

PLANNING COMMITTEE

13th May 2020

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

AGENDA ITEM 6:

Application: 19/6256/RMA

Brent Cross Cricklewood Regeneration Area

Pages 9 to 101 of the Agenda

AMENDMENTS

A. Amendments to Draft Conditions contained in Appendix 1

A1. Page 88 of the Agenda - Draft **Condition 7** to be amended as follows:

Fire Safety Suppression System

7. Prior to the completion of the shell, core and utilities within the development hereby permitted a Fire Safety Strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire Brigade. The approved Fire Safety Strategy shall thereafter be implemented and any systems or other measures as set out within that Fire Safety Strategy shall be installed prior to the opening of the New Train Station and maintained in an appropriate working order throughout the lifetime of the development.

Reason: To ensure the provision of appropriate fire safety solutions and to represent best practice in fire safety planning through design and management of the development in order to mitigate the limited access and extended travel distances to the concourse on the Train Station Bridge in accordance with Policy 7.13 of the London Plan (2016).

A2. Page 89 of the Agenda- Draft Condition 9 to be amended as follows:

Updated Energy Statement

9. Prior to the installation of any heating or ventilation fittings within commencement of above ground works associated with the development hereby permitted an addendum to the Updated Energy Statement (Capita, document reference BXT-CAP-0000-A-RP-Z-0144 Rev. P04, dated July 2019) which provides details of photovoltaic panels, air source heat pumps and/or any other low and zero carbon or other renewable technologies to be installed within the development shall be submitted to and approved in writing by the Local Planning Authority. ~~The Updated Energy Statement shall review the ability to incorporate low and zero carbon or other renewable technologies within the development, including the installation of solar photovoltaic panels on the Western Entrance Building and provision of air source heat pumps. Where feasible to install details of the low and zero carbon or other renewable technologies to be installed within the development shall also be submitted to and approved in writing by the Local Planning Authority. The Updated Energy Statement and low and zero carbon or other renewable technology details specified within the Energy Statement Addendum shall thereafter be implemented as approved and maintained throughout the lifetime of the development.~~

Reason: To ensure the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy be lean, be clean and be green and Policy 5.3B of the London Plan (2016), saved Policy C4 of the Unitary Development Plan (2006) and the Mayor's Sustainable Design and Construction SPG (April 2014).

**20/1304/FUL– Pavilion Study Centre, 58B Chandos Avenue, London, N20 9DX
Pages 103 – 143**

Page 103, alter Recommendation to:

- 1) The application, being currently subject to a holding objection from Sport England, a statutory consultee which means, in the event that the holding objection is not subsequently withdrawn, the application must be referred to the Secretary of State. As such, any resolution by the committee will potentially be subject to any direction being received from the Secretary of State.
- 2) In the event that the holding objection is withdrawn or if the Secretary of State confirms that the London Borough of Barnet can determine the application, that the authority is granted to the Service Director Planning & Building Control to approve the planning application reference 20/1304/FUL under delegated powers, subject to the following conditions.
The Committee also grants delegated authority to the Service Director Planning & Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the

Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

Additional Correspondence

Sport England

Formal Comment

I have been made aware that the application will be determined by the Planning Committee next week on 13th May. For the avoidance of any doubt I would like to confirm that Sport England's current position on the application is to submit a holding objection until the matters raised in our recent telephone conference have been addressed to Sport England's satisfaction.

I appreciate that Nadir has recently forwarded the fine turf consultant's report and I intend to comment on that shortly once I have engaged thoroughly with the ECB.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Explanatory Email from Sport England dated 12th May 2020

"Sport England's position on the application is a holding objection as it is not in a position to be able fundamentally comment on the proposal at this stage due to when the documents from STRI was submitted. Once Sport England have assessed this documentation, in consultation with the ECB, it will have a clearer understanding of the proposed implications on the playing field, in particular the impact on cricket, and would therefore be able to fully comment on the proposal in light of its Playing Field Policy and National Planning Policy Framework.

