

<b><u>MEETING</u></b> <b>PLANNING COMMITTEE</b>
<b><u>DATE AND TIME</u></b> <b>THURSDAY 10TH SEPTEMBER, 2015</b> <b>AT 6.30 PM</b>
<b><u>VENUE</u></b> <b>HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ</b>

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
5.1	ADDENDUM TO THE OFFICER'S REPORT(S)	1 - 10

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## PLANNING COMMITTEE MEETING

Thursday 10<sup>th</sup> September 2015, 6.30PM

### ADDENDUM TO REPORT OF THE ASSISTANT DIRECTOR OF DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

AGENDA ITEM 6a

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#### **BXC A5 CORRIDOR STUDY 14/07402/CON PAGES 9-108**

##### **1) Unilateral Undertaking**

Section 5.6 of the Committee Report for the A5 Corridor Study contains the following:

*“The requirement for Controlled Parking Zones in relation to construction worker parking activity within Brent has been raised and discussed at the Transport Advisory Group and the need for provision within the Dollis Hill area (UC7) outside the scheme boundary has been agreed between Brent and the developer (as this is outwith the Section 106 agreement related to the Brent Cross Cricklewood development) with an associated*

The Brent Cross Development Partners have provided a draft S106 Unilateral Undertaking committing them to pay the financial contribution of £180,000 towards the Dollis Hill area Controlled Parking Zone (UC7) (as referred to in Section 5.6 of the committee report) to LB Barnet. LB Barnet will in turn undertake to forward the contribution to LB Brent.

As a result the recommendation for application 14/07402/CON needs to be updated as follows:

#### **RECOMMENDATION**

~~This application is recommended for APPROVAL.~~

#### ***Resolution to approve subject to:***

##### ***Part 1:***

*The completion of a satisfactory Unilateral Undertaking to secure the following:*

- 1) A contribution of £180,000 towards funding of a CPZ to mitigate the impacts of development parking within the Dollis Hill Area.***

##### ***Part 2:***

*That upon completion of the Unilateral Undertaking specified in Part 1 of the recommendation above, the Assistant Director of Development Management and Building Control approve condition application reference 14/07402/CON under delegated powers.*

##### **2) Para 5.6 P22 -CLARIFICATION**

“Monitoring of parking will be undertaken, taking into account any concerns from residents. The funding of new or extended Controlled Parking Zones In Brent and Camden is available through the Consolidated Transport Fund ‘Other Boroughs’ Fund’ (maximum £1.25m) and would need to be applied for either through the Transport Advisory Group or directly to the Transport Strategy Group (London Borough of Barnet and TfL). The Transport Strategy Group is required to take account of the Transport Advisory Group's recommendations.

<NEW PARAGRAPH>

The requirement for Controlled Parking Zones in relation to construction worker parking activity within Brent has been raised and discussed at the Transport Advisory Group and the need for provision within the Dollis Hill area (UC7) outside the scheme boundary has been agreed between Brent and the developer (as this is outwith the Section 106 agreement related to the Brent Cross Cricklewood development) with an associated financial contribution of £180,000.”

### **3) Further Comments from LB Brent**

**Additional Comments received from LB Brent received 10-9-2015 following consideration of the Published committee Report and notification of the proposed Unilateral Undertaking and Barnet Officers’ comments.**

#### **Note on the response from Barnet regarding Brent Borough Council’s objection to the A5 Corridor Study (A5CS)**

Brent objected to the A5CS on a number of grounds. These objections have been responded to by Barnet within a committee report this note provides comments on this response.

#### **Lack of mitigation at junctions within Brent that operate over 90% capacity**

Brent objected to the lack of mitigation provided on junctions within Brent that will see increased levels of saturation following development, particularly in the 2031 end state scenario. As these junctions are already operating above 90% capacity no mitigation is proposed by the A5CS.

Barnet has responded to this point with the following: “A £300,000 fund towards future Supplementary Transport Measures within Brent and Camden has been agreed with the Brent Cross development partners.”

It is noted that this fund is subject to monitoring showing that junctions are suffering significantly increased delays.

This offer is not considered adequate to enable a withdrawal of the objection. This is due to the following points:

- The objection was raised on the basis that no specific measures are proposed for junctions which the modelling indicates will be materially impacted by the development. The potential availability of a comparatively small fund following monitoring does not address this. These junctions are already proved to be negatively impacted by the development via the outputs of the modelling which has been carried specifically to highlight negative impacts on the highway. The A5CS scope indicates that it will contain measures necessary to mitigate negative impacts indicated by the modelling. Therefore the A5CS should contain specific measures to mitigate the impact on these junctions.

