICK EDGE DETAIL BXS-PK001-INF002-L-TLA-DR-90-D714-XX Rev 1
- ECOLOGICAL LOG PILE AND BUG HOTEL BXS-PK001-INF002-L-TLA-DR-90-D715-XX Rev 1
- BASKETBALL COURT DETAILS BXS-PK001-INF002-L-TLA-DR-90-D716-XX Rev 2
- BOULDERS HARD/SOFT LANDSCAPE DETAIL BXS-PK001-INF002-L-TLA-DR-90-D717-XX Rev 0
- TYPICAL STEP DETAIL BXS-PK001-INF002-L-TLA-DR-90-D718-XX Rev 1
- TYPICAL SOFT LANDSCAPE BUILD-UPS BXS-PK001-INF002-L-TLA-DR-90-D719-XX Rev 0
- TYPICAL TREE IN SOFT DETAIL BXS-PK001-INF002-L-TLA-DR-90-D720-XX
- TYPICAL SWALE DETAILS BXS-PK001-INF002-L-TLA-DR-90-D721-XX Rev 0
- POND DETAIL PLAN BXS-PK001-INF002-L-TLA-DR-90-D722-XX Rev 1
- POND – TYPICAL BUILD UP DETAILS BXS-PK001-INF002-L-TLA-DR-90-D723-XX Rev 0
- POND – TYPICAL INTERFACE DETAILS BXS-PK001-INF002-L-TLA-DR-90-D724-XX Rev 0
- SECTION AA', BB', CC' BXS-PK001-INF002-L-TLA-DR-90-S100-XX Rev 1
- SECTION DD' BXS-PK001-INF002-L-TLA-DR-90-S101-XX Rev 1

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

3 Construction Environmental Management Plan

Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include (but be not limited to) the following details:

- i. details of the routing of construction and service and delivery vehicles to and from the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. indicative construction programme setting out site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto

the adjoining highway;

- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractor compound and car parking arrangements;
- ix. details of a community liaison contact for the duration of all works associated with the development.
- x. Details and plans of traffic management measures (e.g. temporary lane restrictions / closures / diversions, signage, parking controls, key access and crossing points, emergency vehicle access) including measures to protect the free flow of traffic and vulnerable road users.
- xi. Plans should be to scale and annotated with dimensions showing all points of access (vehicular and pedestrian); position of hoardings, position of nearby trees; location of vehicle standing areas, wheel washing location and details, surrounding properties and their access points; parking bay suspensions; available footway and carriageway widths.

The development shall thereafter be implemented in accordance with the measures detailed within the Construction Environmental Management Plan.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016), and to accord with the Mayor's The Control of Dust and Emissions During Construction and Demolition SPG (2014).

4 Hours of construction

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

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

5 Contamination

Part 1

Before development commences other than for investigative work:

- a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
- b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.

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

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

Part 2

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

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

6	Hardscaping – Footpaths
	<p>Notwithstanding the submitted plans and supporting documentation, prior to the installation of the top surface course of any footpath within the park hereby approved, details and samples of the surface course material to be used for all footpaths shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 7.4, and 7.5 of the London Plan 2016.</p>
7	Hardscaping – Play Area
	<p>Prior to commencement of works to construct the ‘Main Play Area’ details and samples of the materials to be used for the external surfaces of the ‘Main Play Area’, including details of gabion walls, as described within the Landscape Design Statement shall be submitted to and approved in writing by the Local Planning Authority. Details should demonstrate the materials are suitable for the intended use of the space, accessible for wheelchair users, and should not impact the Root Protection Area of the retained trees T367 and G066 (as shown on drawing 6907-D3-AIA Rev B) or of any new trees to be planted in this area. Details shall also include the threshold treatment between the play area and the surrounding footpaths that provide access to the play area to demonstrate that gaps or trip areas will be avoided.</p> <p>The development shall thereafter be implemented in accordance with the materials and details as approved under this condition.</p> <p>Reason: To safeguard the character and visual amenities of the site and wider area, ensure inclusive access for wheelchair users and other ambulant disabled people and to ensure that the development is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies 7.4, and 7.5 of the London Plan 2016; and to safeguard the health of existing and new trees which represent an important amenity feature in accordance with Policy DM01, Policies CS5 and CS7 of the Local Plan Core Strategy and Policy 7.21 of the London Plan 2016.</p>
8	Protection of bats
	<p>No more than eighteen months before the felling of any tree within the application site, an inspection of the relevant tree shall be undertaken to determine the potential for roosting bats. Should bat potential be identified, further surveys should be undertaken as required to determine the presence/likely absence of roosting bats.</p> <p>Should bat roosts be identified, this shall be reported in writing to the LPA, and</p>

	<p>tree removal shall not be undertaken until any necessary Natural England mitigation licence has been obtained. The mitigation measures, which shall first be submitted to and agreed in writing by the LPA, shall be undertaken in accordance with the requirements of the mitigation licence.</p> <p>Any pre-felling inspections are to be undertaken in accordance with the most up to date best practice guidance (Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition) 2016, and any updated guidance).</p> <p>Reason: To ensure that protected species are appropriately safeguarded during the demolition and construction phase of the development in accordance with Policy CS7 of the Core Strategy DPD (2012), Policy DM16 of the Development Management Policies DPD (2012) and Policy 7.19 of the London Plan (2016).</p>
9	Removal of trees and shrubs
	<p>The removal of trees and shrubs shall only be undertaken outside of the bird breeding season (March to August, inclusive). Should this not be possible, any tree works or removal within the bird breeding season shall be carried out no more than 24 hours following an inspection by a suitably qualified ecologist confirming the absence of any breeding birds.</p> <p>Reason: To ensure that protected species are appropriately safeguarded during the demolition and construction phase of the development in accordance with Policy CS7 of the Core Strategy DPD (2012), Policy DM16 of the Development Management Policies DPD (2012) and Policy 7.19 of the London Plan (2016).</p>
10	New planting
	<p>All new planting shall comply with best practice including the requirements specified in BS 3936 (1992) 'Specification of nursery stock: Part 1, Trees and Shrubs', and in BS 4428 (1989) 'Recommendations for general landscape operations', or subsequent versions of such standards. Apart from formative pruning in accordance good arboricultural practice, none of the new trees, plants or shrubs planted shall be pruned within a period of five years from the completion of the development.</p> <p>Any trees, plants or shrubs which, within a period of five years, from the completion of the development die, are removed, or become seriously damaged or diseased or otherwise fail to thrive, shall be replaced in the next planting season with others of similar size and species unless and to the extent that any variation to the approved landscaping works is first approved in writing by the LPA.</p> <p>Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with Policy CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan (2016).</p>

11	Arboricultural Method Statement and Tree Protection Plan
	<p>The approved development shall be implemented in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan by Haydens in the submitted Tree survey, Arboricultural impact Assessment Arboricultural Method Statement & Tree Protection Plan In accordance with BS 5837:2012 Revision B Dated 19/08/2019.</p> <p>Reason Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.</p>
12	Landscaping / LEMP
	<p>The detailed planting proposals, hereby approved, shall be fully implemented to the satisfaction of the Local Planning Authority and shall be completed prior to the Council agreeing that practical completion of the parks has been attained.</p> <p>The park hereby approved shall be maintained in accordance with the Landscape and Ecology Management Plan (LEMP) for Claremont Park (BXS-PK-001-INF002-L-TLA-RP-XX-002-XX P02 dated 19.09.2019) prepared by Townshend Landscape Architects, or with such updated LEMP which may be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan (2016).</p>
13	Invasive non-native plants
	<p>The Development shall not begin unless and until a pre-construction survey has been carried out in respect of the application site curtilage to identify any areas that are affected by buried or surface invasive non-native plants including but not limited to Japanese Knotweed, Giant Hogweed and Himalayan Balsam. The survey should be accompanied by a method statement containing measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. In the event that the survey identifies the presence of such plants, or any other proscribed noxious weeds, details of the locations and methods for their removal or long-term management/eradication with methods of working and measures that will prevent its spread during any works operations, (such as gaining access, erection of security fencing, clearance and demolition, site investigation, earthworks, mowing, trimming and other vegetation management, or soil movement,) shall be submitted to and approved in writing by the LPA before development begins. The development shall be implemented in accordance with the approved method statements.</p>

	<p>Reason: To prevent the spread of non-native plants, and in particular Japanese knotweed and Giant hogweed, which are invasive species, in line with policy CS7 of Barnet Council's Core Strategy (adopted) 2012 and DM16 of Barnet Council's Development Management Policies (adopted) 2012; as well as Policies 7.19 and 7.21 of the London Plan (2016, with amendments) and the National Planning Policy Framework (2012).</p>
14	Boundary treatments to Park
	<p>Prior to installation of any boundary treatment, details of the fencing shall be submitted to and approved by the LPA. Boundary Planting shall be undertaken in accordance with the Planting Palettedetails under Part 4.3 of the Landscape Design Statement.</p> <p>Where boundary treatment details meet or encroach on the Root Protection Area of any existing tree(s) to be retained (as shown on AIA & TPP drawing 6907-D3-AIA Rev B) or of any new tree(s) hereby approved to be planted, these shall be supported by a Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) that considers their location and installation method for the safeguarding of the trees. The submitted AMS and TPP shall be in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction – Recommendations)</p> <p>Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with Policy DM01 and DM02 of the Barnet Local Plan, and to safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.</p>
15	Temporary western boundary treatment and landscaping
	<p>Prior to the commencement of any temporary boundary treatment on the western boundary, full details of any temporary boundary including gates, fences and hard and soft landscaping for the south-western edge of park hereby permitted adjacent to existing industrial buildings at 106 Brent Terrace, shall be submitted to and approved by the LPA. Details shall also include any necessary temporary turning head at the west end of the northern primary footpath to allow access for servicing vehicles, and any temporary signage necessary to alert cyclists to dismount and alert cyclists/pedestrians of shared pedestrian/cycle footpath and footpath only routes.</p> <p>Reason: To protect future park users and ensure an appropriate temporary boundary treatment and landscaping is in place between the existing industrial area to the west and the new park.</p>
16	Signage
	<p>Prior to the installation of any signage in the park hereby approved full details and locations of the proposed signage strategy, illustratively shown on Figure 156 of</p>

	<p>the Landscape Design Statement dated April 2019, having regard to the Council's Green Spaces Team signage guidance as appropriate and integration with the wider public realm signage strategy surrounding the park as set out in the Access and Wayfinding Strategy pursuant to Condition 1.26 of the S73 Permission F/04687/13, shall be submitted to and approved in writing by the LPA.</p> <p>Details shall include appropriate signage to alert cyclists and pedestrians of shared pedestrian/cycle paths and footway only paths, to alert users that there may be cyclists/pedestrians crossing the footway, and of locations where cyclists are requested to dismount. Such signage shall include a strategy that demonstrates how it coordinates with the relevant signage details or strategy on the footway outside the park (Condition 14 pursuant to 18/6645/FUL).</p> <p>The development shall thereafter be implemented in accordance with these approved details.</p> <p>Reason: To ensure a legible, accessible and inclusive environment for all users, and reduce the risk of collisions between cyclists themselves and cyclists and pedestrians.</p>
17	Temporary Interim Stage – temporary signage
	<p>The park shall not be permitted to be used by members of the public unless and until details of any necessary temporary signage (prior to the provision of permanent signage to be approved pursuant to Condition 16 of this permission) have been submitted to and approved by the LPA. The temporary signage must alert cyclists to dismount and alert cyclists/pedestrians of shared pedestrian/cycle footpaths and footpaths only routes.</p> <p>Reason: To ensure safe and appropriate pedestrian and cycle provision during the interim state.</p>
18	Lighting
	<p>Notwithstanding lighting details shown on plans otherwise hereby approved and prior to the installation of any lighting, a detailed external lighting scheme including siting of lighting columns, materials, a site plan with lux levels, operating hours, and an External Lighting Assessment shall be submitted to and approved in writing by the LPA. The external lighting assessment shall detail the existing average night time luminance and light spread levels across the site area at night, identify the levels of light pollution received at the windows to adjacent residential properties and, identify impact on bats or other wildlife, and where appropriate identify the measures to be used to mitigate any impacts to residential properties and wildlife species. The assessment shall be accompanied by a statement from a qualified ecologist confirming the impact and proposed mitigation will not adversely affect bats or other wildlife. The development shall be implemented in accordance with such details.</p> <p>Reason: To ensure the development does not cause harm to the amenities of adjoining occupiers to accord with Policy DM01 of the Local Plan and to mitigate the impact to species including bats in accordance with Policies CS7 and DM16.</p>

19	Play and sports equipment
	<p>Notwithstanding the submitted plans and supporting documentation hereby approved, prior to the installation of any play equipment or exercise equipment, detailed specifications of the proposed play and activity equipment including the location and layout shall be submitted to and approved in writing by the Local Planning Authority. The play and activity equipment shall not encroach on the Root Protection Area of any of the retained trees (as shown on drawing 6907-D3-AIA Rev B) or of any new planting hereby approved.</p> <p>The development shall thereafter be implemented in accordance with these approved details.</p> <p>Reason: To ensure delivery of the park in accordance with the needs of the local population in accordance with Policies 3.1 and 3.6 of the London Plan (March 2016); Policy CS11 of the Local Plan Core Strategy DPD (Adopted September 2012), Policy C4 of Barnet’s UDP Saved Policies (Saved September 2012), and to safeguard the health of existing and new trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016, and protect users of the park from the potential of falling branches under the canopy in accordance with Barnet’s Tree Policy (Adopted October 2017).</p>
20	Furniture – Main Play Area
	<p>Notwithstanding the submitted plans and supporting documentation, prior to their installation, a detailed specification of the tables and any other park furniture to be installed in the Main Play area shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be implemented in accordance with the details as approved.</p> <p>Reason: To safeguard the character and visual amenities of the site and wider area, and to ensure that the development is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies 7.4, and 7.5 of the London Plan 2016.</p>
21	Drainage
	<p>Development shall not begin until the drainage layout and detailed drainage design drawings for the site, based on the principles within the agreed Flood Risk Assessment prepared by Arup dated 28 March 2019 have been submitted to the Local Planning Authority and approved in writing.</p> <p>Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force</p>

as of 6 April (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

INFORMATIVES:

1. Development

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

2. NPPF

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

3. Land Contamination

In complying with Parts 1 and 2 of Condition 5 of this permission reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

4. Water abstraction

In relation to the construction of the pond hereby approved, the applicant is advised to contact the Environment Agency to obtain any necessary licences and consents required for the abstraction of groundwater from a borehole. Source owners and their contractors are responsible for ensuring boreholes or wells are designed, constructed and decommissioned without polluting groundwater. The Environment Agency can be contacted Monday to Friday, 8am to 6pm on 03708

506 506 and enquiries@environment-agency.gov.uk, National Customer Contact Centre PO Box 544, Rotherham, S60 1BY.

5. Demolition

This permission does not grant permission for any demolition associated with the development. Any demolition required to implement the approved development shall either require the relevant planning consent or be carried out under the terms of S73 Planning Permission F/04687/13 dated 23 July 2014.

6. Archaeological remains

Should any archaeological remains be discovered during the works associated with releveling and excavation within the site to install the pond and natural amphitheatre, the applicant is reminded that these will be subject to an archaeological watching brief with a 'stop-works' procedure as per the requirements of Condition 43.1 of the S73 Permission.

7. Highways

There are existing footpaths within site. If a closure or diversion of the footpath is considered the applicant may need to investigate any rights of ways that may exist for the use of the footpath and may need to be extinguished before any closure or diversion can take place under Section 257 of the Town and Country Planning Act 1990.

8. Canopy shade and play/sports areas

In complying with the requirements of Condition 19 (play and sports equipment) of this permission, the applicant is advised that large or spreading tree species located on the south and west facing sides of the play areas can provide both shade to cool down the play area and help to protect children and their carers from the harmful effect of Ultra Violet rays. This is in accordance with the policies set out in section 2.22 of the Council's Tree Policy (adopted 2017).

9. Tree bio-security

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

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

10. Drainage

In complying with Condition 21, the submitted detailed surface water drainage scheme shall use the Flood Estimation Handbook (FEH) design rainfall (2013) for drainage assessment.

11. Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should the developer require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

As the developer is redeveloping a site, there may be public sewers crossing or close to the development. If the developer discovers a sewer, it's important that the developer minimizes the risk of damage. Thames Water will need to check that the developer's development doesn't limit repair or maintenance activities, or inhibit the services Thames Water provides in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

With regard to the water network, if the developer is planning on using mains water for construction purposes, it's important the developer lets Thames Water know before they start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Date of Decision: 18 October 2019

Signed:



Fabien Gaudin
Service Director – Planning and Building Control

NOTE(S):

1. Your attention is drawn to the attached Schedule which sets out the rights of an applicant who is aggrieved by a decision of the Local Planning Authority.
2. This Notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email (building.control@barnet.gov.uk), telephone (0208 359 4500), or see our website at www.barnet.gov.uk/building-control

3. For information on Construction Site Guidelines for Householders and Developers, please visit <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/construction-information.html>
4. For details relating to Street naming and numbering, please visit <https://www.barnet.gov.uk/citizen-home/planning-conservation-and-building-control/building-control/street-naming-and-numbering.html>

APPEAL GUIDANCE:

Should you (an applicant or agent) feel aggrieved by the decision of the Council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Sections 78 and 195 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning with the date of the decision notice (unless an extended period has been agreed in writing with the Council):

- Six months: Full (excluding householder and minor commercial applications), listed building (including Certificate of Lawfulness in relation to a listed building), Section 73 'variation/removal', Section 73 'minor material amendment', extension of time and prior approval applications.
- 12 weeks: Householder planning, householder prior approval and minor commercial applications.
- 8 weeks: Advertisement consent applications
- No timescale: Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued, the appeal period may be significantly reduced, subject to the following criteria:

- Where the development proposed by your application is the same or substantially the same as development that is the subject of an enforcement notice served within the last two years you must appeal within 28 days of the date of the application decision
- Where an enforcement notice is served on or after the decision date on your application relating to the same or substantially the same land and development

as in your application and if you want to appeal against the Council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the Council.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional special circumstances. The Secretary of State can refuse to consider an appeal if the Council could not have granted planning permission for the proposed development or could not have granted without the conditions it imposed, having regard to the statutory requirements and provision of the Development Order and to any direction given under the Order. In practice it is uncommon for the Secretary of State to refuse to consider appeals solely because the Council based its decision on a direction given by the Secretary of State.

PURCHASE NOTICES:

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonable beneficial use by carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Planning and Building Control
2 Bristol Avenue, Colindale, London, NW9 4EW
Contact Number: 020 8359 4849

Miss Georgina Redpath
DP9 Ltd
100 Pall Mall
London
SW1Y 5NQ

Application Number: **20/2817/NMA**
Registered Date: 23 June 2020

TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF APPLICATION UNDER SECTION 96A FOR A NON-MATERIAL AMENDMENT

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby:

GRANTS CONSENT FOR A NON-MATERIAL AMENDMENT for:

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

At: Claremont Way Open Space

as referred to in your application and shown on the accompanying information.

Decision:

The application hereby approved allows for non-material amendments pursuant to Section 96A of the Town and Country Planning Act 1990 (as amended) to planning permission reference 19/2291/FUL dated 18 October 2019 in relation to Claremont Park being delivered as part of the redevelopment of the Brent Cross Cricklewood Regeneration Scheme. The proposed amendments relate to Condition 21 (Drainage) to allow for the submission of details prior to the commencement of the relevant part of the development, and the addition of a Condition to ensure that new footpaths being provided in the park are kept open to the public at all times save for any temporary closure for maintenance.

This decision should be read in conjunction with the decision notice for planning permission 19/2291/FUL dated 18 October 2019. This decision does not allow any other amendments to the approved scheme.

- 1 The documents accompanying this application are:
 - Signed application form;
 - Cover letter from DP9 dated 22 June 2020;
 - Site Location Plan

- 2 Following this decision, Condition 21 on the decision notice for planning permission 19/2291/FUL dated 17th October 2019 shall be amended to read as follows:

"The relevant part of the development shall not begin until the drainage layout and detailed drainage design drawings for the site, based on the principles within the agreed Flood Risk Assessment prepared by Arup dated 28 March 2019 have been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753)."

- 3 Following this decision the following additional condition shall be added as Condition 22 to the decision notice for planning permission 19/2291/FUL dated 17th October 2019:

"The footpaths hereby approved and shown on plan BXS-PK001-INF002-L-TLA-DR-90- P000-XX Rev 0 shall be kept open at all times for use by the public on foot save for any temporary closure for the purposes of maintenance and/or repair in accordance with the approved Landscape Ecology and Management Plan (referred to in Condition 12) for such period or periods as may be reasonably required to carry out and complete such maintenance and/or repair.

Reason: To ensure that the new park remains accessible to the public."

- 4 In accordance with Regulations 3 and 9 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, it is considered that this submission pursuant to a condition reveals, with regard to the subject matter of the application, that there are no additional or different likely significant environmental effects than is considered in the environmental information already before the Council including the Environmental Statement (BXC02) submitted with the Section 73 application (F/04687/13), and any further and/or other information previously submitted. The environmental information already before the Council therefore remains adequate to assess the environmental effects of the development and has been taken into consideration in this decision.

- 5 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority

(LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Date of Decision: 14 July 2020

Signed:



Fabien Gaudin
Service Director – Planning and Building Control

NOTE(S):

1. Your attention is drawn to the attached Schedule which sets out the rights of an applicant who is aggrieved by a decision of the Local Planning Authority.
2. This Notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email to building.control@barnet.gov.uk, telephone: 0208 359 4500, or see our website at www.barnet.gov.uk/building-control.

APPEAL GUIDANCE:

Should you (an applicant or agent) feel aggrieved by the decision of the Council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Sections 78 and 195 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning with the date of the decision notice (unless an extended period has been agreed in writing with the Council):

- Six months: Full (excluding householder and minor commercial applications), listed building (including Certificate of Lawfulness in relation to a listed building), Section 73 'variation/removal', Section 73 'minor material amendment', extension of time and prior approval applications.
- 12 weeks: Householder planning, householder prior approval and minor commercial applications.

- 8 weeks: Advertisement consent applications
- No timescale: Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued, the appeal period may be significantly reduced, subject to the following criteria:

- Where the development proposed by your application is the same or substantially the same as development that is the subject of an enforcement notice served within the last two years you must appeal within 28 days of the date of the application decision
- Where an enforcement notice is served on or after the decision date on your application relating to the same or substantially the same land and development as in your application and if you want to appeal against the Council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the Council.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional special circumstances. The Secretary of State can refuse to consider an appeal if the Council could not have granted planning permission for the proposed development or could not have granted without the conditions it imposed, having regard to the statutory requirements and provision of the Development Order and to any direction given under the Order. In practice it is uncommon for the Secretary of State to refuse to consider appeals solely because the Council based its decision on a direction given by the Secretary of State.

PURCHASE NOTICES:

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonable beneficial use by carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Development Management & Building Control Service
Barnet House, 1255 High Road, Whetstone, N20 0EJ
Contact Number: 0208 359 5069

Miss Georgina Redpath
DP9 Ltd
100 Pall Mall
London
SW1Y 5NQ

Application Number: **18/6645/FUL**
Registered Date: 5 November 2018

TOWN AND COUNTRY PLANNING ACT 1990

GRANT OF PLANNING PERMISSION

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby:

GRANTS PLANNING PERMISSION for:

Construction of highways infrastructure and associated public realm comprising High Street South (East Works), Claremont Park Road (Part 1), Claremont Avenue (south of High Street South (East Works) and Claremont Road Junction North, required in association with Phase 1 (South) of the consented redevelopment of the Brent Cross Cricklewood regeneration area (Ref: F/04687/13). Proposal includes including enabling works and other works incidental to the highways and public realm development

At: Land In The Vicinity Of Claremont Way, Brent Cross Cricklewood Regeneration Area, North West London

as referred to in your application and shown on the accompanying plan(s):
Subject to the following condition(s):

COMMENCEMENT AND TIME LIMITS

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

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

APPROVED DRAWINGS

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

Location Plan
BXS-PLAN-PLAP-06-A-P01 Rev P01.2

Landscape Drop In Surface Finishes

TOWN621.01(08)3301 R05

Highway Layout General Arrangement Plan Sheet 1 of 5 (1:500 @ A1)
BXS-ARP-1C-XX-DR-TP-2101 P4

Highway Layout General Arrangement Plan Sheet 2(1:250 @ A1)
BXS-ARP-1C-XX-DR-TP-2102 P4

Highway Layout General Arrangement Plan Sheet 3 of 5 (1:250 @ A1)
BXS-ARP-1C-XX-DR-TP-2103 P3

Highway Layout General Arrangement Plan Sheet 4 of 5 (1:250 @ A1)
BXS-ARP-1C-XX-DR-TP-2104 P3

Highway Layout General Arrangement Plan Sheet 5 (1:250 @ A1)
BXS-ARP-1C-XX-DRTP-2105 3

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

CONSTRUCTION

- 3 Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include (but not be limited to) the following details:
 - a) Access arrangements into/out of the site;
 - b) Parking provision for operatives and visitors;
 - c) Hours of construction including deliveries, and loading and unloading of plant and materials;
 - d) Storage of plant and materials used in the construction of the development;
 - e) Erection of any means of temporary enclosure or security hoarding;
 - f) Measures to prevent mud and debris being carried onto the public highway; and
 - g) Measures to minimise dust, noise and vibration pollution including a Dust Management Plan.

The Construction Environmental Plan shall be implemented as approved throughout the duration of the construction of the development hereby permitted.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012); and to accord with the Mayor's The Control of Dust and Emissions During Construction and Demolition SPG (2014);

- 4 The permitted hours of construction work and/or any Site engineering and Preparation Works hereby permitted shall only be between:

- a) 8:00am to 6:00pm Mondays to Fridays
- b) 9:00am to 1:00pm Saturdays.

No construction work and/or any Site engineering and Preparation Works shall be carried out outside of these hours without written consent from the LPA.

No construction or site engineering and preparation works shall be carried out on Sundays or bank holidays.

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

- 5 Unless otherwise approved by the Local Planning Authority under Section 61 of the control of Pollution Act 1974, the start-up and shut down periods shall be 7:30am to 08:00am and 6:00pm - 6:30pm respectively Monday to Friday and 1:00pm to 1:30am on Saturdays.

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

- 6 Piling or any other foundation designs using penetrative methods, shall not be permitted other than with the express written consent of the LPA, which may only be given for those parts of the site where it has been demonstrated (having due regard to relevant details approved under conditions 20 and 21 (Contamination) of this permission where relevant, that there is no resultant unacceptable risk to groundwater. The Development shall be carried out in accordance with the approved details.

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

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

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

- 8 Noise from construction work shall give rise to noise levels no higher than 65dB LAeq (1 hour) and 70dB LAeq (1 minute) at any educational premises measured at 1m from the façade of the building during school hours in term time, unless such

works have the prior approval of the Local Authority under s61 of the Control of Pollution Act 1974.

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

- 9 Prior to the commencement the development hereby permitted a Construction Transport Management Plan ('CTMP') shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall thereafter be implemented as approved for the duration of the demolition and construction phase of the development.

Reason: To minimise traffic congestion associated with the demolition and construction of the proposed development in accordance with Policy 6.14 of the London Plan (2016).

HIGHWAYS AND ACCESS

- 10 Prior to the commencement of the development, details comprising Highways Engineering Drawings and detailed Construction Specifications of the access and estate road(s) with a minimum scale of 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The estate road as approved shall be constructed in accordance with the approved details.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area and to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 Prior to the commencement of the development hereby approved detailed designs of the kerb radii for the junctions between Claremont Park Road and the residential side streets, and the junction between Claremont Park Road and Claremont Avenue shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

BIODIVERSITY AND LANDSCAPING

- 12 The removal of trees and shrubs shall only be undertaken outside of the bird breeding season (March to August, inclusive). Any tree works or removal within the bird breeding season shall be carried out no more than 24 hours following an inspection by a suitably qualified ecologist confirming the absence of any breeding birds.

Reason: To ensure that protected species are appropriately safeguarded during the demolition and construction phase of the development in accordance with Policy

CS7 of the Core Strategy DPD (2012), Policy DM16 of the Development Management Policies DPD (2012) and Policy 7.19 of the London Plan (2016).

- 13 No more than eighteen months before the felling of any tree within the application site, an inspection of the relevant tree shall be undertaken to determine the potential for roosting bats. Should bat potential be identified, further surveys should be undertaken as required to determine the presence/likely absence of roosting bats. Should bat roosts be identified, this shall be reported in writing to the LPA, and tree removal shall not be undertaken until any necessary Natural England mitigation licence has been obtained. The mitigation measures, which shall first be submitted to and agreed in writing by the LPA, shall be undertaken in accordance with the requirements of the mitigation licence.

Any pre-felling inspections are to be undertaken in accordance with the most up to date best practice guidance (Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition) 2016, and any updated guidance).

Reason: To ensure that protected species are appropriately safeguarded during the demolition and construction phase of the development in accordance with Policy CS7 of the Core Strategy DPD (2012), Policy DM16 of the Development Management Policies DPD (2012) and Policy 7.19 of the London Plan (2016).

- 14 Prior to the commencement of the relevant part of the development, details of materials and site furnishings (including samples where appropriate) as set out within section 4 of the approved 'Landscape Design Statement: Public Realm' prepared by Townshend Architects dated October 2018, or otherwise specified with justification provided, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Design and location of any electricity infrastructure, including surface treatment and means of enclosure;
2. Surface materials and finishes;
3. Highways details (e.g. crossing and kerb heights);
4. Access and wayfinding strategy;
5. Materials, types and siting of all furnishings including cycle racks, benches, communal seating, movable seating, cycle parking, bins for litter (including drawings and sections showing thresholds);
6. Street furniture, lighting and signage;
7. Details of all proposed trees (including tree pit details), hedge, shrub and other soft landscaped features, including proposed species, plant sizing, density and arrangement;
8. Ecological enhancements;
9. Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
10. The position of any proposed excavation within the recommended protective distance for retained trees in accordance with BS5837:2012;
11. Means of planting, staking and tying of trees, including tree guards;
12. Details of all proposed hard landscape works, including proposed materials, samples and details of techniques to be used to provide conditions appropriate for new plantings.
13. Timing of planting.

The detailed phase of the development shall be carried out in accordance with the approved details.

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

- 15 All new planting shall comply with the requirements specified in BS 5236 (1975) Advanced Nursery stock Trees; BS 3936 (1980) 'Specification of nursery stock: Part 1, Trees and Shrubs', and in BS 4428 (1969) 'Recommendations for general landscape operations', or subsequent versions of such standards. Apart from formative pruning in accordance good arboricultural practice, none of the new trees, plants or shrubs planted shall be pruned within a period of five years from the completion of the development.

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

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

- 16 Prior to the development hereby approved coming into use or being open to the public, a Landscape and Ecology Management Plan (LEMP) including long-term design objectives, proposed management responsibilities and draft maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the LPA. The LEMP shall be carried out and implemented as approved and subsequent variations shall be agreed in writing by the LPA. Further to the above, the LEMP shall include the following elements:

- a) detail extent, type and provenance of new planting (native species only)
- b) details of maintenance regimes
- c) details of monitoring for all landscape and ecological elements
- d) details of treatment of site boundaries and/or buffers around water bodies.

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

- 17 The Development shall not begin unless and until a pre-construction survey has been carried out in respect of the application site curtilage to identify any areas that are affected by buried or surface invasive non-native plants including but not limited to Japanese Knotweed, Giant Hogweed and Himalayan Balsam. The survey should be accompanied by a method statement containing measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. In the event that the survey identifies the presence of such plants, or any other proscribed noxious weeds, details of the locations and methods for their removal or long-term management/eradication with methods of working and measures that will prevent its

spread during any works operations, (such as gaining access, erection of security fencing, clearance and demolition, site investigation, earthworks, mowing, trimming and other vegetation management, or soil movement,) shall be submitted to and approved in writing by the LPA and implemented before development begins. Development shall proceed in accordance with the approved method statements.

Reason: To prevent the spread of non-native plants, and in particular Japanese knotweed and Giant hogweed, which are invasive species, in line with policy CS7 of Barnet Council's Core Strategy (adopted) 2012 and DM16 of Barnet Council's Development Management Policies (adopted) 2012; as well as Policies 7.19 and 7.21 of the London Plan (2016, with amendments) and the National Planning Policy Framework (2012).

LIGHTING

- 18 Prior to the commencement of the relevant part of the scheme, an External Lighting Assessment of lighting proposed within the application site, shall be submitted to and approved in writing by the Local Planning Authority. The external lighting assessment submitted shall detail the existing average night time luminance and light spread levels across the site area at night, identify the levels of light pollution received at the windows to adjacent residential properties and, where appropriate, identify the measures to be used to mitigate any impacts to species including bats. Any light pollution mitigation identified in the external lighting assessment shall be implemented in full prior to occupation of the detailed elements of the scheme.

Reason: to ensure the development does not cause harm to the amenities of adjoining occupiers to accord with Policy DM01 of the Local Plan and to mitigate the impact to species including bats in accordance with Policies CS7 and DM16.

DRAINAGE STRATEGY

- 19 Development shall not begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed

The scheme shall be based upon the principles within the agreed Drainage Statement prepared by Arup dated October 2018 and shall also include:

- i) Drainage Strategy with plan layout;
- ii) Maintenance program and on-going maintenance responsibilities/adoption of the surface water drainage system;
- iii) Detailed development layout;
- iv) Detailed drainage design drawings;
- v) Detailed hydraulic calculations including the proposed attenuation and flow control structure;
- vi) Development Management & Construction Phasing Plan;
- vii) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan

CONTAMINATION

20 Before development commences other than for investigative work:

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

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

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

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

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

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

21 Where remediation of contamination on the site is required under Condition 21 of this permission, completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

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

OTHER

- 22 Prior to the use of the highway and public realm as consented by this permission, an Estate Management Framework, which shall be prepared in consultation with the LPA and may include the establishment of an Estate Management Body for adopting managing cleansing maintaining repairing and/or renewing area of public realm and highways as permitted under this planning application, shall have been submitted to and approved by the LPA.

Reason: To ensure that the future management maintenance repair and upkeep of development is delivered to an appropriately high standard of safety and quality across the whole of the Development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and saved Policies CGrick and C1 of Chapter 12 of The Council's UDP (2006), and Policy CS2 of The Council's Local Plan: Core Strategy DPD (2012).

- 23 No development hereby permitted shall take place on any part of the land subject of this planning permission (excluding land owned by the Council) until the relevant part of the land has been bound by a planning obligation entered into pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in substantially the terms set out below:

"The Owner covenants with the Council that from the date of implementation of planning permission reference 18/6645/FUL on any part of the land shown edged red on Plan BXS-PLAN-PLAP-06-A-P01 Rev P01.2, no further works shall be carried out on the said land pursuant to planning permission reference F/04867/13 dated 23 July 2014"

Reason: to ensure the delivery of the S73 planning permission granted on 23rd July 2014 (planning reference F/04687/13) ('S73 Permission') is not prejudiced therefore securing the continued objectives contained within saved Policies CGrick and C1 of Chapter 12 of The Council's UDP (2006), and Policy CS2 of The Council's Local Plan: Core Strategy DPD (2012).

- 24 Notwithstanding the approved plans tracking diagrams shall be submitted to the Local Planning Authority for approval to demonstrate that loading bays on High Street South can safely accommodate two 10m Rigid vehicles and that the loading bay on Claremont Park Road can safely accommodate a 10m rigid vehicle. Any changes required to the layout of these loading bays in order to accommodate the vehicles described above and any associated landscaping changes shall be submitted to and approved in writing by the Local Planning Authority Prior to commencement of the development Hereby Approved.

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

INFORMATIVE(S):

- A. In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- B. The applicant is advised that a Section 38 Agreement under the Highways Act 1980 will be required in relation to any carriageway or footway that is required to be adopted by the Highway Authority and maintained thereafter as public highway.
- C. The applicant is advised that a Stopping Up Order is required for any public highway that is required to enable the implementation of this permission. Such Stopping Up Order will be progressed under Section 247 of the Town and Country planning Act 1990 (as amended) and all council costs pertaining to the Order will be paid for by the applicant.
- D. The submitted Construction Environmental Management Plan shall include, as a minimum, details of:
- Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used
 - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
 - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - Provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
 - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

E. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2018) / National Planning Practice Guidance;
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

F. **National Grid Informative:**

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

G. The surface water drainage scheme will require a third party agreement with Thames Water for discharge to their system prior to implementation.

Date of Decision: 18 March 2019

Signed:



Fabien Gaudin
Service Director – Planning and Building Control

NOTE(S):

1. Your attention is drawn to the attached Schedule which sets out the rights of an applicant who is aggrieved by a decision of the Local Planning Authority.
2. This Notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email (building.control@barnet.gov.uk), telephone (0208 359 4500), or see our website at www.barnet.gov.uk/building-control

3. For information on Construction Site Guidelines for Householders and Developers, please visit <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/construction-information.html>
4. For details relating to Street naming and numbering, please visit <https://www.barnet.gov.uk/citizen-home/planning-conservation-and-building-control/building-control/street-naming-and-numbering.html>

APPEAL GUIDANCE:

Should you (an applicant or agent) feel aggrieved by the decision of the Council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Sections 78 and 195 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning with the date of the decision notice (unless an extended period has been agreed in writing with the Council):

- Six months: Full (excluding householder and minor commercial applications), listed building (including Certificate of Lawfulness in relation to a listed building), Section 73 'variation/removal', Section 73 'minor material amendment', extension of time and prior approval applications.

- 12 weeks: Householder planning, householder prior approval and minor commercial applications.
- 8 weeks: Advertisement consent applications
- No timescale: Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued, the appeal period may be significantly reduced, subject to the following criteria:

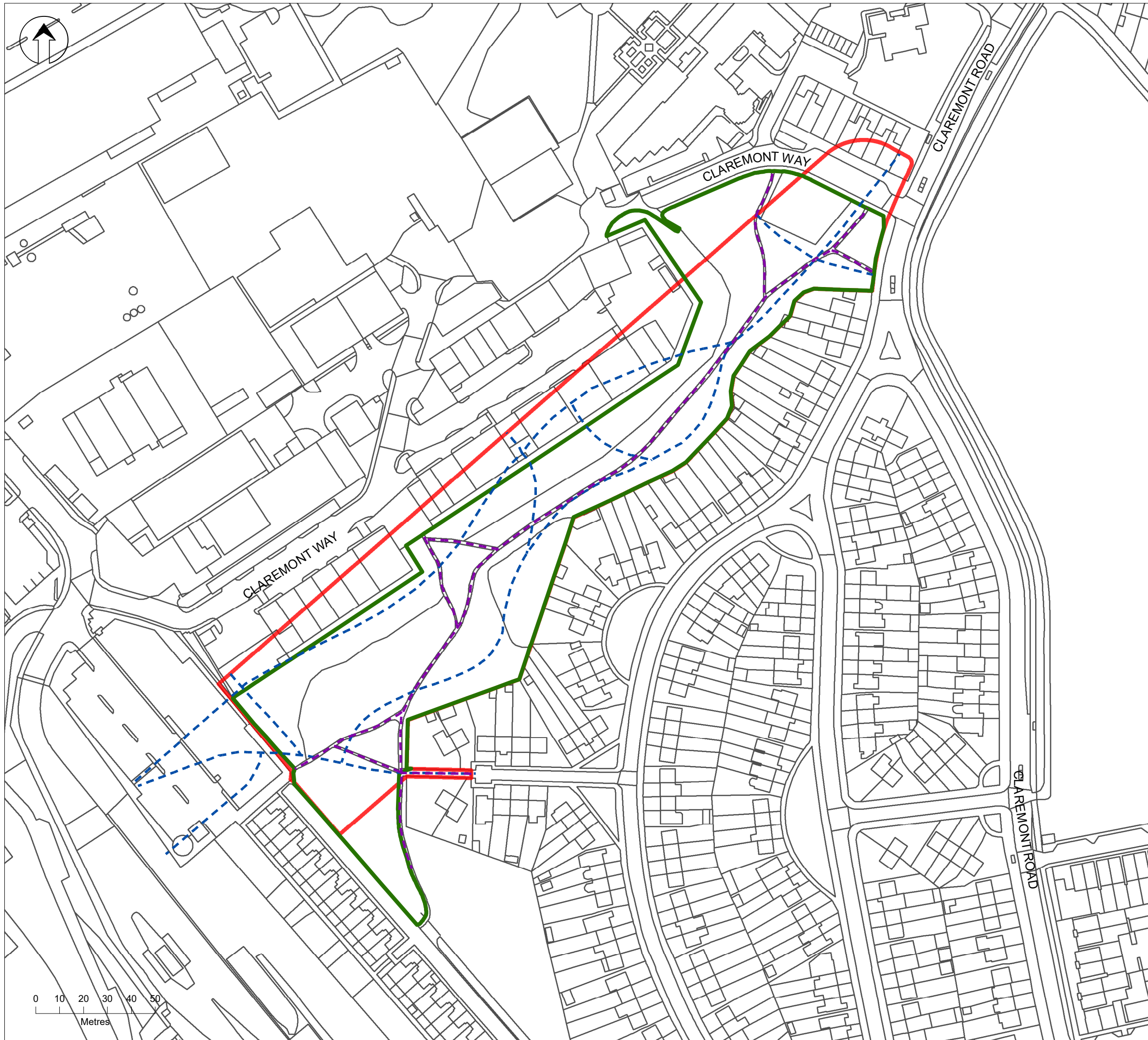
- Where the development proposed by your application is the same or substantially the same as development that is the subject of an enforcement notice served within the last two years you must appeal within 28 days of the date of the application decision
- Where an enforcement notice is served on or after the decision date on your application relating to the same or substantially the same land and development as in your application and if you want to appeal against the Council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the Council.

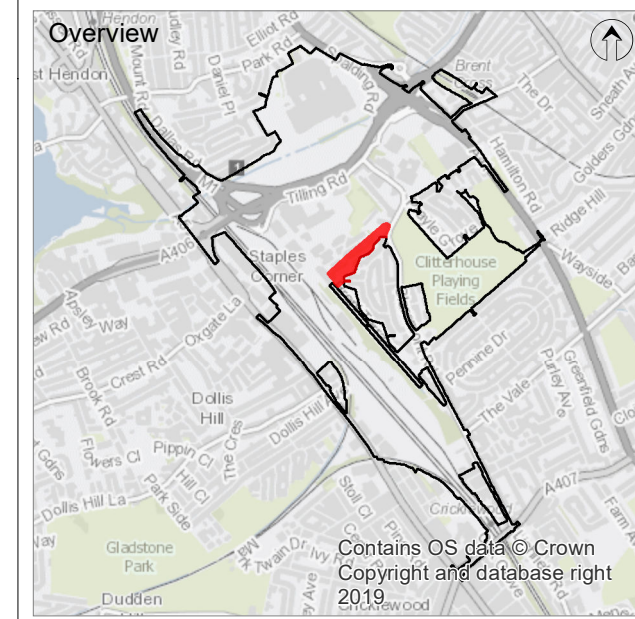
The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional special circumstances. The Secretary of State can refuse to consider an appeal if the Council could not have granted planning permission for the proposed development or could not have granted without the conditions it imposed, having regard to the statutory requirements and provision of the Development Order and to any direction given under the Order. In practice it is uncommon for the Secretary of State to refuse to consider appeals solely because the Council based its decision on a direction given by the Secretary of State.

PURCHASE NOTICES:

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonable beneficial use by carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



- KEY:**
- Claremont Park RMA Boundary [19/2291/FUL]
 - Existing Claremont Park Boundary
 - Existing Paths
 - Proposed Paths
- Drawn to 'BXS-PK001-INF002-L-TLA-DR-90-P000-XX'; Date: 26/09/2019; Rev. 0.



PROJECT:
BRENT CROSS SOUTH

DRAWING TITLE:
Claremont Park RMA Boundary

DESCRIPTION:
CLAREMONT PARK OVERLAY

REFERENCE (IF AVAILABLE):
N/A

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SCALE AT A3: 1:1,525	STATUS: FOR INFO	DATE: 13/08/2020
DRAWN BY: AH	CHECKED BY: LAW	APPROVED BY: DC

ARGENT | **RELATED**
 4 Stable Street, London, N1C 4AB
 T: +44 (0) 20 3664 0200

ASITE DRAWING NUMBER: NOT AVAILABLE	REV: XXX
GIS DRAWING NUMBER: BXS-PLAN-OVER-50-A-P01	REV: P01

Filepath: G:\01_Projects\BXS\Planning\Drawings\BXS-PLAN-OVER-50-A-P01.mxd
Plot Date: 13/08/2020

LOCATION: Claremont Way Open Space in the vicinity of Claremont Way at Brent Cross Cricklewood Regeneration Area, North West London.

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

KEY DATES

Statutory Expiry:	29/07/2019
Recommendation:	17/10/2019
Ex. of time (if applicable):	18/10/2019
Site Visit (if applicable):	18/05/2019

Case Officer:	Fabiola Cedillo
Area Team:	Brent Cross Planning
Applicant:	BXS Limited Partnership acting by its general partner BXS.
Ward:	Golders Green
CIL Liability	NA

OFFICER'S ASSESSMENT

1. DESCRIPTION OF SITE AND PROPOSALS

1.1 Site Description and Surroundings

The application site measures 2.07ha and the extent of the red line boundary comprises the following:

- The northern part of existing Claremont Way Open Space;
- The southern edge of Claremont Industrial Estate;
- The southern part of Claremont Way where it meets Claremont Road; and
- Part of the parade of retail and residential properties on the southern side of Claremont Way

The application site is bounded to the north by light industrial units and on the north-eastern side by part of the existing Claremont Way Open Space and Claremont Way. To the south the site is bounded by existing residential properties along Clitterhouse Crescent, and to the east by the rear end of existing retail units on Claremont Way.

The open space currently acts as a green buffer between residential properties on Clitterhouse Crescent and Claremont Industrial Estate. It is bound extensively by tree and shrub planting with open areas in the midst of the park. The open space is used as a thorough fare connecting the area at Brent Terrace to Claremont Road and also providing connections direct through to the Industrial Estate. There are no existing facilities on Claremont Open Space and acts as an informal area of grassland which is poorly maintained and subject to fly tipping. The proposals seek to improve and enhance this resource.

There are no statutory or non-statutory designations within the application site.

Brent Cross Cricklewood Regeneration Site

The application site is also located wholly within the red line boundary of the S73 outline permission (S73 Permission) for the Brent Cross Cricklewood (BXC) scheme approved in July 2014 under F/04687/13. It is located in the southern development area of this scheme.

The BXC regeneration area is a 151 hectare development site. On the western side, the site is bounded by the Edgware Road (A5) and the Midland Mainline railway line; and to the eastern side by Hendon Way road (A41). The North Circular road (A406) which runs in an east west direction across the site separates the Northern and Southern development areas.

The Northern development area located north of the A406 consists of the existing Brent Cross Shopping Centre (BXSC) and is identified in the London Plan 2016 as a Strategic Regional Shopping Centre. The Southern development area to the south of the A406 is comprised of some large footprint retail, Hendon Leisure Centre, the Whitefield estate (of approximately 220 units), parks and open spaces, Whitefield Secondary School, Mapledown Special School and Claremont Primary School and Claremont Way Industrial Estate.

The Templehof Bridge and the A41 flyover provide the only existing direct north-south links within the site which run across the A406 North Circular Road, and the River Brent which flows east to west and is located adjacent and south of the existing Shopping Centre.

The BXC site is surrounded to the north, east and south by traditional low rise suburban development, predominantly two storey semi-detached houses. Cricklewood Railway Station located to the west of the BXC site, lies on the Midland Mainline railway line which runs between London St. Pancras and the north of England. Brent Cross Underground Station, served by the Edgware branch of the Northern line, lies to the eastern boundary of the regeneration area. The existing Brent Cross Bus Station provides access to 18 bus routes (including Green Line).

When considering against the S73 Masterplan context associated detailed consents, the site sits adjacent to Claremont Park Road to the north and Claremont Road Junction North to the east, both benefiting from detailed consent under 18/6645/FUL pursuant to S73 Permission. To the west, the site sits adjacent to land which will be

redeveloped as part of BXC as open space identified as Brent Terrace Park but does not yet benefit from detailed consent, and to the south adjacent to existing residential properties on Clitterhouse Crescent which lie outside of the BXC regeneration area red line boundary and to residential Plot 53 which benefits from detailed consent under 15/00720/RMA pursuant to the S73 Permission.

1.2 Description of Proposal

Full planning permission is sought for the following proposed development:

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

The proposed description of development excludes demolition works and the application material confirms these will come forward under the terms of the S73 Permission and pursuant to the discharge of relevant S73 Permission conditions.

Should the proposed development be implemented it would supersede and replace relevant parts of the S73 Permission including the relevant extent of the extant reserved matters approvals for Claremont Park under 15/00769/RMA.

The proposals seek to improve the quality of open space which is currently provided by the Claremont Was Open Space. The proposed park seeks to provide a range of landscape characters, working with the natural landform to provide an undulating landscape. The proposals seek to retain and enhance the distinct woodland character of the park.

A series of approximately five open lawns traverse the park from east to west integrating into mounded woodland on the west end of the park and into flat woodland on the eastern end of the park. A defined adventure playground area is located within the mounded woodland on the west side of the park, with a range of indicative informal play elements weaved throughout different areas of the park. A pond and a decking platform are proposed on the eastern side of the park adjacent to the flat woodland. The west-southern corner of the park is proposed as a garden area with play equipment to facilitate basketball hoop and incidental skateboarding activities.

A hierarchy of interconnecting routes are proposed in and through the park. The main route is 3m wide shared pedestrian and cycle route running along the northern length of the park, on the lower level, from east to west. A second main route is proposed to connect Clitterhouse Crescent to Station Square on the western end of the park.

Secondary routes at a smaller scale are proposed through and around the park, offering running circuits, walking routes, and the opportunity to explore the spaces and circumnavigate the park.

A fenced strategy without gates is proposed, six entrance points defined by low gabion

walls, and a fence and green screening to back the houses along the southern boundary of the park. Park furniture including seating, bins, drinking fountains, boulders, bollards, and ecological features are proposed throughout the park. A signage and lighting strategy also supports the proposals.

2. MATERIAL CONSIDERATIONS

2.1 Relevant Planning History

F/04687/13 – approved in July 2014

‘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.’

The Application Site lies entirely within the BXC regeneration area and Cricklewood/Brent Cross Opportunity Area as 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 BXC (as described below) was originally granted in 2010 and subsequently varied through a Section 73 planning application in 2013. The Section 73 Planning Permission was approved in July 2014 (‘S73 Permission’).

