

MEETING

PLANNING AND ENVIRONMENT COMMITTEE

DATE AND TIME

WEDNESDAY 11TH SEPTEMBER, 2013

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF PLANNING AND ENVIRONMENT COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice (Chairman)
Vice Chairman: Councillor Maureen Braun (Vice-Chairman)

Councillors

Jack Cohen	Mark Shooter	Andreas Tambourides
John Marshall	Agnes Slocombe	Jim Tierney
Barry Rawlings	Stephen Sowerby	

Substitute Members

Alison Cornelius	Kath McGuirk	Andrew Strongolou
Claire Farrier	Graham Old	Darrel Yawitch
Andreas Ioannidis	Lord Palmer	
Sury Khatri	Brian Schama	

You are requested to attend the above meeting for which an agenda is attached.

Andrew Nathan – Head of Governance

Governance Services contact: Maria Lugangira 020 8359 2761
maria.lugangira@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	
2.	Absence of Members	
3.	Disclosable Pecuniary interests and Non Pecuniary interests	
4.	Public Question Time (if any)	
5.	Members Item (if any)	
6.	698 Finchley Road - F/01413/13	1 - 22
7.	1 & 1A Garth Road, London, NW2 2NH - F/02564/13	23 - 36
8.	2B The Grove, London, NW11 9SH - F/02305/13	37 - 52
9.	Fromer East Camp, RAF, Aerodrome Rd, NW9 - W/00198AA/04	53 - 66
10.	Brent Cross Cricklewood Regeneration Area, North West London	67 - 114
11.	Barnet and Southgate College, Grahame Park Way, Colindale, NW9 5RA	115 - 120
12.	Revisions to Planning Delegated Powers	121 - 126
13.	Any item(s) that the Chairman decides are urgent	
14.	<p>Motion to Exclude Press and Public</p> <p>That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 6 of schedule 12A of Part 6 of the Local Government Act 1972 (as amended).</p>	
15.	Land in Burnt Oak Ward	127 - 134
16.	Land in Finchley Church End Ward	135 - 144
17.	Land in Hendon Ward	145 - 152

18.	Land in Hendon Ward	153 - 160
19.	Any other item(s) that the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

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Meeting	Planning and Environment Committee
Date	11 September 2013
Subject	698 Finchley Road - F/01413/13
Report of	Head of Governance
Summary	This report captures an application that was submitted to the West Area Planning Sub-Committee for determination. However following the vote of refusal the Chairman exercised powers in order to refer the decision to the Planning and Environment Committee, its parent body, for determination.

Officer Contributors	Paul Frost, Business Governance Officer
Status (public or exempt)	Public
Wards Affected	Garden Suburb
Reason for urgency / exemption from call-in	Not Applicable
Function of	Council
Enclosures	Appendix A - 698 Finchley Road - F/01413/13, Planning Application Appendix B – Extract of the Addendum to the Officers Report, 02 July 2013 Appendix C – Extract of the Decisions of the West Area Planning Sub-Committee
Contact for Further Information:	Paul Frost 020 8359 2205 paul.frost@barnet.gov.uk

1. RECOMMENDATIONS

- 1.1 That the Planning and Environment Committee consider the referred report (Appendix A) from the West Area Planning Sub-Committee and determine the application.**
- 1.2 That the Planning and Environment Committee note the West Area Planning Sub-Committee reasons to refuse the application at section 9.2 of this report and further note the reason why the Chairman referred the application to its parent Committee.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 West Area Planning Sub-Committee, 02 July 2013, resolved to refer application, 698 Finchley Road_F0141313 to the Planning and Environment Committee.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Council operates a robust decision making framework in support of its corporate priorities and therefore has implemented the referral mechanism as documented within this report. This process highlights good governance principles which are governed by the Councils Constitution as documented within section 8 of this report.

4. RISK MANAGEMENT ISSUES

- 4.1 Whilst in planning terms, this is not a material consideration, there is a risk to the authority that should the application be refused costs may be encountered during an appeal stage, hence the reason for this report and reason for application - , 698 Finchley Road_F0141313 being referred to its parent Committee.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The decision making processes of the Council, as documented within the Council's Constitution, perform the need to be transparent and accessible to all sectors of the community. This report is in support of this and therefore allows views and scrutiny during consultation and meets equality consideration.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 As highlighted at section 7.2 and 9.3
- 6.2 There are no further cost implications that this report addresses. Members are minded to consider any future appeal cost to the authority which will be met from existing service budgets.

7. LEGAL ISSUES

- 7.1 The Council has a legal and statutory obligation to consider and determine planning applications in line with planning policy under the Council's Constitution.
- 7.2 The Chairman of the West Area Planning Sub-Committee, on 02 July 2013 noted the likelihood of the Council encountering an award of cost at an appeal should the application be refused. However, it must be recognised that in planning terms this is not a material consideration and it is therefore irrelevant and must be discounted in the determination of the planning application in accordance with carrying out the Council's statutory function.

8. CONSTITUTIONAL POWERS

- 8.1 Council Constitution, Responsibility for functions, Section 3 sets out delegated powers in order for a planning application to be determined.
- 8.2 Council Constitution, Committee and Sub-Committees, Section 11 sets out a Chairman's power to refer an item to the bodies parent decision maker:

The Chairman of an area sub-committee may refer a matter up to the parent body, together with the sub-committee's recommendations

9. BACKGROUND INFORMATION

- 9.1 Planning application, 698 Finchley Road_F0141313 (Appendix A) was presented to the West Area Planning Sub-Committee on 02 July 2013.
- 9.2 Following the sub-Committee's consideration of this application a vote was taken which refused to grant planning permission for the following reasons:
- *That the increase in height of the building would have an un-neighbourly impact on the adjoining church.*
 - *That the changes to the scheme would result in the loss of affordable housing.*
- 9.3 However following the vote the Chairman referred the item to the Planning and Environment for its consideration and determination. The Chairman had concerns that the reasons for refusal may not be valid in planning terms and as such put the authority at risk of costs through appeal proceedings for unreasonable behaviour.
- 9.4 It was noted that this application would be reported to the Planning and Environment Committee on 23 July 2013 and that all interested parties will be consulted.

10. LIST OF BACKGROUND PAPERS

10.1 Agenda, Report, Addendum to the Officers report and Decisions to/of the West Area Planning Sub-Committee on 02 July 2013,

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CIId=121&MIId=6640&Ver=4>

Cleared by Finance (Officer's initials)	GH/AD
Cleared by Legal (Officer's initials)	CH

Appendix A - 698 Finchley Road - F/01413/13, Planning Application

LOCATION: R/O 698 Finchley Road, London, NW11 7NE
REFERENCE: F/01413/13 **Received:** 09 April 2013
WARD(S): Garden Suburb **Accepted:** 17 April 2013
Final Revisions:
Expiry: 12 June 2013

APPLICANT: Walnut Investments Group Limited

PROPOSAL: Erection of a four storey building comprising 9no. self-contained residential units, including 2no car parking spaces, refuse area and cycle storage.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: P-100, P-101, P-200, Design and Access Statement dated April 2013, Arboricultural Report and Method Statement dated March 2013.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

2 This development 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.

3 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

4 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

5 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance

with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

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 Adopted Barnet Development Management Policies DPD (2012).

- 7 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 8 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 9 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 10 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity

feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 11 Prior to the commencement of development a scheme for foul water drainage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of any of the approved flats.

Reason:

To ensure adequate foul water drainage at the site.

- 11 No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 12 Prior to the commencement of development a scheme for surface water drainage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of any of the approved flats.

Reason:

To ensure adequate surface water drainage at the site.

- 12 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 13 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 14 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the

adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 15 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 16 Before the development hereby permitted is occupied the parking spaces shown on Plan P-100 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 17 Part 1

Before development commences other than for investigative work:

- a. A desktop study 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 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

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 policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

- 18 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage of the development from a point 2.4m in from the highway boundary for a distance of 2.4m on both sides of the vehicular access.

Reason:

In the interests of highway safety.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012:CS NPPF, CS 1, CS 4, CS 5

Development Management Policies (Adopted) 2012: DM01, DM02, DM04, DM06, DM08, DM10, DM17

ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers or on highway safety.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also

- offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £20447 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £78867 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If affordable housing or charitable relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us: cil@barnet.gov.uk.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Core Strategy DPD (Adopted) 2012: CS NPPF, CS 1, CS 4, CS 5

Development Management Policies DPD (Adopted) 2012: DM01, DM02, DM04, DM06, DM08, DM10, DM17

Residential Design Guidance SPD (Adopted) 2013

Sustainable Design and Construction SPD Adopted (2013)

Planning Obligations SPD (Adopted) 2013

Relevant Planning History:

Site Address: Land rear of 698 Finchley Road, London, NW11 7NE
Application Number: F/00147/11
Application Type: Outline Application
Decision: Refuse
Decision Date: 11/21/2011
Appeal Decision: Allow subject to conditions
Appeal Decision Date: 11/21/2011
Proposal: **Erection of a four-storey building comprising 10 self-contained units with 2 car parking spaces and cycle storage. (OUTLINE - Access, Layout and Scale)**
Case Officer: Fabien Gaudin

Site Address: Land rear of 698 Finchley Road, London, NW11 7NE
Application Number: F/00869/12
Application Type: Details Application
Decision: Approve with conditions
Decision Date: 05/10/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Reserved matters application seeking approval for i) Appearance and Landscaping pursuant to Appeal decision reference APP/N0590/A/11/2157809 dated 21/11/2011.**
Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 137 Replies: 339 letters received including 337 objections
Neighbours Wishing To Speak 3

A petition objecting to the scheme with 452 signatures was also received.

The objections raised may be summarised as follows:

- lack of cycle parking
- proposed trees could undermine the wall and cause nuisance to the walkway of the church
- the wall is of poor quality and should be well maintained by any owner
- lack of parking/impact on parking

- should be a restriction that no further access is granted from Hoop Lane as it would increase traffic issues
- bin storage detail is unclear
- cycle storage access is unclear
- could be conflict between cyclists, pedestrians and vehicles with regard to the lane to the rear of the site
- overlooking of church
- loss of light to church
- church will suffer from noise during and after construction of the flats
- out of keeping with the environment as it is next to a cemetery, crematorium and conservation area
- excessive height of new building and building is not sympathetic to the character of the area
- musical tradition of the church could prejudice future residents including their use of the balconies
- density
- too close to the church
- no affordable provision
- residents would disrupt services
- the building will make church yard an intimidating space
- loss of protected trees
- traffic and access
- impact on listed building
- subsidence

External consultees

Thames Water - objection regarding drainage

Date of Site Notice: 02 May 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site lies close to the junction of Finchley Road and Hoop Lane. It is adjacent to St Edward the Confessor which is a locally listed building. The site is very prominent in the streetscene and glimpses of the site can be seen from a significant distance on Golders Green Road and Hoop Lane because of the adjacent cemetery. Hoop Lane is one of the main access roads to Hampstead Garden Suburb along Finchley Road and although the site is not within the conservation area its prominent position along Hoop Lane gives additional importance to its external appearance.

Proposal:

Outline permission was granted by the Planning Inspectorate in 2006. Matters of siting, access and design were approved then with matters of external appearance and landscaping being reserved. It should also be noted that ref: F/00147/11 gained outline planning permission (access, layout and scale) at appeal for the erection of a four storey building comprising 10 self contained units with 2 car parking spaces and cycle storage. The building proposed in the 2011 scheme is very similar to that which is proposed in the current application.

The current application differs from the 2011 approval because it is only for 9 flats (2 x 1 bedroom, 6 x 2 bedroom, 1 x 3 bedroom) and includes the provision of balconies and a roof terrace. The current scheme also includes minor fenestration changes and makes provision for 2 car parking spaces. The current proposal would also be larger than the previous approval, albeit not by much, and would be approximately 0.48m greater in height. It should be drawn to the attention of councillors that there have been amendments resulting in the removal of some of the balconies and one of the roof terraces since the .

Planning Considerations:

Principle of the proposal

Given that approval was granted at appeal for a very similar scheme under ref: F/00147/11 it is considered that the principle of residential flats at the site has already been established. Furthermore, the 2011 scheme, which was for 10 flats, was more intensive than the current proposal which is only for 9 flats. It should also be noted that given the established principle it is not considered reasonable to refuse the application because of possible noise disturbance from the church on the flats or from the flats on the church.

Design & Historic Environment

Policy DM01 states that 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Given that the proposal is very similar in appearance to the 2011 approval it is deemed that the design of the application has already been established at appeal. The current proposal includes minor external changes such as the installation of balconies and alterations to windows, all of which are considered sympathetic to the design of the building already approved. Furthermore, the relatively minor changes to the approved scheme are not considered to detract from the setting of the listed 'St Edward the Confessor Church' to the north of the site.

Although the current proposal would be greater in height than the approved scheme it is still considered to be sympathetic to the scale of neighbouring buildings as it would be lower in height than the building to the south west of the site.

Amenity

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

The only significant change to the 2011 scheme in terms of amenity is the creation of balconies/roof terraces on the first, second and third floors. Amendments have been made to the application which have resulted in the removal of the balconies and roof terrace nearest to the residential development along Finchley Road. The other balconies are considered acceptable in terms of amenity because they are either separated from dwellings by Hoop Lane or face the church.

The proposal is not considered to have a detrimental impact on the church in terms of overlooking and loss of sun light given that the church is not a residential building.

A planning condition will ensure that construction is limited to daytime hours to reduce the impact of building works on local residents.

It should be noted that the current proposal would be situated at a similar distance from the church as the approved scheme, and although the current scheme is approx 0.48m higher, and so there would be no significantly greater impact on the church or church yard with regard to overdominance.

Trees

The site is an area of land fronting onto Hoop Lane (to the south) adjacent to the Jews' Cemetery (to the east). It is bounded by 698 Finchley Road to the west and St Edwards Church to the north.

On the Hoop Lane frontage, located within the public footpath, are two mature London Planes. These trees are part of an avenue of mature London Planes, approx. 20m in height, which border Hoop Lane. It appears that Planes were originally planted along both sides of the road from the junction with Finchley Road to Meadway Gate, in front of Golders Green Crematorium and the Jews' Cemetery. The Planes are very clearly visible from Hoop Lane and Finchley Road, are of considerable size and prominence in the streetscene, and are of significant public amenity value.

The Planes are included in a Tree Preservation Order (internal reference TPO/CA/398).

Whilst concerns have previously been expressed about the impact of any proposal on these trees it is considered that as the size of the proposed building is very similar to that already approved that impact on trees is not a reason for refusal. The proposed front balconies have been removed from the current scheme to ensure that they do not impact on the crowns of these street trees.

Planning conditions will ensure that existing trees are protected and conditions will also ensure that proposed landscaping is well maintained and does not cause a nuisance with regard to highway safety.

Sustainability

The adopted Sustainable Design and Construction SPD (2013) outlines the requirement for all minor residential schemes to be built to level three of the Code for Sustainable Homes.

A planning condition will ensure that the flats are constructed to Code Level 3.

Affordable Housing

Policy DM10 states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites, providing 10 or more units gross or covering an area of 0.4 hectares or more.'

The proposal is for less than 10 units and the site area is less than 0.4 hectares and so an affordable housing contribution is not required.

Parking

The proposal includes the provision of 2 car parking spaces which is insufficient when compared against the parking standards in policy DM17 which states that there is a requirement for '1 to less than 1 space per unit for development consisting mainly of flats'.

However the following should be considered:

- The site is located within a walking distance of a town centre amenities
- The site is within a controlled parking zone
- The site is in a good public transport accessibility area near bus routes and Golders Green Underground Station

Furthermore, given that the site already has approval for 10 flats it is not considered reasonable to refuse the application on parking grounds.

Drainage

A planning condition will ensure that adequate surface and foul water drainage is provided at the site to address Thames Water's comments.

Financial Contributions

The applicant is eligible to make financial contributions to both the Mayoril and Barnet CIL. The former has a rate of £35 per m2 whilst the rate for the latter is £135 per m2.

Other Issues

The scheme includes the provision of 5 Sheffield Cycle Stands which would provide cycle parking for 10 bicycles and so would be in accordance with the minimum standards of The London Plan which requires one space per unit.

A planning condition will ensure adequate bin storage.

Problems surrounding maintenance of boundary walls are a civil issue.

It is not reasonable to restrict any further access from Hoop lane and any new applications for development will be assessed on their own merits with regard to highway safety.

Given the relatively small number of residents who will occupy the flats it is not considered that there would be excessive pedestrian and cycle traffic movements in the area.

Access to the site is not an obstacle to development as the site history mentioned above illustrates.

Issues surrounding subsidence would be dealt with at the building control stage.

The application site is less than 0.4 hectares in area and is only for 9 flats and so an affordable housing contribution is not required.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Covered in report.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers or on highway safety. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: R/O 698 Finchley Road, London, NW11 7NE

REFERENCE: F/01413/13



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WEST AREA PLANNING SUB-COMMITTEE

2 July 2013

ADDENDUM TO ACTING ASSISTANT DIRECTOR OF PLANNING & DEVELOPMENT
MANAGEMENT'S REPORT

R/O 698 Finchley Road (Ref: F/01413/13)

Pages 11-24

Additional objections state that:

- The reduction from 10 to 9 units removes the affordable housing obligation.
- The current proposal would be more intensive because the consented scheme would provide for 27 occupants whereas the proposal would be for 29 occupants.
- The current proposal would be 0.81m higher than the consented scheme and not 0.48m higher as stated in the report.
- The amended drawings are not online.
- The current proposal would have a greater impact than the approved scheme because of larger window /door openings and the provision of new balconies and terraces.

Response to additional objections:

- The issue of affordable housing contributions has been covered in the report.
- It is unlikely that the current scheme would be more intensive than the approved scheme because not all of the rooms are likely to be occupied.
- The applicant has confirmed in writing (via email which is available to view online) that the current proposal would only be 0.48m higher than the approved scheme.
- Amended drawings have been available to view online since 28 May 2013.
- Issues surrounding overlooking have been addressed in the report and the amended drawings have removed some of the balconies/terraces to ensure that there would be no detrimental impact on amenity.

Page 19, 3rd paragraph last sentence should end:

It should be drawn to the attention of councillors that there have been amendments resulting in the removal of some of the balconies and one of the roof terraces since the **application was submitted**.

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Appendix C – Extract of the Decisions of the West Area Planning Sub-Committee

Decisions of the West Area Planning Sub-Committee

2 July 2013

Members Present:-

Councillor Maureen Braun (Chairman)
Councillor Eva Greenspan (Vice-Chairman)

Jack Cohen
Claire Farrier
Sury Khatri
John Marshall

Hugh Rayner
Agnes Slocombe
Gill Sargeant
Darrel Yawitch

Apologies for Absence

Councillor Melvin Cohen

1. **698 FINCHLEY ROAD_F0141313**

The Sub-Committee noted the receipt of the additional information as set out in the tabled addendum.

The sub-Committee heard from Mr Jim Biek and Ms Rachel Beard who spoke in objection to the application and a response from the applicant's representative.

The Sub-Committee refused the item for the following reasons.

1. That the increase in height of the building would have an un-neighbourly impact on the adjoining church.
2. That the changes to the scheme would result in the loss of affordable housing.

However following the vote the Chairman referred the item to the Planning and Environment for its consideration and determination. The Chairman had concerns that the reasons for refusal may not be valid in planning terms and as such put the authority at risk of costs through appeal proceedings for unreasonable behaviour.

It was noted that this application will be reported to the Planning and Environment Committee on 23 July 2013 and that all interested parties will be consulted.

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LOCATION: 1 & 1A Garth Road, London, NW2 2NH

REFERENCE: F/02564/13

Received: 21 June 2013

Accepted: 21 June 2013

WARD(S): Childs Hill

Expiry: 16 August 2013

AGENDA ITEM 7

**Final
Revisions:**

APPLICANT: 4M GROUP

PROPOSAL: Erection of 1no. single family dwelling following demolition of existing garages, including hard/soft landscaping and parking spaces and rooms in roof space. Alterations to existing house at 1 Garth Road roof, including new rear dormer, 1no. front roof-light and single-storey rear extension.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

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

0003 revision A

0004 revision A

2001 A

2002 A

2003 B

2004 A

2005 A

2006 A

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

2. This development 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.

3. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

4. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

5. The roof of the rear extensions hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

6. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at first floor level or above at any time in the side elevation of the proposed new dwelling.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

7. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

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 Adopted Barnet Development Management Policies DPD (2012).

8. The use of the extension hereby permitted at 1 Garth Road shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

9. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

10. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

11. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

12. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

13. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

14. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

15. Prior to the commencement of development details of foul water drainage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be installed before the first occupation of the new dwelling.

Reason:

To ensure adequate foul water drainage at the site.

16. Prior to the commencement of development details of surface water drainage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be installed before the first occupation of the new dwelling.

Reason:

To ensure adequate surface water drainage at the site.

17. Before the development hereby permitted is occupied the parking spaces shown on Plan 2001 A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

18. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the new dwelling hereby permitted shall not be extended in any manner whatsoever.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

19. The development shall be constructed so as to provide sufficient air borne and sound insulation against externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the electrical transformer as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am. A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties

INFORMATIVE(S):

1.
 - i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
 - ii) In this case, formal pre-application advice was sought prior to submission of the application.
2. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

3. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £3965.50 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £15295 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If affordable housing or charitable relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us: cil@barnet.gov.uk.

4. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
5. Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

6. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

7. The garages to be demolished may contain asbestos. They should be dismantled and removed appropriately with due reference to the appropriate health and safety legislation.
8. In the event that any alterations to the existing crossover or new crossovers are required then it will be subject to detailed survey by Crossover Team the as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
9. If the development is carried out it will be necessary for the existing redundant vehicular crossover(s) to be reinstated to footway level by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
10. The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Core Strategy DPD (Adopted) 2013 CS NPPF, CS 4, CS 5

Development Management Policies (Adopted) 2012 Policies: DM01, DM02, DM04, DM17

Residential Design Guidance SPD (Adopted) 2013

Sustainable Design and Construction SPD (Adopted) 2013

Site Address: 1 Garth Road, London, NW2 2NH
Application Number: F/04077/12
Application Type: Householder
Decision: Approve with conditions
Decision Date: 21/12/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New front porch. Single storey rear extension with a rooflight.**
Case Officer: Junior C. Moka

Site Address: Land Adjacent To 1 Garth Road, Garth Road, London NW2 2NH
Application Number: F/00234/13
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided

Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of 2no. single family dwellings following demolition of existing garages, including hard/soft landscaping, 1no. parking space to each new property and rooms in roof space. Alterations to existing house roof, including new rear dormer and 1no. front roof-light.**
Case Officer: James Stone

Site Address: Land Adjacent to and including 1 Garth Road, Garth Road, London
Application Number: F/01256/13
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 21/05/2013
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of 1no. single family dwelling following demolition of existing garages, including hard/soft landscaping and parking spaces and rooms in roof space. Alterations to existing house at 1 Garth Road roof, including new rear dormer, 1no. front roof-light and single-storey rear extension.**
Case Officer: James Stone

Site Address: 1 & 1A Garth Road, London, NW2 2NH
Application Number: F/02564/13
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of 1no. single family dwelling following demolition of existing garages, including hard/soft landscaping and parking spaces and rooms in roof space. Alterations to existing house at 1 Garth Road roof, including new rear dormer, 1no. front roof-light and single-storey rear extension.**
Case Officer: James Stone

Consultations and Views Expressed:

Neighbours Consulted: 69 Replies: 3 objections and 1 letter with comments
Neighbours Wishing To Speak 3

The objections raised may be summarised as follows:

- lack of parking including loss of the garages
- traffic/congestion
- disruption from building works
- noise disturbance
- impact on streetscene/out of character
- impact on amenity including loss of privacy
- security issues
- surface and foul water drainage

Internal /Other Consultations:

- Traffic & Development - No objection subject to conditions and informatives
- Environmental Health - No objection subject to conditions and informatives

Date of Site Notice: 04 July 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The proposed dwelling would be built on land that is currently owned by Barnet Council but has been conditionally offered to the applicant subject to grant of planning permission. It needs to be noted that planning permission was granted using delegated powers for an identical proposal at the site under ref: F/01256/13. In accordance with Barnet Council's constitution and scheme of delegation, where the Council owns land which is subject to a planning application that application must be determined by committee. Given that the the Council retains an interest in the land the permission bearing reference F/01256/13 was issued contrary to the Barnet constitution and scheme of delegation. This current application seeks to regularise the situation. For reference land currently owned by the applicant includes 1 Garth Road, and part of the site where the proposed dwelling would be built.

The proposed dwelling would be constructed on land that currently consists of garages to the south west of 1 Garth Road. The application also includes development at 1 Garth Road itself which at present is an end terrace property. To the west of the proposed dwelling is an electrical sub-station whilst Garth Road itself is characterised by small blocks of terraced dwellings.

Proposal:

The application seeks full planning permission for the erection of a three bedroom dwelling. The proposal also includes the installation of a front porch, rear dormer and a 3.5m deep single storey flat roof extension at 1 Garth Road. There would also be a porch, rear dormer and single-storey rear extension of the same size at the proposed dwelling.

Planning Considerations:

Policy DM01 states that 'all development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change and mitigation and adaption'.

DM01 also explains that ' Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

The principle of residential development is considered acceptable because the site is surrounded by residential uses. A proposed residential use is therefore not considered to create unacceptable levels of noise disturbance and would not create a security issue. A planning condition will ensure that construction times are limited to reduce the impact on neighbours.

The proposed dwelling is sympathetic to the style of the adjoining property along Garth Road in terms of mass, height and design. The proposal does not include any side facing windows at first floor level and so there would be no overlooking issues. It should also be noted that there are no dwellings at the rear of the site and so there would be no overlooking issues from the proposed windows in the rear elevation of the proposal. Furthermore, the proposed rear extensions will be the same depth as the adjoining rear extension at 3 Garth Road and so there will be no issues with regard to loss of sunlight and sense of enclosure.

All of the 3 bedrooms at the proposed dwelling would be between 8-12m² in size and so are classified by the adopted Sustainable Design and Construction SPD 2013 as being single bedrooms. This SPD states that the minimum area for a single bedroom is 8m² whilst the minimum area for a double/twin bedroom is 12m². The floor space for the 3 bedroom dwelling is approximately 91m² and exceeds The London Plan requirement of 74m² for a 3b 4p house (The London Plan does not have a measurement for 3b3p dwellings). The outdoor amenity provision is considered adequate given that it would be greater in area than that provided at similar adjoining properties and would exceed the requirements of the Sustainable Design and Construction SPD (2013).

The proposal would provide adequate garden space when compared to existing properties and would not amount to overdevelopment of the site. It is accepted that the street is characterised by blocks of 4 dwellings but given the size of the site the creation of a fifth dwelling at the end of this block would not detract from the streetscene. It should also be taken into account that the block in question is also located at the end of the road which reduces the impact of the scheme on the defined character of the street.

The erection of a dwelling in this location would not result in the loss of any significant trees and there are no trees protected by a tree preservation order (TPO) in the locality.

In terms of highway safety and parking, two parking spaces are proposed which would be in accordance with Policy DM017. The applicant has confirmed that the garages on site to be demolished are currently vacant. The council's highways officer has not objected to the proposal and the erection of one dwelling is not considered to have a large impact on traffic in the area.

With regard to drainage a planning condition will ensure that adequate foul and surface water provision is provided at the site.

The proposal is not considered to pose a security risk to other residents.

Finally, if the proposal impacts on a neighbour's gate it is a civil issue.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Covered in report.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

SITE LOCATION PLAN: 1 & 1A Garth Road, London, NW2 2NH

REFERENCE: F/02564/13



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LOCATION: 2B The Grove, London, NW11 9SH
REFERENCE: F/02305/13 **Received:** 06 June 2013
WARD(S): Golders Green **Accepted:** 07 June 2013
Expiry: 02 August 2013 **AGENDA ITEM 8**

**Final
Revisions:**

APPLICANT: Grove NW11 LTD

PROPOSAL: Erection of a four storey detached building to provide 9 self-contained residential units with basement car parking.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 001 00, 002 00, 003 00, 010 00, 020 00, 101 00, 102 00, 103 00, 104 00, 105 00, 110 00, 111 00, 120 00 and 121 00 dated 06 June 2013

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

2. This development 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.

3. Before the development hereby permitted is occupied the parking spaces as shown on Plan 101 00 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

4. For every five parking spaces provided, one parking space shall have provision or be future proofed to provide a suitable electrical charging point.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of

traffic and in order to protect the amenities of the area in accordance with policies 6.13 of the London Plan (2011) and Policy DM17 of Barnet's Local Plan (Development Management Policies).

5. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

6. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

7. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

8. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system and the amenities of the area to comply with Policies 5.13 and 5.14 of the London Plan 2011.

9. A scheme of hard and soft landscaping, including details of existing trees to be retained, sections of the site showing drainage and soil levels and details of planting on the upper terraces, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

10. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

11. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

12. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

13. No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway

and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

14. Part 1

Before development commences other than for investigative work:

- a. A desktop study 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 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

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 policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

15. Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.3 of the London Plan 2011.

16. The property shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

17. Before the building hereby permitted is occupied the proposed windows on the side elevations of the building shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

18. Before the development hereby permitted is occupied, the amenity areas shall be sub-divided as shown on the hereby approved drawings, implemented and retained as such on site thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

19. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

INFORMATIVE(S):

1.
 - i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
 - ii) In this case, formal pre-application advice was sought on 14/05/2013 prior to submission of the application.
2. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £36,365 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £140,265 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If affordable housing or charitable relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us: cil@barnet.gov.uk.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Mayor's London Plan July 2011:

- Policy 3.3 – Increasing Housing Supply
- Policy 3.4 – Optimising Housing Potential
- Policy 3.5 – Quality and Design of Housing Developments
- Policy 3.8 – Housing Choice
- Policy 3.9 – Mixed and Balanced Communities
- Policy 5.2 – Minimising carbon dioxide emissions
- Policy 5.3 – Sustainable design and construction
- Policy 7.1 – Building London's Neighbourhoods and Communities
- Policy 7.2 – An Inclusive Environment
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.6 – Architecture
- Policy 7.14 – Improving air quality

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority. Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floor space.

The Council has also introduced a Community Infrastructure Levy. This applies from 1 May 2013 to most residential and retail developments in the Borough where the application is determined by the Local Planning Authority. The levy will be charged at a rate of £135 per square metre of net additional floor space.

Core Strategy Policies 2012

- Policy CS 1 – Barnet's Place Shaping Strategy – The Three Strands Approach
- Policy CS 3 – Distribution of growth in meeting housing aspirations
- Policy CS 4 – Providing quality homes and housing choice in Barnet
- Policy CS 5 – Protecting and Enhancing Barnet's character to create high quality places
- Policy CS 6 – Promoting Barnet's town centres
- Policy CS 9 – Providing safe, effective and efficient travel
- Policy CS 15 – Delivering the Core Strategy

Development Management Policies 2012

- DM01 – Protecting Barnet's character and amenity
- DM02 – Development standards
- DM04 – Environmental considerations for development
- DM14 – New and existing employment space
- DM17 – Travel impact and parking standards

Local Supplementary Planning Documents (SPDs):

- Barnet SPD: Residential Design Guidance (2013)
- Barnet SPD: Sustainable Design and Construction (2013)
- Barnet SPD: Planning Obligations (2013)

Relevant Planning History: None relevant

Consultations and Views Expressed:

Neighbours Consulted: 124
Replies: 5
Neighbours Wishing To Speak: 1

The objections and responses raised may be summarised as follows:

- The proposed design would have a detrimental impact on the character and appearance of the property and surrounding area
- The scale of the proposal would not reflect the scale of properties in the street
- Concern that the proposal would impact adversely on the amenity of adjoining neighbouring properties through overlooking, loss of light and loss of privacy
- The proposal would result in increased traffic in an already congested area
- The proposal would put strain on services in the local area due to the increased number of residents
- The building should be no higher than the existing building and should be set back from the front of the road like other properties
- The proposed building and balconies would overlook

Date of Site Notice: 27 June 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site contains a detached commercial unit in a residential street, outside of any of the Borough's conservation areas. The existing single storey pitched roof building features hard standing for parking on the front of the site. The building features a pitched roof and measures approximately 24 metres wide, 30.4 metres deep and 5.7 metres tall. The property adjoins residential dwellings on its side boundaries and is currently used for storage.

Proposal:

The application seeks consent for the demolition of the existing single storey property and the erection of a three storey property featuring 9 flats. The proposed property would feature 4 storeys, including a lower ground floor. The property would provide 11 car parking spaces and 18 bicycle store in the lower ground floor. The property would consist of 5 X 3 bedroom flats and 4 X 2 bedroom flats.

The proposed property would be set back from the frontage of the street by approximately 6 metres and the northern and southern side boundaries of the site by approximately 1 metre at ground floor level. The property would measure approximately 21.2 metres wide, 25 metres deep and 10.4 metres tall when measured from the ground floor level.

The property would feature access to the rear of the site through side access gates and would feature a shared communal amenity area on its rear. In addition to this, flats 6, 8 and 9 on the first and second floor of the property would have access to

private amenity space on balconies and flat 4 on the ground floor of the property would have access to its own private amenity space. The balconies would feature plant boxes and two metre tall timber trellis screens.

Replacement side boundary walls will be established at the same 3.6 metre height as the existing walls.

The materials to be used in the construction of the property would include off white painted smooth render, aluminium windows, dark grey zinc roofing, dark grey zinc cladding and stained timber cladding.

The site would be accessed for pedestrians through steps or a platform lift on the front of the property or through the internal staircase and lift through the lower ground floor level. Access for vehicles would be through a ramp on the front of the site.

Planning Considerations:

The main issue in this case are considered to be covered under the following areas:

- The principle of the proposed development and the impact on the character and appearance of the site and surrounding area
- The impact on the amenity of neighbouring and future residents;
- Whether the proposal would provide a sufficient parking allocation
- Financial Planning Obligations arising from the development

The principle of the proposed development and the impact on the character and appearance of the site and surrounding area

The application site is located on previously developed land and forms windfall residential development. The government is committed to maximising the re-use of previously developed land and the council has not indicated that there is a state of oversupply of residential dwellings.

The council's core strategy states that "all employment spaces will be protected where viable to enhance Barnet's local economy and support enterprise potential. Employment spaces are defined as Class B1, B2 and B8 under the Use Classes Order. Effective marketing is where a site has been continuously actively marketed both for sale and rent for a period of 12 months at an appropriate price which can be agreed in advance with the council (at pre-application if appropriate) for re-use or redevelopment for employment use and no interest has been expressed. Once this can be satisfied then partial loss for residential and employment use may be permitted".

In this instance, considering the site has been split from the front of the site fronting onto Golders Green Road where commercial developments are considered to be more appropriate and thus leaving the rear part of the site fronting onto The Grove which is more residential in nature, it is not considered that this part of the site should be subject to the same marketing details as if it were still connected to the front. It is considered that it should be assessed independently, and consideration given to whether employment use on the rear sections is acceptable in principle or whether a residential use would be more appropriate. It is also considered that given

that the rest of The Grove is residential, this section of the site can be converted into habitable accommodation without requiring the usual marketing details to be submitted and that this is an unusual situation which is not considered to set a precedent for other proposals concerning loss of an office.

Based on these consideration it is not considered that, despite the requirement is policy DM14, the loss of this part of the site as B1 use would harm the Borough's ability to provide high quality employment land or cause any major conflict with council policies. There are therefore no objections on these grounds and a residential use is considered to be acceptable.

In terms of the impact of the proposal on the character and appearance of the surrounding area, policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. This policy also states that the loss of houses in roads characterised by houses will not normally be appropriate. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design. Furthermore, the Residential Design Guidance SPD advises that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all significant factors when redeveloping sites within existing residential areas.

The proposed building would be sited to appropriately reflect the building line within the street and would also reflect the ridge heights of adjoining properties. The proposed property is of a more modern design than the adjoining neighbouring properties but given that the design of the existing building on the site does not positively contribute to the residential character of the surrounding area, it is not considered the design of the proposed building would be detrimental to the character and appearance of the street. Whilst modern, it reflects the proportions and articulation of surrounding development. The front gables and the shape of the roof are similar to surrounding houses.

Subject to a condition requiring materials to be submitted and agreed by the Local Planning Authority prior to the commencement of development the proposal is considered to sufficiently maintain the character and appearance of the property and surrounding area.

The impact on the amenity of neighbouring and future residents

Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. This is elaborated on by the Sustainable Construction and Design SPD (2013) which states that the privacy of existing and future development should be protected and gardens and windows to habitable rooms should not be significantly overlooked. Furthermore the Residential Design Guidance SPD

(2013) advises that 'Privacy is an important design issue and all residents should feel at ease within their home. Design can create privacy in a number of ways, including the careful positioning of buildings in relation to one another, internal layouts (positioning of windows and rooms requiring more privacy) and through screening and landscaping.'

In terms of the impact on the neighbouring properties access to light and whether there would be an overbearing impact on the amenity of neighbouring residents, it is acknowledged that the proposal would result in a more substantial building on the site with an increased height and mass. The property would be located to the north - west of 2 The Grove, south - east of 2A the Grove and north - east of 177 - 179 Golders Green Road. However, the proposal would result in a distance of approximately 2 metres between the proposed building and neighbouring property at 2 The Grove, a 1.6 metre space between the application property and 2B the Grove and 11.4 metres to the rear of 177 - 179 Golders Green Road. The property would also be set away from the sides of the property on its rear, effectively forming a 'T' shape and would retain the height of existing boundary treatments at 3.6 metres. This, when considered alongside the fact that the proposal would be similar in height to the adjoining is considered to ensure that the proposal would not have an overbearing impact on adjoining properties to an extent that would warrant the refusal of the application on these grounds.

Turning to the impact of the proposal on the privacy and outlook of adjoining and future residents, it is considered that the council's Residential Design Guidance SPD states that "the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces. Screening can reduce overlooking in these instances... *in new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden*".

As stated above, the existing ground floor boundary treatments would remain the same height as exists and all windows in the side elevations of the property would be obscure glazed. Screening in the form of fencing and planting would also be provided to ensure that the balconies for flats 6, 8 and 9 on the first and second floor of the property and the amenity space for flat 4 on the ground floor of the property do not result in overlooking and retain privacy. In addition to this, a distance of approximately 24.4 metres between the first floor rear windows on the proposed property and the fenestration on the rear of 177-179 Golders Green Road would also be established. Based on these considerations, the proposal is not considered to impact adversely on the privacy, access to light or have an overbearing impact on any neighbouring and future occupiers to an extent that would warrant the refusal of the application on these grounds.

With regard to whether the proposal would provide sufficient amenity space, policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. In addition to this, the council's Residential Design Guidance SPD states that 5 m² of amenity space should be provided per habitable room. In this instance a shared communal amenity area would be provided on the rear of the site. In addition to this, flats 6, 8 and 9 on the first and second floor of the

property would have access to private amenity space on balconies and flat 4 on the ground floor of the property would have access to its own private amenity space. Given that the proposal would result in the creation of 23 bedrooms, 115m² of amenity space should be provided. 115m² of amenity space has been provided and the proposal is considered to meet the required quality and area of required amenity space to comply with the council's standards for amenity space.

In terms of the minimum space standards for new development, this is laid out in table 3.3 of the London Plan 2011. The requirements for houses is set out below:

2 bedroom 3 person flats: 61m²
2 bedroom 4 person flats: 70m²
3 bedroom 4 person flats: 74m²
3 bedroom 5 person flats: 86m²
3 bedroom 6 person flats: 95m²

The proposal would consist of 5 X 3 bedroom flats and 4 X 2 bedroom flats and in this instance each unit complies with the minimum space standards.

Turning to the impact of air quality and contamination, the council's scientific services officer has stated that in the event of approval conditions should be attached requiring full details of these to be submitted and agreed prior to the commencement of development.

Whether the proposal would provide a sufficient parking allocation

The proposal would provide access to 11 car parking spaces and 18 cycle parking spaces through a ramp that would be located on the front of the site. Development Management policy DM17 states that 1 to less than 1 car parking space should be provided per unit for a development consisting mainly of flats. The proposed parking space is therefore considered appropriate.

Financial Planning Obligations arising from the development

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority. Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floor space. In this instance as the proposal would result in the creation of a gross internal floorspace of 1,039 metres and the Mayoral CIL contribution will therefore be £36,365.

The Council has also introduced a Community Infrastructure Levy. This applies from 1 May 2013 to most residential and retail developments in the Borough where the application is determined by the Local Planning Authority. The levy will be charged at a rate of £135 per square metre of net additional floor space. In this instance as the proposal would result in the creation of a gross internal floorspace of 1,039 metres and the Barnet CIL contribution will therefore be £140,265.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters are considered above.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the principle of the proposed residential development is considered acceptable and the proposal would sufficiently maintain the character and appearance of the application site and surrounding area. The proposal would also sufficiently maintain the amenity of neighbouring and future residents and would provide a sufficient parking allocation. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 2B The Grove, London, NW11 9SH

REFERENCE: F/02305/13



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LOCATION: Former East Camp, RAF Hendon, Aerodrome Road, Grahame Park Way, Hendon, London NW9.

AGENDA ITEM 9

REFERENCE(S): W00198AA/04

WARD: Colindale

APPLICANT: St George North London Limited

PROPOSAL: Deed of variation to Section 106 Agreement in respect of Clause 1 (definitions) and Planning Obligation Schedule R.

RECOMMENDATION:

That, subject to the completion of all necessary legal and other documentation, a Deed of Variation to the Section 106 Agreement attached to planning permission W00198AA/04 is authorised to secure the following changes:-

- (i) **Clause 1 (Definitions):** To alter the wording to the definitions of *“Affordable Housing”*, *“Affordable Housing Contract”* and the insertion of the definitions *“Affordable Rented Housing”* and *“Affordable Rented Housing Price”*;
- (ii) **Schedule R (Affordable Housing):** To alter the wording of schedule R to allow the remaining unbuilt discount market sale (DMS) units (208) to be sold as full market value private tenure units.

And to allow:

75 Shared ownership to be sold as private tenure units; and

Change in mix and tenure of the remaining 177 rented homes to be provided from social rent to affordable rent and the provision of 26 x 1 bed, 80 x 2 bed, and 71 x 3 bed flats.

1. BACKGROUND

Outline Consent for Beaufort Park

In April 2005 Outline Planning Permission (Ref W00198AA/04) was granted for the residential-led mixed use redevelopment of the former RAF East Camp site (now known as Beaufort Park), following completion of a Section 106 Agreement securing community and infrastructure benefits. The outline consent allows for 2,800 residential homes and approximately 7,850 sqm of non-residential and commercial floorspace. A subsequent full planning application was approved in 2009 for an additional 190 homes and 799 sqm of non-residential accommodation on the site of the former Listed Watch Tower building which was relocated to the RAF Museum directly to the north of the development. The total number of homes approved at Beaufort Park is therefore 2,990 with 8,649 sqm of non-residential floorspace.

The approved outline planning permission established an overall Masterplan for the development of the site which is divided into phases. Detailed designs have been approved for each of the phases through Reserved Matters and a number of phases have been completed and are under construction. The development is now close to being 50% complete.

The original s106 secured a total of 641 affordable units (427 social rent and 214 shared ownership) plus 257 Discount Market Sale units. This mix of tenures was aimed at meeting a range of needs as follows:

- 427 social rent – homes built for households nominated by the Council at target rent set by the Government
- 214 shared ownership – homes sold to households on a part buy part rent basis where shares are sold between 25% and 75% of the market value and rent is paid on the unsold equity. Priority is given to Barnet residents.
- 257 discounted market sale (DMS) – homes sold to households at 80% of the market value. The remaining 20% equity is covenanted to the Council. Occupiers can buy out the Council's interests at 20% of the market value. This sum is a commuted sum and can only be used to contribute towards the costs of providing affordable housing.

A total of 250 social rented, 139 shared ownership and 49 DMS units have been delivered at Beaufort Park to date.

Changes to the Affordable Housing Mix Approved at 23rd July 2013 P&E Committee

At the 23rd July 2013 P&E committee Members resolved to approve the recommendation to enter into a deed of variation to vary the section 106 agreement attached to the outline planning consent for Beaufort Park (ref W00198AA/04). The changes to the affordable housing offer approved by Members are as follows:

- Continue to deliver rented accommodation, however, instead of social rent as previously agreed, this will be in the form of affordable rent;
- Amend the mix of the 177 affordable rented homes to be delivered to be: 26 x 1 bed, 80 x 2 bed, 71 x 3 bed;

- Convert the remaining 75 shared ownership and 208 discount market sale homes that were to be provided as part of the original affordable housing package, to private sale homes;

The 23rd July committee report is appended to this report for reference (See Appendix 1).

2. PURPOSE OF THIS REPORT

The 23rd July 2013 P&E decision was subject to Cabinet Resources Committee approval. This is because the proposed changes included the Council transferring its 20% covenant stake that it owns in the 48 Discount Market Sale units that have already been built at the development, to St George.

Since the 23rd July decision, St George have amended the affordable housing package so that the Council no longer has to transfer its 20% stake in the completed DMS units to St George. Therefore the proposed changes to the section 106 agreement do not affect Council assets since the 20% equity stake of the 48 DMS units sold (but not bought out) will remain with the Council. As a result there is no longer a requirement for CRC approval.

All other aspects of the proposed amendments to the affordable housing mix remain as per the 23rd July 2013 report. The amended affordable housing package will guarantee the delivery of the remaining 177 affordable rented homes within the next phase of the Beaufort Park development.

The wording of the recommendation has been amended from the 23rd July 2013 report to simply remove the reference to approval by CRC and remove reference to the transfer of equity from the already built DMS units. The changes to the wording are shown below with deleted text struck through:

“That, subject to ~~Cabinet Resources Committee (CRC) approval~~ and the completion of all necessary legal and other documentation, a Deed of Variation to the Section 106 Agreement attached to planning permission W00198AA/04 is authorised to secure the following changes:-

- (i) Clause 1 (Definitions): To alter the wording to the definitions of “Affordable Housing”, “Affordable Housing Contract” and the insertion of the definitions “Affordable Rented Housing” and “Affordable Rented Housing Price”;*
- (ii) Schedule R (Affordable Housing): To alter the wording of schedule R to allow the remaining discount market sale (DMS) units (208) to be sold as full market value private tenure units ~~and that the 20% covenant value stake that the Council owns from the already built DMS units (49) is transferred to St George.~~*

And to allow:

75 Shared ownership to be sold as private tenure units; and

Change in mix and tenure of the remaining 177 rented homes to be provided from social rent to affordable rent and the provision of 26 x 1 bed, 80 x 2 bed, and 71 x 3 bed flats.”

The other changes to the affordable housing mix have already been considered and approved by Members. Therefore, it is only the update to the recommendation as set out above, that this report is seeking approval for.

3. CONCLUSION

The Planning & Environment Committee has already approved the changes to the affordable housing mix in relation to the Beaufort Park development on the 23rd July 2013. St George have revised their proposal so that the Council retains its 20% equity stake in the 48 DMS units that have been built to date. As a result the recommendation has been updated so as to remove the transfer of the Council's equity stake in the 48 DMS units and the remove the requirement for CRC approval. On the basis of this change it was thought necessary to report back to P&E with the updated recommendation.

Overall, the proposed alterations to the affordable housing provision within the Beaufort Park development are considered to be acceptable in principle and are considered necessary in order to ensure the viable and timely delivery of 177 affordable rented homes within the next phase of development. To secure the revised affordable housing the above variations to the S106 are recommended for approval subject to the completion of all necessary legal and other documentation.

SITE LOCATION PLAN: Beaufort Park

REFERENCE: W00198AA/04



APPENDIX 1: 23rd July P&E Committee Report

LOCATION: Former East Camp, RAF Hendon, Aerodrome Road, Grahame Park Way, Hendon, London NW9.

REFERENCE(S): W00198AA/04

WARD: Colindale

APPLICANT: St George North London Limited

PROPOSAL: Deed of variation to Section 106 Agreement in respect of Clause 1 (definitions) and Planning Obligation Schedule R.

RECOMMENDATION:

That, subject to Cabinet Resources Committee (CRC) approval and the completion of all necessary legal and other documentation, a Deed of Variation to the Section 106 Agreement attached to planning permission W00198AA/04 is authorised to secure the following changes:-

- (i) **Clause 1 (Definitions):** To alter the wording to the definitions of “*Affordable Housing*”, “*Affordable Housing Contract*” and the insertion of the definitions “*Affordable Rented Housing*” and “*Affordable Rented Housing Price*”;
- (ii) **Schedule R (Affordable Housing):** To alter the wording of schedule R to allow the remaining discount market sale (DMS) units (208) to be sold as full market value private tenure units and that the 20% covenant value stake that the Council owns from the already built DMS units (49) is transferred to St George.

And to allow:

75 Shared ownership to be sold as private tenure units; and

Change in mix and tenure of the remaining 177 rented homes to be provided from social rent to affordable rent and the provision of 26 x 1 bed, 80 x 2 bed, and 71 x 3 bed flats.

1. BACKGROUND

In April 2005 Outline Planning Permission (Ref W00198AA/04) was granted for the residential-led mixed use redevelopment of the former RAF East Camp site (now known as Beaufort Park), following completion of a Section 106 Agreement securing community and infrastructure benefits. The outline consent allows for 2,800 residential homes and approximately 7,850 sqm of non-residential and commercial floorspace. A subsequent full planning application was approved in 2009 for an additional 190 homes and 799 sqm of non-residential accommodation on the site of the former Listed Watch Tower building which was relocated to the RAF Museum directly to the north of the development. The total number of homes approved at Beaufort Park is therefore 2,990 with 8,649 sqm of non-residential floorspace.

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The original s106 secured a total of 641 affordable units (427 social rent and 214 shared ownership) plus 257 Discount Market Sale units. This mix of tenures was aimed at meeting a range of needs as follows:

- 427 social rent – homes built for households nominated by the Council at target rent set by the Government
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- 257 discounted market sale (DMS) – homes sold to households at 80% of the market value. The remaining 20% equity is covenanted to the Council. Occupiers can buy out the Council's interests at 20% of the market value. This sum is a commuted sum and can only be used to contribute towards the costs of providing affordable housing.

A total of 250 social rented, 139 shared ownership and 49 DMS units have been delivered at Beaufort Park to date.

2. MATERIAL CONSIDERATIONS

2.1 Relevant Planning History

App Ref.	Address	Description of Development	Decision and Date
W00198AA/04	Former RAF East Camp, Hendon, Aerodrome Road, Grahame Park Way, Hendon, London NW9	Redevelopment of site comprising 2800 residential units (Class C3), approximately 7850sqm of retail (Class A1), financial and professional services (Class A2), food and drink (Class A3), business (Class B1), leisure and community (Class D1 and D2) uses and driving test centre (sui generis) with associated landscaped open space, car parking and access arrangements. Submission of Environmental Statement.	APPROVED 08/0805 following completion of Section 106 Agreement.
W00198AK/05	Former RAF East Camp	Phase A: Reserved matters providing 485 units.	APPROVED 21/09/05
W00198AG/05	Former RAF East Camp	Phase B: Reserved matters providing 191 units.	APPROVED 26/05/05
W00198BE/06	Former RAF East Camp	Phase C1 and C2: Units provided being 145 (through a non-material amendment H/02365/10 approved 12/07/07).	APPROVED 17/01/07
W00198BT/07	Former RAF East Camp	Phase C3 and C4: Units provided being 190 (this 190 is above the 2800 approved by the Outline Permission).	APPROVED 14/08/09
W/00198BJ/07	Former RAF East Camp	Phase C5 and C12: Units provided being 517.	APPROVED 06/06/07
H/00146/12	Former RAF East Camp	Phase C5 and C12: Units provided being 560. This reserved matters application allowed an increase from 517 to 560 units.	APPROVED 21/12/12
H/02713/09	Former RAF East Camp	Phase D: Units provided being 350.	APPROVED 12/11/09
W00198/AQ/05	Former RAF East Camp	Phase E: Units provided being 309.	APPROVED 30/11/05
H/01259/08	Former RAF East Camp	Phase E: Units provided being 442.	APPROVED 01/07/09
H/00172/12	Former RAF East Camp	Phase E: Units provided being 337. NOTE: The current approval following amendments for phase E permits 377 units for this phase in total.	APPROVED 23/11/12
H/00123/10	Former RAF East Camp	Phase F: Units provided being 533.	APPROVED 18/03/10
W00198AW/06	Former RAF East Camp	Phase G: Units provided being 306.	APPROVED 05/07/06
H/04118/10	Former RAF East Camp	Phase G: Units provided being 309. The current approval following amendments for phase G permits 309 units for this phase in total.	APPROVED 10/01/11

2.2 Proposed Change to Affordable Housing at Beaufort Park

Since the grant of the outline planning permission and completion of the original s106 agreement in 2005 there have been significant changes in the housing market and to the way affordable housing is funded by Government. This has impacted on the amount of affordable housing that can be delivered by private developments in recent years.

The most significant change is the availability of capital funding (housing grant). Housing associations can no longer receive a capital grant towards acquiring affordable homes from developers. As a result of this, the amount a housing association can pay for an affordable housing unit is significantly reduced.

The s106 agreement for Beaufort Park included a set price for the social rented and shared ownership affordable homes which was based on the assumption that grant would be available. Given the grant money is no longer available the affordable housing provision at Beaufort Park can no longer be delivered as originally envisaged. The monetary shortfall at Beaufort Park between the original price set in the section 106 agreement and the current amount housing associations are able to pay to acquire the affordable homes is approximately £45 million.

In light of these changes and the funding shortfall in relation to the remaining affordable units at Beaufort Park, St George are now proposing a revised affordable housing package that is based deliverable and aims to meet the Council's priorities for rented homes.

Reflecting the need and priority for rented homes in the borough the proposal is to deliver the remaining 177 rented homes within the development and cross subsidise these through increased private sales. This will be done by converting the remaining 75 shared ownership units and 208 DMS units to private sale. In addition the 20% equity stake that the Council currently has in the 48 built and occupied DMS homes will also be transferred to St George to help subsidise the delivery of the remaining rented units (this is discussed further below).

The existing S106 requirements and the revised affordable housing offer is summarised in the table below:

Unit Type	Existing S106 requirements for AH	Affordable homes delivered to date	Remaining affordable homes to be delivered	Revised proposal for delivering the remaining affordable homes
1 bed shared ownership	53	39	14	0
2 bed shared ownership	107	75	32	0
3 bed shared ownership	54	25	29	0
Sub-total	214	139	75	0
1 bed rented	0	0	0	26
2 bed rented	213	161	52	80
3 bed rented	214	89	125	71
Sub-total	427	250	177	177
Discounted Market sale	257	49	208	0
Sub -total	257	49	208	0

Change to rented mix

The mix of unit sizes within the 177 rented homes is also proposed to be amended (as per table above) to reflect the borough's needs whilst also taking into account the design issues and housing association requirements related to this type of flatted development. The changes comprise the introduction of 1 bed units, reduction in the number of 3 bed units and an increase in the number of 2 bed units. This housing mix has been viewed by the Council's Housing Officer who considers this mix to address a need of the borough and is therefore considered to be acceptable. The unit mix is within the scope of what is acceptable within the SPD for Affordable Housing taking into account that this is a high density flatted development and that the borough has a large shortfall (5,148 units per annum) of affordable homes of all sizes with the largest shortfall being for one and three bedroom homes.

Transfer of Council's equity stake

The Council has a 20% equity stake in 48 DMS properties built to date (1 of the 49 has been bought out already). The value of this equity stake is approximately £2.4 million. Any of the owners of the remaining 48 DMS properties at any time can buy out the Council's interest at 20% of the market value. If they do so, under the terms of the section 106 agreement the money can only be used to provide affordable housing in the borough.

In order to make the rented units viable, St George has requested that the Council's interests (the 20% equity stake) be transferred to them. The value of this interest will then help subsidise the 177 rented homes that will be delivered. As described above, the remaining 208 DMS units will no longer be provided but instead the projected value of these units, which is in the region of approximately £10.3 million, will go towards cross subsidising the rented accommodation.

DMS housing is an Intermediate form of affordable housing, but is only considered affordable housing (in the case of homes for sale) if, as stipulated within the Council's Affordable Housing SPD 2007:

- The purchase price is "...no greater than 3.5 times the household income...";
- "A planning covenant (in the case of housing for sale) or the involvement of a RSL ensures that the housing remains affordable in the long-term to households identified as being unable to afford market housing."; and
- The costs to the household of purchasing or renting will be at least 30 per cent lower than the costs of homes of similar type that can be acquired on the open market in the lowest price-quartile for that size and type of accommodation.

In this instance, flats within the Beaufort Park development sell at well above the established price point for the Colindale area with the DMS on offer only reduced to 80% the market value and not 70%.

Having viewed an overview of prices for properties for sale within the Colindale area, it is considered that those properties for sale within Beaufort Park, even with a 20% discount on the market price, sell well above the lowest price-quartile of housing for sale in Colindale on the open market. Therefore, the DMS does not make a contribution to the provision of affordable housing because even at 80% of the market value, the homes are still a higher price than the lowest quartile resale values of those homes for sale in Colindale on the open market.

Furthermore, if the average household income in the Colindale area is assumed at £30,000 then £105,000 represents the value 3.5 times this income, and thus represents a purchase price that

is considered to be affordable. Beaufort Park products sell for far higher than this figure, even with a 20% discount price for the DMS homes. Therefore, these DMS units would not be considered affordable. In this case it is considered that the loss of the remaining 208 DMS units is acceptable on the basis that the subsequent increased value to the development will enable the delivery of the remaining 177 rented affordable units.

Removal of Shared Ownership

In addition to the reduction in DMS, it is proposed that the remaining 75 shared ownership are not provided and this will allow St George to build these units as private sale properties. The increased revenue received by St George as a result of this change will contribute to reducing the price to be paid by the housing association for the rented homes, thus contributing towards the delivery of the remaining 177 rented homes.

There is currently a significant amount of shared ownership being built in Colindale and this is currently being sold to non-Barnet residents as supply is greater than demand from local residents. There is therefore less of a need for shared ownership in the area. In this instance the loss of the remaining 75 shared ownership units is considered acceptable on the basis that the subsequent increased value to the development will enable the delivery of the remaining 177 rented affordable units which are the type of affordable housing that the Council has an identified demand for.

Change from Social Rent to Affordable Rent

Since the original s106 agreement was signed, the Government has introduced Affordable Rent as a type of affordable accommodation where rents of up to 80% of market rents can be charged.

The remaining 177 rented units at Beaufort Park are proposed to be provided as affordable rent instead of social rent. This will also contribute to bridging the shortfall as the revenue received by St George for affordable rent is greater than that received for social rent.

When all of the proposed changes are factored together, St George have advised that they will receive approximately £5.32 million less for the affordable housing than the price stated in the s106 Agreement to which their board has agreed to accept this.

Delivery of the revised affordable homes

Should the above changes to the affordable provision within the development be agreed, an updated reserved matters planning application would be forthcoming to include all 177 affordable homes to be contained within Block F. Discussions have been undertaken between St George and a housing association in relation to taking on the units which indicate that the principle of the location, design, layout of the 177 affordable homes within Block F are broadly acceptable to the housing association, subject to the detailed design and management of such arrangements. These homes, subject to approval of reserved matters, are projected to be started in the summer of 2014. This provides some certainty as to the delivery of the 177 affordable homes within St George's projected timescale.

Summary of proposed changes

St George propose the following changes to the approved affordable housing within the Beaufort Park development to deliver a revised affordable housing package that is considered viable and deliverable:

- Continue to deliver rented accommodation, however, instead of social rent as previously agreed, this will be in the form of affordable rent;
- Amend the mix of the 177 affordable rented homes to be delivered to be: 26 x 1 bed, 80 x 2 bed, 71 x 3 bed;
- Convert the remaining 75 shared ownership and 208 discount market sale homes that were to be provided as part of the original affordable housing package agreed under the s106 to private sale homes;
- Transfer the beneficiary of the 20% covenanted value in the 48 DMS already sold (£2.4 million) from the Council to St George.

The changes to the s106 will be secured through a revision to the existing S106. The revisions to the s106 will ensure that the affordable housing remains affordable in perpetuity.

The proposed variation to the existing S106 will allow future development phases to be delivered in a timely manner and will allow the Council to receive New Homes Bonuses and any further S106 contributions for infrastructure requirements.

2.3 Proposed Amendments to Schedules within Section 106

2.3.1 Clause 1 (Definitions):

To alter the wording to the definitions of “*Affordable Housing*”, “*Affordable Housing Contract*” and the insertion of the definitions “*Affordable Rented Housing*” and “*Affordable Rented Housing Price*”.

The definition of “*Affordable Housing*” is to be amended to differentiate between the homes built as social rent, shared ownership and discount market sale.

A new definition is to be inserted which refers to the 177 affordable rented homes. This will allow a separate definition to be introduced which deals specifically with the affordable rented homes subject to this deed of variation application.

2.3.2 Schedule R (Affordable Housing) to the S106 Agreement

Wording would be altered to adjust the number of Discounted Market Sale Units (DMS). These alterations change the number of DMS from 257 to 49 and will remove the Council’s authority to refuse the release of payment to St George (the new beneficiary) should the DMS units be sold in the future.

2.3.3 New Clauses

New clauses would be added to state a clear timeframe as to when the Council is to transfer their interests and how the release payment will be made to St George.

2.3.4 Further Negotiation

Details regarding the exact wording of the varied S106 sections are still under negotiation between St George and the Council. However, the principle of the alteration to the S106 is considered to be acceptable.

Furthermore, as the proposal involves the transfer of Council's interest in the existing DMS properties, the proposal requires the approval of the Cabinet Resources Committee (CRC).

3. CONCLUSION

Overall, the proposed alterations to the affordable housing provision within the Beaufort Park development are considered to be acceptable in principle and are considered necessary in order to ensure the viable and timely delivery of 177 affordable rented homes within the next phase of development. To secure the revised affordable housing the above variations to the S106 are recommended for approval subject to approval at the Cabinet Resources Committee (CRC) and the completion of all necessary legal and other documentation.

LOCATION: Brent Cross Cricklewood Regeneration Area, North West London

REFERENCE: F/03027/13 **Received:** 2 July 2013 **AGENDA ITEM 10**
Accepted: 12 July 2013

WARD: Childs Hill, **Expiry:** 18 August 2013
Golders Green,
West Hendon

APPLICANT: BXC Development Partners

PROPOSAL: Environmental Impact Assessment – Scoping Opinion for a S73 Planning Application to vary the conditions of Planning Permission Reference No C/17559/08 for Comprehensive Mixed Use Development of the Brent Cross Cricklewood Area.

Summary

This report considers a Scoping Report for an Environmental Impact Assessment to be prepared for the Brent Cross Cricklewood Development Partners and concludes that subject to the specific comments included in the draft letter and checklist (attached as an appendix to this report) the proposed scope of the Environmental Impact Assessment is acceptable.

The Scoping Report submitted sets out the proposed scope and methodology of assessment for each environmental topic to be reported in a revised Environmental Statement to accompany a S73 application for the Brent Cross Regeneration Area.

Statutory consultees, adjoining boroughs and local interest groups have been consulted and their comments included where appropriate.

Background

Hybrid Planning Permission was granted in October 2010 for the comprehensive redevelopment of the Brent Cross Cricklewood Regeneration Area on the basis that the main accesses in to the site were given detailed approval and the majority of the permission was in outline.

The 2010 outline permission allows development of the scheme to progress within limitations imposed through parameters and principles. These parameters and principles defined the scheme and were used as the basis for the assessment contained within the Revised Environmental Statement.

The Brent Cross Development Partners have developed their proposal for the area and whilst the proposal remains to a large extent within the parameters and principles of the consented plans, some of the amendments fall outside of those parameters and principles. An application to vary the conditions of the consent of October 2010 to reflect the varied parameters' is to be made under Section 73 of the Town and Country Planning Act 1990 (s73).

The S73 application and the supporting Environmental Statement will clearly define the aspects of the revised scheme that fall within the consented parameters and principles and

those that do not and which will require the S73 application to modify the 2010 permission by means of new or varied conditions.

The S73 proposals do not involve any material change to either the total quantum of development or its distribution across Development Zones nor does it extend the timescale within which the Phases and Sub-Phases of the Development must commence or within which the Reserved Matter Applications for the Phases and Sub-Phases of the Development must be submitted. The strategic highway access points into the site remain as consented in 2010.

A S73 application is expected to be submitted in autumn 2013.

Proposed Section S73 Application

The Brent Cross Development Partners propose to make a planning application under Section 73 of the Town and Country Planning Act 1990 for planning permission for the regeneration of Brent Cross Cricklewood without complying with various conditions attached to Planning Permission Ref No: C/17559/08 (“the 2010 Permission”) granted on 28 October 2010. Full details of the conditions to be changed and the reasons for the changes proposed will be submitted with the S73 planning application.

The primary purpose of the application is to make adjustments to the planning conditions of the 2010 Permission to reflect the evolution in the scheme design and the revised strategy for delivery.

The specific changes to the scheme design can briefly be summarised as follows:

- Creation of a footbridge (named the Living Bridge – B7) over the North Circular Road to improve pedestrian and cycle connectivity across the site and provide better integration between the northern and southern components of the new town centre. This will involve the reconfiguration of Market Square to the south of the A406
- Alterations to the layout of development within Brent Cross East Development Zone (i.e. around a remodelled Brent Cross Shopping Centre) including creating the interface with the Living Bridge, as well as consequential amendments to the alignment of the River Brent and the reconfiguration of Brent Cross Main Square
- Alterations to the phasing of the development to bring more of the Brent Cross East Development Zone into Phase 1 including all the proposed north side retail plot development and the new bus station
- The highways infrastructure necessary to support the changes to the phasing of plot development will also be brought forward into the first Phase 1A. This will include the changes to the A406/A5/M1 junction and the A406/A41 junction as well as the new Living Bridge and delivery of the Whitefield Estate Replacement Units need to deliver the proposed Phase 1A infrastructure.

A draft revised illustrative Master Plan is included as Appendix 2

Scoping Opinion

The Scoping Report sets out the scope and methodology to identify and assess the likely significant effects that may arise from the proposed variations to the conditions of the existing permission.

It is not the purpose of the Scoping Report to undertake detailed measurement, calculation or assessment of potential impacts and their resultant effects. Detailed assessment will be carried out when the Environmental Impact Assessment of the scheme is undertaken and its findings reported in the Environmental Statement to accompany the S73 application.

The Council's response to the Scoping Report is exclusively concerned with the scope and methodology for assessing likely significant effects and does not consider the merits of the S73 application.

Consultation on the Scoping Opinion

The Council has consulted the statutory consultees, adjoining boroughs and local interest groups and organisations who submitted comments on the 2010 permission. A total of 81 consultation letters were sent out.

All consultation responses have been forwarded to the applicant and their comments have been included in the Council's letter of response where appropriate.

The consultation responses are summarised below;

Environment Agency

- Use Water Framework Directive Annual Status Report as input to the water environment baseline
- Confirm use of SUDS
- Confirm ES to assess changes to the gradient and platform of the river (which now will have reduced sinuosity) and effect on optimising flow.
- Include impact to the existing river corridor which is an important link to the Brent Reservoir SSSI
- Confirm will assess impact on aligning the river adjacent to the A406 and potential for detrimental impact on wildlife and amenity uses.
- Demonstrate positive improvements to the SSSI
- ES to include an impact assessment following additional ground surveys of the area of the proposed river realignment

Officer Comment: The applicant is continuing to meet the Environment Agency to resolve these issues prior to the submission of the S73 application.

Highways Agency

- Statement of compliance is required to confirm that the ES has been prepared in accordance with the requirements of the DMRB in relation to any works affecting the Strategic Road Network,
- HA Environmental System (Envis) should be used as a source of information on man-made and natural assets in the area surrounding the SRN.
- Landscape and Visual to refer to M1/A406/A5 Junction Improvement
- Need for more recent Ecological Survey than 2006

Officer Comment: The scope and methodology of the Transport Assessment to accompany the S73 application is subject to continuous dialogue with officers of the Highways Agency.

Transport For London

- Confirm when the resurfacing of the A406 to reduce noise is required as well as the extent and specification of the resurfacing.
- Confirm how the revised floor risk assessment impacts on TfLs ability to maintain the highway and operate local bus services.
- Demonstrate that the air quality within the bus station is acceptable for both passengers and staff.
- Long term air quality monitoring should be considered as mitigation.
- If the construction access points have varied from the consented scheme then it would be expected that appropriate mitigation is identified.
- Micro-climate assessment should consider the changes in layout including the living bridge and new bus station layout.
- ES should demonstrate how retailers will achieve a reduction in carbon emissions from their transport fleet.

Officer Comment: The scope and methodology of the Transport Assessment to accompany the S73 application is subject to continuous dialogue with officers of TFL.

English Heritage

- Clarification on the approach to archaeological assessment, including the potential need to undertake some form of field evaluation as part of the Environmental Statement

Officer Response: The applicant has contacted English Heritage to brief the new case officer in respect of the protection contained in condition 43.1 of the 2010 Permission which contains measure to avoid damage to archaeological remains. This condition will be unaltered in the S73 application.

Thames Water

- The EIA should consider the developments demand for water supply and network infrastructure both on and off site and whether it can be met
- The EIA should consider the demand for sewage treatment and network infrastructure both on and off site and whether it can be met.

- The EIA should consider surface water drainage requirements and flood risk of the development both on and off site and whether it can be met
- The EIA should consider any piling methodology and its potential to adversely affect neighbouring utility services.

Officer Response: The EIA will include consideration of these aspects of the proposals and appropriate conditions were part of the 2010 permission and will be unaltered in the S73 application.

London Borough of Brent

OBJECTION - Concern is raised that the transportation information has not been updated to take account of more recent assessments carried out. In particular, whilst the scoping opinion makes reference to the Section 106 agreement signed in October 2010, there are several other pieces of work which should now also be considered and will inform the proposed changes including:

- Detailed Design Model (DDM) and the A5 Corridor Study. The A5 Corridor Study was scoped out in 2010, but was never actually started, but is about to be undertaken now, along with an upgrade to the portion of the TfL NoLHAM (North London Highway Assignment Model) for this area.
- A series of traffic surveys were undertaken in June/July 2013 and these should be fed into the assessment.