#### Officer Response:

*Mitigation is discussed in section 5.5 of the report. Three locations were identified as having been impacted on by the development according to the area wide study criteria (less than 90% degree of saturation without the scheme (Do Minimum), greater than 90% with it), and mitigation, where appropriate, is proposed for these. Of the 40 junctions identified in the DDM as reaching capacity (degree of saturation of over 90%) with or without the development over half are being improved as part of the BXC scheme. Of the remainder, only 4 were identified as having an increase*

*in the degree of saturation between the no development and with development scenarios of more than 5%. Three of these were in Barnet, and one, Lydford Road / A4003 Willesden Road, in Brent. Detailed analysis of this junction using a standalone model found that the junction is predicted to operate within capacity. Where in the Do Minimum any junctions are forecast to operate above the 90% degree of saturation threshold then these junctions have been listed in the study and as agreed in the scope the proposal is for any potential mitigation to be discussed at TAG sessions at the appropriate time.*

- £300,000 shared between two boroughs is not sufficient to address the impacts highlighted within the modelling. It is unlikely that this amount will be sufficient to mitigate impacts on junctions only within Brent.

*Officer Response:*

*The impacts predicted by the modelling are mitigated against, as set out in the committee report, section 5.5 and summarised above. The study does not identify significant impacts attributable to the development within Brent. The modelling did predict traffic flow changes on various local roads in Brent (and Barnet and Camden), but these were generally of limited magnitude and within the capacity of the respective road. The attached tables provide a comparable analysis to that set out for LB Camden in Appendix 3 of the report, and show that overall the various increases tend to be balanced by decreases elsewhere; the exception being traffic flow changes as a result of the approved junction improvement schemes on the A5. Despite the findings of the modelling the developers have agreed to contribute an additional capped sum of £200,000 towards any additional mitigation measures on roads in Brent that may be identified as necessary once monitoring of traffic flow levels in the future is undertaken. It should be noted that Brent will also benefit from the approved junction improvement schemes along the A5, and the various measures arising out of the Study for the A5 and A407, valued at £250,000. The Section 106 also includes contributions already secured for transport mitigation measures in Brent, principally a share of the £1.25m 'Other Boroughs' fund within the Consolidated Transport Fund.*

- There is a contradiction in the responses supplied by Barnet. The committee report states that £300,000 will be shared between Brent and Camden. However, an email received on 8<sup>th</sup> September indicates that £200,000 will be available only for Brent. This contradiction makes the situation regarding potential funding unclear.

*Officer Response:*

*The committee report Appendix 3 clarifies the split of the £300,000, with £200,000 for LB Brent.*

It is also noted that the response to Brent's objection regarding inadequate mitigation measures at the A407 Cricklewood Lane/Claremont Road/Lichfield Road junction does not address the concern, but purely indicates that this very high levels of saturation seen in the end state scenario are acceptable as this is considered to be a gateway junction. This is likely to cause increased delays to traffic within Brent.

*Officer Response:*

*This is an approved gateway junction improvement scheme with some widening and additional capacity. It is predicted that the levels of saturation will be further mitigated against by the use of the latest traffic signal control technology (SCOOT).*

### **Area Wide Walking and Cycling Study (AWWCS)**

It is noted that the AWWCS has now been signed off. It is appreciated that a contribution of £300,000 towards a cycle facility in Brent has been included. We require further details of this funding as it was not apparent within the version of the AWWCS that was submitted for consultation.

It is not clear what time span this funding must be spent over. This is of concern as £300,000 does not constitute all the funding required (or requested) to deliver the facility, leaving a deficit of approximately £200,000 to complete the work. This money will need to be located elsewhere and this may be subject to time constraints.

#### Officer Response:

*The AWWCS does not identify the funding levels but rather the measures required to connect the development to the existing network. Schedule 3 of the Section 106 agreement attached to the S73 Consent (F04687/13) includes relevant mechanisms for delivery of the measures.*

### **Unilateral Undertaking for funding of a Controlled Parking Zone (CPZ) in the Dollis Hill area**

Brent Council has now been provided with a draft Unilateral Undertaking to enable the funding of a CPZ to mitigate the impacts of development parking within the Dollis Hill Area outwith the S106 agreement. This is for £180,000.

Though it is appreciated that this has been provided and it does provide some surety that the funding will be available, we will require adequate time for assessment of the document by our solicitors before Brent can confirm that this requirement has been met.