In relation to the application relating to the temporary facilities, again Sport England submitted a holding objection to this application. The first part of this objection, pitch layouts, potentially could be addressed by the STRI documentation received however the second element has been addressed as the applicant has now indicated where the cricket clubs that were using the site would be relocated during the period when the temporary facilities are in situ at the site.

As previously noted, as the applications prejudice the use of a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595), and there are outstanding objections to both applications, should the Local Planning Authority be minded to grant planning permission to either, contrary to Sport England's holding objection, then in accordance with The Town and

Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.”

Officer Comment

It is clear that the holding objection from Sports England effectively safeguards Sports England position pending the consideration of the additional information submitted in relation to the sports pavilion and the fine turf report and as such is not an objection in principle to the proposals. The officer recommendation has been updated to reflect the statutory need to consult the Secretary of State in the event that this direction is not withdrawn.

Capita Drainage -Lead Local Flood Authority

According to the plot of volume against time, the maximum storage volume required is about 180m³ at critical duration of 720 minutes during the 100-year rainfall plus climate change with limited discharge of 2.8 l/sec. However, a storage volume of 210m³ will be provided (about 200m³ with 95% void ratio) due to the manufacturer's available sizes for the proposed underground storage device.

Hence, we recommend the following condition is also imposed:

Development shall not begin until half drain time for the underground attenuation storage for the development based on the following criteria has been submitted to and approved in writing by London Borough of Barnet planning authority

- The calculated half drain time of 25.3 hrs and associated half drain volume can cope with a subsequent rainfall event of 1 in 30 year without increasing the above limited rate of discharge.

Reason: This would be in accordance with the new guidance: ‘Design and Construction Guidance for foul and surface water sewers offered for adoption under the Code for adoption agreements for water and sewerage companies operating wholly or mainly in England (“the Code”)’. Approved version, 2.0, 10 March 2020’. Part ‘C’, section ‘C6’, Hydraulic Design, General, paragraph ‘6’: *(Where a component is designed to convey or store flows in excess of the 1 in 30 year return period event, the designer should demonstrate that the upstream system (including any inlets such as gullies or pervious paving) has the capacity to allow the flows to reach the component)*

This is in addition to the following conditions imposed on the planning application, see review dated 29/04/2020 Rev03

SuDS detailed design drawings;
SuDS construction phasing for permeant works

Correspondence from Cllr Rajput

I am grateful for the opportunity made available to me to address the planning committee in relation to agenda items 19/5427/FUL and 20/1304/FUL as relate to the PRU on Chandos Avenue in Oakleigh Ward.

My concerns can be summarised neatly herein. I will elaborate upon the same at the committee meeting as appropriate.

The size and bulk of the proposed development is of concern given the intended location of the school on the field. In particular, it is of concern given the proximity to the gardens of properties to the east of the field which will be most affected.

There is perhaps, on the face of it, opportunity on the land itself to move the current proposed location of the school away from the eastern boundary of the site somewhat so as not to be so close in proximity to the same. This would arguably still permit the 'football and cricket markings' to remain on the site albeit with some potential minor movement of the same required without detriment to the sporting activity concerned where possible and this would alleviate some of the concerns raised by my constituents.

I am concerned that by allowing any temporary access from Maryrose Way that a further attempt may be made in future to then allow such temporary access to become permanent. Should planning applications be approved, I would want assurances or an undertaking if and where lawful to seek the same, that no permanent access to the site from Maryrose Way will be sought in relation to this development.

Officer Comment

The comments are noted, and it is confirmed that the access from Maryrose Way is temporary over third part land and will be removed following the completion of the works.

Additional Public Comments post publication of the agenda. It is noted that these comments also relate to Planning Application 19/5427/FUL

Additional correspondence has been received from four neighbouring property plus an objection from a planning consultation on behalf of one of these objectors.