Officer Response: The Section 73 Transport Assessment will consider key issues that could affect the overall impacts of the BXC scheme including relevant information emerging from the work carried out subsequent to the 2010 consent. In particular, the surveys carried out in June/July 2013 can be considered as part of the requirement for the ongoing monitoring process which will feed into the Transport Matrix that forms part of the robust framework of controls that are already in place and which will be incorporated in any S73 consent. The proposed changes to the overall scheme are relatively minor in transport terms with key transport infrastructure to be brought forward to support the increased plot development in the first Phase and with the addition of the Living Bridge, a new pedestrian and managed cycle bridge. The traffic surveys undertaken this year will also inform the development of the Detailed Design Model, which all authorities agree is required, post planning, in order to undertake the highways approvals for the major new junction improvements, where the complexity, particularly for the new M1/Staples corner interchange, means a greater level of specific details will be needed than the planning application modelling provides. The new surveys are also informing the A5 Corridor Study as required by the scoping documents previously agreed and Brent are closely involved in both key pieces of work. It should also be noted that traffic modelling data available from TfL and others indicates a static or falling level of traffic in the Barnet area in the years since the previous application was submitted, giving confidence that the S73 Transport Assessment will be a robust.

Greater London Authority

GLA officers have been engaged with the strategy for energy and waste and will continue to engage on matters relating to retail impacts and have supplied the following comments from those on-going discussions which fall in the context of the EIA scoping.

Energy:

There is limited commentary on the energy strategy in the scope however the scope refers to the carbon emissions at 3.1.15. The methodology should ensure the approach is set out as a site wide strategy that includes all uses, not just residential and hotel as presented in the initial scoping draft documents for the full strategy. The EIA and energy strategy must reflect this. The methodology in the EIA must include the indicative updated phasing plan which illustrates how the network will grow over time and the impacts on emissions over this time frame and on completion. There should also be some cross over in terms of an RDF option, should this be progressed.

Waste:

There is limited commentary in the scope in relation to waste and the impact of an EFW/RDF energy solution. Given on-going discussion it is assumed that the EIA will need to include some form of analysis that considers the updated environmental impact of progressing with the EFW/RDF option and that this is linked to the testing of the energy strategy. Officers have already provided the applicant with detailed comments on the strategy for waste as part of on-going pre-application discussions.

Retail:

There is limited commentary other than acknowledgment that the land use planning will be assessed against updated policy – including retail policy. The GLA is intending to meet with the applicant to discuss the matter of retail impact and capacity prior to the retail impact study is complete. This will help to inform the EIA in this respect.

Transport

Please continue to consult directly with Transport for London on associated transport impacts and methodology.

Officer Comment: The applicant continues to meet the specialist officers at the GLA to inform the preparation on the ES and on the discharge of the pre-commencement conditions in relation to energy and waste which will continue to apply in any S73 application.

Natural England

Considers that the application is not one on which Natural England would wish to advise on the detail.

Officer Response: Planning conditions are in place on the 2010 permission to protect the natural environment and it is anticipated that these would remain in place for any S73 application.

North London Waste Authority

No comment on the scope and methodology of the S73 Environmental Impact Assessment.

Hertsmere Borough Council: No objection to the Scoping Report

Formal Response to the Scoping Opinion

Due to the technical nature of the Scoping Report the Council has engaged AECOM to provide a technical assessment of the Scoping Report informed by their environmental specialists. It is the intention of the Council to retain AECOM to advise on the environmental aspect of any S73 application.

The Council's draft response is included in Appendix 3 in the form of a letter to the applicant and a checklist of comments on the technical aspect of this application

Recommendation: Subject to the comments outlined in the letter and checklist the **PROPOSED SCOPE OF THE ENVIRONMENTAL IMPACT ASSESSMENT IS ACCEPTABLE AS STATED IN THE DRAFT SCOPING OPINION.**

Appendix 1 - Site Plan

Appendix 2 – Revised Illustrative Master Plan (August 2013).

Appendix 3 - Draft Scoping Letter and Checklist

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<p> This site plan is prepared for the proposed development of the Cradlewood project, located at the intersection of Allen Avenue and Cradlewood Drive, Houston, Texas. The site plan shows the proposed building footprints, parking areas, and landscaped zones. The site plan is subject to the approval of the City of Houston Planning and Zoning Department. </p>
<p> 1. Project Name: BX Cradlewood 2. Project Address: 10000 Allen Avenue, Houston, TX 77036 3. Project Description: A multi-story residential development consisting of several buildings, parking areas, and landscaped zones. 4. Project Location: The project is located at the intersection of Allen Avenue and Cradlewood Drive, Houston, Texas. 5. Project Status: The project is currently in the planning and design phase. </p>
<p> 6. Project Owner: Bent Croschenwood 7. Project Architect: Bent Croschenwood 8. Project Engineer: Bent Croschenwood 9. Project Date: 6/9 </p>

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Phillip Murphy
QUOD
Ingeni Building
17 Broadwick Street
London
W1F 0AX

Major Developments Environment Planning Regeneration
Planning Department
The London Borough of Barnet
North London Business Park (NLBP)
Oakleigh Road South
London
N11 1NP
contact:
tel:
e-mail:
date:
your reference:

Dear Mr Murphy,

Town and Country Planning (Environmental Impact Assessment) Regulations 2011
S73 Planning Application for Brent Cross Cricklewood Regeneration Area
Request for a Scoping Opinion

Enclosed is a response to your request for a scoping opinion for an Environmental Statement to support the S73 Application at Brent Cross Cricklewood of 12 July 2013 together with the accompanying Scoping Report.

The attached Scoping Review checklist has been used to review the scoping report: this has been completed for general chapters and also for each specialist topic. It identifies recommendations for inclusion in the Environmental Statement.

It is considered subject to the specific comments outlined in this letter and the checklist, that the proposed scope of the EIA is acceptable.

1. Screening Opinion

The Council agrees that the development is a Schedule 2 10(b) infrastructure project, and due to its size that an EIA would be required.

2. Request for further clarification

There are a number of issues that require further clarification. We request that you respond to these within the ES and related documentation:

- The full scope for the noise and air quality assessments will not be established until the initial traffic assessment is completed. These scopes will be agreed with the Council on receipt of the transport data.
- The full scope for protected species surveys and updates to previous surveys undertaken needs to be established following the completion of the Phase 1 report. This report should be submitted along with confirmation of any further surveys to be undertaken.
- Please also confirm the form of the bat surveys, currently noted in the scoping report as three dawn surveys, should this be three dusk and dawn surveys? If not, please explain clearly why not.
- Please confirm the date of the last tree survey and if appropriate update the survey for those areas where trees are to be retained.

- Please provide a comprehensive list of the committed schemes you will be considering in the cumulative impact assessment.
- Please confirm whether the Ground Investigations can be prioritised for completion in the area of the proposed river realignment in advance of the completion of the EIA. In the absence of this please confirm the existing ground investigation information and desk based assessment provide sufficient information to make a fully informed assessment of impact in relation to the proposed river realignment.

3. General Comments

The following provides a summary of our response to the Scoping Report circulated in July 2013. It should be read in conjunction with the detailed scoping review checklist appended to this letter.

3.1 Legislative Requirements of the Environmental Statement

The ES needs to include all relevant and necessary information as outlined in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. Of particular importance to this scheme are:

- A description of the development, including in particular:-
 - a) A description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;
 - b) A description of the main characteristics of the production processes, for instance, nature and quantity of the materials used; and
 - c) An estimate, by type and quantity, of expected residue and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.
- An outline of the main alternatives studied by the applicant and an indication of the main reasons for the choice made, taking into account the environmental effects – this will include the scheme as permitted in 2010;
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development; the use of natural resources; and the emissions from pollutants, the creation of nuisances and the elimination of waste.
- A description of the measures envisaged to prevent, reduce and where possible offset and significant adverse effects on the environment.
- A non-technical summary of information
- An indication of any difficulties (technical deficiencies or lack of knowledge) encountered while compiling the required information.

3.2 Wider content of the submitted Scoping Report

The description of the changes being assessed in the S73 should include any changes to the assumed phasing delivery of use classes, for example retail being delivered in one single phase. The individual assessments should be explicit in their assessment of these changes to the phasing.

An update assessment of retail impacts will be covered within the specific Retail Impact Assessment to be submitted as part of the planning application. However the Environmental Statement should also report potential impacts in either the land use or socio economic section.

3.3 Cumulative impact and committed development

The assessment should also include the cumulative effect of the development with other relevant existing or proposed development in the area. The cumulative impact assessment should include proposals currently at planning and scoping stage.

For general baseline information for the ES the Council recommend that you refer to the following documents:

Council's Local Development Framework Annual Monitoring Report 2010/11
http://www.barnet.gov.uk/download/downloads/id/549/annual_monitoring_report-201011

Core Strategy and Site Allocations Development Plan Document, Sustainability Appraisal Scoping Report, June 2008
http://www.barnet.gov.uk/download/downloads/id/924/dm_submission_docs-sustainability_appraisal_scoping_report

Information on housing need is available in the North London Strategic Housing Market Assessment (SHMA) 2009/10
http://www.barnet.gov.uk/download/downloads/id/2076/shma_assessment_dec_2011

The following link will take you to Barnet's LDF evidence and supporting documents
http://www.barnet.gov.uk/downloads/940160/ldf_evidence_and_supporting_documents

4. Consultee comments

Comments from consultees who have responded are included in this response. Any other comments received from consultees will be forwarded.

Highways Agency

- Statement of compliance that the ES has been prepared in accordance with the requirements of the DMRB in relation to any works affecting the Strategic Road Network,
- HA Environmental System (Envis) should be used as a source of information on man-made and natural assets in the area surrounding the SRN.
- Landscape and Visual to refer to M1/A406/A5 Junction Improvement
- Need for more recent Ecological Survey than 2006 (see HA full comments)

Environment Agency

- Use WFD Annual Status Report as input to the water environment baseline
- Confirm use of SUDS
- Confirm ES to assess changes to the gradient and platform of the river (which now will have reduced sinuosity) and effect on optimising flow.
- Include impact to the existing river corridor which is an important link to the Brent Reservoir SSSI
- Confirm will assess impact on aligning the river adjacent to the A406 and potential for detrimental impact on wildlife and amenity uses.
- Demonstrate positive improvements to the SSSI
- ES to include an impact assessment following additional ground surveys of the area of the proposed river realignment.

TfL

- A number of changes to the parameter plans are proposed (see TfL full comments)
- Confirm when the resurfacing of the A406 to reduce noise is required as well as the extent and specification of the resurfacing.
- Confirm how the revised floor risk assessment impacts on TfLs ability to maintain the highway and operate local bus services.
- Demonstrate that the air quality within the bus station is acceptable for both passengers and staff.
- Long term air quality monitoring should be considered as mitigation.
- If the construction access points have varied from the consented scheme then it would be expected that appropriate mitigation is identified.
- Micro-climate assessment should consider the changes in layout including the living bridge and new bus station layout.
- ES should demonstrate how retailers will achieve a reduction in carbon emissions from their transport fleet.

English Heritage

- Clarification on the approach to archaeological assessment, including the potential need to undertake some form of field evaluation as part of the Environmental Statement

Thames Water

- The EIA should consider the developments demand for water supply and network infrastructure both on and off site and whether it can be met
- The EIA should consider the demand for sewage treatment and network infrastructure both on and off site and whether it can be met.
- The EIA should consider surface water drainage requirements and flood risk of the development both on and off site and whether it can be met
- The EIA should consider any piling methodology and its potential to adversely affect neighbouring utility services.

London Borough of Brent

Concern is raised that the transportation information has not been updated to take account of more recent assessments carried out. In particular, whilst the scoping opinion makes reference to the Section 106 agreement signed in October 2010, there are several other pieces of work which should now also be considered and will inform the proposed changes including:

- Detailed Design Model (DDM) and the A5 Corridor Study. The A5 Corridor Study was scoped out in 2010, but was never actually started, but is about to be undertaken now, along with an upgrade to the portion of the TfL NoLHAM (North London Highway Assignment Model) for this area.
- A series of traffic surveys were undertaken in June/July 2013 and these should be fed into the assessment.

It is considered that without reference made to these pieces of work, the scope of information to be included in the Environmental Statement would be inadequate.

We hope that this opinion is of assistance in preparing the necessary Environmental Statement but would advise that, under the provisions of paragraph 13(9) of Part IV of the EIA regulations, the adoption of a Scoping Opinion shall not preclude the Local Planning Authority from requiring additional information in connection with any statement that may be submitted as an Environmental Statement in connection with any application for planning permission for the same development as has been referred to in the request for the opinion.

The Scoping request and this Scoping Opinion will be placed on the public register and shall remain available for two years.

If you have any queries please do not hesitate to contact me.

Regards,

Martin Cowie
Interim Assistant Director of Strategic Planning, Regeneration and Transport

DRAFT

File Note



Project: Brent Cross Cricklewood	Job No:
Subject: Scoping Review Table	Date: 18th August 2013

1. Legal compliance (Town and Country Planning EIA Regulations)

Review criteria	Review comments	Recommendations
Regulation 13(2) sets out the documents required to be submitted when making a scoping opinion request in relation to an application for planning permission:		
(i) a plan sufficient to identify the land;	<ul style="list-style-type: none"> • A plan showing the consented layout and proposed layout is supplied in Chapter 1. 	<ul style="list-style-type: none"> • None.
(ii) a brief description of the nature and purpose of the development and of its possible effects on the environment; and	<ul style="list-style-type: none"> • Background of the scheme is provided in Chapter 1.1. • Changes to the consented scheme are described in Chapter 1.4. • It is stated that <i>"In order to preserve the hydrological, ecological and social benefits provided by the eastern and western watercourse section realignments, no changes to the consented plans will be made in these areas..."</i> • A brief description of assessment conclusions is provided within the introductory chapter. 	<ul style="list-style-type: none"> • None.
(iii) such other information or representations as the person making the request may wish to provide or make;	<ul style="list-style-type: none"> • None. 	<ul style="list-style-type: none"> • None.
Regulation 13(6) states that before adopting a scoping opinion the authority shall take into account:		

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Review criteria	Review comments	Recommendations
<p>(a) the specific characteristics of the particular development;</p> <p>(b) the specific characteristics of development of the type concerned; and</p>	<ul style="list-style-type: none"> Chapter 1 and Table 1.1 provide a project description and summary of changes to the consented scheme. It has been noted in Section 1.4.5 that there will be a need to update the ICP in light of the proposed changes to the Masterplan and provide the Brent Cross east zone development. It has been stated in the scoping report that the potential effects of the proposed phasing changes have been reviewed and this will need to be developed further in the ES. 	<ul style="list-style-type: none"> None.
<p>(c) the environmental features likely to be affected by the development.</p>	<ul style="list-style-type: none"> Table 3.1 summarises which chapters will be updated in light of the consented scheme. 	<ul style="list-style-type: none"> Table 3.1 could summarise the key points in respect of any changes to environmental receptors.

2. Information provided on the project site

Review criteria	Review comments	Recommendations
<p>Maps and photographs showing the location of the project relative to surrounding physical, natural and man-made features</p> <p>Existing land-uses on and adjacent to the site and any future planned land uses</p> <p>Zoning or land-use policies</p> <p>Protected areas or features</p>	<ul style="list-style-type: none"> Maps are provided in Chapter 1; however the work in progress box requires updating. Table 1.1 provides a detailed summary of the identified changes required to the Parameter Plans. There is no consideration given to potential future developments and changes in land use adjacent to the site. A subsequent list of schemes for consideration in the cumulative impacts 	<ul style="list-style-type: none"> None There is reference to temporal scope taking account of future developments.

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Review criteria	Review comments	Recommendations
Sensitive areas	assessment has been provided.	
Details of any alternative locations which have been considered	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A

3. Information provided on the proposed development

Review criteria	Review comments	Recommendations
Brief description of the proposed project.	<ul style="list-style-type: none"> Background of the scheme is provided in Chapter 1.1. Changes to the consented scheme are described in Chapter 1.4. 	<ul style="list-style-type: none"> None.
Reasons for proposing the project.	<ul style="list-style-type: none"> Reasons for S73 have been explained. 	<ul style="list-style-type: none"> None.
A plan showing the boundary of the development including any land required temporarily during construction.	<ul style="list-style-type: none"> The figure in Chapter 1 shows the boundary of development. It is not stated whether this includes any land required temporarily during construction, for landscaping and any mitigation or enhancement areas. 	<ul style="list-style-type: none"> Confirm that the figure in Chapter 1 includes all land required for the proposed scheme, including land required temporarily during construction, for landscaping and any mitigation or enhancement areas and including highways or other transport infrastructure land.

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Review criteria	Review comments	Recommendations
<p>The physical form of the development (layout, buildings, other structures, construction materials, etc).</p>	<ul style="list-style-type: none"> Chapter 1.4 Scheme Changes describes the physical form of the amendments to the consented scheme including the living bridge, River Brent realignment, Brent Cross West, Market Quarter and Brent Terrace and Eastern Lands at a high level. A map showing the physical layout of the scheme is provided in Chapter 1; however the work in progress box requires updating. Table 1.1 provides description of the changes to the Parameter Plans. 	<ul style="list-style-type: none"> Provide text, where available, of building massing, construction materials to be used etc. Identify where there are gaps and uncertainties so that they can be taken into account when determining the scope of the EIA. In areas where public realm is being provided in a three-dimensional form or within buildings, an indication of how these spaces will be made accessible to the public (including any access restrictions), as well as arrangements for management, maintenance, repair and security. This specifically includes the new bus station, the Brent Cross Main Square and the Living Bridge.
<p>Description of the main processes including size, capacity, throughput, input and output.</p>	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A
<p>Any new access arrangements or changes to existing road layout.</p>	<ul style="list-style-type: none"> Information is not specified as to the detailed changes to access arrangements or road layouts at this stage; however pedestrian access is given a good level of description. A summary of the key changes to the road network would be a useful addition under the respective sections of Section 1.4. 	<ul style="list-style-type: none"> None.

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Review criteria	Review comments	Recommendations
A work programme for construction, operation and commissioning phases, and restoration and after-use where appropriate.	<ul style="list-style-type: none"> Section 1.4.5 provides a basic outline of the key construction programme dates and includes text acknowledging that <i>“it was not possible to provide an exact assessment of when some of the later stages in the Scheme will actually take place...”</i> 	<ul style="list-style-type: none"> None.
Resources used in construction and operation (materials, waste, energy, etc.)	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A
The relationship with other existing/planned projects.	<ul style="list-style-type: none"> There is no discussion of the development in context of other projects/developments in the vicinity. 	<ul style="list-style-type: none"> A paragraph of text placing this amended scheme in context of other nearby developments occurring in the same time window would be a useful addition.
Information about alternatives being considered.	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A
Information about mitigating measures which are being considered	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A
Other activities which may be required as a consequence of the project (e.g. new roads, extraction of aggregate, provision of new water supply, generation or transmission of power, increased housing and sewage disposal).	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A
Details of any other permits required for the project.	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A

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4. Consultation

Review criteria	Review comments	Recommendations
<p>The description should include details of consultation with appropriate statutory and non-statutory consultees, including the public. This should identify those parties consulted and provide a summary of their responses.</p>	<ul style="list-style-type: none"> Chapter 2.4 incorporates details of consultation including the bodies to be consulted and how the consultation will be carried out. 	<ul style="list-style-type: none"> None.

5. The proposed approach to EIA

Review criteria	Review comments	Recommendations
<p>The scoping process should identify those aspects of the environment that are likely to be significantly affected by the development (including in particular, population, fauna, flora, geology and soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors).</p>	<ul style="list-style-type: none"> Chapter 3 covers the majority of topic areas which would be expected. These are the same topics that were covered in the previous assessment. Section 2.2 states that “...the methodology and significance criteria applied will be exactly the same as those used in the updated RES.” The potential magnitude of changes to impacts receptors is not discussed anywhere in the scoping report. 	<ul style="list-style-type: none"> None.

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6. Technical topics

6a Land Use

This Chapter does not provide much detail of the scoping process in regards to Land Use as would be expected for a S73 application, but summarises briefly the spatial scope of the assessment in light of changes to the scheme. It identifies relevant policy and any local policy not mentioned under this section will be picked up by the individual theme leads. No other aspects are covered in the chapter. Consequently, we have no comments or recommendations to make on this chapter.

Traffic and Transport

General:

The S73 Transport Assessment has already been scoped and the proposed general technical scope and methodology agree in principle by LBB and TFL officers as part of pre-application liaison with the Developers and their Consultants. The Council has the following queries in relation to specific points in the Final Version of the EIA Scoping Report, dated 11th July 2013.

Key elements of the scheme:

The S73 proposals include the provision of a new bridge 'B7'. Clarification is required as to the nature of permitted access to the bridge beyond that for pedestrians. The report refers to 'managed cycle use' on page 2 and this need explaining and clarifying.

ICP and Phasing:

On page 9/10 of the report it states that under the 2010 consented scheme the main transport infrastructure was to be delivered in phase 1. This is incorrect, as significant transport schemes, such as the new M1/A406/A5 junction improvement were programmed in phase 2, and in other later phases. However, the comments about the current programme are more correct with the above highway scheme now being proposed as part of phase 1A.

Parameter Plan 007 Maximum Building and Frontage Heights:

The S73 proposals illustrated in Fig no. 1.8 include summary text changes that refer to height parameter on bridge B7. It needs to be clarified as to whether the s73 application is seeking permission for any retail units on bridge B7 as this will have implications for servicing and delivery arrangements as well as the Zonal Development Floorspace distribution and global totals as permitted under the 2010 permission.

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Parameter Plan 013 Transport Interchanges:

The suggested revised plan for the new bus station, T1, as shown in Fig no. 1.14 includes bus circulation arrangements that need to be clarified as they appear to be different to those previously agreed at meetings attended by Council officers.

S73 Assessment and Methodology:

The report states on page 46 that an operational analysis of the impacts of the S73 scheme proposals on queuing will be undertaken, and refers to the A406. Other strategic roads and gateway junctions will also need to be checked, such as the A41 and the M1.

A bullet point list of documents to be updated is provided. It is considered that the Design Guidelines should be added to the list.

Recommendation:

The transport and highway aspects of the EIA Scoping Report are acceptable, subject to the minor points of clarification set out above.

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6c Socio-economics

Review criteria	Review comments	Recommendations
<p>Has adequate baseline information been provided to identify potential environmental effects?</p>	<p>Review comments</p> <ul style="list-style-type: none"> The Scoping document states: There are a number of aspects of the RES baseline that will be updated as new statistics have been released since the RES chapter was written. This includes updates to the Annual Business Inquiry 2004, claimant count, population forecasts and crime figures. <i>This update should make use of the most recent Census release information for AHS and age ranges, and information from LBB on changes in the number of pre-school and primary school children over and above that which was assumed at the time that the RES was undertaken.</i> The Scoping document states: Updates have been made to national planning policy as well as to regional policy, including Planning Policy Statement 4 Planning for Sustainable Economic Growth (2009), Draft London Plan (2009), London Economic Development Strategy (2010) and the Greater London Authority, Supplementary Planning Guidance on children's play space provision (2008). Updating the policy background is unlikely to give rise to materially different significant impacts from those identified in the RES in 2009. <i>This should also take into account LBB SPD Guidance on Planning Obligations April 2013 (N.B Appendix 1 for child yield assumptions). This will have a significant impact on the methodology previously used to generate school place demands.</i> 	<ul style="list-style-type: none">

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Review criteria	Review comments	Recommendations
Has adequate consultation has taken place to date?		•
Have all potential sources of impact and resulting environmental effects been identified?		•
Have potential impacts or effects been scoped out and is justification given for this?		•
Has the temporal and spatial scope been identified?		•
Are the methods proposed for baseline collection appropriate to the needs?		•

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Review criteria	Review comments	Recommendations
<p>Are the proposed methods of assessment robust and transparent?</p>	<ul style="list-style-type: none"> The Scoping document states: Assessment of education need based on information from the capacity of local schools and compared to the population estimates for the Scheme in order to anticipate the impact on local schools. This methodology was been agreed with the LB Barnet, as Local Education Authority (LEA) as part of the RES; <i>Please note that this methodology can no longer be relied upon. Any justification for discounting needs based on capacity in the wider education estate will need to be clearly evidenced using a) Up-to-date analysis of spare places, b) analysis of the age-groups of spare places and c) advice from LBB on the availability of spare places. Please note that advice provided to the West Hendon application indicates that there are no spare places which can be assumed towards meeting the needs arising from that scheme.</i> 	<ul style="list-style-type: none">
<p>Is the built-in mitigation suggested appropriate?</p>	<ul style="list-style-type: none"> The provision of social infrastructure was previously assessed jointly with LB Barnet and service providers through the production of health and community, cultural and leisure facilities studies as part of the development of the application. The nature of health & community infrastructure delivery has changed significantly from that assumed at the time of the RES. The updated assessment will need to reconfirm the applicant's undertakings for the Estate Management Company to own, lease and manage all facilities excluding the LBB run facilities. 	<ul style="list-style-type: none">

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6d Noise and Vibration

Review criteria	Review comments	Recommendations
Has adequate baseline information been provided to identify potential environmental effects?	<ul style="list-style-type: none"> Noise survey undertaken in 2006 to presumably a methodology agreed with LBB. It is not clear if any baseline vibration surveys were undertaken. 	<ul style="list-style-type: none"> Make it clearer in the text in the ES what baseline data is being relied on.
Has adequate consultation taken place to date?	<ul style="list-style-type: none"> Consultation undertaken with LBB in 2006. Not clear if it is intended to re-consult. 	<ul style="list-style-type: none"> Please state/confirm. It is not obvious in text.
Have all potential sources of impact and resulting environmental effects been identified?	<ul style="list-style-type: none"> Vibration is referred to with regard to construction, confirm whether operational vibration is to be scoped in or out. No mention is made to potential off-site impacts from construction and operational traffic. 	<ul style="list-style-type: none"> Make this clearer in the text.
Has the temporal and spatial scope been identified?	<ul style="list-style-type: none"> See above. 	<ul style="list-style-type: none">
Have potential impacts or effects been scoped out and is justification given for this?	<ul style="list-style-type: none"> See above comment regarding off-site impacts. 	<ul style="list-style-type: none">
Are the methods proposed for baseline collection appropriate to the needs?	<ul style="list-style-type: none"> It is stated that updated baseline noise surveys will be carried out, this is considered appropriate as the previous survey data is now 7 years old. However, it is not clear if any vibration surveys were undertaken. 	<ul style="list-style-type: none"> None
Are the proposed methods of assessment robust and transparent?	<ul style="list-style-type: none"> In general, yes. No mention is made of operational assessment scenarios, e.g. full build out year, intermediate years etc. Confirm noise prediction model is to 3-D and if possible provide the modelling package to be used. 	<ul style="list-style-type: none"> Confirm this in the ES.
Is the built-in mitigation suggested appropriate?	<ul style="list-style-type: none"> Details on operational mitigation too brief. 	<ul style="list-style-type: none"> Make this clearer in the text.

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6e Landscape and Visual

Review criteria	Review comments	Recommendations
Has adequate baseline information been provided to identify potential environmental effects?	<ul style="list-style-type: none"> The scoping document refers to the baseline established in the RES and that it remains valid. 	<ul style="list-style-type: none"> Given that the baseline in the RES will be approximately 4 years old, it would be appropriate to update the baseline to reflect the current townscape and visual situation.
Has adequate consultation has taken place to date?	<ul style="list-style-type: none"> It doesn't appear that specific consultation regarding the L/TVIA has been undertaken. The scoping document does note in 2.4 that consultation with the statutory consultees will be carried out. 	<ul style="list-style-type: none"> None.
Have all potential sources of impact and resulting environmental effects been identified?	<ul style="list-style-type: none"> The scoping document notes that there is the potential for landscape, townscape and visual amenity affects during construction and upon completion. It considers that the effects are likely to be positive as previously identified in the RES. 	<ul style="list-style-type: none"> None.
Have potential impacts or effects been scoped out and is justification given for this?	<ul style="list-style-type: none"> Potential effects have not been scoped out. All landscape/townscape and visual effects will be considered. 	<ul style="list-style-type: none"> None.
Has the temporal and spatial scope been identified?	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> The L/TVIA should establish the spatial scope of the assessment at the outset, based on an understanding of theoretical visibility. Consideration of construction and operational effects will be required as well as assessment of any phasing of the development.

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Review criteria	Review comments	Recommendations
<p>Are the methods proposed for baseline collection appropriate to the needs?</p>	<ul style="list-style-type: none"> Methods for baseline collection are not identified other than stating that the baseline established in the RES will be used. 	<ul style="list-style-type: none"> It would be appropriate to use a combination of desk based review and site appraisal to develop an understanding of the landscape/townscape and visual baseline resource.
<p>Are the proposed methods of assessment robust and transparent?</p>	<ul style="list-style-type: none"> The scoping report has been updated to confirm that the L/TVIA will be undertaken in accordance with GLVIA3. The scoping report doesn't indicate how the visual assessment will be conducted. For instance will the viewpoints identified in the RES form the basis of the visual assessment? 	<ul style="list-style-type: none"> If block montages or other forms of visualisation were produced for the RES, these should be updated. Confirmation on the cumulative developments that are to be considered in the L/TVIA will be required.
<p>Is the built-in mitigation suggested appropriate?</p>	<ul style="list-style-type: none"> Mitigation measures to reduce the negative effects of the development will be developed during the assessment process. 	<ul style="list-style-type: none"> None.

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6f Ecology and Nature Conservation

Review criteria	Review comments	Recommendations
<p>Has adequate baseline information been provided to identify potential environmental effects?</p>	<p>The scoping report says that <i>“The ecological assessment was based on a set of surveys, mostly undertaken in 2006, which are considered robust for the purposes of an ES assessment. This conclusion is drawn on the basis that there was little of ecological interest found in 2006 and that there is little reason for the habitats to have changed and therefore the baseline is considered valid.”</i> I do not agree with this assertion it needs updated.</p> <p>Yet new bat surveys are proposed if there is potential for bats there must be semi-natural habitat within the zone of influence.</p> <p>After 7 years an updated ecology survey must be undertaken</p> <ul style="list-style-type: none"> The scoping report acknowledges that the <i>“proposed realignment of the River Brent and its riparian corridor to the south of its current course will need to be considered in an updated ecology and nature conservation assessment. The River Brent was identified as having a current lack of ecologically valuable habitat within the Scheme boundary”</i> but this was 7 years ago and therefore the baseline isn't considered valid. Even if only to influence the appropriate enhancements an update is required. 	<ul style="list-style-type: none"> Carrying out 3 dawn surveys is very unusual. Please confirm if it should refer to 3 dusk/dawn surveys. Update protected species surveys or state clearly that following the updated phase 1 habitat survey you have scoped them out of the assessment due to lack of suitable habitat, surveys from 2006 cannot be valid in 2013.

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Review criteria	Review comments	Recommendations
<p>Has adequate consultation has taken place to date?</p>	<p>Statutory consultees covered but perhaps some NGOs? Trust could be considered?</p> <ul style="list-style-type: none"> • Brent River Park Project • Thames Rivers Trust 	<ul style="list-style-type: none"> • The Ecology section only mentions consultation with the EA. Consult relevant statutory bodies including NGOs in relation to the work on the River Brent.
<p>Have all potential sources of impact and resulting environmental effects been identified?</p>	<ul style="list-style-type: none"> • Only Bats and the River Brent are highlighted. 	<ul style="list-style-type: none"> • Re-scope potential receptors and affects following the updated Phase 1 habitat survey.
<p>Have potential impacts or effects been scoped out and is justification given for this?</p>	<ul style="list-style-type: none"> • They have scoped out everything except Bats and the River Brent without sufficient justification. 	<ul style="list-style-type: none"> • As above.
<p>Has the temporal and spatial scope been identified?</p>	<ul style="list-style-type: none"> • Temporal scope not within the Ecology section. • Spatial broadly but not specifically. 	<ul style="list-style-type: none"> • Ecological zone of influence should be defined following results of updated Phase 1 habitat survey
<p>Are the methods proposed for baseline collection appropriate to the needs?</p>	<ul style="list-style-type: none"> • Not stated. 	<ul style="list-style-type: none"> • Confirmation of the type of bat surveys undertaken are required, currently reported as 3 dawn surveys which does not follow best practice.
<p>Are the proposed methods of assessment robust and transparent?</p>	<ul style="list-style-type: none"> • Not stated. 	<ul style="list-style-type: none"> • See above.
<p>Is the built-in mitigation suggested appropriate?</p>	<ul style="list-style-type: none"> • Not stated. 	<ul style="list-style-type: none"> • Key mitigation should be in the ecology section of the scoping document. This is not explicitly stated and should be made more obvious.

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6g Water Resources and Flood Risk

Review criteria	Review comments	Recommendations
<p>Has adequate baseline information been provided to identify potential environmental effects?</p>	<ul style="list-style-type: none"> Sufficient baseline information has been provided to make an assessment of the potential environmental impacts of the proposed changes. However, a better comparison drawing between the existing and proposed would have assisted this assessment. 	<p>Water environment baseline not currently adequate due to changes from the consented scheme as detailed in the original RES; however this has been noted in scoping report.</p> <p>As identified in the scoping report the following updates to the baseline are required –</p> <ul style="list-style-type: none"> Updates to water quality records (including aquatic invasive species) Updates to downstream ecological interests with aquatic dependence (the Welsh Harp) Updates to flood event history covering the period postsubmission. Updates to reflect current water policy, comprising primarily the requirements (including the investigation of SuDS) introduced within the <i>Flood and Water Management Act, 2010, NPPF and London Plan</i>. <p>Please ensure that issues raised in the consultation response for the Environment Agency are properly considered in preparing the ES.</p>

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Review criteria	Review comments	Recommendations
<p>Has adequate consultation has taken place to date?</p>	<ul style="list-style-type: none"> It was noted that previous EA consultations was extensive. Changing the design would require this process to be undertaken again. Thames Water previously stipulated that there should be no increase on discharge into their network and EA requested that significant betterment to the existing drainage regime should be required. The EA said the scale and scope of the project should have “exemplar river restoration”. Any reduction in greenspaces and the realigning away from the consented alignment is likely to move away from these requests based on the information provided. Consultation with the EA to discuss the revised s73 River Brent realignment are ongoing. As part of this process it has been agreed to update the FRA for the site in line with the NPPF. It has also been agreed with the EA that flood modelling of the varied alignment will be carried out in ISIS-TUFLOW. Furthermore, the EA confirmed that while information should be used from its model, an independent model should be developed. 	<ul style="list-style-type: none"> Consultation to this point appears adequate but will need to continue.

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Review criteria	Review comments	Recommendations
<p>Have all potential sources of impact and resulting environmental effects been identified?</p>	<ul style="list-style-type: none"> As discussed in Chapter 3.1.8 section 73 "Assessment & methodology" significant additional assessment is required in relation to Water Resources and Flood Risk. The recommendations provided do require some extension. Further information on the specific existing and proposed river route alignment is required so further investigations can be undertaken in relation to the impact of the re-alignment. Such a significant difference in the masterplan arrangement will require a full reassessment of issues surrounding flood risk and drainage design. This would include a revisiting the hydraulic modelling carried out by Scott Wilson (URS) and apply a new channel alignment and building layout to it. 	<ul style="list-style-type: none"> The scoping report suggests the only source of impact will be the change in river alignment. There is no mention of the impact of the change in masterplan in the s73 application on the SUDS strategy. Therefore a review of the SUDS strategy may be required in light of the masterplan changes. The environmental effects identified in the original RES will need to be confirmed for the s73 alignment.
<p>Have potential impacts or effects been scoped out and is justification given for this?</p>	<ul style="list-style-type: none"> The potential impacts of the new scheme on water resource and flood risk are discussed in the Scoping Report chapter 3.1.8 with issues being raised and justifications for why further work is required provided within the section. As would be expected within this report this has only been undertaken at a high level with limited information. The discussion with regards to new policy could have been extended to say that the FRA should be updated as part of the review process to account for the introduction of the Flood and Water Management Act, 2010 and NPPF. Impacts not discussed include the potential impacts of the "living bridge". If this Bridge is spanning the realigned river then any impacts of the proposed Bridges will need to be considered in the reassessment of the flood risk. 	<ul style="list-style-type: none"> None.

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Review criteria	Review comments	Recommendations
Has the temporal and spatial scope been identified?	<ul style="list-style-type: none"> No response required. 	<ul style="list-style-type: none"> No response required.
Are the methods proposed for baseline collection appropriate to the needs?	<ul style="list-style-type: none"> Does not address flood risks due to living bridge or realignment of river sufficiently and significant modifications to the pluvial drainage regime are likely to be apparent from the new scheme. 	<ul style="list-style-type: none"> No further recommendations.
Are the proposed methods of assessment robust and transparent?	<ul style="list-style-type: none"> Items discussed in the Scoping Report 3.1.8 would provide a good assessment of the modifications of the works in relation to water resource and flood risk. However, this needs extending as discussed above. 	<ul style="list-style-type: none"> The only change from the consented scheme is the change of river alignment. The change will be modelled in ISIS-TUFLOW which is robust method of assessment. There is no method of assessment of water quality discussed. The SuDs solution from the original RES needs to be reviewed against masterplan changes.
Is the built-in mitigation suggested appropriate?	<ul style="list-style-type: none"> Not at present. Should the recommendations in Scoping Report 3.1.8 be undertaken along with those identified above then this will provide the level of mitigation against flood risk, drainage issue etc that are required. Removing greenspace will increase run-off to sewers and make pluvial flooding more probable. Realigning the river away from a central location and towards the road has the potential to increase the flood hazard to road users and available floodplain storage is likely to be reduced due to the development proposals. 	<ul style="list-style-type: none"> None.

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6h Archaeology and Cultural Heritage

Review criteria	Review comments	Recommendations
Has adequate baseline information been provided to identify potential environmental effects?	<ul style="list-style-type: none"> The baseline is very brief but the full details are available in the full original ES. 	<ul style="list-style-type: none"> None.
Has adequate consultation been taken place to date?	<ul style="list-style-type: none"> No mention of consultation with English Heritage (a statutory consultee). The document states that the council will be consulted. Consultation was undertaken as part of the original assessment. 	<ul style="list-style-type: none"> Scoping response from the Development Control Archaeologist and English Heritage should be taken into account when undertaking the full ES.
Have all potential sources of impact and resulting environmental effects been identified?	<ul style="list-style-type: none"> All potential issues have been drawn from the assessment undertaken as part of the original application. No new assessment work has been undertaken. The original assessment was comprehensive. 	<ul style="list-style-type: none"> None.
Have potential impacts or effects been scoped out and is justification given for this?	<ul style="list-style-type: none"> No additional impacts have been identified from over those identified in the original ES. 	<ul style="list-style-type: none"> None.
Has the temporal and spatial scope been identified?	<ul style="list-style-type: none"> Yes – in original ES 	<ul style="list-style-type: none"> None.
Are the methods proposed for baseline collection appropriate to the needs?	<ul style="list-style-type: none"> No additional work proposed. A review should address the changes in planning policy since the original ES. 	<ul style="list-style-type: none"> None.
Are the proposed methods of assessment robust and transparent?	<ul style="list-style-type: none"> A formulaic methodology was not adopted for the original ES and was agreed by the Council. No new assessment is required. 	<ul style="list-style-type: none"> None.
Is the built-in mitigation suggested appropriate?	<ul style="list-style-type: none"> Yes. 	<ul style="list-style-type: none"> None.

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Review criteria	Review comments	Recommendations
	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> None.

6i Air Quality and Dust

Review criteria	Review comments	Recommendations
Has adequate baseline information been provided to identify potential environmental effects?	<ul style="list-style-type: none"> The impact of the proposed scheme on air quality will be dependent on the extent to which the traffic flows change on the local road network. The proposed S73 development is unlikely to have a material effect on traffic generation, however, may alter the traffic flows on individual links. There is insufficient information provided to determine if this will be the case. The scoping document states that, “long term trends in air quality in London based upon ambient monitoring undertaken in the city, demonstrate that the long term air quality trend is stable. In addition, policies aimed at improving air quality do not appear to be resulting in significant changes in air quality. On this basis, the baseline air quality data used in the assessment is likely to remain valid.” Whilst this is generally true it is recommended that the baseline data used in the assessment be updated to reflect the most recent monitoring data for the Borough. 	<ul style="list-style-type: none"> Updated data should be included in the revised assessment to show that background concentrations have remained similar to the levels in the original assessment and that no trend has formed.
Has adequate consultation has taken place to date?	<ul style="list-style-type: none"> The air quality section does not make specific reference to consultations with the relevant EHO in the LB of Barnet, however, general consultations with the council and other statutory consultees is to be undertaken. 	<ul style="list-style-type: none"> Consult with the LA once the final traffic data is available.

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Review criteria	Review comments	Recommendations
<p>Have all potential sources of impact and resulting environmental effects been identified?</p>	<ul style="list-style-type: none"> The scoping assessment does not provide details of the model to be used; the source of any emission data of the meteorological data to be used. The scoping methodology states that, <i>“As the assumed traffic generations are not changing, remodelling the entire Scheme is considered to be unnecessary. However, for particular junctions and links, the impact assessment may need updating, where there are significant changes to road traffic between the previously proposed scheme and the Scheme changes. Remodelling may be required if there are traffic flows which are increasing by greater than 5%, or there are new roads being developed which were not present in the previous model.”</i> This is considered acceptable however, as the scheme also include a CHP scheme which will operate on Refuse Derived Fuel (RDF) the assessment should also consider cumulative impacts of road and stack emissions. The assessment does not propose undertaking a revised dust assessment. 	<ul style="list-style-type: none"> Will be determined by traffic data.

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Review criteria	Review comments	Recommendations
<p>Have potential impacts or effects been scoped out and is justification given for this?</p>	<ul style="list-style-type: none"> The assessment scopes out the updating of baseline air quality conditions however, these should be updated to ensure they are in line with current monitoring undertaken in the borough. The proposed methodology scopes out remodelling the entire scheme and proposes focusing on those junctions/roads where significant traffic changes occur (taken as a change in traffic of 5% in accordance with the guidance given in EPUK Air Quality Guidance 2010) or where a new road is added. This is considered appropriate; however the assessment should also consider those roads where the development will cause a material change in traffic speeds or HDV movements. As well as the cumulative impacts of the CHP and any other consented developments in the area. 	<ul style="list-style-type: none"> Yes
<p>Has the temporal and spatial scope been identified?</p>	<ul style="list-style-type: none"> No, however, this will be dependent on the scale of changed in traffic flows as a result of the development. 	<ul style="list-style-type: none"> Will be determined by the traffic data.
<p>Are the methods proposed for baseline collection appropriate to the needs?</p>	<ul style="list-style-type: none"> The baseline should be updated to reflect the most recent findings of the LB Barnet Review and Assessment process and background monitoring undertaken in the Borough. 	<ul style="list-style-type: none"> Yes.
<p>Are the proposed methods of assessment robust and transparent?</p>	<ul style="list-style-type: none"> The scoping document does not detail what model is to be used or the meteorological data etc. The extent of any assessment is also not determined however this will be based on the extent that the traffic data changes. 	<ul style="list-style-type: none"> Yes however will be determined by the traffic data.
<p>Is the built-in mitigation suggested appropriate?</p>	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> Yes though an updated construction dust impact assessment is to be completed using updated guidance.

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6j Ground Contamination

Review criteria	Review comments	Recommendations
Has adequate baseline information been provided to identify potential environmental effects?	<ul style="list-style-type: none"> The scoping report indicates the baseline data was collected in 2006 and states that the site is likely to remain unchanged until the time of construction. 	<ul style="list-style-type: none"> It is recommended that the baseline data is checked to ensure it is up to date with respect to landuse, water abstractions, groundwater vulnerability, aquifer designations etc.
Has adequate consultation taken place to date?	<ul style="list-style-type: none"> No mention of consultation in the Scoping Report, although the ES states there have been visits to site from the Environmental Health Officers. 	<ul style="list-style-type: none"> Scoping responses from the EHOs should be taken into account when undertaking the new ES. The Environment Agency should be consulted, due to the presence of the River Brent on the site. There is a requirement for a detailed risk assessment for the realignment of the River Brent – the EA are very likely to ask for this.
Have all potential sources of impact and resulting environmental effects been identified?	<ul style="list-style-type: none"> Additional ground surveys will be carried out along the revised River Brent alignment. 	<ul style="list-style-type: none"> See comment regarding baseline conditions.
Have potential impacts or effects been scoped out and is justification given for this?	<ul style="list-style-type: none"> The scoping report refers to the requirement for submission of Site Specific Remediation Strategies for each Remediation Zone. Linked planning conditions deal with the requirements for monitoring and reporting the outcomes of remediation. 	<ul style="list-style-type: none"> For completeness, the scoping report should make reference to the requirement for detailed risk assessment for controlled waters, which is required to close out planning conditions.
Has the temporal and spatial scope been identified?	<ul style="list-style-type: none"> No, not in the scoping report. Without a full review of the existing ES this cannot be confirmed. 	<p>None.</p>

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Review criteria	Review comments	Recommendations
<p>Are the methods proposed for baseline collection appropriate to the needs?</p>	<ul style="list-style-type: none"> • The following legislative changes have occurred since the previous work was carried out: <ul style="list-style-type: none"> ○ Part 2A was amended in April 2012, and describes in detail the process of risk assessment, i.e. whether potential contaminant linkages are present. ○ The National Planning Policy Framework has replaced Planning Policy Statement PPS23: Planning Pollution Control. ○ The Environment Agency has updated its classification of aquifers, as well as their guidance of groundwater protection – principals and practice (GP3). • See above. 	<ul style="list-style-type: none"> • In light of these legislative changes, it would be recommended that existing data be reviewed and any data gaps be identified for scoping supplementary ground investigations.
<p>Are the proposed methods of assessment robust and transparent?</p>	<ul style="list-style-type: none"> • See above. 	
<p>Is the built-in mitigation suggested appropriate?</p>	<ul style="list-style-type: none"> • Mitigation measures will be developed during the site investigation process, and will be detailed in the remediation strategy. 	<ul style="list-style-type: none"> • None.

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6k Waste

Review criteria	Review comments	Recommendations
Has adequate baseline information been provided to identify potential environmental effects?	<ul style="list-style-type: none"> Baseline data is based on building footprints and waste generation rates. 	<ul style="list-style-type: none"> Methodology for baseline appears reasonable.
Has adequate consultation has taken place to date?	<ul style="list-style-type: none"> No mention of consultation in the Scoping Report. 	<ul style="list-style-type: none"> N/A
Have all potential sources of impact and resulting environmental effects been identified?	<ul style="list-style-type: none"> No specific mention in Scoping Report, but it is assumed that these are addressed in ES chapter. 	<ul style="list-style-type: none"> N/A
Have potential impacts or effects been scoped out and is justification given for this?	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A
Has the temporal and spatial scope been identified?	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A
Are the methods proposed for baseline collection appropriate to the needs?	<ul style="list-style-type: none"> Not included in Scoping Report. 	<ul style="list-style-type: none"> Assumed that this is in ES Chapter.
Are the proposed methods of assessment robust and transparent?	<ul style="list-style-type: none"> Yes, changes in recycling rates will be updated. 	<ul style="list-style-type: none"> N/A
Is the built-in mitigation suggested appropriate?	<ul style="list-style-type: none"> Predicted waste arisings not likely to change – therefore recommended mitigation not likely to change. 	<ul style="list-style-type: none"> No further action needed.

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6I Microclimate

Review criteria	Review comments	Recommendations
Has adequate baseline information been provided to identify potential environmental effects?	<ul style="list-style-type: none"> • Yes. 	<ul style="list-style-type: none"> • No response required.
Has adequate consultation has taken place to date?	<ul style="list-style-type: none"> • None required. 	<ul style="list-style-type: none"> • No response required.
Have all potential sources of impact and resulting environmental effects been identified?	<ul style="list-style-type: none"> • Yes. 	<ul style="list-style-type: none"> • No response required.
Have potential impacts or effects been scoped out and is justification given for this?	<ul style="list-style-type: none"> • Construction impacts have been scoped out and this has been justified. 	<ul style="list-style-type: none"> • No response required.
Has the temporal and spatial scope been identified?	<ul style="list-style-type: none"> • Yes – As before. 	<ul style="list-style-type: none"> • No response required.
Are the methods proposed for baseline collection appropriate to the needs?	<ul style="list-style-type: none"> • No significant changes to existing baseline. 	<ul style="list-style-type: none"> • No response required.
Are the proposed methods of assessment robust and transparent?	<ul style="list-style-type: none"> • Yes. 	<ul style="list-style-type: none"> • No response required.
Is the built-in mitigation suggested appropriate?	<ul style="list-style-type: none"> • Yes. The mitigation for the consented scheme “<i>is likely to require updating on the basis of the revised 3D model assessment</i>”. 	<ul style="list-style-type: none"> • No response required.

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6m Sunlight and Daylight

Review criteria	Review comments	Recommendations
Has adequate baseline information been provided to identify potential environmental effects?	<ul style="list-style-type: none"> The scoping document refers to the existing baseline considered for microclimate daylight studies as relevant but does not describe it. 	<ul style="list-style-type: none"> Daylight and sunlight models to be updated based on new layout.
Has adequate consultation has taken place to date?	<ul style="list-style-type: none"> Not able to be determined via microclimate description. 	<ul style="list-style-type: none"> Daylight and sunlight models to be updated based on new layout
Have all potential sources of impact and resulting environmental effects been identified?	<ul style="list-style-type: none"> Potential sources of impacting would arise from any new built forms. The microclimate daylight study is scheduled to be revised due to parameter changes to the proposed development diverging from the Indicative Layout. 	<ul style="list-style-type: none"> Daylight and sunlight models to be updated based on new layout
Have potential impacts or effects been scoped out and is justification given for this?	<ul style="list-style-type: none"> The chapter is required and scheduled to be revised so effects or impacts have not been scoped out. 	<ul style="list-style-type: none"> Daylight and sunlight models to be updated based on new layout
Has the temporal and spatial scope been identified?	<ul style="list-style-type: none"> Unable to be determined via microclimate description. 	<ul style="list-style-type: none"> Daylight and sunlight models to be updated based on new layout River corridor area, bridge and buildings where the design scope has changed have been referenced.
Are the methods proposed for baseline collection appropriate to the needs?	<ul style="list-style-type: none"> Unable to be determined via microclimate description. 	<ul style="list-style-type: none"> Daylight and sunlight models to be updated based on new layout BRE 209 and BS8206 referenced. Will need further detail from report. Correct reference of BRE 2009 in document to BRE 209.

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Review criteria	Review comments	Recommendations
Are the proposed methods of assessment robust and transparent?	<ul style="list-style-type: none"> Unable to be determined via microclimate description although both BRE 2009 and BS8206 are referenced. It may be beneficial to review if BRE 2011 is now applicable. 	<ul style="list-style-type: none"> Daylight and sunlight models to be updated based on new layout
Is the built-in mitigation suggested appropriate?	<ul style="list-style-type: none"> Unable to be determined via microclimate description. 	<ul style="list-style-type: none"> Daylight and sunlight models to be updated based on new layout

6n TV, Radio and Mobile Phone Reception

It has been concluded that the potential impacts to TV, radio and mobile phone reception will not change from the previous assessment and therefore it is not proposed to update this assessment from the approved RES. We agree with this statement and have no further comments to make.

6o Carbon Dioxide Emissions

Subject to the following clarifications we confirm that the approach proposed in the scoping report is sufficient. Please confirm that the total vehicle numbers will not change and that the number and type of energy centres previously assessed will not change.

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LOCATION: Barnet and Southgate College, Grahame Park Way, Colindale, NW9 5RA

REFERENCE(S): W01731GB AGENDA ITEM 11

WARD: Colindale

APPLICANT: Barnet and Southgate College

PROPOSAL: Deed of variation to Section 106 Agreement in respect of Clause 3 (multi-purpose pitch and community contribution)

RECOMMENDATION:

That, subject to the completion of all necessary legal and other documentation, a Deed of Variation to the Section 106 Agreement attached to planning permission W01731GB is authorised to secure the following changes:-

- (i) **Clause 3:** To delete the obligations to provide the community education and leisure centre, multi-purpose sports pitch, club house, pavilion and contribution to community benefit; and

1. BACKGROUND

Historic Permission and S106 Agreement

On 5th December 1995 full planning permission (ref W01731GB) was granted for a residential development of 86 dwellings on the Former Hendon College Playing Fields off Grahame Park Way in Colindale. This permission relates to the present day housing development to the north of the Barnet and Southgate College, which comprises Lancaster Close and the developments fronting Corner Mead, Field Mead and Grahame Park Way within this block. The planning permission is accompanied by a Section 106 Agreement securing community and infrastructure benefits, to be complied with within 2 years of first occupation of 20% of the residential dwellings. On 24th October 2001 planning permission was granted to extend the time period for compliance with the obligation to construct the multi-purpose sports pitch and floodlighting until 24th January 2002 (ref W01731HX/01).

The original Section 106 Agreement included an obligation to provide the community education and leisure centre, multi-purpose sports pitch, club house and pavilion pursuant to planning permission W01731GA (Clause 3.1.2), on land to the north of the College. The Agreement also included an obligation to pay a £250,000 contribution 'to provide equivalent community benefit for loss of playing field' (Clause 3.1.1).

The housing development was subsequently constructed and completed however the section 106 obligation was never implemented.

Relocation of Barnet College

In the intervening time, Colindale has been designated as an Opportunity Area for housing growth and the Council has adopted the Colindale Area Action Plan in March 2010 which identifies the Barnet and Southgate College site for housing development and land for a primary school. The Colindale AAP also supports the relocation of the College to a site closer to Colindale Underground Station.

As detailed in the CRC report 17 July 2012, the Council's Regeneration Service, in conjunction with the Council's development partner for the Scheme, Choices for Grahame Park, has been in discussions with Barnet and Southgate College to agree the terms to deliver i) a new college on Plot A8 within Phase 1b of the Grahame Park Estate Regeneration Scheme and ii) a land swap agreement to enable the development of the existing Barnet College site for residential and secure a site for a 2 form entry primary school.

This proposal will see the delivery of a new high quality college facility and ensures the retention of the College within Colindale, particularly at the heart of the regeneration of Grahame Park, bringing additional vitality and economic activity to the area. It releases the existing college site for residential development for new family houses and, importantly, a 1.6 hectare site for a new primary school. The new college will incorporate a new public library and Centre for Independent Living (CIL) that will replace the existing specialist service provided in the Flightways Centre in the Concourse.

Locating the new college facility on Plot A8 is dependent upon the sale of the existing college site at Grahame Park Way for funding. The redevelopment of the Grahame Park Way site is therefore to be considered as enabling development.

As part of the process of preparing the College site for sale to fund its relocation to Plot A8, the unfulfilled obligations relating to the all weather sports pitch within the historic section 106 agreement which run with the land, need to be removed. This report therefore seeks approval to enter into a deed of variation to amend the historic section 106 legal agreement to delete the relevant clauses.

2. MATERIAL CONSIDERATIONS

2.1 Relevant Planning History

App Ref.	Address	Description of Development	Decision and Date
W01731GB	Former Hendon College Playing Fields, Grahame Park Way, Hendon, London NW9	86 dwellings comprising 51 two storey houses, 8 three storey houses accessed off Corner Mead with associated parking and new estate road, two and three storey block of 27 flats with parking access from Field Mead	APPROVED 20/10/1995
W01731GA	Hendon College, Corner Mead, Grahame Park Way, Hendon, London NW9	Residential development up to 198 h.r.h on gross area. Community, education and leisure centre attached to existing college buildings. New multi-purpose all weather sports pitch with pavilion/clubhouse.	APPROVED 05/04/1995
W01731HX/01	Barnet College (formerly Hendon College), Corner Mead, London NW9 5RA	Further extension of time until 24 th January 2002 for compliance with the legal agreement imposed upon planning permission W01731GB issued 18/12/95 requiring the College to construct a multi-purpose sports pitch with floodlighting on land between the college and housing to the north	APPROVED 24/10/2001

2.2 Proposal

It is proposed to remove the obligations under Clause 3 in their entirety and the changes would be secured through a Deed of Variation to the original Section 106 Agreement. The proposed variation to the existing section 106 will remove the obligations that run with the land and will enable the College to dispose of the site for residential development and a primary school, in line with the policies and objectives of the adopted Colindale Area Action Plan.

2.3 Planning Assessment

There are two principle obligations within Clause 3 of the Agreement, the first requires the payment of a £250,000 contribution towards community benefits for the loss of sports facilities, whilst the second requires the community education leisure centre, multi-purpose sports pitch, club house and pavilion to be constructed pursuant to planning permission W01731GA. The Agreement also requires that these facilities are available for community use. These are historic obligations that relate to the release of part of the College site in the mid 1990's for residential development, when the site was known as Hendon College. Under the terms of the agreement, the obligations should have been complied with within 2 years of occupation of 20% of the residential units. In 2001 the Council granted permission to extend the time period for the construction of the multi-purpose sports pitch and floodlighting to January 2002. Since then the obligation has not been complied with by the College and the Council has not sought to enforce it.

Alternative Sporting Provision

The obligations were intended to provide mitigation for the loss of sports pitches that were built on as a result of the residential development, as at the time there were no other similar facilities in the locality. However, since the original planning permission was granted the area has changed considerably and other all weather sports facilities have been delivered. These include the Grahame Park Community Pitch on Great Strand which comprises a floodlit all-weather pitch. New sports pitches and facilities are currently being constructed as part of the new Orion School on the former Mill Hill Sports Club site on Grahame Park Way to the north of the College site. The school and facilities have been specifically designed to be accessible and usable by the community outside of school hours. The sporting facilities available to the public include the following:

- 2 Small Football Pitches
- 1 Netball Court
- Multi Use Games Area (MUGA) (capacity 22 persons)
- 180sqm hall for badminton and sports
- Changing rooms with shower facilities

The new school that will be delivered on the College site in the future will also include sports pitches and other facilities that will be accessible to the community for public use out of school hours.

It is therefore considered that adequate alternative facilities now exist locally to cater for the area. The provision of the sports facilities on the College site as set out in the original section 106 agreement is no longer necessary.

Future Redevelopment of College Site

The adopted policy position in relation to the College site has also changed with the adoption of the Colindale Area Action Plan (CAAP) in 2010. Subject to the relocation of Barnet and Southgate College, the site is now identified to provide 1.6ha of land for a 2 form entry primary school with the remainder being redeveloped for housing as part of a comprehensive plan-led approach to the regeneration of the Colindale area.

The relocation of the College to a more sustainable site closer to Colindale Tube Station is also supported in the Colindale AAP. The College is proposing to relocate to Plot A8 within Phase 1B of the Grahame Park Estate regeneration and the Council and its Development partner, Choices for Grahame Park, are in advanced discussions to achieve this. The new college building on A8 will include a new public library and Centre for Independent Living (CIL). The College held a public consultation on their emerging proposals for the new college building on A8 earlier in the summer and it is anticipated that a planning application will be submitted before the end of the year.

The relocation of the College to Plot A8 within the Grahame Park Regeneration will be funded from the sale of their Grahame Park Way site for housing.

In order for this to it is therefore necessary to ensure that they are released from these obligations, which would otherwise run with the land.

3. CONCLUSION

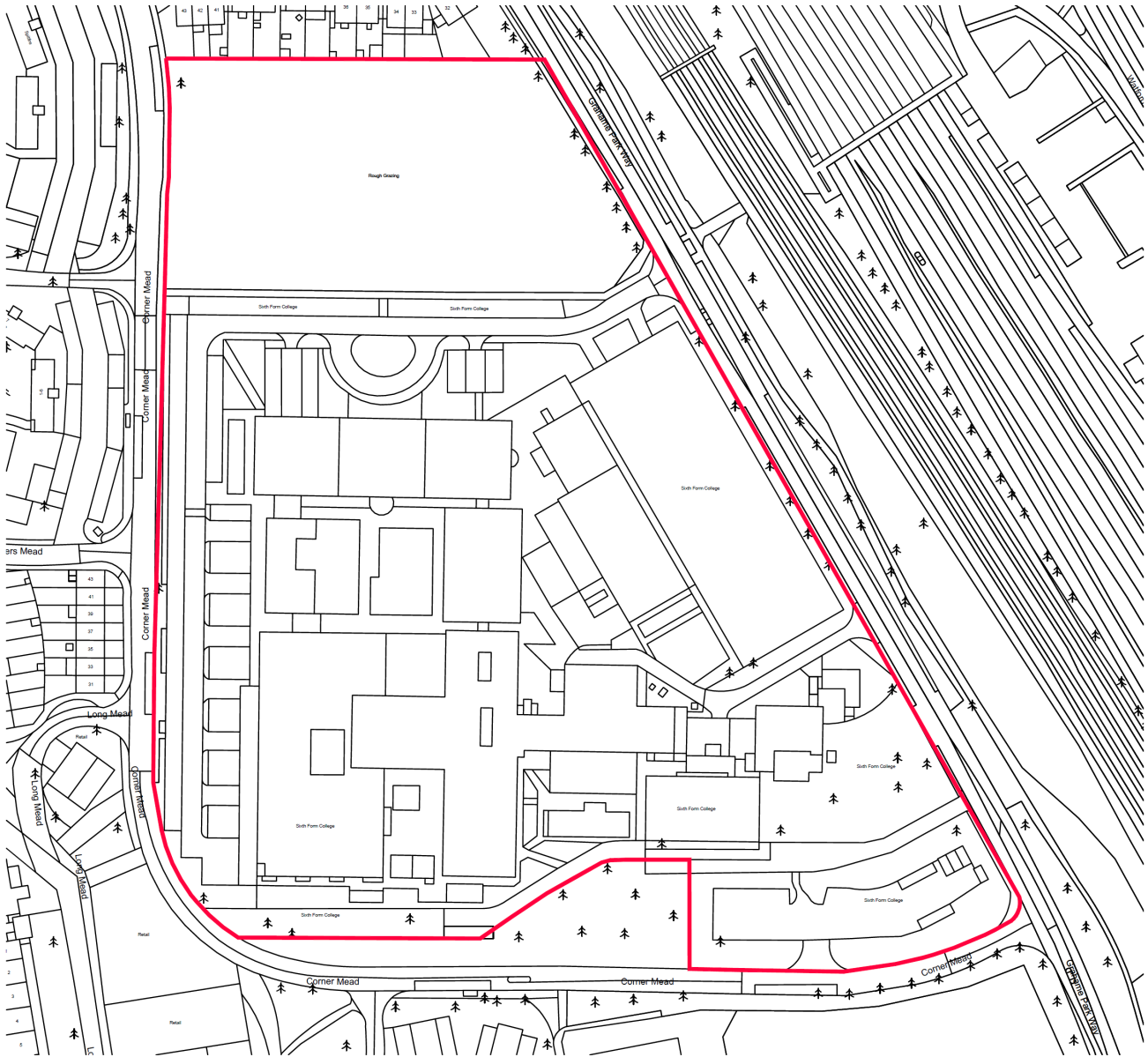
In summary, the provision of the sports facilities required by the original Section 106 Agreement is no longer necessary, given the provision of such facilities in the locality of the site since the original Agreement was drawn up. There is a clear up-to-date policy position that positively plans for growth within the Colindale area, including sports facilities, and that allocates the College site for residential redevelopment and a primary school that would have its own community sports facilities.

The Council, College and Choices for Grahame Park are working actively towards achieving the relocation of Barnet and Suthgate College to Plot A8 within Phase 1B of the Grahame Park Regeneration. The relocation will be funded by the sale of the College site for housing development. In order for the site to be sold it is necessary to vary the historic section 106 Agreement to remove the unfulfilled playing pitch obligation on the land and enable the College to dispose of the site. The relocation of the College will also secure a 1.6 hectare site for the Council for a future primary school along with new library and CIL facilities within the new college building on A8.

Approval is therefore recommended to allow the completion of a deed of variation to allow the necessary changes to the historic section 106 agreement to be made.

SITE LOCATION PLAN: Barnet & Southgate College

REFERENCE: W01731GB



Meeting	Planning and Environment Committee
Date	11 September 2013
Subject	Revisions to Planning Delegated Powers
Report of Summary	<p>Director for Place</p> <p>This report proposes current powers delegated to the Chief Planning Officer (Assistant Director of Planning & Building Control) are continued, in order to ensure a fit for purpose, modern, democratic, efficient and cost effective Planning Service in Barnet.</p>

Officer Contributors	Joe Henry, Acting Assistant Director of Planning & Development Management & Building Control.
Status (public or exempt)	Public
Wards Affected	Not Applicable
Key Decision	Not Applicable
Reason for urgency / exemption from call-in	Not Applicable
Function of	Council
Enclosures	None
Contact for Further Information:	Joe Henry, Acting Assistant Director of Planning & Development Management & Building Control (0208 359 4620), joe.henry@barnet.gov.uk

1. RECOMMENDATIONS

- 1.1 Planning applications for development where there is “significant public concern” (currently defined as five or more objectors who have objected in writing in response to a planning application) cannot be determined under delegated powers unless it is intended to refuse the application. The definition of “significant public concern” was defined as three or more objectors before the Planning & Environment Committee agreed to a change to the definition at a meeting held 14 June 2012 to increase the threshold to five or more objectors, subject to a review of those extended powers after a six month period.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Planning & Environment Committee 30 November 2005, approved recommendation of report on Revision to Planning Delegated Powers.
- 2.2 Annual Council 17 May 2011, approved recommendation of reports of Special Committee (Constitutional Review) which included abolishing the three Area Planning Sub-Committees and replacing them with two Area Planning Sub-Committees.
- 2.3 Planning & Environment Committee 14 June 2012, approved recommendation of report on Revision to Planning Delegated Powers.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Effective and efficient decision making and value for money are important aspects underpinned by corporate objectives to provide better services with less money. The proposal would reduce the amount of time spent by officers and councillors in determining planning applications.

4. RISK MANAGEMENT ISSUES

- 4.1 Failure to maintain current delegated powers would significantly increase the number of planning applications presented to Planning Committees (frequency of Area Planning Committee meetings would need to increase), detrimentally impacting on service delivery, increase costs to the council and have consequential reputational risks.
- 4.2 The reduction in the number of planning applications presented to Planning Committees has reduced the role of Members in determining planning applications and this may have been perceived by the public as being less democratic. Officers are not aware of any concerns being raised by members of the public.
- 4.3 The proposed changes do not affect the existing exception for delegated powers where a member of the council has requested in writing, with valid planning reason(s), that an application should be presented to the appropriate Area Planning Sub-Committee.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 It is unlikely that the proposal would present a conflict with Barnet Council's Equalities Policy as the increased threshold will apply to all residents. Improved efficiency in the planning department will have a beneficial impact on all residents.
- 5.2 At present the council does not have specific data on the profile of residents objecting to planning applications in the circumstances described above. However we know from a recent customer survey ¹ that overall 56% of respondents were either fairly or very satisfied with the services provided by the Planning Service compared to 26% who were either fairly dissatisfied or very dissatisfied. Proportionately Asian households were more likely to be dissatisfied than other ethnic groups. The majority of respondents were men who were slightly more likely to be dissatisfied with the service. Most were aged between 45 – 64 years and they had the highest levels of dissatisfaction; older people were generally more satisfied with the service they received.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 No additional cost implications arise from this proposal; the main effect of which is to continue the saving in staff & Councillor time and maintain improvement to service delivery. It is estimated there would be an increase in costs to the Planning Service of £60,000 per annum if the recommendation to maintain current delegated powers were not agreed.

7. LEGAL ISSUES

- 7.1 None.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 The Council's Constitution provides for Chief Officers to take decisions under delegated powers. The relevant provisions are set out in section 6 of Part 3 – Responsibility for Functions.

9. BACKGROUND INFORMATION

- 9.1 Under the Council's Constitution, the planning function is devolved to the Planning & Environment Committee and the East & West Area Planning Sub – Committees.

¹ The customer survey carried out in March 2013 included agents and residents.

- 9.2 Part 3 of the council's Constitution sets out the detailed arrangements for the allocation and discharge of the Council's responsibilities. Many of these have been delegated to chief officers and they, or their representatives, are authorised to make decisions which both speed up the process and remove the need for such matters to be considered by Planning Committees. The Chief Planning Officer (Assistant Director of Planning & Building Control) has been delegated powers by the Planning and Environment Committee to deal with planning and associated matters, other than where the exceptions apply. These exceptions include; planning applications for development where there is significant public concern (currently defined as five or more objectors who have objected in writing) unless it is intended to refuse the application. The proposal is to continue the current definition of "significant public concern" to be five or more objectors who have objected in writing in response to a planning application.
- 9.3 The number of planning applications presented to Planning Committees in the twelve months up to May 2012 was 296 and this compares to 146 in the last 12 months up until July 2013. This is a reduction of 150 cases, which represents a 50% reduction.
- 9.4 It is estimated by using data analysis carried out in March 2010 by ValueAdded.com Ltd on behalf of London Council's, that each planning application presented to a Planning Committee in Barnet, increases the cost of that application, on average, by approximately £400 (not including costs associated with Democratic Services). Therefore, the reduction in the number of cases being presented to Planning Committees of 150 cases represents an estimated saving of £60,000 per annum to the Planning Service (not including any costs savings achieved by Democratic Services).
- 9.5 The proposed changes do not affect the existing exception for delegated powers where a member of the council has requested in writing, with valid planning reason(s), that an application should be presented to the appropriate Area Planning Sub-Committee.
- 9.6 Over 12 months up until May 2012, 8.3% of planning applications were decided by Planning Committees. This compares to a London average of approximately 5% (based on a benchmarking exercise carried out by ValueAdded.com on behalf of London Councils in 2010 with nine London local planning authorities, including Barnet, participating). In the 12 months up until July 2013, 4.6% of planning applications were decided by Planning Committees.
- 9.7 There are significant costs, mostly attributable to officer time, in dealing with planning applications presented to planning committees compared to similar schemes dealt with under delegated powers. And as can be seen from the bench marking exercise, Barnet previously dealt with a significantly higher percentage of applications presented to a Planning Committee compared to the London average.
- 9.8 Before the delegated powers were changed in May 2012, unsustainable numbers of planning applications were being presented to the Area Planning Sub-Committees, especially the West Area Planning Sub-Committee. This resulted in some meetings having to be extended to the maximum time allowed and some having a large number of items not being heard with

additional meetings having to be arranged. The economy has improved since last year to the extent the authority has received approximately 10% more planning applications in 2012/2013 compared to 2011/2012. Reducing delegated powers of officers would inevitably lead to an increase in the number of applications having to be presented to Planning Committees to a level which is likely to be higher than the unsustainable peaks during 2012.

- 9.9 The Planning Service forms part of the Development Regulatory Service (DRS) which will shortly be an outsourced delivery unit in the commissioning council. The successful bidder is fully aware that the costs associated with processing planning applications dealt with under delegated powers are significantly less than those costs associated with applications presented to Planning Committees. If the Committee did not agree to maintain current delegated powers then the successful bidder could have a case to ask the council to meet those extra costs.

10. LIST OF BACKGROUND PAPERS

- 10.1 The Council's Constitution
Report on Revision to Planning Delegated Powers, Planning & Environment Committee 30 November 2005,
Reports of Special Committee (Constitutional Review), Annual Council 17 May 2011.
Report on Revision to Planning Delegated Powers, Planning & Environment Committee 14 June 2012.

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