

## PLANNING COMMITTEE

31 March 2016

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

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#### **Plot 8 Lanacre Avenue**

15/04039/FUL

Pages 5-106

Subsequent to the previous committee meeting on the 16<sup>th</sup> March, the applicant has advised that they intend to secure an additional 100 additional spaces to the 92 permanent spaces currently proposed in the RAF museum. These spaces will be for a transitional period of up to 5 years in a similar location in close proximity to the application site. The usage of these additional spaces will be reviewed annually to review utilisation and assess how successful the implementation of the green travel plan has been.

In a 'parking statement' submitted by the applicant at the same time as the proposal to provide the additional 100 spaces, the applicant states that 'despite initial reservations from the staff, a behaviour change has taken place and the new agile working philosophy is working well as many staff have changed their travel habits, opting to take public transport and cycle to work.'

The statement goes on: 'The additional 100 spaces would result in an offer to staff of 1 car space to 5 people' during a transitional period of up to 5 years with 'the usage of these additional spaces (to) be reviewed annually to review utilisation and assess how successful the green travel plan implementation has been.

Add Condition:

37                    The development authorised by this permission shall not begin until the local planning authority has approved in writing the proposed arrangements, including the obtaining of planning permission for the proposed use; for the provision of additional staff car parking which will be:

(i) In addition to the permanent car parking proposed under Condition 25 at the RAF Museum car park , Grahame Park Way,

Colindale.

- (ii) Shall provide for a minimum of 100 car parking spaces.
- (iii) Be located within a reasonable walking distance from the proposed offices at Lanacre Avenue, in a location to be agreed in writing by the Local Planning Authority
- (iv) available to the Council and any subsequent occupier for the purposes of staff car parking;
- (v) available for a time period of at least five years;
- (vi) any reductions in the quantity of car parking identified as appropriate in any annual review shall be agreed in writing by the Local Planning Authority.

The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

#### Legal and constitutional advice regarding Lanacre Avenue:

Planning application for Plot 8, Lanacre Avenue, Colindale, NW9 was put before the Planning Committee on 1<sup>st</sup> October 2015 and members resolved to grant the application subject to the GLA and Secretary of State not calling it in. On 16<sup>th</sup> March 2016 the Committee received a report and the addendum on the same application with some amendments. The application was heard afresh. The motion to approve the application was put to the vote and the vote was lost. A motion was then voted on to refer the matter to Full Council which was unanimously carried.

Under paragraph 6.8 of the section 15 of the Barnet constitution there is an exception to the referral up rule which reads as follows:

*“ no matter relating to town and country planning may be referred up to the Council meeting except where required by law. The Planning Committee may only refer up non-planning matters.”*

Hence the referral up is not allowed under the constitution.

The Planning Committee did not vote to refuse the item and there are no reasons for refusal that were proposed and seconded and voted upon. A member of the public at the meeting would not have thought there was a decision to refuse they would have thought that it was unfinished business, even though there was no right to refer to Full Council. There is a risk of legal challenge if the matter did not proceed in line with the constitution in this case the matter should go back to Planning Committee .

The decision notice has not been issued, the error of interpretation of the constitution and any other changes to the application are material changes in circumstances such that it will require a fresh consideration of the matter. This follows the principle laid down in *R (Kides) v. South Cambridgeshire DC [2002] EWCA Civ 1370* that, where there had been a material change of circumstances between a council resolution to grant planning permission and the issue of a decision notice consequent upon that resolution, the relevant question under s.70(2) Town and Country Planning Act 1990 was whether that change was such as to require the relevant committee to be invited to form a fresh judgment.

No decision notice can be issued at the moment as officers do not have enough information to issue the notice. There is an obligation on the Local Planning Authority to finish this business. The committee voted unanimously for the matter to go to Full Council for the business to be concluded.

In this situation the matter should be referred back to the Planning Committee for the matter to be heard afresh.

<p><b>Land at Pavilion Way, Edgware, HA8 9YA</b> 15/07713/FUL Pages 339-390</p>
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Since the publication of the committee report on this application the Local Planning Authority has received two further responses in support of the proposal. The first of these is from the Chief Executive of the Bellevue Place Education Trust, which operates the temporary school currently on the site. The second response is from the Head Teacher of the temporary school currently on the site. The Head Teacher of the temporary school has requested to speak at committee in support of the application.