In summary the comments concern the following issues:

- Failure to take account of impact on the character of 51 Oakleigh Park Road as 'a non designated heritage asset';
- Loss of light, outlook and privacy to 51 Oakleigh Park Road;
- Proposed MUGA in direct line of sight of 51 Oakleigh Park Road and will result in noise disturbance particularly during evening activities (allowed for under community use agreement);
- Uncertainty over whether the MUGA includes floodlighting

Building has been moved 8m further south (from original pre application drawings) should be moved back and position of MUGA changed so they are both away from 51 Oakleigh Park North;
The publication of additional plans of the sports pavilion building which have not been subject to public consultation;
Incorrect address stated should refer to Dame Alice Playing Fields;
Incorrect certificate of ownership served as notice should be served on the owner of 51 Oakleigh Park North where the access is being constructed;
Sport England comments should be published before the meeting;
Uninspiring design not in keeping with surrounding area;
Proposal will damage character of surrounding area including the playing fields;
Neighbours prejudiced by applications being separated, consider that temporary school application should be withdrawn from agenda in the event of a refusal of the main application

Officer Comment

Number 51 Oakleigh Park North is not either statutory or locally listed. The property was put forward for inclusion in Barnet's local list which was last revised in 2019, however the property was not considered to meet the selection criteria and as such was not included in the adopted list.

The design and appearance of the building and the impact upon neighbouring properties have already been considered in the officer report.

The address of the proposal is considered satisfactory for the purposes of identifying the site.

There is no external lighting for the MUGA

In relation to the Certificate of Ownership, this was correctly completed in relation to planning application 20/1304/FUL as the red line boundary of the application site does not include 51 Oakleigh Park North, however in relation to the temporary works procedure 19/5427/FUL it has been identified that the wrong certificate has been completed. The owner of this property is aware of the proposal and has signed a commercial lease of the land with the applicant and as such is not prejudiced by this error, however in the interests of following correct legal procedure, the applicant has submitted an amended certificate, and has confirmed that formal notice has been served on the owner of this property. The amended resolution above ensures that no decision can be taken until 21 days following the serving of this notice and that in the event that the owner of this property objects the application will need to be re-reported to Committee.

In relation to the additional plans on the pavilion building

Re-consultation is not automatically carried out in relation all amendments. In relation to this the relevant test is outlined in the 'Wheatcroft principle' namely whether the changes are substantial and results in a development that is not in substance the development is the same as that originally applied for. In this instance the plans as originally submitted marked the size and position of the proposed sports pavilion and noted that this is a single storey building, which the amended drawings expand upon rather than replace. They have however been published on our website for transparency purposes.

Alterations to Conditions

Condition 5 – Amend Condition to read as follows:

No works on the public highway including the proposed vehicular access from Maryrose Way as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be required to obtain a licence from the Council under s184 of the Highways Act 1980 to introduce the temporary crossover and for the reinstatement of any consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety 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.

Condition 11 – Amend Condition to read as follows:

Before the development is occupied a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority that meets the criteria in the Transport for London's guidance booklet "What a School Travel Plan should contain" and should include the appointment of a Travel Plan Champion. The Travel Plan should be reviewed annually in accordance with the target set out in the Travel Plan.

Reason: To encourage the use of sustainable forms of transport to the site 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.

Condition 13 – Amend Condition to read as follows:

Part 1

The development shall not be occupied until such stage as:

a) A desktop study (Preliminary Risk Assessment) 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 (Preliminary Risk Assessment) 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

d) 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 Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

Condition 27 – Amend Condition to read as follows:

The development hereby permitted shall not be occupied by pupils outside the hours of 08:00 hours and 17:00 hours Monday to Friday, with the exception of special events, details of the number and extent of which shall be submitted and agreed by the Local Planning Authority prior to any such events taking place.

Reason: To protect the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Barnet's Local Plan 2012.

Add New Condition 29

29. Development shall not begin until half drain time for the underground attenuation storage for the development based on the following criteria has

been submitted to and approved in writing by London Borough of Barnet planning authority

- The calculated half drain time of 25.3 hrs and associated half drain volume can cope with a subsequent rainfall event of 1 in 30 year without increasing the above limited rate of discharge.