The S73 Permission divides the BXC site into a series of Development Zones (as shown on Parameter Plan 001) based on different character areas. Detailed development of within these zones received consent to come forward as Development Plots or items of Critical Infrastructure under 7 Phases and a number of sub phases. To date, a number of Reserved Matters and drop-in permissions have been granted for development associated with the following Development Zones: Brent Cross East, Market Quarter, Clitterhouse Playing Fields, Station Quarter, Brent Terrace and Railway Lands.

The application subject of this report is located entirely within the Market Quarter Development Zone. The Market Quarter Development Zone, as described within the Revised Development Specification and Framework ('RDSF'), is to sit at the heart of BXC masterplan. The predominant land use of the Zone is to be residential, with mixed active ground floor uses. The principal areas of public realm, including the High Street South and Claremont Park, are expected to provide for local shops, services and public open space that serve the day to day needs of the residential and working population. Development within the Zone is to be facilitated by the demolition of Claremont Industrial Estate, the Rosa Freedman Centre, removal of Clarefield Park and enhancement of Claremont Open Space to be a new neighbourhood park referred to as Claremont Park. These demolitions form part of the approved outline permission.

Condition 20.20 of the S73 Permission (F/04687/13)

Condition 20.20 of the S73 Permission requires the CPTROS to remain open to the public until the practical completion of Claremont Park Improvements and Clitterhouse Playing Fields Improvements (Part1) (unless agreed otherwise with the Local Planning Authority).

15/00769/RMA – approved in July 2015

'Reserved Matters application within Phase 1A (North) of the Brent Cross Cricklewood Regeneration area, submitted pursuant to conditions 1.2.1.A, 2.1 and for the part discharge of condition 13.1 of Planning Permission F/04687/13 dated 23 July 2014 for the comprehensive mixed use redevelopment of Brent Cross Cricklewood, relating to Layout, Scale, Appearance, Access and Landscaping for the Open Spaces of Clitterhouse Playing Fields and Claremont Park, including the provision of a sports pavilion, maintenance store and associated car parking.'

19/2134/BXE – approved 8 Oct 2019

'Minor variations submission of plans approved under reserved matters application 15/00769/RMA for Open Spaces of Clitterhouse Playing Fields and Claremont Park, Phase 1B(South) of Brent Cross Regeneration application F/04687/13. Changes respond to retention of Claremont Road under application 18/6469/NMA.'

17/6662/RMA – approved on 28 Feb 2018

Residential led mixed use scheme for Plot 12 comprising 292 residential units with retail uses on the ground floor.

18/6337/RMA – approved 18 March 2019

Residential led mixed use scheme for Plot 13 comprising 348 residential units with retail, community and leisure uses on the ground floor.

18/6409/RMA – approved 11 April 2019

Residential led mixed use scheme for Plot 11 comprising 352 residential units with retail uses on the ground floor.

18/6645/FUL – approved on 18 Mar 2019

‘Construction of highways infrastructure and associated public realm comprising High Street South (East Works), Claremont Park Road (Part 1), Claremont Avenue (south of High Street South (East Works) and Claremont Road Junction North, required in association with Phase 1 (South) of the consented redevelopment of the Brent Cross Cricklewood regeneration area (Ref: F/04687/13). Proposal includes including enabling works and other works incidental to the highways and public realm development.’

18/6469/NMA – approved on 5 April 2019

‘S96a application for non-material amendments to S73 planning permission F/04687/13 dated 23 July 2014 for the redevelopment of the Brent Cross Cricklewood Regeneration Scheme to retain the existing Claremont Road from its junction with Claremont Way to its junction with Tilling Road allowing it to function as a primary route in place of Claremont Avenue. The following changes are proposed. Variations to the wording of conditions: 13 (Pre- Phase 1 Commencement Submissions and Approvals), 14 (Pre- Phase 2 Commencement Submissions), 20.7 (Claremont Avenue Junction with Tilling Road), and 20.8 (Claremont Road North Junction). The deletion of condition 20.6 (Claremont Avenue). The addition of new conditions relating to: Claremont Road Improvements, Claremont Road Junction with School Lane, Claremont Avenue/Clitterhouse Playing Field Pedestrian Crossing, and School Lane. The insertion of new glossary terms for: Claremont Road Improvements, Claremont Road Junction with School Lane, Claremont Road Junction with Tilling Road, Claremont Avenue/Clitterhouse Playing Fields Pedestrian Crossing, and Tempelhof Avenue Junction with Tilling Road. Deletion of the definition of Claremont Avenue Junction with Tilling Road.’

19/1987/CON - pending determination

‘Submission of details pursuant to Conditions 2.4 and 2.5 of Planning Permission F/04687/13 dated 23 July 2014 for the Brent Cross Cricklewood Regeneration Area to make consequential amendments to the approved Revised Development Specification Framework and Revised Design Guidelines to accord with S96a changes proposed under application reference 18/6469/NMA relating to the retention of Claremont Road and changes to the status of proposed Claremont Avenue.’

18/6296/CON – approved on 21 May 2019

‘Submission of details pursuant to Condition 2.8(a) (Pedestrian and Cycle Strategy) relating to Phase 1 South (comprising Phase 1A South, Phase 1B South and Phase 1C) of planning permission F/04687/13 dated 23/07/14.’

19/1922/FUL – approved on 21 June 2019

‘Proposed site clearance, demolition of existing buildings (Unit 2; Unit 3; Units 4 and 5; Units 6, 7, 8, 9, 10, 11; Units 12 and 13; Units 14, 15, 16, 20, 21; Units 18 and 25; Unit 19; Unit 22; Unit 23; Unit 24; Units 26 and 27) and structures and associated activities at land within Claremont Way Industrial Estate, Claremont Way, London, NW2 1BG and; Rosa Freedman Centre, 17 Claremont Way, London, NW2 1AJ. Establishment of a temporary access route between the Claremont Industrial Estate and the Rosa Freedman building, incorporating levelling of existing mound to form a ramp onto the public highway.’

2.2 Compatibility of the proposed development to the BXC S73 Permission

The majority of the Site benefits from extant Reserved Matters Approval in respect of the detailed design for Claremont Park Improvements (15/00769/RMA) which was granted in July 2015 for the layout, scale, appearance, access and landscaping of Claremont Park pursuant to the S73 Permission as referred to in the section above. This permission also granted approval for Clitterhouse Playing Fields Improvements (Part 1).

The proposals for Claremont Park, subject of this application, have been submitted as a full planning application (‘drop-in’) rather than as RMA pursuant to the S73 Permission. The need for this approach has arisen as a result of the Southern Developer’s identifying an opportunity to improve the design of the extant RMA 15/00769/RMA granted in July 2015 following approval of a re-phasing application pursuant to the S73 Permission which gave the Southern Developer the responsibility to deliver this item of Critical Infrastructure, and given that deadline for which further RMAs for the sub-phase of Claremont Park (1BS) can be submitted has now passed.

Furthermore, the retention of Claremont Road to function as a primary route in place of Claremont Avenue was granted on 5 April 2019 under 18/6469/NMA pursuant to the S73 Permission. This change resulted in a revised highway layout for ‘Claremont Road North Junction’ and ‘Claremont Avenue’ (both shifting eastwards), approved under 18/6645/FUL, and a minor reduction in the overall size of Clitterhouse Playing Fields from the northern end. Such revised layout resulted in a small extension of Claremont Park (eastwards) and of the Eastern Park reflected in the illustrative layout parameter plans of the S73 scheme.

As a consequence, minor variations to the plans for the Clitterhouse Playing Fields (Part 1) element of the extant RMA (15/00769/RMA) are currently being pursued via Condition 1 of the RMA under reference 19/2134/BXE. The variations are to ensure that the existing Claremont Road can be successfully retained as part of the BXC masterplan as a result of the Claremont Road retention NMA (18/6469/NMA). These variations do not seek any amendments to the Claremont Park element of the extant RMA (15/00769/RMA) given that a complete redesign, this application, has been submitted to supersede the extant Claremont Park Improvements and also incorporate the minor extension and revised highway layout on the eastern side (18/6645/FUL).

As a result, this stand-alone planning application has been submitted for the revised design of Claremont Park that could 'drop in' to the context established by the S73 Permission and masterplan as most recently amended. This would provide updated details for those superseded elements of the extant RMA (15/00769/RMA) in respect of Claremont Park Improvements (Part 1) and would also provide a coherent integrated single development proposal for the highways and public realm surrounding Claremont Park to the north and east allowing for a holistic assessment.

In comparison to the extant RMA, the newly proposed design seeks to create a less rigid layout with an improved woodland character and with improved integration of play spaces throughout the park, amongst other improvements. The revisited design also integrates with the latest approval of the surrounding highway and public realm network along Claremont Park Road Part 1 and Claremont Road North Junction which formed part of a drop-in application under reference 18/6645/FUL, and Claremont Road which formed part of a non-material application under reference 18/6469/NMA and a consequential minor variation pursued under reference 19/2134/BXE to the extant 15/00769/RMA.

The use of drop-in applications is not unusual for large developments delivered over a number of years, such as the S73 Permission for the BXC. Whilst this type of application has to be considered on its own merits it fundamentally also needs to ensure that it doesn't prejudice the delivery of the wider S73 Permission and therefore the policy objective for comprehensive regeneration of BXC. Therefore, a key material consideration in the assessment of the drop-in is:

- i) the compatibility of the proposed development with the S73 Permission;
- ii) whether it would impinge upon or prejudice delivery of the wider BXC regeneration scheme; and
- iii) whether it would give rise to any new or significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications.

If planning permission is granted for a 'drop-in application', two planning permissions would effectively coexist for development of the same land at that point in time. In this instance, the Pilkington Principle would apply whereby implementation of any planning permission for the proposed development (if granted) would render the respective part of the S73 Permission un-implementable. However, provided that the alternative proposals within the 'drop-in application' does not prejudice the delivery of any other part of the approved BXC regeneration scheme, the proposed development can be delivered in the context of the S73 Permission. The Local Planning Authority is satisfied with this planning approach subject to the aforementioned caveats i) to iii). Therefore, an assessment of compatibility with the S73 permission is undertaken in subsequent subsections of this report.

2.3 Relevant Planning Policy

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

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

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. The table below summarises The London Plan and the Barnet Local Plan policies relevant to the determination of this planning application.

The London Plan (March 2016):

London's Places

- Policy 2.13 Opportunity Areas and Intensification Areas
- Policy 2.18 Green Infrastructure: The Multi-functional Network of Green and Open Spaces

London's Response to Climate Change

- Policy 5.2 Minimising Carbon Dioxide Emissions
- Policy 5.3 Sustainable Design and Construction
- Policy 5.12 Flood Risk Management
- Policy 5.13 Sustainable Drainage
- Policy 5.14 Water Quality and Wastewater Infrastructure
- Policy 5.21 Contaminated Land

London's Transport

- Policy 6.1 Strategic Approach
- Policy 6.9 Cycling
- Policy 6.12 Road Network Capacity

London's Living Spaces and Places

- Policy 7.1 Lifetime Neighbourhoods
- Policy 7.2 An Inclusive Neighbourhood
- Policy 7.3 Designing out Crime
- Policy 7.4 Local Character
- Policy 7.5 Public Realm
- Policy 7.8 Heritage Assets and Archaeology
- Policy 7.13 Safety, Security and Resilience to Emergency
- Policy 7.14 Improving Air Quality

Policy 7.15	Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
Policy 7.18	Supports creation of new open spaces
Policy 7.19	Biodiversity and Access to Nature
Policy 7.21	Trees and Woodlands

Implementation and Monitoring Review

Policy 8.2	Planning Obligations
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In December 2017, the Mayor published a draft new London Plan for consultation. The consultation period ended 2nd March 2018. A further draft with the Mayor's minor suggested changes was published on 13th August 2018, along with consultation responses received by the Mayor on the draft new London Plan. However, this draft new London Plan remains subject to Examination in Public with the principal hearing sessions likely to be held during the first half of 2019. Any panel report considering this draft new London Plan are indicated as being published in Summer 2019. Given status of this New London Plan limited, if any, weight should be attached to the draft policies contained within it when considering this planning application.

Barnet Local Plan – Core Strategy DPD (Sept 2012):

CS NPPF	National Planning Policy Framework – Presumption in Favour of Sustainable Development
C1	Barnet's Place Shaping Strategy
CS2	Brent Cross – Cricklewood
CS5	Protecting and Enhancing Barnet's Character to Create High Quality Places
CS7	Enhancing and Protecting Barnet's Open Spaces
CS9	Providing Safe, Effective and Efficient Travel
CS12	Making Barnet a safer place
CS13	Ensuring the Efficient Use of Natural Resources

Barnet Local Plan – Development Management Policies DPD (Sept 2012):

DM01	Protecting Barnet's Character and Amenity
DM02	Development Standards
DM04	Environmental Considerations for Development
DM16	Biodiversity
DM15	Green Belt and Open Spaces
DM17	Travel Impact and Parking Standards

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

GCrick	Cricklewood, Brent Cross, West Hendon Regeneration Area
C1	Comprehensive Development
C2	Urban Design – High Quality
C3	Urban Design – Amenity

C4 Sustainable Design
C6 Brent Cross New Town Centre

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:

- National Planning Policy Framework (July 2018);
- National Planning Practice Guidance;
- Cricklewood, Brent Cross and West Hendon Development Framework (2005);
- LB Barnet Sustainable Design and Construction SPD (2016);
- LB Barnet Green Infrastructure SPD (2017);
- LB Barnet Statement of Community Involvement (July 2015)
- The Mayor's Play and Informal Recreation SPG (2012)
- The Mayor's Accessible London: Achieving an Inclusive Environment (2014)
- The Mayor's Sustainable Design and Construction SPG (2014);
- The Mayor's Control of Dust and Emissions during Construction & Demolition SPG (2014);

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

- Mayor's Transport Strategy (2018);
- Mayor's London Environment Strategy (May 2018)
- London Local Air Quality Management – Policy Guidance (2016)
- LB Barnet's Air Quality Action Plan 2017-2022
- LB Barnet's Tree Policy (October 2017)
- LB Barnet's Statement of Community Involvement (2015)

2.3 Pre- application Public Consultation

Pre-application consultation is supported in the advice laid out in the National Planning Policy Framework (NPPF), and in response in LBB's Statement of Community Involvement (2015). Section 4.1.2 of the Council's statement states '*The aim of pre-application consultation is to encourage discussion before a formal application is made, enabling communities to have an influence on a planning proposal before it is finalised. The process can help to identify improvements and overcome objections at a later stage. Such pre-application consultations can take the form of exhibitions, presentations, workshops or simply a letter or mail shot.*

A 'Statement of Community Involvement Claremont Park' dated April 2019, prepared by Soundings, was submitted with this application which confirms the Applicant has undertaken pre-application consultation with residents and other stakeholders in the context of the proposed development and the wider BXS regeneration scheme.

The engagement took place between July 2018 and January 2019. Two sets of public exhibitions (totalling 4 days), two Community Liaison Group meetings, and one local residents' meeting who live adjacent to the proposed park were all undertaken to share

information on the design proposals, answer questions and receive feedback from local views. A number of consultation tools including feedback forms, email queries, phone calls, website registrants, website views, door to door knocking were also used by the applicant.

The statement confirms that the overall feedback on the design for the park was positive. Key concerns related to construction timelines (particularly for residents of Brent Terrace who will be subject to various redevelopments happening concurrently) and provision for young adults, particularly open green space for ball games. The statement confirms many of the comments including comments on routes and provision for young adults were absorbed by the landscape architects and were reflected in the next iteration of the designs that were presented to the public were final feedback was also collected.

As such, the pre-application engagement undertaken by the applicant is considered to comply with the Council's Community Involvement policy referred to above.

2.4 Internal /Other Consultations

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 LPA conducted a number of consultations with both statutory and non-statutory bodies relevant to the development proposed within this planning application.

- **Transport for London** raised **no objection** to the application but requested consideration of the following comments:
 - *Shared cycle/ pedestrian routes within a park are generally acceptable (taking account of cycle speed and pedestrian volumes), however, this assumes cyclists (in a greater hurry) will be able to use a more direct and safe route along Claremont Park Road.*
 - *Not clear what cycle parking is proposed, TfL would recommend cycle parking at entrance points to the park and/or next other activity zones within the park where cyclists may stop or want to meet others. There are drawings showing cycle provision, a summary of details would be welcome.*
 - *The transition/ interface between the park and Station Square is important, particularly in terms of inter-visibility between pedestrians and cyclists exiting the park and crossing vehicle traffic using Station Square. However, I note this transition is outside the park with Claremont Green, which we note will be lit.*
 - *Other areas to consider, are safe movement from the park to Claremont Park Road – inter-visibility and awareness of road traffic road is important. Raising awareness through good visibility, alignment of crossing points and promoting of low traffic speeds.*

Officers comment:

All of the above points have been addressed in discussions with the applicant and through the submission of information and clarifications.

- The **Environment Agency** raises **no objection** to the planning application.
- **Natural England** raised **no objection** to this planning application, and confirmed that based on the plans submitted the proposed development will not have significant adverse impacts on statutorily protected nature conservations sites.
- **Historic England - Greater London Archaeological Advisory Service** raises **no objection** to the planning application, and confirmed that having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available associated to this application, the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The proposed works are in a part of the Brent Cross Regeneration Area which are not of archaeological interest. No further assessment or conditions are therefore necessary.
- **Thames Water** raised **no objection** to this planning application in relation to both waste water network/waste water process infrastructure capacity and water network/water treatment infrastructure capacity, but requested the following considerations and informative:

“With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>”

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

With regard to the water network, If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater. Thames Water recommends the following informative be attached to this planning permission.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.”

- **London Fire Brigade** has responded to confirm the London Fire Commissioner is satisfied with the proposals and raises **no objection** to this application.
- **Metropolitan Police Service** – The Design Out Crime Officer raises **no objection** to the planning application but requested consideration of preventative security measures to be made to reduce the crime and the fear of crime including:
 - *The link between the future train station and Clitterhouse Crescent should be straight to allow visual connectivity, there should be no man-made objects that would provide a visual break, and any trees or bushes around here are kept to a minimum in proximity to the pathway and are as small as possible so as to not create a visual obstacle or a place to be lurking behind. The lighting proposed to this pathway should be allowed to bleed out as much as permissible to the areas surrounding the pathways so people can see what is around them thus reducing the fear of crime.*
 - *The positioning of this basketball court close to a busy walkway is sensible as it will bring with it natural activity and informal surveillance, however it means that if it were to become a problematic area then the impact will be significant as a large amount of people will be affected. A flexible approach for the long-term use of this facility was therefore recommended. This is, that it is built and designed in a way that if it is misused it can be moved, in its entirety or individual items such as benches, with consideration given now for potential back up sites if the facilities need to be relocated later should problems arise.*
 - *Incorporating the basketball court in the lighting strategy for the neighbouring path is advisable as it would give the managers of the site the option in the future to light or not light it depending on what works for them.*
 - *Planting around the basketball court should not be too dense as dense planting are often misused to stash and hide drugs and weapons.*
 - *Whilst the officer is supportive that the number of entrances have been reduced, there is a concern about the one park entrance opposite the basketball court. This area is vulnerable and providing this access gives people misusing the basketball court area a place to escape to which makes it more attractive, and also means that members of the public will have to pass it as they walk through this area, again raising the fear of crime as it is an area where people could come out of. The officer recommended that this entrance be removed or at least moved up to where the two paths meet so there is not the permeability in an area which people will have committed to walking through. If this entrance is to remain, however, the officer recommended that the lighting scheme covers this entrance for at least 10 metres beyond the fence line.*
 - *Closing and locking the park during the hours of darkness is strongly recommended. However, the Officer acknowledges that this is unlikely owing to the Council's policy in relation to locking the parks. However, the recommendation remains in case it is possible to do so and link it to the management of the wider Brent Cross regeneration project.*

- Owing to the potential of this park being used by offenders, particularly mopeds, the recommendation for the entrances was that they are all anti-moped, using kissing gates or triple chicaned barrier arrangements which are at the lowest limit allowed within the Disability Discrimination Act.

Officers comment:

All of the above points have been addressed in discussions with the applicant and through the submission of information and clarifications. Western end: The alignment of the route on the western end of the park whilst gently curving is sufficiently direct for clear views. Basketball area: The location of the basketball/skating area is close to the pathway systems which will benefit from natural surveillance. The indicative lighting proposals along this path will provide a degree of spill lighting to the court area, and it will not be lit to discourage continued use through hours of darkness. The applicant confirmed the provision of CCTV surveillance will be considered when the CCTV strategy is developed. Entrance into park opposite basketball area: this entrance allows for circular routes and direct access point within proximity of the local residents; it also helps account for the significant level changes across the park and provide an accessible route from Clitterhouse Crescent to the future train station. The lighting of the path between Clitterhouse Crescent and the station will provide a limited amount of light spill into the park at this entrance. Gating and locking the park: the Council will manage the proposed park and it is the Council's policy to not lock parks at night time. Moped enabled crime: the proposals for the entrances use boulders and bollards to discourage vehicular movement into the park whilst accessible to all users including wheelchairs and buggies.

- **National Grid (Cadent Gas Limited)** raises **no objection** to the planning application, and confirmed the IP gas pipelines in the vicinity will not be affected.
- **Brent Cross Community Access Forum** raised **no objection** but raised a concern over no step-free access to the water edge from the raised platform. Following clarifications provided by the Planning Officer no further comments were received.

Officers comment:

It is considered that there are two points around the pond that are wheelchair accessible and step-free access. The eastern end of the pond has a shoreline which is proposed in self-binding gravel and has a slope of 1:21 from the path down to the water's edge. The submitted Access & Inclusivity Statement prepared by All Clear Designs confirms this treatment will provide a) water permeable surface, b) a wheelchair trafficable surface and c) a surface that is different to the wider path network so that the people with a visual disability can detect the difference. Boulders will also be provided so that those who require support can have vertical elements to lean against while they are resting in this area. The western end of the pond has a decked platform which incorporated a wheelchair viewing platform as illustrated in Figure 91 and 95 of the submitted Landscape Design Statement.

- **LBB's Environmental Health Officer** raises no objection to the planning application. Comments provided are in respect of potential noise, air quality and contaminated land impacts occurring during the construction phase as follows.
 - For construction related impacts, it was recommended that a condition

requiring the submission of a Construction Method Statement for approval by the LPA prior to the commencement of development. Details of what the plan shall include as minimum are suggested as an Informative.

- For air quality, a compliance condition was recommended requiring all non-road mobile machinery (NRMM) of net power of 37kW and up to and including 560kW to comply with the emission standards set out by the GLA's "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG).
 - For contaminated land, a condition was recommended to require risk assessment and if necessary a Method Statement detailing site remediation to be undertaken and be submitted and approved by the LPA prior to the commencement of development. In complying with such assessments, an informative to make reference to the appropriate current guidance and codes of practice was also recommended.
 - Comments were also provided in relation to potential noise during the operational phase. To minimise noise disturbance on neighbouring properties, it was recommended that a condition requiring acoustic fencing to be constructed and details of such fencing to be submitted to the LPA prior to the development being brought into use.
- **LBB's Transport Planning and Regeneration Team** for the Brent Cross Cricklewood Regeneration Area raised no objection but requested consideration of the following points:
 - Concern over the proposed width of 3.0m for the shared footway/cycleway through the park as opposed to 4.5m given the strategy going forward of cycling and walking being highly promoted methods of movement and travel. Assessments to support the minimum width proposed needs to be provided.
 - Concern over the shared footway/cycleway junction at either end of the public highway to ensure there will be no collisions between cyclists themselves and cyclists and pedestrians. Particularly important as the public footway surrounding the perimeter of the park is not shared between pedestrians and cyclists.
 - The western entrance has a short distance from the shared pedestrian/cycle footpath to the main footway/road which could result in cycles continuing through the entrance onto the footway without dismounting. It is also noted that Claremont Park Part (2) will not be in place when this park is first operations. How will this access work in the interim stage? Placement of boulders during this stage needs careful consideration to allow access for all modes including cyclists.
 - Are cyclists restricted to which entrances they can use to access the park? Signage to alert cyclists and pedestrians to footway only paths as well as dismounting needs to be considered both within the park and on the footway outside the park.
 - Is there any cycle parking proposed within the park? How was the cycle parking provision outside the park calculated?

- An enabling works and main works CTMP is required to be conditioned on any approval granted.
- The applicant shall be reminded through an informative on any permission granted that any stopping up/diversion of footpaths may be required to footpaths within the park or outside of the park.
- Can cycle rails on the proposed steps be considered on the stepped route linking the two main cycle routes of the park? This appears to be a desire line connecting cycle routes and such facility would be considered best practice.
- Several concerns were also raised in relation to the interim stage which are discussed and addressed in more detail in the relevant section of this report.

Officers comment:

All of the above points have been addressed in discussions with the applicant and through the submission of information and clarifications. Where relevant conditions have been included with this recommendation.

- **LBB's Highways Team** raised no objection to this planning application, subject to the inclusion of an informative requiring applicant to pursue a Stopping Up Order on the relevant footways.
- **LBB's Lead Local Flood Authority** raises **no objection** to the planning application, subject to the inclusion of a condition requiring a detailed Surface Water Drainage scheme for the site to be submitted to and approved in writing by the LPA prior to the commencement of development. The detailed scheme is to be based upon the principles of the submitted Claremont Park Flood Risk Assessment prepared by Arup dated March 2019 and shall also include:
 - i) *Flood Risk Assessment/Statement*
 - ii) *Drainage Strategy with plan layout*
 - iii) *Evidence of third party agreement for discharge to their system*
 - iv) *Maintenance program and on-going maintenance responsibilities/adoption of the surface water drainage system;*
 - v) *Detailed development layout*
 - vi) *Detailed drainage design drawings*
 - vii) *Detailed hydraulic calculations including the proposed attenuation and flow control structure*
 - viii) *Development Management & Construction Phasing Plan*
 - ix) *Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.*
- **LBB's Street Lighting Officer** reviewed the application and provided **no comment** as insufficient information on street lighting detail has been submitted. The officer provided guidance on required details of lighting design submission that would be required for the discharge of any type or quantity of external lighting.

Officers comment:

An appropriately worded has been included with this recommendation to require

applicant to submit full details of external lighting.

- **LBB's Ecology Consultant** raises **no objection** to the planning application, commenting that the planting scheme and the specifications detailed in the submitted Landscape and Ecological Management Plan (LEMP) addressed the requirements of Condition 27.9 of the of the BXC S73 permission F/04687/13.
- **LBB's Green Spaces Team** raises **no objection** to the planning application subject to a number of recommendations being incorporated including: the depth of perimeter planting between the fence and footway should be no deeper than can be reached with a litter picker or should be a grass verge with can be easily litter picked; the removal of triangle planters next to the basketball hoop to provide more open space for informal use, and possibly additional seating; the incorporation of rebound fencing behind the basketball hoop; if the park is to be managed by the Council then the footpaths should be built in Tarmac not Resin Bonded Gravel. The Greenspaces officer also raised concerns about the submitted Landscape and Ecology Management Plan (LEMP) and confirmed that, whilst comprehensive, the Council is unable to agree to maintaining the park to this plan if the management and maintenance transfers back to the Council. At this point the park would be managed in accordance with the Council's boroughwide standards.

Officers comment:

Most of the above points have been addressed in discussions with the applicant and through the submission of information, amendments and clarifications. In relation to the proposed material for the footpaths within the park, there are ongoing discussions between the Council and the applicant with regards the future management arrangements for the park. For this reason a condition requiring the final surface finish material for the footpaths to be approved by the LPA prior to installation has been included with the recommendation. In relation to the LEMP, extensive discussions have taken place between the Council and the applicant, and it is considered that the proposed LEMP or any other one prepared by the Council would be appropriate for the proposals. A condition is recommended to require management of the park in accordance with the submitted LEMP or such other LEMP that might be approved by the LPA that accords with the Council's standards for public parks.

- **LBB's Tree Officer** raises **no objection** to the planning application following a review of the Tree Survey, AIA, AMS and TPP for Claremont Park, BXS dated 29/01/2019, and the submitted tree and shrub and herbaceous planting plans. The comments provided recommended some replacement species and repositioning from those shown within the submission. The main reason being that the species submitted are considered very messy, not compatible with surrounding planting, or with an impact on people with respiratory issues. It was also noted the AIA/AMS/TPP does not consider the play equipment proposed around retained tree T367 and G066, nor the southern boundary treatment including the hedgerow line and sports equipment around the shrubs and trees to be retained on the southern edge. A number of comments relating to the maintenance trees were also made on the submitted Landscape Ecology Management Plan (LEMP).

Officers comment:

All of the above points have been addressed in discussions with the applicant and through the submission of information and clarifications. A condition to prevent play and sports equipment from being installed within the RPA of any retained and new trees, and a condition that requires the submission of an AMS where the boundary treatment meets the retained trees/shrubs on the southern edge have been included with this recommendation.

- **Brent Cross Consultative Access Forum** raises **no objection** to the planning application subject to ensuring step-free access to the water edge from the raised platform at the pond's edge.

Officers comment:

The submitted drawings show the western end of the pond has a decked platform which incorporates a wheelchair viewing platform which is illustrated in Figure 91 and 95 of the Landscape Design Statement. Further, the eastern end of the pond has a shoreline which is proposed in self-binding gravel with a slope of 1:21 from the path down to the water's edge. The submitted Access & Inclusivity Statement confirmed this treatment will provide step-free access with a wheelchair trafficable surface and distinguishable from the wider path network for people with a visual disability. Therefore, the above points have been addressed through the submission of information.

- **Elected Members and Local Groups**

All Ward Councillors for **Golders Green** were notified of the planning application. No written comments in respect of the proposed development were submitted to the LPA.

- **Other Groups**

Based on the Council's current database, a number of other residents' associations and community forums were also consulted on the planning application but have not provided any comments. This included: Whitefields Estate Steering Group, Brent Terrace Residents Association, Claremont Residents Association, Claremont Residents Association, Barnet Cyclist - Borough Coordinator, Brent Cyclists, London Cycling Campaign. No comments have been received from these particular organisations.

2.5 Public Consultation Responses

Following registration of the application 544 neighbouring properties were consulted by letter with an expiry date to comment of 28 May 2019. The application was advertised in the local press on 9th May 2019 with an expiry date to comment of 30th May 2019. Site notices were also put up on site on 30th April 2019, with an expiry date to comment of 23 May 2019.

Two comments '**neither objecting to or supporting**' this planning application were received from residents within the vicinity of the site. The main points raised are:

- Supports all efforts to develop new housing and regenerate the space.
- The basketball court proposed is considered the most important part of the regeneration, however the proposed quality is considered low. Consideration of a larger basketball court, with glass backboards and absorbent cement which is less susceptible to pot-holes over the years is recommended.
- The proposals are an improvement in terms of green space to the previously proposed.
- Concern over an overcrowding of features proposed rather than allowing for a balance of informal recreational space and features that could allow for flexible use of the space for activities including cricket, rounders/softball, bowls/boules and other activities not catered for in the area.
- Claremont Gardens is a welcome addition but may be better served as an informal green space they type which is being lost from around Brent Terrace.
- As the area is a regular cut through, reconsideration of the proposed lighting arrangements to allow maximum use of the park and 24-hour safe access across the area. No rationale is provided for non-provision of lighting.
- The submitted Statement of Community Involvement makes no reference to section 149 of the Equality Act and it is unclear how the statement covers for all protected characteristics.

One comment in **support** of this planning application was received from a resident within the vicinity of the site. The main points raised are:

- The design proposals have many commendable features; however, it is not a large area and a lot has been packed into it.
- Flat open space appears to be limited, particularly considering the large number of people residing by the park in the new high-rise blocks.
- The proposal to plant new trees on the flat part of areas designated 3 should not be planted as the proposals are already crowded (lake, play areas, woodland) and there are already plenty of new trees to be planted and a woodland character to the park.
- The area designated 12 with the basketball hoop next to Brent Terrace seems a large area to contain a basketball hoop. Consideration for this area to be a flat grassy area instead, and to have a truly garden character, it should have lawn bounded by growing areas and seating areas. The basketball hoop and skate

board areas could be limited to corner instead. It is considered of extremely limited use to skateboarders and scooters due to its size.

- The existing flat open space triangles by Brent Terrace is currently in wide usage and will be lost when Plots 53 and 53 are built. There needs to be adequate replacement of this loss.

Officers comment:

It is considered that the engagement strategy, tools and events undertaken by the applicant and described in the submitted Statement of Community Involvement have been open and inclusive to give access to all protected characteristics referred to in Section 149 of the Equality Act.

The skate/basketball area has been revised by the applicant to remove some planters and accommodate a more generous space for incidental skateboarding and basketball play which local residents considered key elements of this improved open space. Hardscaping has also been revised to provide a more durable surface for such uses.

The replacement of the open space triangles by Brent Terrace has been addressed within the S73 Permission for the BXC scheme which allowed for this loss and the replacement of a series of improved and new open green spaces and public squares throughout the Brent Cross Scheme.

The Council's current policy and practice is not to light the park during dark times to discourage use of parks and reduce antisocial behaviour and crime taking place in parks at dark times. One key route is proposed to be lit which sits outside the fenced park, and full details have been conditioned as part of this recommendation.

The proposals include a range of informal green space throughout the park allowing for incidental play and recreation for a wide range of users.

The proposals are considered to provide a good balance between retaining the natural and characteristic landforms and woodland character and maximising open space between the mounds to provide for informal recreation. The proposals are considered appropriate for the scale of a 'Neighbourhood Park', and existing and new residents will also benefit from other improved open green spaces, such as Clitterhouse Playing Fields, and new ones within the BXC scheme.

A total of 3,00m² approximately are proposed across five different open lawn areas where no features are proposed. These areas are considered sufficient and flexible to provide opportunities for informal play and recreation which require open grass areas. The mounds surrounding the open lawns provide natural seating and viewing opportunities.

3. PLANNING APPRAISAL

The subsections below set out the different material considerations relevant to considering the highways and public realm scheme proposed under this application. Given the Application Site falls entirely within the boundary of the BXC regeneration scheme which benefits from outline planning permission by virtue of the S73 Permission, a key material consideration is 1) the compatibility of the proposed development with the S73 Permission and 2) whether it would impinge upon or prejudice delivery of the wider BXC regeneration scheme; 3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications.

Demonstrating compliance with these three criteria is key to ensuring the S73 Permission is not undermined therefore securing the continued objectives contained within saved Policies GCrick and C1 of the UDP and Policy CS2 of the Core Strategy DPD.

In addition to this, given it is a full planning application in its own right, it needs to be assessed on its own merits against relevant development plan policies and other material considerations. The proposed development has therefore been assessed under each material consideration heading against the relevant development plan policies to inform the Officer's conclusions and recommendations.

The main considerations relating to the proposed development are as follows:

- Principle of development
- Impact on the character
- Impact on residential amenity
- Provision of open space
- Impact on highway and pedestrian safety
- Impact on the environment
- Safety and security

3.1 Principle of proposed development

Relevant Development Plan policies

London Plan

Policy 2.13 of the London Plan designates "Cricklewood / Brent Cross" as a key Opportunity Area. It states a number of ways in which the Mayor will ensure Opportunity Areas fully realise their growth and regeneration potential.

The designated Opportunity and Intensification Areas are further controlled by Policy 2.13 Part B of this policy indicates that development proposals with such areas should seek to provide the necessary social and other infrastructure to sustain growth; realise the scope for intensification associated with existing or proposed improvements in public transport accessibility; and support wider regeneration (including improvements

to environmental quality) and integrate development proposals to the surrounding areas, especially areas for regeneration.

Draft London Plan

Table 2.1 of the Draft London Plan (2019) continues to identify Brent Cross/Cricklewood as an Opportunity Area. Policy SD1 encourages and supports growth and development in the Opportunity Areas in the same way that the adopted policy 2.13 of the current London Plan does and sets out a number of ways in which the Mayor will ensure Opportunity Areas fully realise their growth and regeneration potential.

LBB Local Plan Core Strategy (2012)

Policy CS2 (Brent Cross Cricklewood) indicates that the LBB will seek comprehensive redevelopment of BXC in accordance with the London Plan, the saved UDP policies (Chapter 12) and the adopted Development Framework.

Policy CS7 (Enhancing and Protecting Barnet's Open Spaces) includes a commitment to protect and enhance open spaces and to meet increased demand for access to open space and to tackle deficiencies for additional open space in identified growth areas, including 8ha of provision at Brent Cross Cricklewood.

LBB Development Management Policies (2012)

The supporting text to Policy DM15 states that '*People need a variety of open spaces close to where they live. Open space can provide the opportunity for relaxation, play, socialising and sporting activity which contributes to healthy lifestyles.*'

Saved policies of the LBB UDP (2006)

Policy G (Cricklewood, Brent Cross and West Hendon Regeneration Area) of saved policies of the LBB UDP (2006) states that "*The Cricklewood, Brent Cross and West Hendon Regeneration Area, as defined on the Proposals Map, will be a major focus for the creation of new jobs and homes, building upon the area's strategic location and its key rail facilities. All new development will be built to the highest standards of design as well as to the highest environmental standards. A new town centre, developed over the Plan period, will be fully integrated into the regeneration scheme*".

Policy C1 (Comprehensive Development) of saved policies of the LBB UDP (2006) states that the LBB will seek the comprehensive development of the Cricklewood, Brent Cross and West Hendon Regeneration Area in accordance with the adopted Cricklewood, Brent Cross and West Hendon Area Development Framework (2005) and delivery strategy. Development proposals will be supported if they are consistent with policies of the UDP and their more detailed elaboration in the Development Framework.

Cricklewood, Brent Cross and West Hendon Regeneration area Development Framework (2005)

Figure 1 of the Cricklewood, Brent Cross and West Hendon Regeneration area Development Framework (2005) establishes the regeneration area boundary. The framework was adopted by the Council and the Mayor of London to guide and inform the design and delivery of this area. The overarching aim of this Framework is to achieve high quality comprehensive redevelopment of the area.

Chapter 4 (Open Space Public Realm) of the Framework states *'The regeneration area falls within an area of public open space deficiency and the existing open space is of poor quality and would benefit from an improved maintenance regime. It is imperative therefore that existing public open space is improved in conjunction with any proposals for residential development.'*

LBB Open Space Strategy 2016-2026

The LBB Open Space Strategy requires that the developer addresses the importance of quality and its contribution to maximising the value of open space.

S73 Permission Requirements

The S73 Planning Permission is the planning permission currently being implemented for the comprehensive redevelopment of the BXC regeneration area. The expectations in terms of use and character for different parts of the BXC development are set out within the S73 documents, principally the RDAS and RDSF along with appended parameter plans.

The S73 Permission divides the BXC site into a series of Development Zones (Parameter Plan 001) and into a series of public realm and open spaces (Parameter Plan 003), based on different character areas.

Claremont Park Improvements forms part of Phase 1B (South).

'Claremont Park' is defined in the Glossary to Conditions of the S73 as 'means the existing open space known as Claremont Way Open Space marked 'NH2' on Parameter Plan 003.'

'Claremont Park Improvements' is defined in the Glossary to Conditions of the S73 as: 'means the improvement and modifications works to be carried out in accordance with (a) paragraph 5.32 and Table 5 (page 43) of the DSF to Claremont Park with a total area of 2.07 ha to be carried out as part of Phase 1B South and (b) in the text at page 116 of the PROSS and (c) Section B3.2, with an illustrative space typology shown in Section B3.2.2, of the Design Guidelines (in respect of which Parameter Plan 20 shows one way how such park could be carried out as part of the Market Quarter Zone in accordance with the parameters and principles approved under this Permission) and which improvements shall accord with the design principles contained in Part 2 of Schedule 28 to the S106 Agreement (unless otherwise agreed in writing in accordance with clauses 4.7 – 4.9 of the S106 Agreement between the developer of the Southern Development and the LPA);'

Assessment of proposals

The application site is located within what is referenced as Market Quarter Development Zone on Parameter Plan 001, and as Claremont Park (NH2) on Parameter Plan 003. The provision of Claremont Park (along with residential, retail leisure, business, community and hotel floorspace) form part of the key components of the Market Quarter Development Zone as shown on Parameter Plan 020 Indicative Zonal Layout Plan for Market Quarter.

Paragraph 5.32 of the RDSF states that the Market Quarter Zone includes enhancements to existing Claremont Way Open Space to create Claremont Park as shown on Parameter Plan 003 as NH2, and this space is to have a distinct woodland character in addition to play facilities for children.

The supporting text to Parameter Plan 003 confirms that whilst the general location of open spaces and public realm have been identified on this plan, the exact location, configuration and size of each space will be defined at the detailed reserved matter stage. The text also establishes the minimum size/width to be provided on Table 4 (Open Space Provision) requiring a minimum of 1.95 ha of open space provision in the case of Claremont Park to replace the existing Claremont Way Open Space of 2.3 ha.

In terms of size, the proposals are for 2.07 ha of improved public open green space. This meets and exceeds the requirements for this park as established in the S73 Permission. It is also noted that this is a greater area to that which the extant Claremont Park RMA. This is due to a different immediate masterplan context which results mainly from two recent consents including the retention of Claremont Road NMA and the drop-in Highways and Public Realm application. The highway layout approved under these permissions allowed for the proposals for Claremont Park to be of a greater area by extending further east than the previously approved Claremont RMA.

The RDAS establishes a vision for Market Quarter as an area home to a diverse mix of uses with a vibrant and dynamic town centre character, of which the provision of high quality highway network and public realm are an integral component.

The RDAS also establishes an Open Space Hierarchy across BCX scheme. Claremont Park is categorised a Neighbourhood Park which size range is to be between 1.2-2.0ha and to include facilities for play, sport, recreation, seating, planting, informal recreation, and habitat.

Therefore, the S73 Permission provides for the construction of an improved open space to replace and extend the existing Claremont Way Open Space. The proposed development seeks consent to deliver such open space infrastructure on land designated for such a purpose as part of the BXC regeneration scheme. The principle of the provision of an improved and extended open space constituting a neighbourhood park has already been established by virtue of the S73 Permission and the proposals are in line with this principle. As such, these are considered acceptable.

Provision of green space in relation to occupation of new residential units:

The anticipated residential development within the Market Quarter zone as part of the Primary Development Package of the S73 Permission was anticipated to be in the region of 885 units. Therefore, the permission ensured high quality open space would be provided for these new residents which was secured through the definition of Phase 1BS which identifies Claremont Park as an item of Critical Infrastructure of this phase, through Condition 13.2 requiring details to be submitted for Claremont Park prior to commencement of development of such item, and through Condition 20.26 which requires '*Not to occupy more than 200 residential units in the Market Quarter Zone*

prior to the practical completion and provision of Claremont Park Improvements in accordance with the relevant Necessary Consents’.

Conclusion (Principle of Development)

Having regard to the Local Plan, the Application Site falls entirely within the Brent Cross Cricklewood ('BXC') Regeneration Area as identified by the 'Cricklewood, Brent Cross and West Hendon Regeneration Area Framework (2005)' and defined on the Local Plan Proposals Map which formed part of the adopted UDP (2006) and remains as the Proposals Map for the Local Plan (subject to amendments through the Development Management Policies document). As such, this designated regeneration area forms part of the adopted development plan for the area and is the subject of saved policies contained within Chapter 12 of the Council's UDP (2006) and the Local Plan: Core Strategy DPD (2012). The site also falls entirely within the Cricklewood/Brent Cross Opportunity Area as designated within the current London Plan and the draft new London Plan.

Having regard to the S73 Permission and related consents to date, the proposal comprises the open space environment for surrounding existing residents on Clitterhouse Crescent and for new detailed residential led plot developments in the Market Quarter zone including Plots 12, 11 and 13 which detailed proposals have received planning consent under Phases 1B (South) and 1C pursuant to the S73 Permission. Collectively a total of 992 residential units are to be provided with these plots. The proposals will also provide the nearest neighbourhood park for future residential led plots within the Market Quarter Zone and wider masterplan which are due to come forward in future phases.

The S73 Permission ensured high quality open space would be provided for such resident use by requiring the applicant, under the terms of Condition 20.26, to not occupy more than 200 residential units in the Market Quarter Zone prior to practical completion and provision of Claremont Park Improvements.

As such, the principle of developing an open green space on the proposed site is compatible with the Local Plan and with the S73 Permission as this will provide improved open space to the regeneration area for new and existing residents. As such, the principle of development is considered acceptable.

3.2 Impact on character

Relevant Development Plan policies

The London Plan policies under the 'London's Living Spaces and Places' Chapter set out aspirations for high quality public realm environment. Policy 7.5 states that London's public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces. Policy 7.4 (Local Character) sets out that open spaces should provide a high-quality design response that has regard to the pattern grain, scale, proportion and mass; contributes to a positive relationship between urban structure and natural landscape features including

the underlying landform and topography of an area; is informed by the surrounding historic environment.

Policy CS5 of the Core Strategy DPD and Policy DM01 of the Development Management Policies DPD refers to the Council's aspiration for development to respect local context and distinctive local character incorporating high quality design principles including character, continuity and enclosure, quality of public realm, ease of movement, legibility, accessibility, adaptability and diversity. Saved Policy C2 of the UDP also expresses the Council's objective to seek to achieve the highest standard of urban design in the BXC regeneration area; adding that proposals will need to be consistent with the strategic principles set down in the *Cricklewood, Brent Cross and West Hendon Development Framework (SPG)*.

Chapter 4 (Open Space Public Realm) of the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework (2005) sets out a number of key design principles to be applied in this area including:

- *'The creation of a hierarchy of interconnected public realm spaces within a network of streets including urban squares and neighbourhood parks.'*
- *'Neighbourhood parks should be fronted onto and overlooked by residential development providing natural surveillance at all times.'*
- *'A comprehensive management and maintenance regime should be established to look after all public realm areas.'*

Assessment of proposals against policy

The submitted proposals demonstrate working with the existing natural landform by retaining most of the existing level changes in the design of the park to define open spaces within mounds and create interest and adventurous environments for park users. The mounds provide seating and planting opportunities. Such proposals therefore demonstrate incorporating design principles that respect the local context and distinctive local character in enhancing the site.

The park design aims to maximise the areas of open lawn space to allow for informal recreation and kick about spaces. Picnic tables and sport, play and exercise equipment (formal and informal) are also proposed for different age groups and abilities within some of the lawn areas allowing for social, exercise, physical recreation and leisure uses. All spaces are connected through a network of accessible footpaths. All spaces within the park are of a size and layout that appear to provide a balance between safety and sense of refuge. Informal recreation spaces are proposed allowing for flexible use by different groups at different times. Such proposals therefore demonstrate design principles of accessibility, adaptability, diversity, inclusivity, security and enclosure.

The proposals incorporate a hierarchy of routes that allow for opportunities to walk, run and cycle, and also explore the park. All spaces within the park are interconnected through a legible footpath network. The proposals provide for a movement network within the park that is linked up to the wider movement network of the public realm

outside the park. Such proposals therefore demonstrate design principles of ease of movement, continuity, accessibility, and connectivity.

The proposals incorporate wheelchair accessible benches, picnic tables and access to all features of the park, and equipment for all age groups and abilities. The levels strategy achieves an accessible footpath network proposed across the park, as well as main lawn areas which are proposed to be 1:40 or shallower which is considered accessible, and a central bank (arranged towards the southern edge) with a gradient between 1:3 and 1:10 enclosing the lawns whilst providing seating and planting opportunities. Such proposals demonstrate design principles of accessibility and inclusivity.

In line with the Local Plan, the proposals are accompanied by a Landscape and Ecology Management Plan for Claremont Park. Such proposals therefore demonstrate design principles that incorporate a regime to be established and look after the proposed public open space.

S73 Permission Requirements

The RDG states: *'Claremont Park is to provide Neighbourhood Park facilities for surrounding residents, including provision for quiet recreation, play and informal sports. The park should have a woodland character, with existing trees retained where appropriate. The level change across the park should be exploited to create drama and visual interest and to optimise space provision.'* Section B.3 of this document provides an illustrative typology of Claremont Park which shows a connection opportunity with Brent Terrace Park to the southwest.

The PROSS states that *'Claremont Park is intended to have a distinct woodland character throughout, with existing trees being retained and under planted with woodland ground cover species.'* It further states that the park should *'make the most of the existing level changes to create drama and visual interest.'* It also requires proposals to accommodate local play facilities and activity areas both formally and informally throughout the length of the park. The PROSS also suggests a planting theme to be of *'a damp woodland character to respond to the character created by the dynamic topography of this park and the existing trees, which will be retained, wherever possible.'*

Parameter Plan 006 (Finished Site Levels) Rev 17 shows the finished site levels (in metres AOD) for infrastructure and public realm. Re-profiling works will be carried out to achieve these levels and this will include the necessary site remediation works.

Assessment of proposals against S73

The application is accompanied by proposed Landscape Levels Plans and Existing Site Levels plan. The drawings demonstrate that the majority of the site levels have been retained and the proposed design works with such levels. The submitted drawings and the LDS show a design that incorporates a series of open lawns for flexible and informal recreation on the lower levels, and seating and viewing opportunities on the higher levels. It is noted that the formal playground is proposed at both high and low levels contributing to visual interest and sense of adventure.

Therefore, the design demonstrates how space has been maximised while working with the existing site levels, creating drama and visual interest throughout the full extent of the park.

The submitted tree survey demonstrates that one existing tree (T367) and one group of existing trees (G066) fully within the site are appropriate for retention, as well as six trees, three groups and one area of trees partially or adjacent to site on the southern boundary. Approximately 198 new trees and a range of shrubs and herbaceous planting are proposed to be planted of which a considerable amount of species are of woodland character both on the lower and higher levels. The proposals include woodland planting areas creating a buffer to the edge of the proposed park. The trees proposed provide varied interest around key entrances and spaces and contribute to the woodland character of the site.

Parameter Plan 006 Rev 17 (Finished Site Levels) of the S73 does not indicate finished site levels to be complied with for any part of the site subject of this application. It does show existing site levels for the site which are consistent with the existing site levels submitted by the applicant referred to above.

As such, the proposals are considered to be in accordance with the parameters and principles of the RDG and the PROSS of the S73 Permission.

Conclusion (Impact on Character)

For the above reasons, the proposals are considered to be in accordance with the Local Plan, and compatible with the S73 Permission without affecting the delivery of the wider BXC regeneration scheme. As such, the proposals in terms of character are considered acceptable.

3.3 Impact on residential amenity

Noise – operational phase

Relevant Development Plan policies

Policy 7.15 of the London Plan (2016) states that development proposals should seek to manage noise by measures including ‘avoiding significant adverse noise impacts on health and quality of life as a result of new development’ and ‘mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development...’

Policy DM04 (Environmental Considerations for Development) sets out policy on noise and further details are set out in the Sustainable Design and Construction SPD. Policy DM04 states that proposals that generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

S73 Permission Requirements

Sections 9.5.50, 9.5.52 of the Environmental Statement of the S73 Permission concerns noise issues and Section 9.5.71 sets out that mitigation should be sought in the proposals and states: *'With respect to noise in public open space and recreational areas, one of the principles of noise mitigation is to encourage spatial separation between noise sources and receptors. This is not feasible in this case because the facilities are already present. There is also a clear desire to maximise the use of these facilities for the benefit of the local community, so there will be a reluctance to limit hours of use, although clearly activities during hours of rest will not be encouraged. Existing boundary treatments will be inspected and upgraded to provide acoustic screening for neighbouring properties to minimise noise disturbance'*.

Assessment of proposals

The proposals relate mainly to changes to levels, hard and soft landscaping, play equipment, park furniture, a pond, fencing, and shared pedestrian and cycling routes. Whilst full details of the play equipment have not submitted with this application, a principle play strategy has been submitted (section 3.2 of the Landscape Design Statement) which includes indicative proposed play elements for different age groups. Such elements do not involve any plant equipment that would generate noise for their individual operation.

However, the Council's EH officer raised comments in relation to potential noise from the use of the basketball hoop and skateable area in the southwest corner of the park as these are located close to existing noise sensitive residents on Brent Terrace and future residents on Plot 53. On review of the consented details for Plot 53 and the submitted details for the skate and basketball area, the Level of the play area is 55cm below the proposed ground level of Plot 53; the approved northern boundary wall of Plot 53 is a 2m high brick wall on the boundary with the park which follows the park boundary for 4m before angling away from the park for a further 6m. Whilst there are two windows in the flank elevation of the northern unit of Plot 53, the building is required to be built to achieve appropriate internal acoustic levels as required by Condition 29.4 in relation to BS:8233, and Condition 29.8 'detailed noise mitigation measures'. It is therefore considered that the existing boundary treatment for Plot 53 and further controls of the S73 Permission in relation to the acoustic standard to be achieved, are sufficient to address the comments in relation to noise from the skate and basketball area.

The officer also expressed a concern about potential noise from the formal playground at the centre of the park, particularly at its highest point on the southern edge of the park, in relation to the gardens of properties on Clitterhouse Crescent. The play area is between 35m and 50m from the rear elevations of the houses. There will be additional landscape screening along this boundary. The relationship of back garden to public open space already exists.

No buildings are proposed on site such as cafes or changing facilities therefore noise from building services plant is not considered to be an issue. However, the EH officer considered that local scale events are likely to take place which may involve the use of amplified live music in which case a condition for a noise management plan would be recommended. It is considered that such local scale events would be sporadic in

nature and, as an adopted Park, would be subject to seeking permission under the Council's Events in Parks Policy which sets out that in case of music being played it may require event holders to obtain a public entertainment licence from the Council's Licensing Department. For these reasons, a condition for a noise management plan is not considered necessary and has not been recommended in this report.

Conclusion (Noise – Operational)

For the above reasons, the proposal is not considered to have a detrimental impact on the amenity of existing or future residents in relation to noise during the operational phase. Therefore, the proposals are considered to be in accordance with the Local Plan, and compatible with the S73 Permission without affecting the delivery of the wider BXC regeneration scheme.

Noise, air quality, land contamination – construction phase

Relevant Development Plan policies

Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016) – noise and vibration

London Plan Policies 5.3 and 7.14 – Non-Road Mobile Machinery (NRMM)

Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

The S73 Permission Requirements

To ensure that the construction of development uses best practicable means to minimise adverse environmental impacts, Condition 8.1 of S73 Permission requires applicant submit a final site-wide Code of Construction Practice (CoCP) to cover at minimum machinery (including noise and vibration) and likely impacts on noise sensitive premises, protection areas of ecological sensitivity and importance, site supervision, methods for the control of dust and air pollution, methods used for all channel and bankside water margin works.

Condition 8.3 of this Permission requires the applicant to submit a Construction Environmental Management Plan (CEMP) in accordance with the CoCP prior to commencement of development in any Phase and/or on any Plot or any other construction site within any Phase.

To ensure effective demolition and waste management in accordance with the mitigation measures of the Environmental Statement of the S73 Permission, Condition 9.1 requires the applicant to submit a Demolition and Site Waste Management Strategy (DSWMS) in accordance with the CoCP prior to commencement of development in any Phase or Sub Phase.

To date, a site wide CoCP has been submitted to the LPA under 18/2380/CON which is pending consideration. In relation Claremont Park of Phase 1BS of the S73 Permission, the relevant CEMP and DSWMS have not been submitted yet.

Assessment of proposals

Having reviewed the proposals, the EH Officer confirmed noise, dust and potential contamination would be areas to consider during the construction phase for the proposed park. The officer therefore recommended the following conditions to ensure the proposed development can be implemented and occupied with adequate regard for environmental health and public safety:

- A condition relating to the submission of a Construction Method Statement that sets out methods to be used and the measures undertaken to control the emission of dust, noise and vibration arising from construction works, as well as measures to prevent the passage of mud and dirt onto the adjoining highway. An informative setting out what the CMS shall include as a minimum was also recommended.
- A condition requiring that all Non-Road Mobile Machinery (NRMM) to be used during the course of demolition, site preparation and construction phases shall comply with the emissions standards set out in Chapter 7 of the GLA'S SPG 'Control of Dust and Emissions During Construction and Demolition'.
- A condition relating to land contamination requiring a Preliminary Risk Assessment and Conceptual Model to assess the identification of previous uses and potential contaminants that might be expected, and if any risk of harm a site investigation to be carried out. Where remediation of contamination on the site is required, completion of the remediation detailed in the method statement should be carried out and a report verifying that the remediation works have been carried out.

Conclusion (Impact on Amenity)

Subject to the approval of the above recommended conditions by the EH Officer, the proposals are considered acceptable in terms of noise, air quality, land contamination concerns during the construction phase of the proposed park. Such conditions are considered to be in accordance with the Local Plan, and compatible with the requirements of the S73 Permission without affecting the delivery of the wider BXC regeneration scheme.

3.4 Provision of open space

Relevant Development Plan Policy and other material considerations

Policy 7.18 Protecting Open Space and Addressing Deficiency of the London Plan sets out that the loss of protected open space must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate. Table 7.2 provides a general benchmark of public open space categorisation with guidelines on size and distance from homes.

LBB Policy CS7 seeks to secure improvements to open spaces including improvements to the provision for children's play, sports facilities and better access arrangements, where opportunities arise, from all developments that create an additional demand for open space. Policy CS11 seeks to promote the enhancement of health and wellbeing in Barnet by '...ensuring increased access to Barnet's green spaces and opportunities for higher levels of physical activity...'

12.4 of LBB Core strategy states that having more high-quality and safe place to play is a priority for both children and parents, both in terms of physical health and emotional wellbeing. Higher levels of physical activity in such places provide clear health benefits.

LBB Policy DM15 seeks to prevent the loss of open space and sets out local space standards for public parks, children play facilities, outdoor sports provision, and natural and semi-natural green space. In applying these standards, it is recognised that open spaces are multi-functional and any one space may fulfil a range of purposes.

The supporting text to DM15 states that '*The success and value of an open space network is dependent on three principal factors: the quantity, quality and accessibility of open spaces*'. It also states that '*Replacement open space should be the same or better quality than that which is proposed to be lost and be provided in the local catchment area to ensure that it does not create further deficiency in public access to open space. The Barnet 'Open Space, Sport and Recreational Facilities Needs Assessment' can be used to assess a better quality of provision.*'

Policy DM02 (Development Standards) sets out the requirements for the provision of children's play space should be in line with Policy 3.6 of the London Plan which requires development proposals that include housing to make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.

Barnet's Open Spaces Strategy 2016-2026 sets out a quality assessment criteria by which the quality of an individual open space is assessed based on factors including fitness for purpose, good quality design and robust management and maintenance (based on the 2004 Green Flag standard which is accepted as the benchmark for judging the quality of an open space). The criteria are grouped under eight main headings: welcoming; healthy, safe and secure; well-maintained and clean;

sustainability; conservation and heritage; community involvement; marketing; management.

The Mayor of London's SPG: Providing for Children and Young People's Play and Informal Recreation sets out guidance to assist in the provision of play and informal recreation. The guidance sets out Design Principles for Neighbourhood Playable Space including areas of quality, boundaries, location, layout and access, and detailed design.

Chapter 4 of Brent Cross Development Framework confirms the regeneration area falls within an area of public open space deficiency and the existing open space is of poor quality and would benefit from an improved maintenance regime. Therefore, existing open space should be improved in conjunction with any residential development proposals. It further sets out key design principles for open spaces including:

- *'The creation of a hierarchy of interconnected public realm spaces within a network of streets including urban squares and neighbourhood parks.'*
- *'existing underused and isolated spaces must be brought back into public use by improving access to them and their relationship with surrounding development'*
- *'in improving the current underused open spaces consideration must be given to shared community/education open space.'*
- *'all public spaces should function as part of an overall network of pedestrian routes and provide for the needs of users including the elderly and people with disabilities'*
- *'A clear distinction between public and private space must be established that will help to improve safety and security and give people clear direction as to where they can or cannot go.'*
- *'Neighbourhood parks should be fronted onto and overlooked by residential development providing natural surveillance at all times.'*

The Framework also sets out the following key components for Claremont Park:

'The improved open space will utilise the existing Claremont Way Open Space, its landscape upgraded, and provided with new facilities to create an attractive contiguous new expanded facility linked to Clitterhouse Fields.'

S73 Permission Requirements

The S73 Permission already establishes the principle of delivering new and improved open spaces across the BXC masterplan, including the expansion and improvement of Claremont Open Space to form Claremont Park which will be a new neighbourhood park for the area.

The RDAS establishes a Play Space Strategy for BXC hierarchy of open spaces that draws from the Mayor of London's Standards for Play. In the case of 'Neighbourhood Parks' the strategy states: *'Play spaces provided to complement neighbourhood park provision. Provision will be made for both formal and informal play activities including play equipment, sports facilities and social spaces.'* The maximum radial walking

distance from home is to be approximately 400 meters, and with a minimum size of 2,000m².

Section 8.5.4 of the PROSS supporting the S73 Permission relates to Neighbourhood Play Spaces and sets out that these spaces are to be designed for a number of age groups to serve the immediate residential neighbourhood. The recommended minimum size is 2000m² to accommodate play provision for a number of age groups and an 'activity' area for older children. Provision could be made for a combination of activities selected from '*walking, running, jumping, climbing, swinging, sliding, balancing, bike, boards skills, ball skills, construction and making, socialising and eating, experience of nature, role play/make believe*'.

Part 2 of Schedule 28 of the S106 Agreement associated to the S73 Permission includes specification of outline design principles and details the provision of key components for the provision of Claremont Park including General Outline Specifications, Buffer Planting, Network of Pathways, Play Provision, and Informal Recreation Facilities.

Assessment of proposals

Park Size and layout

The S106 to the S73 Permission and the accompanying text to Parameter Plan 03 requires Claremont Park to comprise an area of no less than 1.95ha. An indicative layout of Claremont Park is shown on Parameter Plan 20 (Indicative Zonal Layout Plan Market Quarter) of the S73 Permission.

The proposed Claremont Park provides 2.07ha of improved public open green space. It is proposed to be a Neighbourhood Park with the purpose of accommodating everyday open space needs of nearby residents as well as small/medium sized recreation spaces.

The current proposal of 2.07ha exceeds the minimum area required by the S73 Permission for Claremont Park by 0.12ha. This is a result of the recent planning consent for the retention of Claremont Road which resulted in a minor reduction in the overall area of Clitterhouse Playing Fields and highway layout reconfiguration at the junction of Claremont Road and Claremont Avenue which in turn allowed for Claremont Park to extend eastwards. Such changes are reflected in the revised Parameter Plan 020 (Indicative Zonal Layout Plan Market Quarter Rev P7) which supports Claremont Road retention NMA (18/6469/NMA) and the proposals for the park subject of this application are in accordance with this parameter plan.

A Screening Opinion 19/2386/ESR accompanied this application which considered the changes from the previously approved Claremont Park RMA (15/00769/RMA). The screening confirmed that the overall provision of green space across the wider BXC masterplan will not change under these proposals and the total quantum required under the S73 Permission will continue to be delivered. The consequential amendments to the RDSF pursued under 19/1987/CON redistributes the overall quantum to be provided across three of the key open spaces within the BXC

masterplan including Claremont Park, Eastern Park and Clitterhouse Playing Fields. The revised green space distribution across these three open spaces is:

Clitterhouse Playing Fields:

Consented: 18.2ha

Proposed amendment: 18.02ha (-0.18ha)

Claremont Park:

Consented: 1.95ha

Proposed amendment: 2.07ha (+0.12ha)

Eastern Park:

Consented: 1.2ha

Proposed amendment: 1.26ha (+0.06ha)

Given that there will be no overall change in the provision of open green space across the wider BXC masterplan, no new or different significant environmental effects are anticipated as a result of the proposed increase in size of Claremont Park and the conclusions of the S73 ES are considered to remain valid.

In term of layout, collectively, Claremont Road NMA, Highways Public Realm Phase 1 South Drop-in and minor amendments to Clitterhouse Playing Fields RMA provide a new immediate masterplan context to the north and east which the proposed development for Claremont Park integrates with.

As such, the proposals in terms of size and layout are considered acceptable.

Access

Schedule 28 of S106 to the S73 Permission relating to Outline Specifications requires the following for Claremont Park Improvements: *'the provision of a clear network of pathways through the park to link park entrances and key facilities. The pathways are to be a minimum of 4m wide to accommodate a number of users and maintenance vehicles. Primary routes to be DDA compliant. A variety of surface finishes should be provided such as tarmacadam or bonded gravel, concrete etc reflecting the status of the footpath.'*

Schedule 28 also requires *'lockable gates at all entrance points to secure the park'*. It also requires all entrances to be clearly defined and with no obstructions and to be designed in parallel with other park facilities to ensure compatibility of uses and optimum design.

Pathways:

Two main routes of 3.0m wide are proposed to be shared by pedestrians and cyclists. One is an east -west route through the length of the park and the other is a northwest – southeast route on the southwestern corner of the park from the footpath from Clitterhouse Crescent towards the new station. The LDS show indicatively how these two routes could link westwards into future proposals for the open green space adjacent to this park to the west (referred in this Claremont Green). Five secondary

routes of 2.0m wide are proposed for pedestrians only branching off from the main routes. Four of these run north-south across the park, and one runs east-west on the southern part of the park.

The applicant confirmed that the proposals have considered guidance under Section 4.5.7 of the London Cycling Design Standards (LCDS) which sets out recommended effective widths for shared routes. The proposed park is considered to fall in a peak flow category of medium/high for cycle flows (150-300/300-450 cycles per hour) and medium/high for pedestrian flows (200-450/450-900 pedestrians per hour). The recommended width for such categories is 3.0 metres.

Whilst the S73 Permission anticipated a main path width of 4m, the proposals meet the current recommendations set out in the London Cycling Design Standards for a peak flow category of medium/high for cycles and pedestrians. Having regard to these recommendations and the neighbourhood scale of the proposed park the proposals for a 3m wide footpath is considered sufficient.

Entrances:

Six points of access into the park are proposed along both an east-west and north-south axis. These link to the wider network of existing streets and footpaths as well as the streets and spaces approved to date under the S73 Permission. The main connections to existing routes are to the footpaths on Brent Terrace, the footpath connecting through to Clitterhouse Crescent, and the footpaths on Claremont Road. To the north the park responds and connects to Claremont Park Road which will be delivered as part of the early phase of development. Claremont Park Road (Part 1) has been approved through Reserved Matters. Claremont Park Road (Part 2) is yet to be consented but falls within the Phase 2 (South) (Thameslink Station Approach) sub phase and is due to be submitted in 2020.

The two park entrances leading to the primary pedestrian/cycle route through the park are proposed with wider open thresholds to allow maintenance vehicles to access the park when necessary, with a drop-down bollard restricting vehicular access at all other times. The remaining entrances are narrower facilitating pedestrian permeability through the park.

Boulders are proposed in irregular arrangements at key locations to discourage unauthorised vehicles and mopeds, whilst maintaining pedestrian and wheelchair permeability.

All six entrances to the park are proposed to be defined by low gabion walls. These are proposed in welded steel mesh with crushed concrete faced to all visible edges. Hardwood timber top seats are incorporated on the gabion walls on all entrances except at the southern entrance on the east side of the park linking to Claremont Road. Four entrances, two on the northern perimeter and two on the south-eastern side, have been considered main entrances and the gabion walls at such entrances also incorporate signage to announce the name of the park 'Claremont Park'.

The final material to fill the gabion baskets that form the walls will be secured by condition which requires details and a sample to be submitted prior to the relevant works being carried out.

The north-western access which links to Claremont Park Road (Part 2) is expected to come forward later as part of Phase 2 of the S73 Permission. Therefore, a condition to require applicant to submit any temporary arrangements required for this gateway of the park to operate before Claremont Park Road (Part 2) comes forward, has been included in the recommendation.

As such, the proposals in terms of access are in accordance with the Local Plan and requirements of the S73 Permission.

Boundary treatment

In addition to the policies and guidance stated above, the S106 of the S73 requires '*..the boundary of the park to be marked by fencing, bollards and lockable gates at all entrance points so as to secure the park.*' It also requires '*the provision of buffer planting to the southern boundary of the park to form a screen between existing residential properties and the new park area.*' Buffer planting is to be '*a maximum of 3m width of native hedge planting along the boundary, and/or improvements to existing boundary planting in these areas.*'

A perimeter strategy diagram is provided in the supporting Landscape Design Statement (page 91) illustrates proposed metal railing around the northern, eastern and western edges, and hedge and buffer planting along the southern edge.

The majority of the park is proposed to be bordered by 1.3m high metal railings around the west, northern, and eastern boundaries. No gates are proposed at the entrances to the park, and instead low gabion walls are proposed to define each of the entrances as described above. The proposals respond to, and align with the Council's Green Spaces team requirements who confirmed during pre-application discussions that the Council's current and future policy is to leave parks unlocked overnight. The Council's Green Spaces team reviewed the submitted proposals and confirmed they have no objection to the proposed access arrangements which do not include lockable gates, and they have no objections to the illustrative fencing proposed.

A boundary treatment for the playground area is shown illustratively in the Landscape Design Statement (Figure 37 and Section 3). The strategy is to provide a sense of enclosure, robust planting and low gabion walls with informal seating to define the edges. A fenced area around the area for the youngest children (1-5 years old) is described in Section 3.1 of the Landscape Design Statement. Details of gabion walls and fencing in this area have not been provided.

The southern perimeter borders existing fencing of residential back gardens, the proposed boundary treatment adjacent to this fencing comprises a hedge line positioned 0.5m away from the existing fencing followed by buffer planting and a zone for log piles which will re-use some of the trees that will be felled from the site.

The proposals are considered to be in accordance with the Local Plan and sufficiently in accordance with the requirements of the S73 Permission, subject to a condition to require applicant to provide full details of all fencing and gabion walls.

Hardscape Materials

Pathways:

All pathways (primary and secondary) within the fenced area of the park are proposed in 'resin bonded gravel' (sand colour).

The Green Spaces Team reviewed the proposals and associated maintenance plan and expressed concerns over the durability of resin bonded gravel.

The Applicant has explained that 'resin bonded gravel' has been considered in terms of both long-term maintenance and aesthetics. The average lifespan of this material for a public park used by pedestrians, cyclists and service vehicles would be expected to be 8-15 years. The applicant further confirmed the specific aggregate proposed ('Brittany Bronze') is a rounded stone with a good strength, rounded aggregates retain their fixing to the bonded surface better than a sharper edged aggregate. A further response from the applicant was provided on 22 August and 13 September to confirm alternative materials such as 'asphalt', 'exposed aggregate asphalt', and 'NatraTex', have been considered by the design team who concluded these do not suit the natural woodland appearance which the park is seeking to create nor the high quality finish that they are seeking to achieve.

In terms of ownership, management and funding of the Principal Open Spaces to be delivered by the Developer as part of the wider BXC Development, which includes the Claremont Park Improvements, para 5.1 of Schedule 21 of the S106 agreement recognises that:

“there will be different categories of open space identified and different management arrangements may be applicable and the Estate Management Framework shall make appropriate provision from the range of potential management and maintenance mechanisms. The categories are likely to include:

5.1.1. Existing parks and open spaces (ownership of these will remain with the Council).

5.1.2. New parks...”

The long-term management arrangements for the parks within the wider Brent Cross Cricklewood Regeneration are yet to be confirmed. Therefore, notwithstanding the details of the materials for the footways submitted with the application, a condition to require the final material to be approved by the LPA for all hardscaping prior to its installation has been included with the recommendation.

In relation to accessibility, the applicant supported the application with an Access & Inclusivity Statement dated April 2019, prepared by All Clear Designs. The statement confirms all pathways are proposed to be predominantly between 1:40 and 1:20 which

are considered gentle and accessible slopes. All pathways are bordered by soft landscaping, planting and resting areas making the pathways clear.

The drawings show a stepped route on the western end of the park. These are proposed to overcome a significant change in level. Building Regulations requests steps as an alternative route to the slope if there is a significant change in level. Sloped routes are provided to the west of the steps and throughout the park as non-stepped routes.

The report confirms the proposed material for surfacing (resin bonded) is a suitable surface for wheelchair users and other ambulant disabled people.

Drawing BXS-PK001-INF002-L-TLA-DR-90-D701-XX shows all proposed paving elements for footpaths will be laid with flush joints (aluminium) and on a firm bedded surface to ensure there are no gaps or trip areas. The drawings demonstrate the thresholds will have no more than a 5mm level change, and joints of no more than 10mm wide. The thresholds between materials will also have a visual contrast (by the use of different materials) thereby assisting people with visual disabilities. The Green Spaces Team has also confirmed to be satisfied with such threshold treatment for the footpaths.

Notwithstanding, drawing BXS-PK001-INF002-L-TLA-DR-90-D701-XX does not show the threshold interface between the pathway and the Main Play Area as details of the surface treatment for this space have not been submitted. A condition requiring such detail to ensure there are no gaps or trip areas in this area is therefore recommended.

Bark Trail:

An informal trail route through areas of planting is proposed as a playful element and to engage with the ecological features of the park. This is proposed in 'composted bark mulch' (5cm depth). Throughout the trail 'concrete paving' (60cm x 30cm x 8cm) are proposed as stepping stones. Log piles are also proposed to provide for habitat and also informal play.

In terms of accessibility, the submitted Access & Inclusivity Statement confirms the bark trail will present challenges to wheelchair users, as would the stepping stones along the trail, however, the features visible from the route are also reachable from the edge of the main pathway, and children using the stepping stones are visible from the edge of the path and the landscape.

Main Play Area:

The submitted Landscape Design Report dated April 2019 shows indicatively 'rubber crumb' as the surface treatment for the Main Play Area. Details have not been submitted, therefore a condition requiring this is recommended. As referred to above, a condition is also recommended to require details of threshold treatment between this area and the footpaths to ensure an accessible treatment with no gaps or trip areas.

Pocket Sports Area:

Two materials were originally proposed for the Pocket Sports Area. Coloured asphalt surface (cream colour) with court lines is proposed for the basketball area, and small unit concrete paving (30cm x 10cm) (light grey colour) for surrounding footways within this area.

Following comments from the LPA and Greenspaces Officer on the appropriateness of small unit concrete paving for skating purposes, the applicant has revised the material proposed in this area to be resin bound gravel. Although not a dedicated concrete surface for skateboarding, given that the skate provision is intended as more incidental, the proposed material is considered acceptable. A condition which requires the material to be specified and approved by the LPA prior to its installation is recommended.

Pond:

A shoreline of 'self-binding gravel' (5cm depth) is proposed on the western edge of the pond to allow park users to come closer to the water's edge. The submitted Access & Inclusivity Statement confirms this treatment is appropriate for wheelchair users and other users with mobility impairments.

Play Provision

The detailed specification of play equipment has not been submitted with the application. However, a play strategy and indicative play equipment schedule is provided in Section 3 of the Landscape Design Statement, and the submitted drawings demonstrate that the design of the park caters for indicative play elements which are proposed to be distributed both formally and informally throughout the park as follows:

Central area:

- A formal playground on the western part of the park with two sections, one area of approximately 500m² capable of accommodating play equipment for 0-5 years, and another area of approximately 1,000m² capable of accommodating play equipment for 5-11 years.
- A 'natural amphitheatre' approximately 470m² with timber decking proposed at the centre of the open lawn for 12+ year olds.

Southern area:

- Open grass areas capable of accommodating play and exercise equipment for all ages including climbing ladder, parallel bars, pull-up bars, stepping stilts, leg press, step bench, workout-bench
- An open grass area further to the east (approximately 120m²) capable of accommodating a belt net combo and a spinning turntable for 5-11 year olds.
- An open grass area further to the west (approximately 170m²) capable of accommodating basketball hoops and skateable edges for 12+ year olds.

Northern area:

- An area of informal play within the bark trail including tree trunks and logs, rocks/boulders, trail, and stepping stones.

- An open grass area near the eastern most entrance capable of accommodating informal play and a table tennis for 12+ year olds.

