

PLANNING COMMITTEE

5 September 2018

ADDENDUM TO SERVICE DIRECTOR OF DEVELOPMENT MANAGEMENT AND BUILDING CONTROL'S REPORT

18/3315/ADV – Central Reservation, High Road, London, N12 0AP

Pages 11 - 18

Since the publication of the committee report, a further 5 letters of objections have been received.

The objections can be summarised as follows:

- Proposed sign will be distracting to the point of being dangerous;
- Brightness at night will be distracting, especially at night time;
- It would be ugly and distracting;
- Proposal would be an eyesore and its location and luminance would create a glare source reducing road safety particularly for older drivers at night;
- An illuminated and frequently changing displays is much more distracting than fixed unilluminated ones;
- Unnecessary clutter;
- Proposed advertisement is out of place, too intrusive in the rural environment and dangerous to road safety;
- Not appropriate in North London.

The Council's Traffic and Development have provided comments since the publication of the committee report. They comment that the proposal is acceptable on highways grounds subject to a number of requirements:

1. The proposed sign shall be erected under the Section 115/278 of the Highways Act 1980 and the applicant will be responsible for the investigation of services in the proposed location and for all works to services associated with the implementation of the sign.
2. The developer will be responsible for the assessment of the impact of the proposed sign on the existing carriageway and the drainage in the vicinity of the location of the proposed sign implementation including the foundation of the sign. A full assessment of the impact of the proposed signage on the existing carriageway and the drainage shall be undertaken prior to commencement of any construction works relating to the sign and shall be submitted to and approved by the highway Authority including any mitigation measures.
3. The luminance of the sign should meet the current guidelines suggested for road side signage by the institute of lighting engineers.

To take into account, the comments above two new conditions have been added:

10. The applicant shall be responsible for the investigation of services in the proposed location and for all works to services associated with the implementation of the sign.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 11 Prior to the commencement of development, an assessment of the impact of the advertisement hereby approved on the existing carriageway and the drainage, including any mitigation measures, shall be undertaken and submitted to and approved in writing by the Planning Authority in consultation with the Traffic and Development service.

Reason: To ensure that there is no adverse impact on the existing carriageway along High Road.

A further informative is also added:

The applicant is advised that they will have to submit a Section 115 / 278 application of the Highways Act 1980.

Condition 2 should read as:

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

WSA-CAP-01-ZZ-DR-A-060107-P00
WSA-CAP-00-00-DR-A-910001 - P03
WSA-CAP-00-00-DR-A-910000 - P01
WSA-CAP-01-ZZ-DR-A-060101-P01
WSA-CAP-01-ZZ-DR-A-060103-P02
WSA-CAP-02-ZZ-DR-A-060201 - P03
WSA-CAP-01-ZZ-DR-A-060104-P03
WSA-CAP-01-ZZ-DR-A-060102-P07
WSA-CAP-00-ZZ-DR-A-060001-P04
WSA-CAP-00-ZZ-DR-A-060002 - P04
WSA-CAP-02-ZZ-DR-A-060201 - P04
WSA-CAP-ZZ-ZZ-MR-A-060108-P01
WSA-CAP-00-00-DR-A-910001 - P02

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

The following should be added to the principle of development section of the report:

An Outline Business Case (OBC): Meadow Close Relocation report has been submitted in support of the application. This report states that The existing children's home at Meadow Close does not meet with the current Department for Education (DfE) Children's Homes Regulations and Standards and Ofsted has reported the current home will not achieve a higher rating than 'GOOD' in the future. The report explores alternative options for the provision of the children's home including the refurbishment of the existing premises at Meadow Close and other alternative locations across the borough. The report concludes that the Woodside Avenue site is the most viable and appropriate location.

It is therefore considered that the application has complied with planning policy to demonstrate that the proposed use can-not be re-provided in its current location.

The outline business report was considered at the Assets Regeneration and Growth Committee 12 December 2016.

The following condition should be added:

Additional condition 14:

No development shall take place until the applicant has entered into a planning obligation to secure a scheme for the provision of replacement tree planting off site that reflects the amenity value of the trees lost to facilitate the development.

Reason: To ensure appropriate tree planting to mitigate for the loss of trees of special amenity value on site in accordance with Policy CS of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 and of the Development Management Policies DPD (adopted September 2012).

Additional informative should be added:

The applicant is advised that the scheme submitted in relation to condition 14 will need to provide sufficient planting to meet the capital asset value of amenity trees lost to facilitate the development.

AGENDA ITEM 9:

Planning Application 17/6714/EIA

Land at 2 Geron Way, London NW2 6GJ

Pages 35-194

A. CORRECTIONS

REPORT

Paragraph 5.17 (final sentence):

'...Such works will require further approval by the Local Highway Authority under Section 278 of the Highways Act 1980 (as amended).'

Reason for amendment:

The Council is both the Applicant and Local Highway Authority and cannot therefore enter into an agreement with itself under the provisions of the Highways Act 1980. Detailed design of the proposed works to the A5/Geron Way junction and both site accesses will still nonetheless require the written agreement of the Local Highway Authority.

Paragraph 5.20:

*The abovementioned car park would provide parking for 9 ~~10~~no. cars **including** 1no. allocated disabled parking space, 3no. electric charging spaces/points, and 12no. bicycles (with a cycle store adjacent to the northeast corner of the proposed building with dimensions of 2.6 metres high, 5.5 metres long and 1.8 metre wide).'*

Reason for amendment:

Correction to clarify the proposed number of car parking spaces as reported elsewhere within the report.

Paragraph 7.35 (final sentence):

'In addition, it is advised that all proposed junctions will be subject to further detailed design and agreement of the Local Highway Authority a ~~Section 278 and/or Section 38 Agreement~~ will be required to be entered into with the Local Highway Authority.'

Reason for amendment:

As above under Paragraph 5.17 correction.

Paragraph 7.39:

Insert paragraph reference **8.17** in regard to Ward Member representations received in response to subsequent consultation on this planning application.

Paragraph 9.99:

*'...The proposed junction, including the departures from standards, has been reviewed by the Local Highway Authority and, although it would be subject to further **approval from the Local Highway Authority at the detailed design stage** ~~approval under Section 278 of the Highways Act 1980~~ whereby further safety audits will be carried out, is considered to be acceptable in principle.'*

Reason for amendment:

The Council is both the Applicant and Local Highway Authority and cannot therefore enter into an agreement with itself under the provisions of the Highways Act 1980. Detailed design of the proposed works to the A5/Geron Way junction and both site accesses will still nonetheless require the written agreement of the Local Highway Authority.

APPENDIX A

Draft Informative B:

The applicant is advised that the works to both site accesses off Geron Way and works to the A5/Geron Way junction require the written agreement of the Local Highway Authority Agreement under Section 278 of the Highways Act 1980. This agreement must be obtained from the Local Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. Please contact London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ. 020 8359 3555.

Reason for amendment:

The Council is both the Applicant and Local Highway Authority and cannot therefore enter into an agreement with itself under the provisions of the Highways Act 1980. Detailed design of the proposed works to the A5/Geron Way junction and both site accesses will still nonetheless require the written agreement of the Local Highway Authority.

Draft Informative C:

The applicant is advised that a ~~Section 38 Agreement under the Highways Act 1980 will be required in relation to any additional carriageway or footway that is formed will need that is required to be adopted by the Highway Authority and maintained thereafter as public highway.~~

Reason for amendment:

The Council is both the Applicant and Local Highway Authority and cannot therefore enter into an agreement with itself under the provisions of the Highways Act 1980. Detailed design of the proposed works to the A5/Geron Way junction and both site accesses will still nonetheless require the written agreement of the Local Highway Authority.

B. AMENDMENTS

Draft Condition 14:

*'HGVs shall not be permitted to idle **other than that necessary to enable operation of the development hereby permitted and shall not in the case of any vehicle exceed 10 minutes in any one hour. All HGVs while on site and all HGV vehicles operating in association with the site shall be to Euro VI Standard as a minimum.**'*

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

Reason for amendment:

As stated within the planning application, to clarify that the proposed development would entail some idling of engines as they pass over and utilise the weighbridges upon entering and exiting the facility. The suggested amendments to the condition allow for this.

Draft Condition 18:

*'Prior to operation of the development detailed plans demonstrating how egress movements from the staff and visitor car park **shall be only via the main operational access off Geron Way at the northern extent of the site** will be prevented shall be submitted and approved in writing by the Local Planning Authority. Such works shall thereafter be implemented as approved and practically completed prior to the occupation of the development.*

Reason: To ensure that satisfactory access is provided into the site in terms of highway safety in accordance with Local Plan Policy CS9 of the Core Strategy (2012) and Policy DM17 of Development Management Policies (2012).'

Reason for amendment:

Correction to insert omitted reference to the specific junction where vehicles from the staff and visitor car park would be permitted to exit the site.

Draft Condition 25:

*'The **free field** level of noise emitted from the development, whether from fixed plant, vehicles, equipment or noise generated within the buildings or externally on site shall not exceed **5dB below existing LA_{90,15min} during the night, or 5 dB below existing LA_{90,1h} during the daytime, when measured at the nearest habitable room at the nearest noise sensitive receptor. 45dB LAeq 15mins or 40dB LAeq, 8hr during the night at the closest residential building (measured as free field) and at all times noise emissions at the nearest noise sensitive premises shall not exceed 5db below existing background LA90 noise levels. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps) that are not present in the existing environment, then the noise level generated then it shall be at least 10dB(A) below the background level. Noise levels shall be as measured from any point 1 metre outside the window of any habitable room of a neighbouring noise sensitive receptor residential property. Existing background noise levels used for comparison shall be as reported in the planning application.***

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

Reason for amendment:

The 45dB limit was set within the BXC S73 planning permission and, based on the current BS4142 (2014) standards, is not ordinarily a limit that would be imposed by the Council's Scientific Services/Environmental Health Officer when assessing planning applications and noise assessments. In accordance the abovementioned standards, the noise levels emitted from the site and associated infrastructure/equipment/plant should instead be compared to the background noise levels where considering the effects on nearby residential properties.

New Conditions:

- i. Prior to the operation of the development a detailed landscape planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape planting scheme shall include planting plans and written specifications for the growing medium and systems to be used for all landscape planting, green screens/walls/suspended cabling systems and the brown roof. The landscape planting scheme shall thereafter be implemented as approved.

Reason: To protect Barnet's character, enhance biodiversity and improve the public realm in accordance with saved Policy C2 of the Unitary Development Plan (2006); Policies DM01 of the Development Management Policies DPD (2012); Policy CS5 of the Core Strategy DPD (2012); and Policy 7.5 of the London Plan (2016).

- ii. Prior to the operation of the development details of the fencing, site access gates and boundary treatments to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and maintained in accordance with the details as approved.

Reason: To protect Barnet's character, enhance biodiversity and improve the public realm in accordance with saved Policy C2 of the Unitary Development Plan (2006); Policies DM01 of the Development Management Policies DPD (2012); Policy CS5 of the Core Strategy DPD (2012); and Policy 7.5 of the London Plan (2016).

Reason for new conditions:

To secure the implementation of appropriate landscaping at the site in cognisance of the wider BXC regeneration proposals and to provision of a high quality public realm.

C. ADDITIONAL REPRESENTATIONS

Public Representation(s):

A further 1 public representation has been received since publication of the Planning Committee Agenda on 29th August 2018. This representation raises objection to the proposed development on the grounds of traffic, environmental, health and air quality impacts which have previously been identified and summarised within Appendix D to the Officer's report.

Brent Council:

In response to the Transport Report Supplementary Addendum (August 2018), Brent Council have made a further representation on 31st August 2018. The Council continue to object to the proposed development and their comments are summarised as follows:

- Concern is raised as to the principle of a waste transfer station in this location, as set out in the Council's previous representations.
- It is considered that the proposed junction layout would fail to facilitate safe vehicular access in all directions to and from Hanover House on the western side of Edgware Road.
- The development and associated highway works would result in additional delay and congestion on roads within the remit of Brent Council.
- The Council acknowledges that the proposed development, and therefore trip generation, would be equivalent to 195,000 tonnes per annum and not 260,000 tonnes per annum as previously assumed. A planning condition is requested limiting the maximum throughput of waste each year to 195,000 tonnes per annum.
- The transport modelling does not account for the Selco business relocating to a nearby site which will continue to generate traffic on the local highway network.
- The Council have suggested that further investigation of the operation of Dollis Hill Lane should be undertaken to establish whether the optimisation of signal timings can reduce delays. Otherwise, there is concern that the additional modelling is now suggesting that residents in the Dollis Hill area are being unduly disadvantaged.
- The facility would be located within a designated Air Quality Management Area and the proposed measure to mitigate against the generation of air pollution are not deemed sufficiently robust and would not neutralise the effects on the surrounding environment / receptors.
- The proposed building would be fully enclosed with negative air pressure and fast closing shutters which should be referenced and controlled through appropriately worded conditions.
- Details regarding the use and regulation of NRMM on site both in the construction and operational stages are minimal. Plans for this should be extensive enough to include all sub-contractors.

Councillor Lia Colacicco (Brent):

Cllr Colacicco has provided the following additional comment on 5th September 2018:

'I would like to add the following points in case we do not have the opportunity to address the committee tonight.

We seek assurances that whatever conditions the committee agrees tonight will stand. For the aggregates site application, under delegated powers the conditions hard- won by Brent council, councillors and residents many of the conditions were diluted significantly. For example, the allowable noise was doubled.'