Since the publication of the committee report on this application Councillor Hugh Rayner has requested to speak at committee in respect of the application.

**Brethren Meeting Hall**

15/04650/MDL

Pages 453-458

In addition to changing the phasing of the affordable housing provision, the applicant is seeking to make an amendment to the tenure mix of the affordable housing provision.

The original approved affordable housing tenure mix is stated below:

**Affordable Rented Accommodation:**

- 1 x 1 bedroom (2 person) flat
- 2 x 1 bedroom (2 person) flats
- 2 x 2 bedroom (4 person) flats
- 6 x 3 bedroom (5 person) houses
- 2 x 4 bedroom (6 person) houses

**Shared Ownership Accommodation:**

- 1 x 1 bedroom (2 person) flat
- 4 x 2 bedroom (3 person) flats
- 2 x 3 bedroom (5 person) houses

This amendment has been previously discussed with a Senior Council Officer and agreed in principal, but has not been formally incorporated into this application. In order to have this amendment considered with this application, the Council has requested that the applicant submit a statement detailing the reasons for the changes to the affordable housing tenure. These are listed below:

- The reason for the request to change the tenure mix is based on the introduction of Government Policy in announced in July 2015 (Social Housing Rents section of *Welfare Reform and Work Act 2016*). This states that Registered Providers (RPs) have to provide rent cuts of 1% per year for the next 4 years, from April 2016. The applicant considers that this will severely affect the RP's business plans and future development programmes.
- Prior to the rent restructuring announcement, the developer was about to enter into a contract with MHT. However, this did not happen as MHT reduced their offer and as a result this made the site unviable. Construction on site has been underway since July 2015 and since this date the Company have been trying to agree a solution for taking affordable homes forward to the delivery stage.

- As proposed the location, the house types and the quantum of affordable homes will not change.
- The developer has been working in partnership with MHT and have agreed a mutually acceptable solution to proceed with affordable homes on the development:

#### **Affordable Rented Accommodation**

6 x 3 bedroom (5 person) houses

2 x 4 bedroom (6 person) houses

#### **Shared Ownership Accommodation**

2 x 3 bedroom (5 person) houses

4 x 2 bedroom (3 person) flats

2 x 2 bedroom (4 person) flats

4x 1bedroom (2 person) flats

Brandon Lewis, the Minister of State for Housing and Planning, wrote to Chief Planning Officers on November 2015 to provide guidance to LPAs on how they should deal with the impact of rent restructuring. In this letter, he acknowledged that due to the rent restructuring and RPs reviewing their financial commitments that affordable housing through approved Section 106 Agreements was being delayed. Planning guidance already is clear that LPAs need to be flexible in their approach on Section 106 sites, taking into account specific site circumstances as well as changing circumstances so as not to delay the construction of both private and affordable homes, all of which would have a negative impact on the economy and delivery of homes.

Brandon Lewis stated in this letter that Central Government “*urge planning authorities to respond constructively, rapidly and positively to requests for such renegotiation and to take a pragmatic and proportionate approach to viability*”. Following this, Brandon Lewis states that where it is simply proposed that the tenure mix is adjusted, with the overall affordable housing contribution remaining the same; it is the view of Central Government that this is unlikely to justify reopening viability on either side. LPAs should avoid renegotiations and instead deal with this change to tenure in a timely manner.

It is considered that as this is a minor change to the scheme, the total number of affordable units is unchanged and the RSL rent reductions will make the scheme unviable; this amendment is necessary and acceptable. The letter from Brandon Lewis supports the proactive and flexible approach of the LPA to such an amendment to

affordable housing tenure. The LPA therefore support this amendment to the affordable housing tenure.

**Camden Sports And Social Club**

15/07732/S73

Pages 441-452

The Applicant should be amended to read as Federation of Synagogues Trust Corporation Limited.

Further objections have been received, these are summarised as below:

- Concerns that works are already being carried out at the site.
- The site has been bulldozed destroying existing trees , vegetation & existing biodiversity. In doing so we have reason to believe that a crime has been committed under the Wildlife & Countryside Act 1981 (updated).
- Increased traffic and parking problems.
- Worsen drainage problems in the area.
- Impact on local outlook and view of local residents.
- Security concerns.
- No longer a multi-faith cemetery.
- Loss of landscaping.
- Loss of green aspect and open space
- The Federations existing site at Rainham has few if any trees, with almost non-existent landscaping. In effect it is a desert.
- Going from multi-faith to single faith.

The report incorrectly refers to the previous gravemarkers being conditioned to a size of 20cm x 30cm in paragraph 1 of section 5.3. This should be corrected to read 15cm x 20cm.

The first paragraph under visual amenity incorrectly refers to the previous gravemarkers as 20 x 20cms this should read as 15cm x 20cm.

The final paragraph under burial need should read as follows:

*In this current case, given the requested amended condition to allow larger gravemarkers and headstones, it is considered to result in harm to the openness of the Green Belt, in a manner that the previous proposals did not.*

The penultimate paragraph under the equality and diversity issues report should read as follows:

*In addition, it should also be noted that the previous approval was for a non-denominational multi-faith cemetery; however, the information presented to the LPA by the applicant did not address the potential impacts to this protected group based on religion or belief.*

**Phase 1A North, Brent Cross Cricklewood Regeneration Area**

Phase Transport Report for Phase 1

15/07953/CON

Pages 249-302

In the Planning and Transport Assessment section, paragraph 4 under sub heading 'Alternative Proposal for Tempelhof Bridge (B1)' has been amended and should read as follows:

"The alternative design for Tempelhof Bridge is still under consideration by the Council and TfL. The following updates are proposed to the ~~A5 Corridor Study~~ Phase Transport Report: Phase 1 to reflect the alternative proposal for Tempelhof Bridge, should it be considered for approval by London Borough of Barnet and thereafter implemented by the developers."

In Appendix 2 'Relevant Planning History' under sub heading 'Section 96A (Non-Material Minor Amendment) Applications' the following amendments should be made:

Reference: 15/07898/NMA (~~Under Consideration~~) (~~Discharged 31/03/2016~~)

Location: Brent Cross Cricklewood Regeneration Area, NW2

Description: Section 96A submission for non-material amendments to section 73 planning permission ref: F/04687/13 approved 23/07/2014 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area. The amendment includes the update of Condition 1.29 (Gateway Junction Approved Plans) to replace Plan P/D111870/H/100/1005 Rev E with P/D111870/H/100/1005 Rev H in respect of amendments to the proposed highway layout for A406/A41 junction.”

In Appendix 3: under the subheading ‘Pre Reserved Matters Conditions updates’ the status for the following Pre-RMA planning conditions should read:

“Pre RMA Planning Reference: 15/07955/CON

Description: Update to the Area Wide Walking and Cycling Study approved under Condition 1.20 (ref: 14/08105/CON; dated 10/09/2015) of the Section 73 Planning Approval Ref: F/04687/13 approved 23/07/2014 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood regeneration area.

Registration Date: 24.12.2015

Status: ~~Under Consideration~~ Discharged 29/03/2016

Pre RMA Planning Reference: 15/07954/CON

Description: Update to the Pedestrian and Cycle Strategy approved under Condition 2.8 (ref: 14/08110/CON; dated 10/09/2015) of the Section 73 Planning Approval Ref: F/04687/13 approved 23/07/2014 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood regeneration area.

Registration Date: 24.12.2015

Status: ~~Under Consideration~~ Discharged 29/03/2016”

In Appendix 5: Objection and Officers Responses, Resident Response 2 Paragraph 2 has been amended and should read as follows:

“In the 2009 Planning Committee the public members were not permitted to take any form verbatim of notes.”

In Appendix 5: Objection and Officers Responses, under sub heading: ‘Consultation responses from Statutory Consultees and other interest groups’ London Borough of Brent comments paragraph 5 and 6 have been amended and should read as follows:

“The following comments have already been sent directly to Barnet Council regarding the proposed alterations to these works at Staples Corner and are repeated as follows: - The proposed amendments to the approved Strategy would reduce the safety and utility of the area for pedestrians and cyclists travelling across the junction. Neither option 1 (RMA proposal) nor option 2 (alternative



~~design~~) provides pedestrians with as much utility and safety as the RMA proposals. Neither option provides the ability to cross the eastern arm of the A406 without a considerable diversion. This facility is provided by the proposed footbridge forming part of the RMA. It is apparent that traffic flow will be impacted, though less so with option 2 as this does not include extensive at-grade crossing facilities. Option 1 does result in increased delay on some arms of the junction.”

“Option 2 (~~Alternative design~~) presents the most limited utility for pedestrians and should not be supported as it is not compliant with the need to encourage pedestrian movements within the area as part of development. Option 1 suffers from concerns regarding the number of individual crossing movements required and further evidence on how long it will take for a pedestrian to cross the whole carriageway should be requested. It is unclear how the proposed options will interact with the AWWCS and this needs to be clarified. It is difficult to see at the present time how these proposals encourage access to the site by pedestrians.”

In Appendix 5: Objection and Officers Responses, under sub heading: ‘Consultation responses from Statutory Consultees and other interest groups’ Officers comments responding to London Borough of Brent comments paragraph 4 has been amended and should read as follows:

“Option 2 is no longer proposed and does not form part of the planning application, which solely focuses on option 1. An independent Road Safety Audit of the proposals has been undertaken and this did not identify significant issues with the proposed at-grade designs.”

**Brent Cross Cricklewood Regeneration Area**

A5 Corridor Study

14/07402/CON

Pages 103-248

In Section 3.2 ‘Phasing of the BXC Regeneration Scheme’, paragraph 5 has been amended and should read as follows:

“Phase 1A (South) – A number of highway improvements needed to support Phase 1 of the Southern Development will be provided including the Waste Handling Facility (Diverted Geron Way/A5 junction, Claremont Park Road (Part 1), and School Lane Works. ~~In addition Waste Handling facility Rail Sidings and Gantry Crane works and Threshold spaces at Layfield Place, Fenwick Place and Tempelhof Circus and Access to Plot 28 would come forward.”~~

In Section 4.2 'Description of the Proposal', paragraph 2 under subheading Addendum to the A5 Corridor Study has been amended and should read as follows:

"The Developers have therefore reviewed the submitted A5 Corridor Study and identified a number of consequential inconsistencies as a result of these alternative proposals. To address these, the Developers have submitted as 'A5 Corridor Study: Addendum' (reference 60473918-TP-RPT-093 Rev 002) 003 dated ~~December 2015~~ March 2016 The addendum is to be read in conjunction with the original A5 Corridor Study and will form part of the approved plans for application 14/07402/CON."

In section 5.2 'Public Consultation and Views Expressed' under sub heading 'Public Consultation' paragraph 1 has been amended and should read as follows:

"A 3 week period of consultation in relation to the original A5 Corridor Study was carried out with statutory consultees and other interest groups on the 27<sup>th</sup> November ~~2014-2015~~. A second round of consultation was then carried out on 20<sup>th</sup> July 2014 for a two week consultation period following receipt of amendments to the submitted strategy."

In section 5.2 'Public Consultation and Views Expressed' under sub heading 'Public Consultation' paragraph 2 has been amended and should read as follows:

"Following submission of the December 2015 Addendum to the A5 Corridor Study a further round of consultation was carried out with statutory consultees and other interest groups on from 7<sup>th</sup> January 2016 expiring on 28<sup>th</sup> January 2016."

In section 5.2 'Public Consultation and Views Expressed' under sub heading 'Consultation Responses from Statutory Consultees and Other bodies' paragraph 4 has been amended and should read as follows:

"A summary of the comments received from statutory consultees and other bodies and officer responses can be found under ~~Appendix 5~~ Appendix 4 of this report."

In section 6.2 'Updates to the approved A5 Corridor Study' the paragraph 9 has been amended and should read as follows:

"As a result of the above applications the Developers have submitted an addendum to the A5 Corridor Study ('A5 Corridor Study: Addendum' (reference 60473918-TP-RPT-093 Rev 002) 003 dated ~~December 2015~~ March 2016 which details where the alternative infrastructure proposals would result in an amendment to the approved A5 Corridor Study."

In section 9 'Conclusion' paragraph 4 has been amended and should read as follows:

“The A5 Corridor Study (document reference No. 47065005-TP-RPT-050\_Rev 07) and the A5 Corridor Study: Addendum (reference 60473918-TP-RPT-093 Rev 002) 003 dated ~~December 2015~~ March 2016 are considered to be appropriate to ensure that the impacts of the development on the A5 Corridor Study network have been robustly assessed and the enhanced mitigation package continues to be appropriate. Both documents when read together are considered to meet the requirements for the discharge of condition 2.7 of 2014 Section 73 planning consent (reference F/04687/13). It is considered that the details submitted are acceptable and therefore APPROVAL is recommended in order to allow condition 2.7 to be discharged.”

Informative 1 of Appendix 1 has been amended and should read as follows:

“The plans accompanying this application are:

A5 Corridor Study (BXCR-URS-47065005-TP-RPT-050 Rev 07) (Dated: July 2015);

A5 Corridor Study: Addendum (60473918-TP-RPT-093 Rev ~~002~~ 003) (Dated ~~December 2015~~ March 2016)”

In Appendix 2 ‘Relevant Planning History’ under sub heading ‘Section 96A (Non-Material Minor Amendment) Applications’ the following amendments should be made:

Reference: 15/07898/NMA (~~Under Consideration~~) (Discharged 31/03/2016)

Location: Brent Cross Cricklewood Regeneration Area, NW2

Description: Section 96A submission for non-material amendments to section 73 planning permission ref: F/04687/13 approved 23/07/2014 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area. The amendment includes the update of Condition 1.29 (Gateway Junction Approved Plans) to replace Plan P/D111870/H/100/1005 Rev E with P/D111870/H/100/1005 Rev H in respect of amendments to the proposed highway layout for A406/A41 junction.”

In Appendix 3: under the subheading ‘Pre Reserved Matters Conditions updates’ the status for the following Pre-RMA planning conditions should read:

“Pre RMA Planning Reference: 15/07955/CON

Description: Update to the Area Wide Walking and Cycling Study approved under Condition 1.20 (ref: 14/08105/CON; dated 10/09/2015) of the Section 73 Planning

Approval Ref: F/04687/13 approved 23/07/2014 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood regeneration area.

Registration Date: 24.12.2015

Status: ~~Under Consideration~~ Discharged 29/03/2016

Pre RMA Planning Reference: 15/07954/CON

Description: Update to the Pedestrian and Cycle Strategy approved under Condition 2.8 (ref: 14/08110/CON; dated 10/09/2015) of the Section 73 Planning Approval Ref: F/04687/13 approved 23/07/2014 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood regeneration area.

Registration Date: 24.12.2015

Status: ~~Under Consideration~~ Discharged 29/03/2016"

**Phase 1A North, Brent Cross Cricklewood Regeneration Area**

15/07802/CON

Proposal: Submission under conditions 2.4 and 2.5 of S73 Planning Permission ref: F/04687/13 approved 23/07/2014 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood regeneration area, to make amendments to the Development Specification and Framework and Design and Access Statement. Changes relate to the variation of the pedestrian and cycle route across the M1/A406/A5 Junction to allow them to either be delivered via Bridge Structure B6 or an alternative surface crossing solution.

Pages: 303-338

In Appendix 2 'Relevant Planning History' under sub heading 'Section 96A (Non-Material Minor Amendment) Applications' the following amendments should be made:

"Reference: 15/07898/NMA (~~Under Consideration~~) (Discharged 31/03/2016)

Location: Brent Cross Cricklewood Regeneration Area, NW2

Description: Section 96A submission for non-material amendments to section 73 planning permission ref: F/04687/13 approved 23/07/2014 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area. The amendment includes the update of Condition 1.29 (Gateway Junction Approved Plans) to replace Plan P/D111870/H/100/1005 Rev E with P/D111870/H/100/1005 Rev H in respect of amendments to the proposed highway layout for A406/A41 junction."

**15/05843/FUL**

**Pages 459- 480**

**Belmont Riding Centre, Belmont Farm, The Ridgeway, NW7 1QT**

The following condition should be removed from the decision as it is duplicated under Condition 21:

Condition 16: Before the development hereby permitted commences, a Construction Logistics Plan, and Delivery and Servicing Plan shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development has an acceptable impact on highway and pedestrian safety.