The table below appraises the indicative play equipment proposed against the play equipment requirement of the S73 Permission:

S106 Play Equipment Requirement	Proposals and appraisal
<p>General</p> <ul style="list-style-type: none"> • Play areas to conform with GLA best practice and be appropriately fenced with self-closing gates, safety surfacing in all appropriate areas and be fully wheelchair and pram accessible. • Neighbourhood Play area to be a minimum of 2,000m² in total. Provision to be made of 3 age groups either in one single location or separate locations as indicated on the initial spatial layout set down in the Design Guidelines for this park. • Landforms to be provided to form part of the play experience. 	<ul style="list-style-type: none"> • Details of play areas have not been submitted. An indicative play strategy of the submitted LDS shows indicatively a play area for 0-5 year olds to be fenced, safety surfacing for the formal playground comprising of the area for 0-5 years, and the area for 5-11 years. The natural level change across the path splits the formal play area into an upper and lower area. Both upper and lower areas are independently accessible from surrounding pathways, the link between the two is a bank which whilst playable is not wheelchair accessible from within. <p>The Council's Green Spaces team confirmed that fencing would only be required for 0-5 olds, and the indicative safety surfacing is acceptable. The submitted drawings and the Access & Inclusivity Statement submitted confirms all play areas are independently accessible from surrounding wheelchair/pram accessible pathways.</p> <ul style="list-style-type: none"> • A 'main play area' at the centre of the park provides playable areas for 0-5 age group (500m²) and 5-11 age group (1,000m²). A 'pocket play area' on the southeast corner of the park provides for 5-11 age group (120m²). A 'pocket sports area' (170m²) on the southwest corner of the park and an 'amphitheatre' (470m²) at the centre of the park provides for 12+ age group. Collectively, a total of 2,260m² of play area for 3 age groups is provided at various locations of the park. <p>As such, the proposals meet and exceed the minimum play area requirement by 260m².</p> <ul style="list-style-type: none"> • Details of play areas have not been submitted. However, the proposed levels drawings demonstrate landforms will be provided to form part of the play experience. Such landforms are provided in the formal playground referred to the

S106 Play Equipment Requirement	Proposals and appraisal
<ul style="list-style-type: none"> • Picnic area to be provided – a minimum of 3 no. picnic tables and seats in close proximity to the under 5's play area – minimum area 200m². 	<p>'main play area' at the centre of the park and also throughout the park where it play and sports equipment will be provided for informally.</p> <p>As such, the proposals meet the play experience requirement relating to landforms.</p> <ul style="list-style-type: none"> • Details of play areas have not been submitted. However, Figure 37 (Illustrative Plan) of the submitted LDS shows indicatively that 2 no. picnic tables with seats are envisioned within the under 5's play area of 500m². Additional picnic areas are proposed on the northern part of the park, two of 160m² and one of 80m², collectively providing 400m² of picnic area throughout the park in areas of informal play, open grass. One of these tables is proposed at a short distance from the under 5's play area however on the other side of the footpath and with no direct views into this play area. <p>The proposals provide picnic areas throughout the park and anticipate the provision of picnic tables within the play area. As details for the play area have not been submitted, a condition to secure picnic tables within the play area is recommended. As such, the proposals are acceptable and compatible with the S73 Permission.</p>
<p>Under 5 years old – minimum 500m², provide a minimum of 5 pieces of play equipment to include but not limited to:</p> <ul style="list-style-type: none"> • Swings with minimum of 2 bays (1 toddler and 1 DDA) • Springers • 1 no see-saw • Roundabout • Spinning seats • Multi-platform tower unit with a series of play features, access points and slides • 3 no. seats minimum 	<p>Figure 121 of the Landscape Design Statement is an illustrative plan of play locations and identifies 500m² of space allocated to under 5 years old within the 'Main Play Area'. Figure 122 of the Landscape Design Statement shows an indicative selection of play equipment for this age group including:</p> <ul style="list-style-type: none"> • Nest swing (1 bay) • Toddler swing (2 bays) • Spring rockers • Standing see saw • Accessible roundabout • Play house • Junior slide and climbing tower • Seating incorporating on gabion walls surrounding the play space and in picnic tables • Echophones <p>In principle, the indicative play equipment is considered appropriate for this age group, diverse, accessible and in line with play equipment guidance.</p>

S106 Play Equipment Requirement	Proposals and appraisal
	<p>In terms of surface area, the drawings demonstrate 500m² has been secured as play area for under 5 years old. As such, this is considered acceptable and also compatible with the requirements of the S73 Permission.</p>
<p>5-11 years old – Minimum 1,000m², provide a minimum of 5 pieces of play equipment to include but not limited to:</p> <ul style="list-style-type: none"> • Swings and/or basket swings with a minimum of 4 bays – (3no. junior and 1 no. DDA) • Roundabout/rotating disc • 1 no. cone climber • 1 no. rope net for climbing • Multiplatform tower unit with a series of play features such as climbing, hanging and traversing etc, slides and access points • 2 no. seats minimum 	<p>Figure 121 of the Landscape Design Statement is an illustrative plan of play locations and identifies 1,000m² of space allocated to 5-11 years old within the 'main play area', and 120m² within a 'pocket play area' on the south-eastern corner of the park. Figure 122 of the Landscape Design Statement show an indicative selection of play equipment for this age group including:</p> <ul style="list-style-type: none"> • Double swings • Accessible nest swing • Accessible spinning turntable • Climbing log • Belt net combo • Scramble net • Slide and climbing tower • Helleberg multi-play unit • Four-person see-saw • Fibre-glass boulder • Seating incorporating on gabion walls surrounding the play space and in picnic tables <p>In principle, the indicative play equipment is considered appropriate for this age group, diverse, accessible and in line with play equipment guidance. In terms of surface area, the drawings demonstrate that 1,120 have been secured as play area for 5-11-year olds which meets and exceeds the S73 Permission requirements for this age group. As such, this is considered acceptable and also compatible with the requirements of the S73 Permission.</p>
<p>12 + years – minimum 500m², provided as a kickabout area, with basketball hoop and basket swing, and agility/equipment, 3 no. seats minimum.</p>	<p>Figure 121 of the Landscape Design Statement is an illustrative plan of play locations and identifies 170m² of space allocated to 12+years within the 'pocket sports area', and 470m² within the 'amphitheatre' at the centre of the park with a decking platform on lawn. Collectively this amounts to 640m² of play space for 12+years. Additionally, 3,00m² of open grass areas throughout the park also provide for informal kick about opportunities. Figure 122 of the Landscape Design Statement show an indicative selection of play equipment for this age group including:</p> <ul style="list-style-type: none"> • Basketball hoop

S106 Play Equipment Requirement	Proposals and appraisal
	<ul style="list-style-type: none"> • Skateable edges/features • Decking platform on lawn • Two table tennis • Alternative to basket swing <p>Details of play equipment for this age group has been provided except for the 'table tennis', and an 'alternative to a basket swing'. The proposed and indicative play equipment is considered appropriate for this age group, diverse, and accessible according to guidance. In terms of surface area, the drawings demonstrate 640m² has been secured as play space for this age group which meets and exceeds the requirements of the S73 Permission. As such, this is considered acceptable with the Local Plan and compatible with the requirements of the S73 Permission.</p>

As referred to in the submitted Access & Inclusivity Statement, following pre-application consultation with the CAF, the applicant confirmed that tactile representation of the park and braille signage on the play equipment could be provided. This is in line with the principles of accessibility of play equipment of the policy and guidance referred to above.

Whilst play details have not been submitted, play provision is shown indicatively and the proposed design of the park demonstrates that it successfully accommodates the area requirements for play space which meets and exceeds the minimum requirements.

As shown above the proposals show indicatively a range of play equipment to suite a range of users of all ages and abilities. The submitted drawings demonstrate that all play and sport areas are directly accessible from wheelchair accessible pathways. This type of equipment is considered in principle acceptable as it accords with the policies and guidelines of inclusive and accessible play and sports equipment. The indicative proposals are considered in principle acceptable with the Local Plan and compatible with the requirements of the S73 Permission. A condition to require full details and specification of the play equipment is included in the recommendation.

Informal recreation facilities

The S106 to the S73 Permission requires provision to be made for informal recreation facilities provided in open grass areas minimum of 1,00m² and seating through the park.

Figure 121 of the submitted Landscape Design Statement illustrates that a total of 3,00m² are proposed across five different open lawn areas. These areas provide opportunities for informal play and recreation which require open grass areas. In addition, pockets of 'equipment for all ages' are proposed distributed informally along the southern edge of the park including climbing-ladder, parallel bars, pull-up bars,

stepping-stilts, leg press, step bench, workout-bench, parallel bars as identified in Figures 122 and 124 of the Landscape Design Statement.

Another pocket of additional informal play is proposed on the northern edge of the park north of the pond identified as 'play trail'. This area includes tree trunks and logs, rocks, fibre glass boulders, tree trunks and logs, rocks/boulders, trail and stepping stones. The proposed surface treatment for the trail is bark mulch.

The proposed arrangement of informal play and recreation distributed across the park through the different pocket spaces is considered to encourage greater interaction with the planting and ecological features of the park which is in accordance with the policy and guidance stated above.

Pond

A pond is proposed towards the centre of the park. To the west end of the pond, a timber decking platform is proposed which incorporates timber seating, a viewing platform accessed by steps, an extended platform with step-free access, and metal hand rail with metal bars. Low gabion walls (approximately 650mm wide x 500mm height of varying lengths) are also proposed around the decking platform adjacent to the footpath and the seating. Full details of the gabion walls have not been provided and a condition to require these is recommended.

To the east end of the pond a shoreline is proposed with 'self-binding gravel' as surface treatment with a slope of 1:21 from the path down to the water's edge. Seven boulders are proposed on this shoreline ranging from 0.35m to 0.45m in height, as well as a bench for seating.

The submitted Access & Inclusivity statement confirms that compacted gravel provides a water permeable surface, a wheelchair trafficable surface, and a surface that is visually different to the pathway so people with visual disability can detect the difference. The boulders are considered to provide opportunities for informal play, as well as to support and lean against while people are resting in this area. Thereby allowing access to the water's edge for all users.

The applicant confirmed the proposed permanent water depth of the pond is 1.4m. No piling or any special measures to dig the pond are anticipated, though a borehole is proposed to draw water from the aquifer to recharge the pond, to approximately 70m below ground level. The applicant also noted there is perched groundwater approximately 5.0m below ground level, but this is not a viable source. For this reason, an informative has been included with this recommendation to advise the applicant to contact the Environment Agency to obtain any necessary licences and consents required when abstracting water from a borehole.

The pond is considered to provide ecological and wildlife value, a visual attraction and amenity, and a defining feature of the park. Subject to any necessary licences and consents required by the Environment Agency, the proposal is considered acceptable.

Park furniture

The S106 to the S73 Permission requires seating and rubbish bins to be distributed to ensure there is sufficient coverage along the primary circulation routes and increased number at natural gathering points such as the gateways, play and activity areas. The seating will be specified to accommodate a wide range of users and with seating at different heights and design in accordance with good practice.

Assessment of Proposals

Seating is proposed to be incorporated throughout the park, along footpaths, within grassed areas and adjacent to play and exercise areas. Four types of benches are proposed including: 5 benches and 2 double faced benches both in timber and with steel armrests along the primary and secondary footways across the park; 4 loungers in timber near the pond to the south; and 2 benches along with additional multifunctional concrete structures which allow for seating and incidental skateboarding near the basketball area.

As referred to under the Access and Boundary treatment of this report, low gabion walls are proposed at the entrances of the park which incorporate timber tops for seating. Similarly, low gabion walls are indicatively shown around the Main Play Area. In line with the requirements of the S73 this provides seating at natural gathering points and play and activity areas.

A multifunctional platform bench is proposed in the centre of the park for the area identified as 'Amphitheatre'. The detailed design and specification of the bench will be secured via condition.

A total of 5 picnic tables are proposed within open lawn areas and within the Main Play Area. Two types of picnic tables are proposed. One type can accommodate wheelchairs to fully sit under the table top with others and is proposed within the open lawn areas and also next to the path.

A total of 3 drinking fountains are proposed within the park. These are considered to be evenly distributed throughout the park and near activity areas such as the sports and play area as well as the informal recreation pockets providing access to users of all ages and abilities. The detailed design and specification of the drinking fountains will be secured via condition.

A total of 16 bins (8 litter bins and 8 dog waste bins) are proposed along main pathways next to key entrances and adjacent to picnic areas and play areas, evenly distributed through the park. Dog waste bins are proposed to be metal with rubber lid min 45 litre capacity and to the Local Authority's standard or equal. Litter bins are proposed to be steel shell with closed top lockable lid to the Local Authority's standard or equal. It was considered that an additional litter bin/dog bin could be provided near the south-eastern entrance to the park, and the bins to the north-western entrance relocated within the red-line of the application to ensure appropriate provision throughout the proposed park. The applicant agreed to the suggestions and amended the drawings accordingly.

A total of 19 boulders of stone ranging from 0.35m to 0.45m in height are proposed near at the entrances to the park and along the footpaths approaching the entrances across the park. Those at the entrances to the primary route on the northern side of the park are arranged to discourage mopeds from entering the park whilst allowing for wheelchair users to access. Approximately 7 boulders of stone ranging from 0.35m to 0.45m in height are also proposed near the eastern access to the water edge at the pond area.

One fold-down bollard of 1.0m height in stainless steel with pad locks is proposed near each of the two entrances to the northern main route of the park (one on the east and another one to the west) to prevent vehicles from entering the park.

Cycle parking within the park is not proposed and does not form part of the proposals. However, Figure 150 of Landscape Design Report shows two areas adjacent to the park falling outside the site boundary where cycle parking spaces will be available. One is adjacent to the park entrances on the north-eastern part of the park (Claremont Park Road Part 1) and the other is to the west of the park where the Brent Terrace Linear Park is anticipated (referred to Claremont Green within this application).

A total of 18 cycles parking spaces are to be provided adjacent to the park entrances on Claremont Park Road (Part 1), under planning consent 18/6645/FUL with details to be submitted under Condition 14 of this permission. The submitted proposals considered the quantum of cycle parking approved along Claremont Park Road (Part 1) appropriate to support visitors of the Park travelling by bicycle. Following comments from the Transport Officer, the applicant has incorporated cycle rails on the stepped route linking the two main cycle routes of the park and amended the drawings accordingly. As such, the proposals are considered to be acceptable.

Signage

Relevant Development Plan Policies

Barnet's Green Infrastructure SPD (Adopted October 2017) states that in addressing accessibility issues of green infrastructure, removing physical barriers through improved design and signage enhance access to open spaces. It further sets out that consistent, continuous, and inclusive signage are important considerations to the quality of provision of such signage.

S73 Permission Requirements

The Access and Wayfinding Strategy approved under 14/07957/CON pursuant to Condition 1.26 of the S73 Permission, sets out an access and wayfinding strategy that comprises inclusive design parameters, key wayfinding principles, and an integrated wayfinding system for the Brent Cross Scheme. All detailed designs within the BXC development are expected to comply with the strategy.

Assessment of Proposals

Section 5.6 of the submitted Landscape Design Statement shows an indicative signage strategy for the proposed park. The strategy comprises 'informative signage',

'shared surface signage', 'gabion walls with signage', and 'educational signage'. Figure 156 of the Statement illustrates indicative locations for the signage strategy. Informative panels are indicatively positioned in proximity to the main entrances of the park, shared surface signage along the main paths, and educational signage near the pond and Play Trail and other ecological features such as insect bug hotels.

The same section confirms the principles of the strategy are to allow for clear and concise wayfinding signage avoiding over cluttering; focusing informative signage at key entrances; include educational and informative signage through the park to highlight key features; and address accessibility and inclusivity issues within the signage strategy. However, the strategy does not demonstrate how it integrates with Legible London wayfinding system set out in the wider Access and Wayfinding Strategy pursuant to Condition 1.26 of the S73 Permission F/04687/13 approved under 14/07957/CON.

The proposed signage strategy is considered to be in accordance with the high-level principles of the Local Plan and the S73 Permission. Notwithstanding, a condition to require full details that also demonstrate compliance with inclusive measures to provide navigational support for the visually impaired, and integration with the Access and Wayfinding Strategy consented under 14/07957/CON is recommended.

3.5 Impact on highway and pedestrian safety

Relevant Development Plan Policies

Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016), and to accord with the Mayor's The Control of Dust and Emissions During Construction and Demolition SPG (2014).

Policy CS9 of LBB's Core Strategy DPD and Development Management Policies DPD (2012) states that in providing safe, effective and efficient travel the Borough will continue to invest in improvement to the condition of roads and footways and will seek to make cycling and walking more attractive for leisure, health and short trips. The Core strategy sets out four main transport priorities including more environmentally friendly transport networks.

Mayor's Transport Strategy (MTS) (2018) aims to change the transport mix across London including providing alternatives to the car, as well as improving streets and public spaces to create a better city for people to both live and work. The strategy states the future of London's transport system depends on a modal shift to increased cycling and walking.

TfL's Streetscape Guidance (2016) outlines high standards for designing London's streets and spaces by applying best practice design principles.

Mayor's London Cycling Design Standards (2016) sets out a vision to make London a 'cyclised' city, by increasing the number of cyclists in the city and by improving cycling

infrastructure. It sets out TfL's guidance for the design of cycle friendly streets and spaces.

S73 Permission Requirements

Condition 2.8 of the S73 Permission requires developers to submit a Pedestrian and Cycle Strategy (PCS) for any Phase or Sub Phase of the scheme setting out details of new and/or improved pedestrian and cycle links and cycle parking spaces in accordance with the Area Wide Walking and Cycling Study approved by the LPA under Condition 1.20.

Condition 12.1 and 12.1.2 pursuant to the S73 Permission requires details of a site-wide Construction Transport Management Plan (CTMP) to be submitted and approved prior to commencement of development which is to be revised by the developer at least every 3 years.

Pedestrian and Cycle Proposals:

The eastern and northern entrances to the park have been co-ordinated with the consented network of highways and public realm (under application 18/6645/FUL) including Claremont Park Road (Part 1) to the north, and Claremont Avenue and Claremont Road North Junction to the east. The detailed design of Claremont Park Road Part (2) are yet to come forward in Phase 2. Therefore the detailed design of Claremont Park Road (Part 2) will need to take into account the locations of the western entrances to the park.

A Pedestrian and Cycle Strategy for Phase 1B (South), which includes the Claremont Park Improvements, was consented under application 17/6804/CON. A further Pedestrian and Cycle Strategy for Phase 1 (South) was submitted under application 18/6296/CON comprising Phases 1A(S), 1B(S) and 1C. The latter supplements the Pedestrian and Cycle Strategy for Phase 1B (South), so together these documents comprise the relevant strategy for Phase 1B (South). The PCS for Phase 1(South) addresses new proposals for Phase 1C which includes residential development Plots 11 and 13, and also reflects the 'drop-in' application for Phase 1 South Highways (reference 18/6645/FUL) which integrates with Plots 11 and 13 and seeks to supersede areas of highway infrastructure previously consented in Phases 1A (South) and 1B (South) to reflect the retention of Claremont Road NMA 18/6469/NMA.

Figure 6 of the Pedestrian and Cycle Strategy for Phase 1(South) illustrates a mixture of both formal and informal crossing facilities within the highway network surrounding most of Claremont Park. Of most relevance to this application are the informal crossing facilities on raised tables consented on Claremont Road (Part 1) to link the tertiary north-south routes to Claremont Park via flush crossing facilities suitable for all users. Raised tables would provide step-free connection on key walking desire lines to encourage walking as the primary mode for local journeys within the BXS. Formal crossing points on key walking desire lines over a raised table is consented for the Claremont Road North Junction which sits adjacent to the east end of the proposed park. Claremont Avenue which continues north of this junction is a shared pedestrian and cycle street (3.7m wide route) with no segregation and limited vehicle access.

Figure 9 of the Pedestrian and Cycle Strategy illustrates the cycle network to be delivered within Phase 1 South which surrounds most of Claremont Park. Closest to the park is Claremont Park Road (Part 1) (7.8m wide) which will provide a route recommended for cycling and with cycle symbols on the carriageway surface. Cyclists will share the street alongside vehicular traffic, and it is expected that the use of symbols will encourage cyclists to cycle in the primary position, giving them increased priority on the route.

Therefore, the proposals of this application for a shared footway/cycleway route through Claremont Park links with Claremont Avenue (accessed at its junction with Claremont Park Road). It also links to the tertiary streets on the sides of Plots 11, 12 and 13 which can be used by cyclists alongside vehicular traffic. Finally, 2m mandatory on-carriageway cycle lanes will be provided along the High Street South (East Works) linking up to the south with the tertiary streets, Claremont Avenue and Claremont Park Road (Part 1).

Shared footway/cycle way junctions with public highway:

At the junctions where the shared footway/cycleway meet with the footway on the adjacent public highway, appropriate signage will be provided to advise cyclists that they are leaving a cycle route and to dismount to mitigate potential conflict between cyclists and pedestrians as cyclists come in and out of the proposed park.

The applicant clarified that cyclists would be permitted to enter the park at the eastern and western end of the park. They would be expected to dismount to use the intermediate access points along Claremont Park Road, and the southern access points along Claremont Road and Clitterhouse Crescent.

Details of required signage will be secured by condition attached to the recommendation.

Existing public rights of way:

The existing site comprises several footpaths which are existing public rights of way under the Highway Authority which will be removed and replaced by a new network of paths. Therefore, stopping up and/or diversion of footpaths will be required either to the footpaths within the site or outside of the site. The regulations under the Public Path Order under Section 257 of the Town and Country Planning Act requires applicant to apply for a Public Path Order should diversion/stopping up be required. For this reason, it is not considered necessary to attach a planning condition as there are other regulations in place to secure this.

Construction Transport Management Plan

To ensure appropriate construction transport management is adopted to minimise the construction impacts, the Transport Officer has recommended a condition be attached requiring a Construction Transport Management Plan (CTMP) be submitted and approved by the LPA.

3.6 Impact on the Environment

Trees

Relevant Development Plan Policies

DM01 (Protecting Barnet's Character and Amenity) and DM16 (Biodiversity) states that trees should be retained wherever possible and any removal will need to be justified in a survey. Where the removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

The Council's Tree Policy (October 2017) considers management of trees located on land owned by the Council. Section 2.38 states that only essential tree works for health and safety and subsidence risk will be carried out. Cosmetic works will not be considered in parks and open spaces, unless they are considered reasonable to undertake by the Tree Officer. Section 2.39 states that tree removal will not be considered if there is little risk associated with tree retention. High risk zones will be identified and trees within these zones will be inspected following significant storms. Section 2.40 states tree management is restricted mainly to high traffic areas, accessible by the public. Works concerning public safety are a priority around car parks, boundaries, footpaths and bridleways.

S73 Permission Requirements

The S73 Permission does not set out minimum quantum requirements for tree planting for Claremont Park. The supporting PROSS, however, does set out the following: *'Claremont Park is intended to have a distinct woodland character throughout, with existing trees being retained and under planted with woodland ground cover species.'* It further states that the park should *'make the most of the existing level changes to create drama and visual interest.'* It also suggests a planting theme to be of *'a damp woodland character to respond to the character created by the dynamic topography of this park and the existing trees, which will be retained, wherever possible.'*

Proposals

Assessment of Proposals

A document titled *Tree Survey, Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan In Accordance with BS 5837:2012* for Brent Cross South, Claremont Park was submitted with this application. The original version of the document was revised by the applicant to amend various inconsistencies that had been submitted in error. The final version of the document is Revision B dated 19/08/2019.

The proposals include the removal of 8 individual trees, 2 areas of trees, a section of one further area of trees, and one group of trees to allow construction of the new park. The submitted survey justifies their removal and identifies these trees as required to be removed in order to achieve the proposed development, the majority of which are Category C (low quality) or Category U (poor condition cannot be retained as living

trees). The removal of one Category B tree is required to facilitate level areas within the park and the accessible pathways at suitable gradients.

A total of 3 individual trees and 1 group of trees are proposed to be retained. The submitted report confirms the alignment of structures does not encroach with the Root Protection Areas of any of the trees proposed to be retained except for T206 for which a 'no dig' construction technique is proposed within the submitted Arboricultural Method Statement.

A total of 198 of new trees are proposed to be planted. The proposed planting supports a woodland character with trees acting as defining feature and creating amenity value. The species proposed also support high wildlife value increasing habitat creation and biodiversity on site. Such proposal is considered suitable mitigation in respect of replacement planting.

A range of shrub and herbaceous planting is also proposed along the perimeter of the park and along edges that define open spaces across the park. The height of this planting varies between 1 and 2 metres height.

On the southern boundary of the site a hedge line is proposed ranging between 150 and 170cm height, at a planting density of 3/m² planted in double row. It is a mix of three different species. The hedge line is proposed at a distance of 0.5m away from the existing fence line of residents' back gardens on Clitterhouse Crescent which is to be retained.

Lawn is proposed for all open areas of the park where activity is expected, except for the bulb mix areas where lawn is also proposed in the periods when bulbs are not grown.

The submitted TS/AIA/AMS/TPP as amended does not consider the play and sports equipment and boundary treatment and other works proposed in the vicinity of retained trees T367, G066, T380, T378, T377, T376, T375, T206, G106, G107, and A049, as shown on drawing 6907-D3-AIA RevB, as details for these works have not been provided with the application. Therefore, a condition has been recommended to prevent play and sports equipment from being installed within the RPAs of the Main Play area and the southern boundary, as well as a condition to submit an Arboricultural Method Statement / Tree Protection Plan in the event any boundary treatment details meet or encroach on the RPA of existing trees to be retained or any new trees to be planted.

The application therefore proposes a significant amount of new planting and the retention of appropriate trees where possible, both contributing to the woodland character of the new park. As such, and subject to the recommended conditions, the proposals are considered to meet the Local Plan and the S73 Permission requirements.

Ecological features

Policy DM16 (Biodiversity) states that ‘*When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.*’ It also states that ‘*Where new open spaces are provided or landscaping is included as part of development proposals Barnet will favour the provision of habitats for species in the London Biodiversity Action Plan.*’

The proposals incorporate bat boxes, bird boxes, bug hotels, log piles, a pond and aquatic plants, SUDS where possible. Figure 140 of the submitted Landscape Design Statement shows an illustrative distribution of such ecological features. The log piles are shown on the southern boundary of the park and around the Play Trail area north of the pond. Bird and bat boxes and bug hotels are proposed within the Play Trail area and also across the park. The submitted drawings show full details of all ecological features proposed which are considered to be fit for purpose and of suitable quality and appearance.

These ecological features, alongside the new tree and varied shrub and herbaceous planting which include fruit and nectar rich species, are considered to contribute to creating a range of habitats to attract a range of wildlife to the Site. The proposed development is considered a significant improvement in terms of soft landscaping and ecological features in comparison to the existing site condition.

It is considered that the proposals enhance and create wider biodiversity opportunities for the new open space. As such, the proposals are in compliance with the local development plan without compromising the S73 Permission.

Flood Risk and SUDS

Relevant Development Plan Policies

Policy 5.12 (Flood Risk Management) of the London Plan (2016) states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and associated technical guidance (now contained within the online Planning Practice Guidance) on flood risk over the lifetime of the development. The Planning Practice Guidance provides an indication of flood risk vulnerability classifications for different development types (Table 2) and identifies whether that development would be appropriate within the relevant flood zone (Table 3).

Policy 5.13 (Sustainable Drainage) of the London Plan requires development proposals to utilise sustainable urban drainage systems (SUDS) and ensure surface water run-off is managed as close to its source as possible in line with the following drainage hierarchy: 1) store rainwater for later use, 2) use infiltration techniques, 3) attenuate rainwater in ponds or open water features for gradual release, 4) attenuate rainwater by storing in tanks or sealed water features for gradual release, 5) discharge rainwater direct to a watercourse, 6) discharge rainwater to a surface water sewer/drain, 7) discharge rainwater to the combined sewer.

Policy DM04 (Environmental Considerations for development) states that 'Development should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run-off. All new development in areas at risk from fluvial flooding must demonstrate application of the sequential approach set out in the NPPF (paras 100 to 104) and provide information on the known flood risk potential of the application site.'

S73 Permission Requirements

Condition 44.5 of the S73 Permission requires any SUDS system to be submitted in relation to each phase or sub-phase to be integral to the site to ensure surface runoff reduction and demonstrated that Suds have been maximised across the site.

Assessment of Proposals

This application is accompanied by a Flood Risk Assessment which concludes that the Site is not at risk of flooding and that the proposed development will not increase the flood elsewhere. It also confirms that SUDS techniques are incorporated into the proposals through the provision of swales and attenuation of the pond.

The Council's Drainage team reviewed the proposals and confirmed to have no objections subject to a condition requiring the applicant to submit a surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with the principles set out in the submitted Flood Risk Assessment prepared by Arup dated 28 March 2019.

The proposed development is therefore in compliance with the Local Plan and the S73 Permission in respect of flood risk and SUDS subject the submission of a detailed surface water drainage scheme which has been recommended as a condition.

3.7 Safety and Security

Relevant Development Plan Policies

Policy 7.3 (Designing out Crime) of the London Plan require developments to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.

Policy CS12 (Making Barnet a safer place) requires developers to demonstrate they have incorporated design principles which contribute to community safety and security in all new development, and promote safer streets and public areas including open spaces. Policy CS5 (Protecting and enhancing Barnet's character to create high quality places) requires developments to address the principles of national design guidance including Secured by Design. Policy DM01 of LBB Development Management Policies requires development proposals to create safe and secure environment and reduce opportunities for crime and minimise the fear of crime. Policy DM02 (Development standards) requires development where appropriate to demonstrate compliance with national and Londonwide standards including Secured by Design, the national Police initiative.

S73 Permission Requirements

In addition to the policies and guidance stated above, Schedule 28 of the S106 to the S73 Permission requires '*key pathways of the park to be lit*'.

Assessment of Proposals

The majority of the park within the fenced area of the park is not proposed to be lit. This responds to the Council's parks policy and practice which is to not light parks during dark hours to discourage the use of the park during these hours and contribute to reducing the risk of antisocial behaviour or crime from taking place in the parks.

The only route which is proposed to be lit is the very western part of the park which is an access route linking Claremont Park Part (2) and Clitterhouse Crescent. This route will fall outside the fenced area of the park. This is shown indicatively in Section 5.4 and Figure 152 (illustrative lighting plan) of the submitted Landscape Design Statement.

This access route is proposed as a key pedestrian linkage between the future station to the north-west of the park and the existing residents on Clitterhouse Crescent and beyond. As this route is considered likely to be used at all times of the day, lighting is being proposed. As the Council's parks strategy is not to light parks this key pedestrian linkage on the western verge of the park which requires lighting has been excluded from the fenced area of the park.

It is noted that this edge of the park is also proposed to integrate with what is referred to and shown indicatively as "Claremont Green" to the northwest and "Claremont Gardens" to the southwest, both falling under Brent Terrace Park which is an open space anticipated to come forward under Phase 5 of the wider development. The route proposed under these proposals would integrate with the lighting route shown in the illustrative design for 'Claremont Green', as shown on Figure 152 (illustrative lighting plan) of the submitted Landscape Design Statement, which would also connect with the future train station to the north-west.

As referred in the Consultation section above the Met Police reviewed the proposals and raise no objection but request of consideration of preventative security measures to reduce crime and the fear of crime. These included: making the key route linking the future train station and Clitterhouse crescent a straight route to allow visual connectivity; integrating the option of lighting the basketball area, planting in this area to not be too dense, and designing this area to be flexible to be moved in case this was misused to reduce the impact on the users of the key route; the park entrance opposite the basketball area could present a place to escape for people misusing the basketball area and suggested consideration to removing or relocating this entrance, if the entrance remains then lighting should cover this entrance for at least 10 meters; to close and lock the park; entrances should integrate anti-moped arrangements owing to the potential of this park being used by offenders particularly mopeds.

All of the above points have been addressed in discussions with the applicant and through the submission of information and clarifications. In relation to the western

end, the alignment of the route on the western end of the park whilst gently curving is sufficiently direct for clear views.

The location of the basketball/skating area is close to the pathway systems which will benefit from natural surveillance. The indicative lighting proposals along this path will provide a degree of spill lighting to the court area, and it will not be lit to discourage continued use through hours of darkness. The applicant confirmed the provision of CCTV surveillance will be considered when the CCTV strategy is developed.

In relation to the entrance into park opposite basketball area, this allows for circular routes and direct access point within proximity of the local residents; it also helps account for the significant level changes across the park and provide an accessible route from Clitterhouse Crescent to the future train station. The lighting of the path between Clitterhouse Crescent and the station will provide a limited amount of light spill into the park at this entrance.

In relation to gating and locking the park, the Council will manage the proposed park and it is the Council's policy to not lock parks at night time. In relation to moped enabled crime, the proposals for the entrances use boulders and bollards to discourage vehicular movement into the park whilst accessible to all users including wheelchairs and buggies.

The proposals demonstrate that they contribute to a sense of security for existing and future users of the park and users of this key route connecting the future train station and local residents. A condition requiring full details of a lighting scheme has been recommended.

3.8 Ownership, maintenance and management

S73 Permission Requirements

Condition 27.9 of the S73 Permission prevents development in any Phase or Sub-Phase from commencing unless and until a Landscape and Ecology Management Plan (LEMP) for that Phase or Sub-Phase including long-term design objectives, proposed management responsibilities and draft maintenance schedules for all landscaped areas (except privately owned domestic gardens), is submitted to and approved in writing by the LPA.

The planning permission requires an Estate Management Framework to be prepared in relation to those areas of the development that are not adopted by the Council. An Estate Management Framework has been submitted for BXS which states that "Clitterhouse Playing Fields and Claremont Park will be retained in the ownership of the London Borough of Barnet, as specified in Schedule 21 of the s.106, and will be maintained by the Council following a 24 month liability period commencing upon completion of these open spaces during which BXS-EMC will be responsible for the maintenance of the hard and soft elements of the landscape proposals (as well as furniture), this will include the replacement of hard or soft landscaping elements that have been materially damaged due to vandalism."

Assessment of Proposals

The existing Claremont Open Space is owned, maintained and managed by the Council. The extended and improved Claremont Park, once complete, will remain in the ownership of the Council, as established under the terms of the S73 Permission and associated Section 106 Agreement. It is currently assumed that the future management and maintenance of the park will come back to the Council.

The proposals for the park are supported by Landscape and Ecology Management Plan (LEMP) for Claremont Park dated April 2019 prepared by Townshend Landscape Architects. The Council's Green Spaces Team and Tree Officer, reviewed the document and provided comments namely on the liability period, and tree maintenance issues including fertilizers, pruning, and supervision. The applicant agreed to the suggestions and submitted an amended document Revision P02 dated 19/09/2019. Officers have confirmed to be satisfied with the amendments.

The document as revised confirms that the proposals for Claremont Park include that the park is to remain in the ownership of the Council. The proposals for the park inclusive of hard and soft works will be subject to a 36-month maintenance and defect liability period. During this period the park will be the responsibility of the BXS LP. Once the maintenance and defects liability periods are complete, the long-term liability and maintenance will transfer back to the Council. It also sets out the overall strategic park wide maintenance regimes required to maintain the quality of the proposed park, and describes in detail the maintenance required for each element within the park.

Offices consider that the proposed LEMP represents a suitable maintenance and management plan to ensure that the park is maintained to a high standard. However, notwithstanding this, the Greenspaces team expressed concerns over the Council's capacity to implement the LEMP (as revised) within the current maintenance regime for parks within the Borough. Furthermore, as explained in Section 3.4 'Hardscape Materials' above, the Council's Greenspaces team have also raised concerns around the maintenance cost implications of the proposed resin bound gravel material for the footways.

In terms of management of principal open spaces within the wider BXC development, paragraph 5.1 of Schedule 21 of the S106 agreement recognises that:

"there will be different categories of open space identified and different management arrangements may be applicable and the Estate Management Framework shall make appropriate provision from the range of potential management and maintenance mechanisms. The categories are likely to include:

5.1.1. Existing parks and open spaces (ownership of these will remain with the Council).

5.1.2. New parks..."

The long-term management arrangements for the parks within the wider Brent Cross Cricklewood Regeneration are yet to be confirmed. Whilst the current assumption is that the maintenance responsibility for the park will fall to the Council, there are ongoing discussions between the Council and the Developer over potential alternative

arrangements which could include the maintenance and management of the park being captured under the Estate Management Company for the wider development. Therefore, a condition is recommended to require the park to be managed in accordance with the submitted LEMP, or such suitable alternative LEMP as may be agreed with the Council.

Subject to the recommended condition the proposals are in accordance with the maintenance requirements of the Local Plan and the S73 Permission and are therefore considered acceptable.

3.9 Other considerations

Demolition

The submitted Planning Statement dated April 2019 confirms the proposals do not seek consent for demolition of the existing properties falling within the application boundary. Demolition of the properties on the northern part of the site, within the existing Claremont Way Industrial Estate, will take place pursuant to planning consent 19/1922/FUL which permits their demolition. In the case of the retail parade and residential properties along Claremont Way and Claremont Way itself demolition of these will occur under the terms of the S73 Permission and in accordance with the relevant conditions and controls.

Staged Delivery

The submitted Planning Statement confirm the proposals are anticipated to be carried out in stages in order to accommodate a temporary interim stage. The eastern end of the proposed park require land currently occupied by the existing road Claremont Way, and some of the retail units and residential flats above on this road. The removal of Claremont Way is established in the S73 Permission. However, prior to its removal this road will be used to access the Clarefield Park Temporary Replacement Open Space (CPTROS). During the operation of the CPTROS, the construction of Claremont Park as proposed in this application will begin, however completion of the eastern element of Claremont Park will not be possible until Claremont Way can be removed and this area reconfigured with the new Claremont Park Road (Part 1).

Similarly, the demolition of the parade of retail units and the relocation of the residents of the flats above on Claremont Way is established within the S73 Permission, however these will remain until the Whitefield Estate Replacement Units (Part 1) are delivered on Plots 53 and 54, when the current residents of the parade may move to their new homes (the proposed development of Claremont Park requires the land currently occupied by some of the retail and residential units on Claremont Way).

To avoid delaying opening the park to the public, the Developer has proposed a temporary interim state whereby the majority of Claremont Park (comprising its central and western sections) is delivered up to the existing location of Claremont Way, and is opened to the public. The eastern section of the site will be subject to an interim condition whereby Claremont Way and the adjacent retail parade are retained whilst the Whitefield Estate Replacement Units (Part 1) are developed and access to the

Temporary Open Space through Claremont Way is required.

The applicant also confirmed that during the interim period, a temporary pavilion is being considered on the western side of Claremont Way for a range of uses including marketing and early enlivenment purposes. Therefore, in due course, a separate application seeking temporary planning permission for a temporary building is likely to be submitted to the LPA. The Applicant has confirmed that any such application for the interim stage will be compatible with the design and layout for Claremont Park sought under this application and will not compromise the delivery of the entirety of Claremont Park in the fullness of time.

Continuous provision of open green space and Condition 20.20 of the S73 Permission

The S73 Permission ensures that open green space is provided at all times including during early construction phases of the scheme. Paragraph 6.28 of the RDSF confirms that among the key elements of the Primary Development Package is the removal of existing Clarefield Park and small open spaces off Brent Terrace which are to be compensated by early improvements to Claremont Park and Clitterhouse Playing Fields, and a temporary open space. Condition 20.20 of the S73 Permission therefore requires the Clarefield Park Temporary Replacement Open Space (CPTROS) to remain open to the public until the practical completion of Claremont Park Improvements and Clitterhouse Playing Fields Improvements (Part1) (unless agreed otherwise with the Local Planning Authority).

The terms of this condition are:

'Not to close to the public or to redevelop any part of Clarefield Park (save for that part of the northern part of the park adjacent to the Tempelhof Link Road as required to construct and deliver Tempelhof Link Road) unless and until the practical completion to a standard capable of public use of Clarefield Park Temporary Replacement Open Space, and such space is to remain open to the public until the practical completion of Claremont Park Improvements and Clitterhouse Playing Fields Improvements (Part 1) (unless agreed otherwise with the Local Planning Authority).'

Reason: To ensure ongoing open space provision for existing and future residents during the early phases of development.'

Given that the eastern section of proposals for Claremont Park requires the land currently accommodating the access to the CPTROS, practical completion of the *full extent* of Claremont Park Improvements would not be possible without closure of the CPTROS. However, as explained above, the majority of the site (western and central sections) are anticipated to be delivered and open to the public, with the eastern section alone accommodating an interim condition whereby Claremont Way and the adjacent retail parade are retained whilst the Whitefield Estate Replacement Units (Part 1) are developed and access to the CPTROS through Claremont Way is required.

The eastern section of the Claremont Park proposals mainly comprise the eastern entrance to the park leading into the northern primary footpath, as well as some open

grass areas for informal recreation, seating, and planting. Figure 163 of the submitted Landscape Design Statement illustrates the interim condition and shows that only a small portion of the eastern section would not be delivered during this period while Claremont Way and the adjacent parade of units are required. However, the figure also illustrates that the reduced eastern end during the interim condition would still be able to provide an eastern entrance leading into the northern primary footpath and the rest of the park, compatible with the design and layout for Claremont Park sought under this application and without compromising the delivery of the entirety of Claremont Park in the long term.

It is therefore considered that in respect of practical completion of Claremont Park as it relates to the closure of the CPTROS under the terms of compliance Condition 20.20, the proposals under this application would allow for the majority of the park to be practically completed and only a small area to the furthest east would await practical completion which could only occur following the closure of the access to CPTROS (as consented under 18/5185/CON).

As the majority of the park would be practically completed it is considered that ongoing open space provision for existing and future residents during the early phases of development would be met in its majority in respect of Claremont Park, with only a small area coming forward later which would inevitably require the closure of the access to the CPTROS (as this small area currently accommodates the land required by the access). As the reason for Condition 20.20 is to ensure ongoing space provision during early phases of development, and the proposals for this park would achieve this by delivering most of the park, it is considered that the interim stage would not materially affect the ongoing provision of open space during early phases of the S73 development, and therefore the proposals of this application for Claremont Park are largely compatible with the requirements of Condition 20.20 of the S73 Permission. Notwithstanding this, as per the terms of Condition 20.20, the applicant is also required to achieve practical completion of Clitterhouse Playing Fields Improvements (Part 1) prior to the closure of the CPTROS.

The applicant has confirmed that their intention is to keep the existing arrangement of shared footway/cycleway through the park during the interim arrangement, with cyclists dismounting on exit, and retaining the existing shared footway/cycleway signage but to be turned to face in the appropriate direction. The applicant also confirmed that the exiting Claremont Way footway has an adjacent dropped kerb which could provide crossings points for pedestrians and cyclists during the interim stage. In the interest of pedestrian and cyclist safety a condition to secure signing arrangements during such interim period is recommended.

3.10 Environmental Impact Assessment

This drop-in planning application is supported by an EIA Screening Report dated April 2019 prepared by Arup pursuant to Regulation 6 of the Town and Country Planning (Environmental Impact Assessment Regulations) 2017 as amended. Given the relationship of the drop-in application with the BXC regeneration scheme and the fact that the proposed adjacent development plots would be delivered as part of the BXC Development permitted by the S73 Permission, the screening submission is structured

around the EIA carried out in support of the BXC outline planning application approved in 2010 and subsequent S73 Application in 2014.

The screening report tested the drop-in proposals against the Environmental topics that featured within the original s73 ES, and any other topics that have been introduced within the 2017 version of the EIA regulations, and concluded that the drop-in proposals, in lieu of a portion of the outline permission in that location, would not cause any additional significant construction or operation related environmental impacts.

The relevant assessments and conclusions from the assessments as contained within the Screening submission have been considered by the LPA in consultation with the appropriate statutory and other technical advisers and it is concluded that the proposed development would not give rise to any new or different significant environmental effects that cannot be mitigated through the implementation of appropriate mitigation measures secured through appropriately worded planning conditions.

A formal Screening Opinion was issued by the LPA on the 25th September 2019 under application 19/2386/ESR confirming that an Environmental Statement was not required to be submitted with this application.

4. EQUALITY AND DIVERSITY ISSUES

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

- *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.”*

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.

In considering this planning application and preparing this report, Officers have had regard to the requirements of this section and have concluded that should a decision to grant planning permission for this proposed development be taken, it would comply

with the Council's statutory duty under this important legislation.

The Application Site would be accessible by foot, bicycle and wheelchair users thus providing choices for all users of the site. The proposed hardscaping treatment and levels treatments ensures step-free access to all elements of the park. As such, the proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all. The Southern Developer has also engaged in pre-application discussions with the BXC Consultative Access Forum (CAF) in the lead up to the submission of this application.

Additionally, the proposed development would facilitate the Phase 1 South proposals as part of the wider BXC regeneration scheme which would deliver substantial benefits in respect of provision of open green space for new and existing residents in this area.

5. CONCLUSION

This application seeks approval for a drop-in planning permission for a new Neighbourhood Park within the wider Brent Cross Cricklewood development. Should the proposed development be implemented it would supersede and replace the relevant parts of the S73 Permission including the relevant extent of the extant reserved matters approval for Claremont Park Improvements under 15/00769/RMA within Phase 1B (South) of the BXC regeneration.

The need for a drop-in application has arisen as a result of the Southern Developer identifying an opportunity to improve the design of the new park which was previously approved under reserved matters consent 15/00769/RMA granted in July 2015. In addition, the retention of Claremont Road within the wider masterplan to function as a primary route in place of Claremont Avenue resulted in a revised highway layout for 'Claremont Road North Junction' and 'Claremont Avenue' (both shifting eastwards). This offered the opportunity to extend Claremont Park eastwards. Given that the deadline has now passed by which Reserved Matters applications for the sub-phase that Claremont Park is within (Phase 1B South) can be submitted, the Developer has submitted a planning application which will allow a revised design for the Claremont Park to be 'dropped-in' to the wider S73 Permission and masterplan. The use of drop-in applications is not unusual for large developments such as BXC.

The proposals seek to improve the quality of open space which is currently provided by the Claremont Way Open Space. The proposed park seeks to provide a range of landscape characters, working with the natural landform to provide an undulating landscape. The proposals seek to retain and enhance the distinct woodland character of the park. A new pond is proposed as a key feature of the park and a range of indicative play and sports equipment are proposed through formal and informal areas throughout the park. Park furniture including seating and bins, and well-defined boundary treatments are sought.

In comparison to the extant RMA, the proposed design for Claremont Park seeks to create a less rigid layout with an improved woodland character and with improved

integration of play spaces throughout the park, amongst other improvements. The revisited design also integrates with the latest approval of the surrounding highway and public realm network along Claremont Park Road Part 1 and Claremont Road North Junction which formed part of a drop-in application under reference 18/6645/FUL, and Claremont Road which formed part of a non-material application under reference 18/6469/NMA and a consequential minor variation pursued under reference 19/2134/BXE to the extant 15/00769/RMA.

This drop-in application for Claremont Park been considered in the context of the amendments being made through s96A application 18/6469/NMA, and consequential revisions referred to above, and has demonstrated that: (1) the proposed designs for Claremont Park are sufficiently compatible with the overarching masterplan for BXC; (2) the proposals would be in sufficient conformity with the S73 Parameters and would not impinge upon or prejudice the delivery of comprehensive development of BXC regeneration scheme; and (3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications. It is considered that the proposed development would not prejudice the delivery of the wider BXC regeneration scheme and therefore would continue to satisfy the requirements for the comprehensive redevelopment of the regeneration area in accordance with saved Policy C1 of the UDP and Policy CS2 of the Core Strategy DPD.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the LPA as set out in this report. The assessment has considered the key material considerations relating to the principle of the proposed development, local character and amenity, highways and transport impacts, biodiversity (including trees), flooding and drainage, contaminated land, and sustainable design. In summary, the proposed development is considered to be generally acceptable in regard to all of these considerations subject to the imposition of various conditions on any planning permission granted in order to secure the implementation of appropriate mitigation.

It is concluded that the proposed development accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, the application is recommended for **APPROVAL** subject to conditions recommended in Appendix 1 of this report.

OFFICER'S RECOMMENDATION

Approve subject to the conditions listed in Appendix 1

Signature of Officer with Delegated Authority:

A handwritten signature in black ink, appearing to read 'P. Alsop', is written within a rectangular box.

Peter Alsop
Brent Cross Planning and Transport Manager

APPENDIX 1

CONDITIONS

1	Commencement and Time Limits
	<p>The development hereby permitted must be begun within three years from the date of this permission.</p> <p>Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	Approved drawings
	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none">• LANDSCAPE KEY BXS-PK001-INF002-L-TLA-DR-90-001-XX Rev 2• OVERALL LANDSCAPE PLAN BXS-PK001-INF002-L-TLA-DR-90-P000-XX Rev 00• LANDSCAPE KEY PLAN BXS-PK001-INF002-L-TLA-DR-90-P010-XX Rev 02• LANDSCAPE SURFACE FINISHES PLAN SHEET 1 OF 3 BXS-PK001-INF002-L-TLA-DR-90-P101-XX Rev 2• LANDSCAPE SURFACE FINISHES PLAN SHEET 2 OF 3 BXS-PK001-INF002-L-TLA-DR-90-P102-XX Rev 2• LANDSCAPE SURFACE FINISHES PLAN SHEET 3 OF 3 BXS-PK001-INF002-L-TLA-DR-90-P103-XX Rev 2• LANDSCAPE LEVELS PLAN SHEET 1 OF 3 BXS-PK001-INF002-L-TLA-DR-90-P201-XX Rev 2• LANDSCAPE LEVELS PLAN SHEET 2 OF 3 BXS-PK001-INF002-L-TLA-DR-90-P202-XX Rev 2• LANDSCAPE LEVELS PLAN SHEET 3 OF 3 BXS-PK001-INF002-L-TLA-DR-90-P203-XX Rev 2• TREE PLANTING PLAN SHEET 1 OF 3 BXS-PK001-INF002-L-TLA-DR-91-P301-XX Rev 02• TREE PLANTING PLAN SHEET 2 OF 3 BXS-PK001-INF002-L-TLA-DR-91-P302-XX Rev 02• TREE PLANTING PLAN SHEET 3 OF 3 BXS-PK001-INF002-L-TLA-DR-91-P303-XX Rev 02• PLANTING PLAN SHEET 1 OF 3 BXS-PK001-INF002-L-TLA-DR-91-P311-XX Rev 02• PLANTING PLAN SHEET 2 OF 3 BXS-PK001-INF002-L-TLA-DR-91-P312-XX Rev 02• PLANTING PLAN SHEET 3 OF 3 BXS-PK001-INF002-L-TLA-DR-91-P313-XX Rev 02• PAVING PATTERNS BXS-PK001-INF002-L-TLA-DR-90-D700-XX Rev 1

- PAVING INTERFACES BXS-PK001-INF002-L-TLA-DR-90-D701-XX Rev 0
- STANDARD BENCH TYPE 1 BXS-PK001-INF002-L-TLA-DR-90-D702-XX Rev 1
- STANDARD BENCH TYPE 2 BXS-PK001-INF002-L-TLA-DR-90-D703-XX Rev 1
- STANDARD BENCH TYPE 3 BXS-PK001-INF002-L-TLA-DR-90-D704-XX Rev 01
- STANDARD BENCH TYPE 4 BXS-PK001-INF002-L-TLA-DR-90-D705-XX Rev 2
- STANDARD PICNIC TABLE – TYPE 1 BXS-PK001-INF002-L-TLA-DR-90-D706-XX Rev 1
- STANDARD PICNIC TABLE – TYPE 2 BXS-PK001-INF002-L-TLA-DR-90-D707-XX Rev 1
- GABION WALL LOCATION DRAWING BXS-PK001-INF002-L-TLA-DR-90-D708-XX Rev 1
- BENCH INCORPORATED IN GABION WALL DETAIL BXS-PK001-INF002-L-TLA-DR-90-D709-XX Rev P00
- FURNITURE DETAIL BXS-PK001-INF002-L-TLA-DR-90-D710-XX Rev P00
- BESPOKE DECKING PLATFORM – DETAIL 1 BXS-PK001-INF002-L-TLA-DR-90-D711-XX Rev 2
- BESPOKE DECKING PLATFORM – DETAIL 2 BXS-PK001-INF002-L-TLA-DR-90-D712-XX Rev 2
- DECKING PLATFORM ON LAWN BXS-PK001-INF002-L-TLA-DR-90-D713-XX Rev 1
- BRICK EDGE DETAIL BXS-PK001-INF002-L-TLA-DR-90-D714-XX Rev 1
- ECOLOGICAL LOG PILE AND BUG HOTEL BXS-PK001-INF002-L-TLA-DR-90-D715-XX Rev 1
- BASKETBALL COURT DETAILS BXS-PK001-INF002-L-TLA-DR-90-D716-XX Rev 2
- BOULDERS HARD/SOFT LANDSCAPE DETAIL BXS-PK001-INF002-L-TLA-DR-90-D717-XX Rev 0
- TYPICAL STEP DETAIL BXS-PK001-INF002-L-TLA-DR-90-D718-XX Rev 1
- TYPICAL SOFT LANDSCAPE BUILD-UPS BXS-PK001-INF002-L-TLA-DR-90-D719-XX Rev 0
- TYPICAL TREE IN SOFT DETAIL BXS-PK001-INF002-L-TLA-DR-90-D720-XX
- TYPICAL SWALE DETAILS BXS-PK001-INF002-L-TLA-DR-90-D721-XX Rev 0
- POND DETAIL PLAN BXS-PK001-INF002-L-TLA-DR-90-D722-XX Rev 1
- POND – TYPICAL BUILD UP DETAILS BXS-PK001-INF002-L-TLA-DR-90-D723-XX Rev 0
- POND – TYPICAL INTERFACE DETAILS BXS-PK001-INF002-L-TLA-DR-90-D724-XX Rev 0
- SECTION AA', BB', CC' BXS-PK001-INF002-L-TLA-DR-90-S100-XX Rev 1
- SECTION DD' BXS-PK001-INF002-L-TLA-DR-90-S101-XX Rev 1

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

3 Construction Environmental Management Plan

Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include (but be not limited to) the following details:

- i. details of the routing of construction and service and delivery vehicles to and from the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. indicative construction programme setting out site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractor compound and car parking arrangements;
- ix. details of a community liaison contact for the duration of all works associated with the development.
- x. Details and plans of traffic management measures (e.g. temporary lane restrictions / closures / diversions, signage, parking controls, key access and crossing points, emergency vehicle access) including measures to protect the free flow of traffic and vulnerable road users.
- xi. Plans should be to scale and annotated with dimensions showing all points of access (vehicular and pedestrian); position of hoardings, position of nearby trees; location of vehicle standing areas, wheel

	<p>washing location and details, surrounding properties and their access points; parking bay suspensions; available footway and carriageway widths.</p> <p>The development shall thereafter be implemented in accordance with the measures detailed within the Construction Environmental Management Plan.</p> <p>Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016), and to accord with the Mayor's The Control of Dust and Emissions During Construction and Demolition SPG (2014).</p>
4	Hours of construction
	<p>The permitted hours of construction work and/or any associated enabling, incidental and temporary work hereby permitted shall be carried out between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No construction work and/or any associated enabling, incidental and temporary work shall be carried out outside these hours without written consent of the LPA. No construction work and/or any associated enabling, incidental and temporary work shall be carried out on Sundays or Bank Holidays.</p> <p>Reason: To ensure the development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).</p>
5	Contamination
	<p>Part 1</p> <p>Before development commences other than for investigative work:</p> <ol style="list-style-type: none"> a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority. b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

	<ul style="list-style-type: none"> - a risk assessment to be undertaken, - refinement of the Conceptual Model, and - the development of a Method Statement detailing the remediation requirements. <p>The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.</p> <p>c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.</p> <p>Part 2</p> <p>d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.</p> <p>Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.</p>
6	Hardscaping – Footpaths
	<p>Notwithstanding the submitted plans and supporting documentation, prior to the installation of the top surface course of any footpath within the park hereby approved, details and samples of the surface course material to be used for all footpaths shall be submitted to approved in writing by the Local Planning Authority.</p> <p>Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 7.4, and 7.5 of the London Plan 2016.</p>
7	Hardscaping – Play Area
	<p>Prior to commencement of works to construct the 'Main Play Area' details and samples of the materials to be used for the external surfaces of the 'Main Play Area', including details of gabion walls, as described within the Landscape Design Statement shall be submitted to and approved in writing by the Local Planning Authority. Details should demonstrate the materials are suitable for the intended use of the space, accessible for wheelchair users, and should not impact the Root</p>

	<p>Protection Area of the retained trees T367 and G066 (as shown on drawing 6907-D3-AIA Rev B) or of any new trees to be planted in this area. Details shall also include the threshold treatment between the play area and the surrounding footpaths that provide access to the play area to demonstrate that gaps or trip areas will be avoided.</p> <p>The development shall thereafter be implemented in accordance with the materials and details as approved under this condition.</p> <p>Reason: To safeguard the character and visual amenities of the site and wider area, ensure inclusive access for wheelchair users and other ambulant disabled people and to ensure that the development is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies 7.4, and 7.5 of the London Plan 2016; and to safeguard the health of existing and new trees which represent an important amenity feature in accordance with Policy DM01, Policies CS5 and CS7 of the Local Plan Core Strategy and Policy 7.21 of the London Plan 2016.</p>
8	Protection of bats
	<p>No more than eighteen months before the felling of any tree within the application site, an inspection of the relevant tree shall be undertaken to determine the potential for roosting bats. Should bat potential be identified, further surveys should be undertaken as required to determine the presence/likely absence of roosting bats. Should bat roosts be identified, this shall be reported in writing to the LPA, and tree removal shall not be undertaken until any necessary Natural England mitigation licence has been obtained. The mitigation measures, which shall first be submitted to and agreed in writing by the LPA, shall be undertaken in accordance with the requirements of the mitigation licence.</p> <p>Any pre-felling inspections are to be undertaken in accordance with the most up to date best practice guidance (Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition) 2016, and any updated guidance).</p> <p>Reason: To ensure that protected species are appropriately safeguarded during the demolition and construction phase of the development in accordance with Policy CS7 of the Core Strategy DPD (2012), Policy DM16 of the Development Management Policies DPD (2012) and Policy 7.19 of the London Plan (2016).</p>
9	Removal of trees and shrubs
	<p>The removal of trees and shrubs shall only be undertaken outside of the bird breeding season (March to August, inclusive). Should this not be possible, any tree works or removal within the bird breeding season shall be carried out no more than 24 hours following an inspection by a suitably qualified ecologist confirming the absence of any breeding birds.</p>

	<p>Reason: To ensure that protected species are appropriately safeguarded during the demolition and construction phase of the development in accordance with Policy CS7 of the Core Strategy DPD (2012), Policy DM16 of the Development Management Policies DPD (2012) and Policy 7.19 of the London Plan (2016).</p>
10	New planting
	<p>All new planting shall comply with best practice including the requirements specified in BS 3936 (1992) 'Specification of nursery stock: Part 1, Trees and Shrubs', and in BS 4428 (1989) 'Recommendations for general landscape operations', or subsequent versions of such standards. Apart from formative pruning in accordance good arboricultural practice, none of the new trees, plants or shrubs planted shall be pruned within a period of five years from the completion of the development.</p> <p>Any trees, plants or shrubs which, within a period of five years, from the completion of the development die, are removed, or become seriously damaged or diseased or otherwise fail to thrive, shall be replaced in the next planting season with others of similar size and species unless and to the extent that any variation to the approved landscaping works is first approved in writing by the LPA.</p> <p>Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with Policy CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan (2016).</p>
11	Arboricultural Method Statement and Tree Protection Plan
	<p>The approved development shall be implemented in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan by Haydens in the submitted Tree survey, Arboricultural impact Assessment Arboricultural Method Statement & Tree Protection Plan In accordance with BS 5837:2012 Revision B Dated 19/08/2019.</p> <p>Reason Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.</p>
12	Landscaping / LEMP

	<p>The detailed planting proposals, hereby approved, shall be fully implemented to the satisfaction of the Local Planning Authority and shall be completed prior to the Council agreeing that practical completion of the parks has been attained.</p> <p>The park hereby approved shall be maintained in accordance with the Landscape and Ecology Management Plan (LEMP) for Claremont Park (BXS-PK-001-INF002-L-TLA-RP-XX-002-XX P02 dated 19.09.2019) prepared by Townshend Landscape Architects, or with such updated LEMP which may be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan (2016).</p>
13	Invasive non-native plants
	<p>The Development shall not begin unless and until a pre-construction survey has been carried out in respect of the application site curtilage to identify any areas that are affected by buried or surface invasive non-native plants including but not limited to Japanese Knotweed, Giant Hogweed and Himalayan Balsam. The survey should be accompanied by a method statement containing measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. In the event that the survey identifies the presence of such plants, or any other proscribed noxious weeds, details of the locations and methods for their removal or long-term management/eradication with methods of working and measures that will prevent its spread during any works operations, (such as gaining access, erection of security fencing, clearance and demolition, site investigation, earthworks, mowing, trimming and other vegetation management, or soil movement,) shall be submitted to and approved in writing by the LPA before development begins. The development shall be implemented in accordance with the approved method statements.</p> <p>Reason: To prevent the spread of non-native plants, and in particular Japanese knotweed and Giant hogweed, which are invasive species, in line with policy CS7 of Barnet Council's Core Strategy (adopted) 2012 and DM16 of Barnet Council's Development Management Policies (adopted) 2012; as well as Policies 7.19 and 7.21 of the London Plan (2016, with amendments) and the National Planning Policy Framework (2012).</p>
14	Boundary treatments to Park
	<p>Prior to installation of any boundary treatment, details of the fencing shall be submitted to and approved by the LPA. Boundary Planting shall be undertaken in accordance with the Planting Palettedetails under Part 4.3 of the Landscape Design Statement.</p>

	<p>Where boundary treatment details meet or encroach on the Root Protection Area of any existing tree(s) to be retained (as shown on AIA & TPP drawing 6907-D3-AIA Rev B) or of any new tree(s) hereby approved to be planted, these shall be supported by a Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) that considers their location and installation method for the safeguarding of the trees. The submitted AMS and TPP shall be in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction – Recommendations)</p> <p>Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with Policy DM01 and DM02 of the Barnet Local Plan, and to safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.</p>
15	Temporary western boundary treatment and landscaping
	<p>Prior to the commencement of any temporary boundary treatment on the western boundary, full details of any temporary boundary including gates, fences and hard and soft landscaping for the south-western edge of park hereby permitted adjacent to existing industrial buildings at 106 Brent Terrace, shall be submitted to and approved by the LPA. Details shall also include any necessary temporary turning head at the west end of the northern primary footpath to allow access for servicing vehicles, and any temporary signage necessary to alert cyclists to dismount and alert cyclists/pedestrians of shared pedestrian/cycle footpath and footpath only routes.</p> <p>Reason: To protect future park users and ensure an appropriate temporary boundary treatment and landscaping is in place between the existing industrial area to the west and the new park.</p>
16	Signage
	<p>Prior to the installation of any signage in the park hereby approved full details and locations of the proposed signage strategy, illustratively shown on Figure 156 of the Landscape Design Statement dated April 2019, having regard to the Council's Green Spaces Team signage guidance as appropriate and integration with the wider public realm signage strategy surrounding the park as set out in the Access and Wayfinding Strategy pursuant to Condition 1.26 of the S73 Permission F/04687/13, shall be submitted to and approved in writing by the LPA.</p> <p>Details shall include appropriate signage to alert cyclists and pedestrians of shared pedestrian/cycle paths and footway only paths, to alert users that there may be cyclists/pedestrians crossing the footway, and of locations where cyclists are requested to dismount. Such signage shall include a strategy that demonstrates how it coordinates with the relevant signage details or strategy on the footway outside the park (Condition 14 pursuant to 18/6645/FUL).</p>

	<p>The development shall thereafter be implemented in accordance with these approved details.</p> <p>Reason: To ensure a legible, accessible and inclusive environment for all users, and reduce the risk of collisions between cyclists themselves and cyclists and pedestrians.</p>
17	Temporary Interim Stage – temporary signage
	<p>The park shall not be permitted to be used by members of the public unless and until details of any necessary temporary signage (prior to the provision of permanent signage to be approved pursuant to Condition 16 of this permission) have been submitted to and approved by the LPA. The temporary signage must alert cyclists to dismount and alert cyclists/pedestrians of shared pedestrian/cycle footpaths and footpaths only routes.</p> <p>Reason: To ensure safe and appropriate pedestrian and cycle provision during the interim state.</p>
18	Lighting
	<p>Notwithstanding lighting details shown on plans otherwise hereby approved and prior to the installation of any lighting, a detailed external lighting scheme including siting of lighting columns, materials, a site plan with lux levels, operating hours, and an External Lighting Assessment shall be submitted to and approved in writing by the LPA. The external lighting assessment shall detail the existing average night time luminance and light spread levels across the site area at night, identify the levels of light pollution received at the windows to adjacent residential properties and, identify impact on bats or other wildlife, and where appropriate identify the measures to be used to mitigate any impacts to residential properties and wildlife species. The assessment shall be accompanied by a statement from a qualified ecologist confirming the impact and proposed mitigation will not adversely affect bats or other wildlife. The development shall be implemented in accordance with such details.</p> <p>Reason: To ensure the development does not cause harm to the amenities of adjoining occupiers to accord with Policy DM01 of the Local Plan and to mitigate the impact to species including bats in accordance with Policies CS7 and DM16.</p>
19	Play and sports equipment
	<p>Notwithstanding the submitted plans and supporting documentation hereby approved, prior to the installation of any play equipment or exercise equipment, detailed specifications of the proposed play and activity equipment including the location and layout shall be submitted to and approved in writing by the Local Planning Authority. The play and activity equipment shall not encroach on the Root Protection Area of any of the retained trees (as shown on drawing 6907-D3-AIA Rev B) or of any new planting hereby approved.</p>

	<p>The development shall thereafter be implemented in accordance with these approved details.</p> <p>Reason: To ensure delivery of the park in accordance with the needs of the local population in accordance with Policies 3.1 and 3.6 of the London Plan (March 2016); Policy CS11 of the Local Plan Core Strategy DPD (Adopted September 2012), Policy C4 of Barnet’s UDP Saved Policies (Saved September 2012), and to safeguard the health of existing and new trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016, and protect users of the park from the potential of falling branches under the canopy in accordance with Barnet’s Tree Policy (Adopted October 2017).</p>
20	Furniture – Main Play Area
	<p>Notwithstanding the submitted plans and supporting documentation, prior to their installation, a detailed specification of the tables and any other park furniture to be installed in the Main Play area shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be implemented in accordance with the details as approved.</p> <p>Reason: To safeguard the character and visual amenities of the site and wider area, and to ensure that the development is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies 7.4, and 7.5 of the London Plan 2016.</p>
21	Drainage
	<p>Development shall not begin until the drainage layout and detailed drainage design drawings for the site, based on the principles within the agreed Flood Risk Assessment prepared by Arup dated 28 March 2019 have been submitted to the Local Planning Authority and approved in writing.</p> <p>Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).</p>

INFORMATIVES

1. Development

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

2. NPPF

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

3. Land Contamination

In complying with Parts 1 and 2 of Condition 5 of this permission reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

4. Water abstraction

In relation to the construction of the pond hereby approved, the applicant is advised to contact the Environment Agency to obtain any necessary licences and consents required for the abstraction of groundwater from a borehole. Source owners and their contractors are responsible for ensuring boreholes or wells are designed, constructed and decommissioned without polluting groundwater. The Environment Agency can be contacted Monday to Friday, 8am to 6pm on 03708 506 506 and enquiries@environment-agency.gov.uk , National Customer Contact Centre PO Box 544, Rotherham, S60 1BY.

5. Demolition

This permission does not grant permission for any demolition associated with the development. Any demolition required to implement the approved development shall either require the relevant planning consent or be carried out under the terms of S73 Planning Permission F/04687/13 dated 23 July 2014.

6. Archaeological remains

Should any archaeological remains be discovered during the works associated with releveling and excavation within the site to install the pond and natural amphitheatre, the applicant is reminded that these will be subject to an archaeological watching brief with a 'stop-works' procedure as per the requirements of Condition 43.1 of the S73 Permission.

7. Highways

There are existing footpaths within site. If a closure or diversion of the footpath is considered the applicant may need to investigate any rights of ways that may exist for the use of the footpath and may need to be extinguished before any closure or diversion can take place under Section 257 of the Town and Country Planning Act 1990.

8. Canopy shade and play/sports areas

In complying with the requirements of Condition 19 (play and sports equipment) of this permission, the applicant is advised that large or spreading tree species located on the south and west facing sides of the play areas can provide both shade to cool down the play area and help to protect children and their carers from the harmful effect of Ultra Violet rays. This is in accordance with the policies set out in section 2.22 of the Council's Tree Policy (adopted 2017).

9. Tree bio-security

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

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

10. Drainage

In complying with Condition 21, the submitted detailed surface water drainage scheme shall use the Flood Estimation Handbook (FEH) design rainfall (2013) for drainage assessment.

11. Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should the developer require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

As the developer is redeveloping a site, there may be public sewers crossing or close to the development. If the developer discovers a sewer, it's important that the developer minimizes the risk of damage. Thames Water will need to check that the developer's development doesn't limit repair or maintenance activities, or inhibit the services Thames Water provides in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

With regard to the water network, if the developer is planning on using mains water for construction purposes, it's important the developer lets Thames Water know before they start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

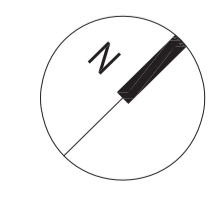


rev	details	by	date
00	FOR WORKSHOP	WZ	14.04.2020
01	FOR WORKSHOP	WZ	21.04.2020
02	FOR WORKSHOP	WZ	22.04.2020

rev	details	by	date

Notes

- 1.0 Do not scale from drawing, use figured dimensions only
- 1.1 All dimensions to be checked onsite
- 1.2 This drawing to be read in conjunction with all other Gillespies drawings and specifications



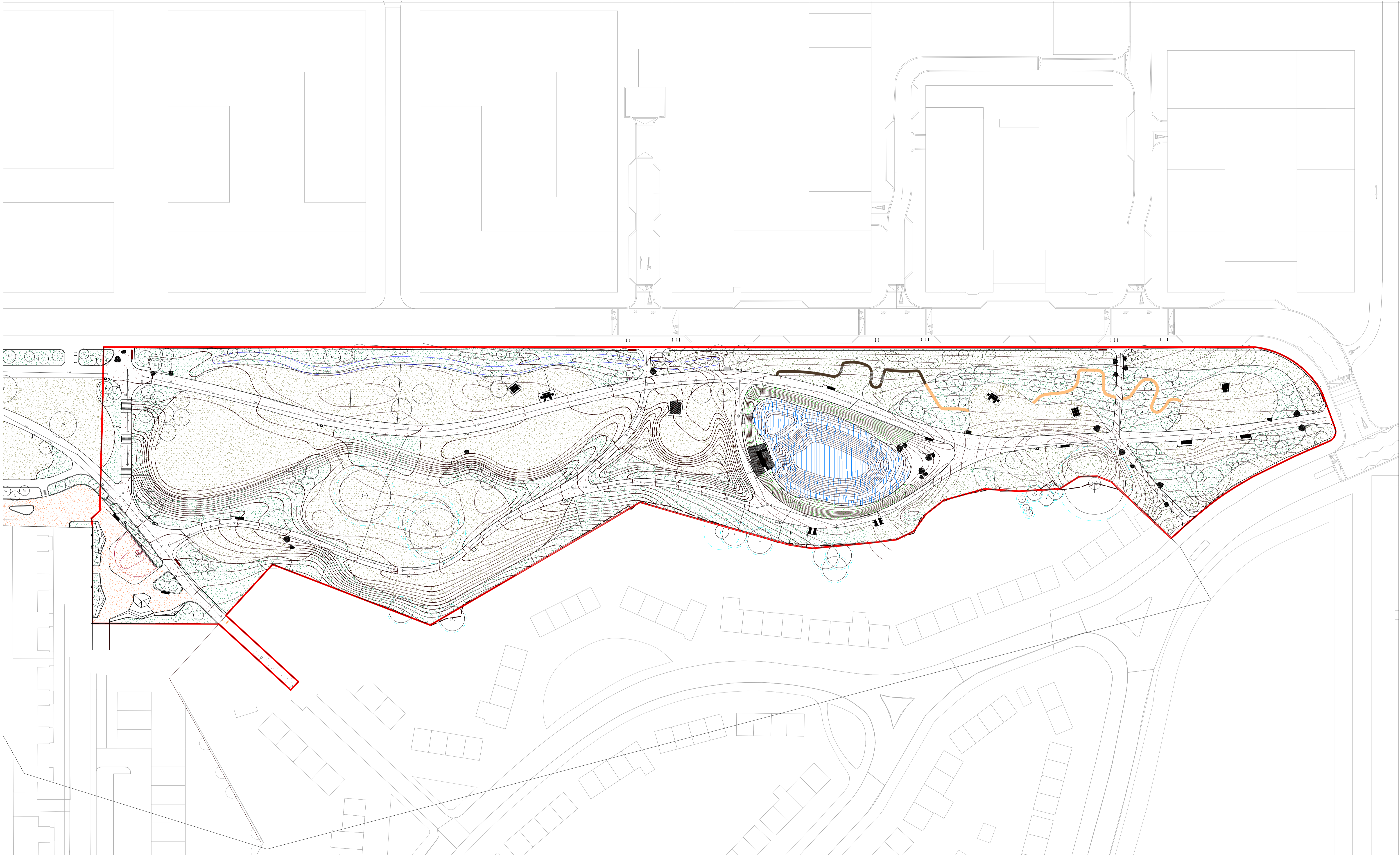
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Project title
**BRENT CROSS SOUTH
 MASTERPLAN REVIEW**

Drawing title
**PEDESTRIAN & CYCLE ACCESS
 BETWEEN BRENT TERRACE AND
 TILLING ROAD**

Drawing number P12174-00-001-GIL-0105		Revision	
Drawing Status DESIGN		Revision 02	
Date 14.04.2020	Scale 1:1000 @ A1	Drawn WZ	Checked RC/SC

GILLESPIES
1 St John's Square, London EC4M 4GH
 P: 020 7253 2020 E: design.london@gillespies.co.uk



<p>GENERAL NOTES</p> <p>1. DO NOT SCALE DRAWING. 2. ALL SETTING OUT, LEVELS AND DIMENSIONS TO BE AGREED ON SITE. 3. THE DIMENSIONS OF ALL MATERIALS MUST BE CHECKED ON SITE BEFORE BEING LAID OUT. 4. THIS DRAWING MUST BE READ WITH THE RELEVANT SPECIFICATION CLAUSES AND DETAIL DRAWINGS. 5. ORDER OF CONSTRUCTION AND SETTING OUT TO BE AGREED ON SITE.</p> <p>HEALTH AND SAFETY INFORMATION</p> <p>REFER TO HEALTH AND SAFETY FILE.</p>	<table border="1"> <thead> <tr> <th>Rev</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>PLANNING COMMENTS INCORPORATED</td> <td>27.09.19</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Rev	Description	Date	0	PLANNING COMMENTS INCORPORATED	27.09.19													<p>CLIENT</p> <p>Brent Cross South Limited Partnership</p> <p>Address: 4 Stable St, Kings Cross, London N1C 4AB</p>	<p>CONSULTANT</p> <p>TOWNSHEND  LANDSCAPE ARCHITECTS</p> <p>Northumberland House 303-306 High Holborn London WC1V 7JZ E-mail: fla@townshenda.com Telephone: 020 7729 9333</p>	<p>PROJECT</p> <p>Brent Cross South Claremont Park</p> <p>TITLE</p> <p>Overall Landscape Plan</p>	<p>PROJECT NUMBER</p> <p>621.02</p> <p>SCALE (@ A1)</p> <p>1 : 500</p>	<p>DATE</p> <p>09/26/19</p> <p>DRAWN BY EV CHECKED BY FL</p>	<div style="border: 1px solid black; padding: 5px; text-align: center; font-weight: bold; font-size: 1.2em;">ER ISSUE</div> <p>DRAWING NUMBER BXS-PK001-INF002-L-TLA-DR-90-P000-XX REV 0</p>
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0	PLANNING COMMENTS INCORPORATED	27.09.19																							