We will be seeking assurance through legal services that the document is capable of delivering the required outcomes in terms of commitment from the development partners to provide the required funding.

#### Officer Response:

*The recommendation for the report relating to the A5 Corridor Study has been updated to require the Unilateral Undertaking to be satisfactorily completed before the decision can be issued.*

## **BXC PHASE 1A NORTH - INFRASTRUCTURE 15/03312/RMA – PAGES 109-264**

### **1) Pre RMA Conditions**

Paragraph 3 Page 112 of the Committee Papers:

*“An update on the discharge of these conditions will be provided in the Addendum. Details in relation to the content of these pre RMA conditions are addressed later in this report under section 5.2.”*

All Pre reserved matters conditions have now been determined aside from:

- Condition 2.7 A5 Corridor Study, under consideration at this committee.
- Condition 1.17 Illustrative Reconciliation Plan. The Illustrative Reconciliation Plan is required to ensure that the LPA has clarity on the layout of key structural components. Surety of any amended key structural components will only be possible post a recommendation being made on the remaining Reserved Matters Applications for Phase 1A (North).

Page 47 states that 'The existing 9 space taxi rank provision will be retained as per Condition 1 in Appendix 1'. This should refer to Condition 9.

## **2) Appendix 1: Conditions**

Condition 1 refers to the 'Central Brent Riverside Park Plans' but should refer to Infrastructure Plans.

Condition 8 to be reworded to read:

*'Prior to commencement of the development within Phase 1A (north) details of all retaining walls to be constructed in Phase 1A (north), which are currently shown indicatively, shall be submitted to and approved in writing by the local Planning Authority. Plans, Elevations, Sections and details of materials shall be submitted.'*

An informative should be added to read:

*'The determination of the Reserved Matters Application has considered the Reserved Matters Transport to be acceptable'.*

In accordance with the statement in paragraph 3 Page 112 of the Committee Papers:

*"An update on the discharge of these conditions will be provided in the Addendum. Details in relation to the content of these pre RMA conditions are addressed later in this report under section 5.2."*

All Pre reserved matters conditions have now been determined aside from:

- Condition 2.7 A5 Corridor Study,

## **BXC PHASE 1A NORTH - CENTRAL BRENT RIVERSIDE PARK 15/03315/RMA**

### **1) Appendix 1 Conditions**

#### **Condition 1**

- 'Paving Detail 2- Reinforced Grass' plan ref. no. is incorrect, it should read 1065-03-407.

#### **Condition 2**

Prior to commencement of the River Brent Alteration and Diversion Works details of the lift between the Lower Ground Level and Lower Level Riverside Walkway, the location of which is indicated on plan 'SK-1708 Rev2' shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include any associated hardstanding and access ramps within riverside park. The lift shall thereafter be implemented in accordance with the approved details.

### **2) Appendix 3 Pre RMA Conditions:**

Underlined amendments to be recorded as per the table below.

Pre RMA Planning	Description	Registration Date
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Reference		Status	
15/00660/CON	Illustrative Reconciliation Plan to clear condition 1.17 for Phase 1a (North) of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	02.02.2015	Under Consideration  <u>NOTE:</u> <u>The Illustrative Reconciliation Plan is required to ensure that the LPA has clarity on the layout of key structural components. Surety of any amended key structural components will only be possible post a recommendation being made on the remaining Reserved Matters Applications for Phase 1A (North).</u>
14/08105/CON	Area Wide Walking and Cycling Study to address condition 1.20 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area.	19.12.2014	<u>Determined</u>
14/08112/CON	Framework Servicing and Delivery Strategy to address condition 1.21 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area.	17.12.2014	<u>Determined</u>
14/08111/CON	Servicing and Delivery Strategy for Sub-Phase 1A North to address condition 1.22 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area.	17.12.2014	<u>Determined</u>



14/08110/CON	Pedestrian and Cycle Strategy for Phase 1A North to address condition 2.8 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	17.12.2014	<u>Determined</u>
15/00667/CON	Estate Management Framework to address condition 7.1 for Phase 1a (North) of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	02.02.2015	<u>Determined</u>
14/08109/CON	Car Parking Management Strategy to address condition 11.1 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	17.12.2014	<u>Determined</u>
14/08108/CON	Phase Car Parking Standards and the Phase Car Parking Strategy for Sub Phase 1A North to address condition 11.2 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	17.12.2014	<u>Determined</u>
14/07897/CON	Existing Landscape Mitigation Measures in relation to Phase 1a North to address condition 27.1 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	09.12.2014	<u>Determined</u>
14/07896/CON	Tree Protection Method Statement in relation to Phase 1a North to address condition 27.2 of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent	09.12.2014	<u>Determined</u>

	Cross Cricklewood Area		
15/00668/CON	Acoustic Design Report to address condition 29.1 for Phase 1a (North) of S73 Planning Application Ref: F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area	02.02.2015	<u>Determined</u>
15/00812/CON	Proposed Phase Transport Report for Phase 1 to address condition 37.2 of S73 Planning Application reference F/04687/13 approved 23/07/2014 for the Comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area.	10.02.2015	<u>Determined</u>

### **BXC CONDITION 2.4 & 2.5 15 15/05040/CON – PAGES 341-354**

#### **1) Informatives**

The following informatives should be added:

1. In accordance with Reg 3 (4) and Reg 8 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, it is considered that:
  - i. the submission under Condition 2.4 and 2.5 reveals, with regard to the subject matter of the condition, that there are no additional or different likely significant environmental effects than is considered in the environmental information already before the Council (the Environmental Statement (ES) (BXC02) submitted with the Section 73 application (F/04687/13) and any further and/or other information previously submitted; and
  - ii. the environmental information already before the Council (the ES submitted with the Section 73 application, along and any further and/or other information previously submitted) remains adequate to assess the environmental effects of the development.
2. The plans accompanying this application are: Explanatory Report August 2015

**APPLICATION: 15/03305/RMA**

**PAGES: PAGES 365 - 400**

**ADDRESS: PHASE 6A MILLBROOK PARK, (FORMER INGLIS BARRACKS), MILL HILL EAST, LONDON, NW7 1PX**

Amend Condition 2:

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

331095-16C, 331095-17C, Site Location Plan **331095.30**, 331095-20A, 331095-21A, 331095-24A, 331095-23A, 331095-27A and 331095-22A.

Design and Access Statement;

Planning Statement

Soft Landscape Specification and Landscape Scheme **REV D DFCC P0987 DOC-01;**

**Planting Plan DFCC P0987 P01 Rev C**

Arboricultural Impact Assessment, Survey, Protection Plans and Details **by DF Clark Bionomique Ltd;**

**DF Clark Bionomique Ltd Addendum dated 30/09/2015**

Sustainability/Energy Statement;

Phase 1 Environmental Assessment;

Highways Design Capacity Statement;

Drainage and Utilities Design Capacity Statement;

Construction Management Plan;

Extended Phase 1 Habitat Survey; and

Archaeological Written Scheme of Investigation.

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).

P. 389 second paragraph

Add:

**The applicant has amended the proposed planting schedule to incorporate native species in accordance with comments received from the Council's Landscape Officer.**

**APPLICATION: 15/03759/S73**

**PAGES:**

**ADDRESS: 17 DUKES AVENUE, LONDON, N3 2DE**

Amend condition 1:

The development hereby permitted shall be carried out in accordance with the following approved plans: 1 of 2, 2 of 2, Planning Statement, Site Location Plan.

**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).**

**Consultation has been undertaken with the Metropolitan Police who advise that they do not object to the proposed change of use in terms of any implications for security in the area.**

**Application: 15/01725/FUL**

**Pages: 401-408**

**Address: Monkfrith School**

Sport England have confirmed that they have no objection to the proposals.

Impact on ecology/biodiversity

Add paragraph:

As well as the Wildlife and Countryside Act 1981, bats are a European protected species under Annex II and IV of the Council Directive 92/43/EEC 1992.

The ecological report provided accounts for the presence of other possible protected species on site, including Great Crested Newts, as well as bats, and recommended further bat surveys which were subsequently undertaken.

The bat survey provided is considered to be compliant with Natural England's standing advice on Bats: surveys and mitigation for development projects. The standing advice suggests that survey reports and mitigation plans are required for development projects that could affect protected species, as part of getting planning permission or a mitigation license. In this case, the report states that there will be no impact on roosting bats and minimal impact on foraging bats. This further adds suggestions mitigation in terms of external lighting (This is further controlled by condition), restrictions on night time working (Again restricted by condition in any event), checking of exclusion material, provision of bat boxes which will be secured by condition.

Add condition:

Before development hereby approved commences, an ecological method statement, including details of how works will be supervised during removal of hedging and trees, and details of the timing of the construction programme.

Reason: To minimise the impact of the proposals on local biodiversity.