

PLANNING COMMITTEE

24th June 2019

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

18/6640/FUL- Phase 6b, Millbrook Park (Former Inglis Barracks) NW7 1PX

Pages 27-75

Pages 73 & 74 under Section 3 'Equalities and Diversity Issues'. Replace text with the following:

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

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

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

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

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.

As set out above, objections have been raised by a number of objectors (and in particular the Barnet Borough District Scout Council) that the increased height of the scheme will have a material and adverse impact upon the campsite which is used by children and vulnerable young adults resulting in a significant loss of privacy.

Officers acknowledge that young persons, as well as persons with learning and physical disabilities use the adjoining campsite and there is the potential for the development to impact on the camp site in terms of overlooking and loss of privacy for the users of the site especially the identified protected groups. Members are required to take into account the potential impact on the specified protected groups when considering the merits of the application

Officers consider that the main issue from an equalities perspective is to ensure that the proposed development safeguards the existing use of the scout camp and does not prejudice the scout's continued operation in providing a safe and secure environment for the identified protected groups. To this end, officers have worked with the applicant to mitigate, as far as possible, the impact on the scout camp. As indicated above, the applicant has pulled the proposed buildings back from the boundary of the scout camp allowing for a clear separation between the buildings and the camp site (an improvement from the originally submitted proposal). The applicant has also introduced internal V shaped insert into the building flank, covered by angled louvres which allow light to enter these rooms but do not allow direct overlooking onto the scout field. In addition, extra planting is proposed on the application side of the boundary along with the introduction of a living fence along the boundary. The Council is also securing a contribution from the developer of £45,164.00 through a section 106 agreement towards off-site additional landscape planting on the scout side of the boundary, which would provide some immediate and longer term screening of the scout camp.

Officers have weighed the mitigation proposed by the applicant in the balance and consider that a fair balance has been struck between the needs of the camp and the proposed development. In making the recommendation in respect of the planning application therefore, officers have given weight to the impact that the proposal would have on the identified protected groups and consider that the harm is outweighed by the other considerations and the mitigation set out in this report. It should be noted that the duty under the Equalities Act is to have due regard to the specified matters and not a duty to achieve a specific result.

19/1950/FUL – 70-84 And Land R/o Oakleigh Road North, N20 9EZ

Pages 77-182

Within the report, the proposed affordable housing was as follows:

	Shared Ownership	Affordable Rent	Total
1 bed flat	14	10	24
2 bed flat	6	6	12
3 bed flat	-	4	4

Since the publication of the committee report, the applicant has been in further discussions with the Council's Affordable and an amended mix has been agreed.

The proposed mix is now as follows:

	Shared Ownership	Affordable Rent	Total
1 bed flat	13	11	24
2 bed flat	4	8	12
3 bed flat	-	4	4

On a unit basis, the provision is 58% rented and 42% Intermediate and on a habitable room basis the proposed split is 62% Rented and 38% Intermediate.

1. TfL Comments regarding Step Free Access contribution

In their consultation response, TfL requested assurance that the Section 106 contribution for delivering Step Free Access at Brent Cross London Underground Station will still come forward as part of the Brent Cross Cricklewood regeneration scheme. The Step Free Access contribution is £10million in total to be paid by Brent Cross North and the payment is linked to the commencement of Phase 1B (North) which comprises the expansion of Brent Cross Shopping Centre. Timing of this payment was agreed at the time of the outline permission to enable TfL to provide step-free improvements at Brent Cross LU station to meet the needs of the new accessible town centre. TfL completed a Step Free Access feasibility study for the station in 2015 in accordance with the funding and obligations provided in the section 106 agreement.

The current re-phasing and ICP update submission does not change the content of Phase 1 as a whole, but allows for Phase 1 (South) to be commenced ahead of the commencement of Phase 1B (North). The re-phasing and re-sequencing adjustments for Phase 1 through the suite of applications submitted, will result in a long-stop date for the commencement of Phase 1B (North) of May 2024. The contribution will therefore still come forward and is still required to be paid as part of the Section 73 planning consent.

The quantum of development in Phase 1 (South), namely 882 new residential units and a small amount of retail floorspace, would not be sufficient to warrant a change to the trigger for the step free access contribution for Brent Cross LUL.

TfL accept that the Phase Transport Report process for future phases of the development will continue to assess and ensure that appropriate mitigation is delivered with the development coming forward in that phase or sub-phase, including assessing whether step free access at Brent Cross LU station and/or other accessibility improvements are needed based on the scale of development delivered.

Therefore, on the above basis, TfL have confirmed that there does not need be any amendments to the clauses of the Section 106 agreement at this time in relation to the trigger for the Step Free Access contribution, and that the Deed of Variation associated with this re-phasing application can be progressed with TfL's support.

2. Further correspondence from existing objector. (See section 5.2 of report)

Since the publication of the committee report the LPA has received 5 further emails from the single objector to the conditions application. The objector, whose mother is a leaseholder in the Whitefield Estate has been in contact with both Regeneration officers and the LPA raising questions that largely relate to the CPO process and the acquisition of properties on the Whitefield Estate. No new material planning considerations have been raised.

An original letter on the 7th of May relating to property acquisition and CPO issues was responded to on the 20th May by regeneration colleagues. The objector has stated that they do not consider that the issues raised were appropriately addressed in the Council's response.

The majority of the issues raised by the objector relate to the acceptability of the CPO and questions of property value rather than issues under consideration.

A meeting has been offered by the Council's Regeneration Service to try to address the concerns being raised by this objector.