Reason: This would be in accordance with the new guidance: 'Design and Construction Guidance for foul and surface water sewers offered for adoption under the Code for adoption agreements for water and sewerage companies operating wholly or mainly in England ("the Code")'. Approved version, 2.0, 10 March 2020'. Part 'C', section 'C6', Hydraulic Design, General, paragraph '6': *(Where a component is designed to convey or store flows in excess of the 1 in 30 year return period event, the designer should demonstrate that the upstream system (including any inlets such as gullies or pervious paving) has the capacity to allow the flows to reach the component)*

Alterations and Corrections

Under public consultation on page 121 under public representations replace first paragraph with the following text:

As a result of the consultation, a total of 47 responses have been received. Forty six in objection and one representation neither supporting or objecting to the proposal.

Page 141 under Conclusion first paragraph delete 'much needed additional school places' replace text with 'much needed improved school facilities'

Officer Comment

Due to a lag in comments made by email and due to the late submission of representations, the final recorded count has increased to 47, although these letters were received and taken into account in the original officer report.

19/5427/FUL – Pavilion Study Centre, 58B Chandos Avenue, London, N20 9DX Pages 145 – 177

Page 145, alter Recommendation to:

- 1) That this resolution is subject to no representation in objection being received from the owner of Springdene Nursing Home at 55 Oakleigh Park North within 21 days of this Committee Resolution.
- 2) The application, being currently subject to a holding objection from Sport England, a statutory consultee which means, in the event that the holding objection is not subsequently withdrawn, the application must be referred to the Secretary of State. As such, any resolution by the committee will potentially be subject to any direction being received from the Secretary of State.

- 3) In the event that resolutions 1 & 2 are satisfied, that the authority is granted to the Service Director Planning & Building Control to approve the planning application reference 20/1304/FUL under delegated powers, subject to the following conditions.

The Committee also grants delegated authority to the Service Director Planning & Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

Additional Comments received post publication of the agenda.

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officer recommendation has been updated to reflect the statutory need to consult the Secretary of State in the event that this direction is not withdrawn.

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The publication of additional plans of the sports pavilion building which have not been subject to public consultation;
Incorrect address stated should refer to Dame Alice Playing Fields;
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In relation to the Certificate of Ownership, this was correctly completed in relation to planning application 20/1304/FUL as the red line boundary of the application site does not include 51 Oakleigh Park North, however in relation to the temporary works procedure 19/5427/FUL it has been identified that the wrong certificate has been completed. The owner of this property is aware of the proposal and has signed a commercial lease of the land with the applicant and as such is not prejudiced by this error, however in the interests of following correct legal procedure, the applicant has submitted an amended certificate, and has confirmed that formal notice has been served on the owner of this property. The amended resolution above ensures that no decision can be taken until 21 days following the serving of this notice and that in the event that the owner of this property objects the application will need to be re-reported to Committee.

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Alterations to Conditions

Condition 5 – Amend Condition to read as follows:

The development hereby permitted shall not be occupied by pupils outside the hours of 08:00 hours and 17:00 hours Monday to Friday, with the exception of special events, details of the number and extent of which shall be submitted and agreed by the Local Planning Authority prior to any such events taking place.

Reason: To protect the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Barnet's Local Plan 2012.

Condition 9 – Amend Condition to read as follows:

No works on the public highway including the proposed vehicular access from Maryrose Way as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be required to obtain a licence from the Council under s184 of the Highways Act 1980 to introduce the temporary crossover and for the reinstatement of any consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety 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.

Informatives

In Informative 2, delete text 'The applicant is advised that the permitted maximum width for a residential crossover is 4.2 metres. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW.'

Alterations and Corrections

Page 160 under Officer Comment below Sports England comments delete text '*Please could this be added in here.*'

Page 177, substitute Location Plan for Following:

