

## **STRATEGIC PLANNING COMMITTEE**

**12th January 2022**

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

**Agenda Item No. 6**

**21/2485/FUL – Brent Cottage Brent Park Road London NW9 7AP**

**Pages 5 - 63**

**Agent Rebuttal on Transport Matters - Transport Technical Note” produced by YES Engineering Group Limited (December 2021)**

The applicant has provided a technical rebuttal to concerns raised regarding traffic impacts of the development in a Document titled: “Response to Torah Vodaas School and Busy Bee Builder’s Merchants - Transport Technical Note” produced by YES Engineering Group Limited (December 2021).

The document elaborates on the traffic survey results recorded on 7th July 2021, which were subsequently submitted for consideration by Officers and the Highways Authority. It identifies that the peak traffic congestion associated with the school takes place between 8:45am and 9:15am – created predominantly by parents and carers, dropping children off to school. It also notes that there is no such peak in traffic during the afternoon or evening peak as the school collection times are more staggered between 15:00pm and 17:00pm. The document also identifies that vehicular movements associated with Busy Bee Builders merchants generally operate around the school’s drop off and pickup times. The overall observation is that traffic is at its worst during the morning drop off time for the school. Traffic outside of this peak time is less of issue, and Officers and the Highways Authority concur with these observations. Further, the Highway Authority were satisfied with the Transport Assessment that was submitted with the application which identified that there would be just 11 additional vehicle movements in the morning peak hour and 10 extra vehicle movements in the evening peak hour. In practice, it is acknowledged that the majority of residents in the proposed development driving to work would need to arrive at their destination by 9am and it is unlikely that they would be leaving during the peak drop off time for the school. It is suggested that on average the development would generate less than 3 additional traffic movements every 15 minutes

during the peak times. Officers concur that it would be unlikely that the development would therefore make the traffic congestion during the morning peak time demonstrably worse to an extent that would warrant a reason for refusal.

The rebuttal addresses the concerns regarding the width (narrowness) of Brent Park Road and its capacity to facilitate larger vehicles and associated road safety concerns. The carriageway of Brent Park Road is 5.8m in width, which is more than adequate for two heavy goods vehicles to pass. The majority of servicing will be able to take place on site and this will be managed in accordance with a final Delivery and Servicing Plan document required by condition. Officers concur with these observations and the Highway Authority have fully considered the transport impacts of the scheme and have not raised any objections on these matters.

The rebuttal notes concerns raised regarding construction traffic management and logistics with particular regards to traffic and safety concerns. An Outline Construction Logistics Plan was submitted with the application, detailing how traffic and safety will be managed to minimise disruption and risk. Officers have recommended a condition requiring a final document to be submitted which the applicant has agreed to. Both the Highway Authority and Officers are satisfied that construction associated traffic, logistics and safety can be managed in a way that minimises adverse impacts to neighbouring uses and users of the local highway network.

The final part of the applicants transport technical note rebuttal addresses the objection made by Busy Bee Builders merchants regarding the impact of the development on the congestion in the road (on street parking) and the impact that this would have on the business's customers. As per the Officer recommendation, the scheme provides sufficient parking and there are limited opportunities to park within the immediate vicinity of the site, owing to the CPZ, red line and double yellow line road restrictions. As per the observations for the school, the 11 peak morning movements and 10 peak evening movements estimated in the supporting Transport Assessment are not considered to demonstrably impact the safety, function and convenience of the local highway network for existing businesses/uses and other road users.

#### **Additional Detail on Privacy Louvres / Fins**

The applicant has supplied further technical detail on the privacy louvres and fins proposed in a Technical letter addressed to the applicant, authored by Waldrams Ltd (dated 21 December

2021). The document contains images (Appendix 1) across floors 5, 6, 7 and 8, which illustrate what would be visible from the windows and roof terrace areas on these floors.

An area of primary concern raised in the objections and the previous committee, was the overlooking of the playground, despite the satisfactory separation distances. In Appendix 1 the school playground has been coloured yellow in the surrounding context model so that it is easily identifiable, if visible from any of the views. The view point is 0.5m from the window pane and so if no playground is visible in these views, then it can be concluded that the playground cannot be viewed from across the whole room area. The illustrations across all floors demonstrate that no yellow space is visible from any of the windows.

The illustration of the 8<sup>th</sup> floor within Appendix 1 shows the view from the roof top terrace following the proposed addition of a 1.5m screen and also shows that the playground cannot be seen from this location. The illustration of the 5<sup>th</sup> floor unit closest to the school demonstrates that the playground cannot be seen from this location and so louvres are not required for privacy purposes on the fifth floor or below, as per Officer conclusions in the Officer Cover Report.

It is noted that the technical letter also demonstrates, through Radiance survey results that the development would, with the louvres and screening in place, still achieve satisfactory daylight provision internally for the future occupiers, in accordance with BRE Standards. Accordingly, overall, it is considered that the proposed louvres and screens make a positive impact on the matter of overlooking / privacy, whilst maintaining a satisfactory standard of living accommodation for the future occupiers, as per the conclusions of the Officer Cover Report.

### **Additional Representations on behalf of the School**

Representation was submitted behalf of the School on 11/01/2021. The covering email contained six attachments, including:

- A Transport Technical Note
- Two documents containing Google Traffic Data on a Monday to Friday between 08:45am and 09:05am (Dates unspecified)
- An email from the Senior Regional Security Manager at the Community Security Trust (CST)
- An image taken of traffic queueing on Brent Park Road (indicative date 7 January 2021, unspecified time)

- The Council's Committee Invitation letter [low relevance]

### Transport Matters

The School have commissioned a Transport Consultant (Crosby Transport Planning) to respond to the Applicant's various transport submissions and rebuttal comments. In summary, the Transport Technical Note (Ref: P21119 TN/PC, Dated: January 2022), raises the following issues:

1. The TRICs analysis by the applicant's Highways Consultant underestimates trip generation (by 45-60% during peak time and 77% over the week) and the design of the assessment is too selective.
2. Highways England believes the vehicle trip generation of the site is closer to 24 two-way trips in each peak hour.
3. Further analysis is required to demonstrate that the proposed new accesses and associated development traffic would not have a severe and unacceptable impact upon the local road network.
4. The number of delivery vehicles associated with the development are underestimated and the scheme has not been designed to make adequate provision for deliveries and servicing, making it likely that delivery drivers will stop on double yellow lines to make deliveries, to detriment of the safety, function and convenience of the users of the local highway network. There is no mechanism to ensure that delivery drivers will make deliveries in accordance with the Delivery and Service Plan arrangements, leading to a significant adverse and unsafe impact upon traffic flows particularly during the school pick up and drop of times.
5. TFL strongly recommends avoiding reversing into the development, where possible, as it is contrary to Vision Zero – i.e. unsafe, prejudicing the safety of the school and its pupils.
6. Findings of the Stage 1 Road Safety Audit are not clear – it is not clear whether the scheme has been found to be safe and suitable. The proposed drawings illustrate one continuous crossover of 10.5m which serves the car park, rear service bay and frontage refuse bay. This has not been considered in the Stage 1 Road Safety Audit and presents risks to pedestrians. It is also contrary to the Council's guidance which requires a maximum crossover width of 4.2m with a minimum gap between crossovers of 2.4m.
7. The Census data does not substantiate the applicant's assertion that the number of vehicles owned would be lower than the level of parking provision. Insufficient parking

provision will create pressures in the surrounding area and there is insufficient consideration for whether 1 visitor parking space is sufficient for 63 residential units.

8. The primary school operates its drop-off arrangements to the best of its abilities, in accordance with the scheme approved at Planning Committee. They use a number of travel plan style measures and all parents are aware of their responsibilities to ensure drop-offs operate efficiently.
9. Traffic flows on Brent Park Road are highly sensitive to changes, including traffic on the A5/Edgware slip road, and the introduction of up to 24 vehicle turning movements during the peak hours will result in a significant adverse impact on the safety and operation of the local highway network which the applicant has failed to properly assess.

Officers have reviewed and discussed the contents of the Transport Technical Note at length with the Council's Highway Authority, who have since advised that they are satisfied that the issues raised in the representation, with regards to trip generation, car parking, road safety, access and servicing arrangements, are unlikely to cause a significant harm to warrant a refusal on transport grounds – particularly given the mitigation measures that will be secured by s106 agreement and off-site highway works agreed as part of the application.

Informed by the Highways Authority, Officers respond to the numbered points above, sequentially as follows:

1. The Highways Authority have advised that they are satisfied with the scope of the edge of town centre sites selected. Further they note that there is potential for deviation in the figures associated with TRICs analysis as these are only estimations and not a complete certainty. They consider the analysis provided as being adequate for the purposes of their assessment. Nevertheless, even were the estimates calculated in the Crosby Transport Planning Technical Note to be adopted, the Highways Authority would consider that this would only be a marginal increase that would not amount to unacceptable conditions that would warrant a reason for refusal on Highways grounds.
2. As above, it is acknowledged that there is some margin for error/deviation in TRICs analysis. Officers and the Highway Authority have considered the comments received from Highways England. It is not clear on what their estimations are based on as there is no detailed breakdown of this analysis. They are less conservative and arguably maximal projections which are less likely to reflect the level of trip generation from the development during peak times, particularly given that the development is in a sustainable location which is accessible to public transport. Notwithstanding the comments made by the Highways England, it is important to note that they did not

suggest that trip generation was unsustainable to a degree that would result in unacceptable adverse impacts to the safety function and convenience of the local highway network and its users, and thus, they raised no objection. Overall, it should be of note that the trip data submitted with the application was carefully considered by three highway authorities (Barnet Council, Highways England and TFL) all of whom accept that there was no reason for concern on the highway network relating to the trip generation of the development.

3. The Council's Highways Authority have considered the new accesses and associated development traffic, and maintain that there would be no severe and/or unacceptable impacts upon the local road network.
4. The provisions made for deliveries and servicing have been covered in the main Officer report. Both Planning Officers and Highway Officers are in agreement that the delivery and servicing provisions of the development are adequate to serve the development. It will allow for deliveries and servicing to be carried off-street within a designated area. In addition, when the refuse collection bay is not in use, then this can also be flexibly used for deliveries, as refuse and recycling collections will only occur two times a week. Should delivery drivers not make use of the provision within the development then parking up on the red or double yellow lines would be enforceable by the Council's Parking Enforcement Officers. Not all delivery vehicles will make a delivery at the same time, and this is likely to be spread out throughout different times and days of the week, minimising overall impact. The refuse vehicle that would access the Brent Cottage development currently has to stop on-street for the School and turn in front of the School's access. The development would improve the situation by providing a loading bay on the Brent Cottage development site and the vehicle does not overhang the footway in front of the School. It should be noted that refuse vehicle operatives wearing high visibility jackets will be standing near the vehicle during the reversing movement for this once a week activity and the Council's Waste Services team was consulted and they confirm the arrangement was suitable. Accordingly, deliveries and servicing associated with the development are not considered likely to generate congestion and consequent risk to the safety, function and convenience of the local highway network to an extent that would warrant the scheme's refusal.
5. It is acknowledged that in the interest of seeking to achieve the London Plan's Vision Zero objective, that TFL strongly recommends avoiding vehicles reversing for access/egress of servicing and delivery arrangements. However, this is not an imperative, and is only a recommendation. In the current case, reversing for servicing/delivery vehicles is unavoidable, however, the Highway Authority consider that the speed limits, visibility and average traffic flows (low, except during morning

peak) on the site and Brent Park Road are such that reversing would not present demonstrable risk for the safety, function or convenience of the local highway network and its users.

6. The applicant supplied a Stage 1 Road Safety Audit drawing SK09A which is based on the proposed site plan layout, as previously consulted on. The primary difference is that it contains details on vehicle sweep paths with respect to the access and crossover positions. Initially, the site plan, block plan and ground floor plan did not provide clear detail on the cross over element. However, sufficient space was present in order for the necessary crossover widths to be provided and this was going to be addressed through relevant legal obligations required by the Highway Authority. Notwithstanding, to make this clearer, the applicant has now provided an amended site plan (Drawing No. 002 Rev D), block plan (Drawing No. 003\_Rev A) and ground floor plan (Drawing No. 100 Rev E), which illustrate crossover detail. It demonstrates that the access arrangements are fully in accordance with LB Barnet guidance - with the 2.4m wide footway between the two access points. The Highway Authority are satisfied that an acceptable, safe access can be achieved, without compromising the safety, function and/or convenience of the local highway network. Officers therefore consider that scheme, as proposed, is both safe and suitable in terms of its access / egress for both domestic and commercial vehicles.
7. The calculations for car parking made by Crosby Transport Planning using 2011 Census Data are made on the basis of 64 residential units and not 63 residential units. Accordingly, this results in a higher number of estimated vehicles. Notwithstanding, 39 spaces, as calculated by Crosby Transport Planning – a difference of 2 spaces – in the view of Officers and the Highway Authority, would not be a material shortfall that would warrant the refusal of the application. Officers and the Highway Authority have considered parking provision in the main report and are of the view that the level of provision is adequate to serve the development. It should also be noted that TFL sought a further reduction in parking in their comments, as the wider objective within the London Plan and the draft Barnet Local Plan is to encourage greater adoption of sustainable modes of transport (i.e. walking, cycling, buses and trains). To reiterate the observations within the Officer report, the proposed parking provision is considered to be acceptable, given the moderate level of Public Transport Accessibility. Further, a Controlled Parking Zone review and Traffic Management Order Amendment is to be funded by S.106 contribution to ensure that the development does not create any undue impact on parking pressures within the local area. Brent Park Road has red and yellow lines marked on it, and as such offers no parking opportunities within the immediate or nearby vicinity of the site. The residents will not be entitled to a residents'

parking permit for any of the CPZs within the vicinity of the site and thus additional parking pressure locally is unlikely. It should also be of note that the upcoming provision of the future Brent Cross West Station will further improve the Public Transport Accessibility Level (PTAL) of the site, which will reduce the need for residents to own a personal motor vehicle.

8. The school is currently operating without a travel plan in place, contrary to planning condition 13 of planning permission reference H/01324/13. Whilst the Officers do not doubt that the school makes an effort to co-ordinate the drop-off and pick-up operations, the congestion impacts experienced on Brent Park Road during peak times is largely created as a result of these operations, and the introduction of the proposed development will do little to make existing situation demonstrably worse. There are likely to be improvements that could be made for the benefit of all road users, however, that is beyond the influence of this current application and is the subject of a separate matter currently being investigated by the Local Planning Authority.
9. As per Officer/Highway Authority comments on the TRICs analysis above, the assessment of the three highway authorities, and the assessment in the Officer recommendation report, it is not considered likely that the development would result in a significant adverse impact on the safety and function of the local highway network.

The two documents containing Google Traffic Data on a Monday to Friday between 08:45am and 09:05am (Dates unspecified) are similar to the data included within the Crosby Transport Planning 'Transport Technical Note'. Whilst it demonstrates that, on the unspecified dates examined, the traffic congestion was poor during the peak AM period, Officers and the Highway Authority still maintain that the development would not make this demonstrably worse to an extent that would warrant a reason for refusal of the scheme. The likely scenario is that a number of individuals living in the proposed development would seek to leave in their vehicles before the peak traffic event (approx. 08:30-09:30) in this location, or, take other sustainable modes of transport – thereby keeping the trip generation as low as suggested within the TRICs assessment.

There is no supporting text to the image taken of traffic queueing on Brent Park Road (indicative date 7 January 2021, unspecified time). Officers can offer little comment to this without specific context.

Overall, Officers and the Highway Authority are satisfied that the proposed development would have an acceptable impact on the safety, function and convenience of the local highway network.



## Safety & Security of the School / Community Security Trust Objections

The School has provided an email from the Senior Regional Security Manager at the Community Security Trust (CST) which raises concern with regards to the potential for hostile reconnaissance from the development's balconies from the third floor and above.

Officers have sought advice from the Metropolitan Police Service (Design Out Crime Officer) since the previous committee, and as per the Cover Report, following the schemes most recent revisions. The Metropolitan Police Service (MPS) have not raised any objections with regards to the development creating additional risk of anti-Semitic attacks or threats. To reiterate, as per the Cover Report, anti-Semitic behaviour and acts of violence or terrorism are criminal acts which are governed by the relevant enforcement agencies (such as the MPS). Accordingly, it is not reasonable for the planning system to manage such matters beyond what is considered reasonable and proportionate.

### **Additional Applicant Transport Rebuttal Letter - (YES Engineering, 11<sup>th</sup> January 2021 – Ref: 20089)**

The applicant supplied a rebuttal statement to Technical Note (TN) prepared by Crosby Transport Planning Limited. The document responds to each of the issues raised within the Technical Note, raising a number of the same rebuttal points covered within the Officer and Highway Authority response above. Officers have given this document full consideration, and consider that it does not raise any issues that change the original Officer recommendation.

### **Playspace Clarifications**

Playspace provision has been addressed in the Officer report – concluding that sufficient space will be provided and details of the equipment will be required by planning condition. Notwithstanding, there is a minor clarification to be made to the original assessment following the previous reduction of the scheme from 64 units to 63 units, and the provision of the larger 3 bed affordable unit (at the request of the Housing Officer). The GLA provide a Population Yield Calculator which estimates the number of children that will be living in the development based on type of housing provision (no. of affordable unit / no. of beds), the geographic location (Inner/Out London) and the PTAL rating. Based on the housing provision, the outer London location and the PTAL being considered between 2 and 3, the approximate provision of playspace should be circa 275.5m<sup>2</sup>. The calculator estimated a range the following ages:

Ages	No. of Children
Ages 0, 1, 2, 3 & 4	15.2
Ages 5, 6, 7, 8, 9 , 10 & 11	10.4
Ages 12, 13, 14 & 15	3.1
Ages 16 & 17	1.7
<b>TOTAL</b>	31 (30.4)

There is no change to Officer recommendation on this matter. There is sufficient space with the communal amenity space (316m<sup>2</sup>) to provide children's playspace, and the details of this will be required by planning condition.

### Updated Plan Numbers Condition

Owing to the minor amendments to the site plan (Drawing No. 002 Rev D), block plan (Drawing No. 003\_Rev A) and ground floor plan (Drawing No. 100 Rev E), to illustrate the Highway Authority-agreed crossover detail, a minor amendment to the plan numbers condition is required as follows (~~Strikethrough~~ denotes deletion, **bold** denotes insertion):

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

#### Plans:

- IF20-01 001 Location plan
- IF20-01 002 Rev ~~C~~**D** Proposed Site plan
- IF20-01 003 Proposed Block plan **Rev A**
- IF20-01 010 Rev. B Proposed Basement
- IF20-01 100 Rev. ~~D~~**E** Proposed Ground Floor
- IF20-01 101 Rev. A Proposed 1st floor
- IF20-01 102 Proposed 2nd floor
- IF20-01 103 Proposed 3rd floor
- IF20-01 104 Proposed 4th floor
- IF20-01 105 Proposed 5th floor
- IF20-01 106 Rev. A Proposed 6th floor
- IF20-01 107 Rev. A Proposed 7th floor
- IF20-01 108 Rev. A Proposed 8th floor

- IF20-01 109 Proposed Roof plan
- IF20-01 200 Rev. A Proposed North West Elevation
- IF20-01 201 Proposed South West Elevation
- IF20-01 202 Rev. A Proposed South East Elevation
- IF20-01 203 Rev. A Proposed North East Elevation
- IF20-01 204 Rev. A Proposed Street Elevation long
- IF20-01 300 Proposed Section AA
- IF20-01 301 Rev. C Proposed Section BB
- IF20-01 400 Existing Site plan
- DR-001 Rev. B - Surface Water Drainage Strategy
- DR-003 Rev. A - Surface Water Drainage - Details
- AW.001.1200 Rev. B - Landscape Roof Level General Arrangements
- AW.001.900 Rev. C - Landscape Illustrative Masterplan
- AW.001.1100 Rev. E - Landscape Eighth Floor General Arrangements

#### Documents:

- Daylight and Sunlight Report - 26 April 2021 - produced by Waldrams
- The Brent Cottage Landscape Strategy Document Revision 5 - 18.08.2021
- Brent Cottage - Urban Greening Factor Assessment (ref: 551595mcApr21FV02\_UGF) - 19 August 2021 - Produced by Greengage
- Traffic and Pedestrian Counts Survey (Excel) - 7th July 2021 - Produced by Auto Surveys Ltd
- Schedule of Residential Units - Brent Park Road - 27 July 2021
- STORM SEWER DESIGN by the Modified Rational Method - 22/06/2021 - Pitman Associates Ltd
- Flood Risk Assessment (ref: RMA-C2127\_4) - 22nd June 2021 - Produced by RMA Environmental
- Design & Access Statement - April 2021
- Wind Microclimate Review - 29th April 2021 - Produced by Urban Microclimate
- Utilities Appraisal (ref: RMA-C2127c) - produced by RMA Environmental
- Environmental Noise Assessment Ver. 1.1 - 28.04.2021 - produced by Entran Ltd
- Energy and Sustainability Statement Rev. B - April 2021 - produced by JS Lewis Ltd
- Draft Parking Management Plan - April 2021 - produced by YES Engineering Group Limited
- Draft Delivery and Servicing Plan - April 2021 - produced by YES Engineering Group Limited
- Air Quality Assessment Rev. 1.1 - 22.04.2021 - produced by Entran Limited
- Planning Statement - April 2021 - produced by Maddox Planning

- Transport Statement - April 2021 - produced by YES Engineering Group Limited
- Outline Construction Logistics Plan - April 2021 - produced by YES Engineering Group Limited
- Brent Cottage - Preliminary Ecological Appraisal - 3rd April 2021 - Greengage Ltd
- Biodiversity Impact Assessment - April 2021 - Greengage Ltd
- Draft Travel Plan - April 2021 - produced by YES Engineering Group Limited
- Fire Statement (Report Ref: 012/071021) Revision 1 - undated - produced by Know Fire Ltd

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).

## **AGENDA ITEM 7**

**Application: 21/3936/FUL**

**Cricklewood Railway Yard (Plot 3), Cricklewood, London NW2 6ND**

**Pages 65-168**

### Revised Information:

In response to clarification being sought by the Lead Local Flood Authority in respect of how the proposed development would mitigate surface water run-off, the Applicant submitted an updated Surface Water Drainage Proposed Layout plan (ref. 6257-DR01 Rev. B) to the LPA on 6<sup>th</sup> January 2022. This Plan supersedes the drawing contained in Appendix 4 of the Surface Water Drainage Strategy (6257(3621)) prepared by Ambiental Environmental Assessments Ltd, which itself has been submitted as Annex 3 to the Flood Risk Assessment dated 8th June 2021 prepared by Consultant Hydrogeologists Limited (Appendix 4 to the Planning Application Supporting Statement).

The Applicant has confirmed that this amended drawing does not change the attenuation volumes, total surface area, depth, flow rates previously set out within the submitted Surface Water Drainage Strategy (6257(3621)) prepared by Ambiental Environmental Assessments Ltd.

Lead Local Flood Authority Response:

The Lead Local Flood Authority have reviewed the revised drainage strategy layout and associated hydraulic calculations and are content that the discharge rate for the site is acceptable.

In respect of the SuDS detailed design and construction phasing for the site, the LLFA are content this can be dealt with by way of details to be submitted and approved pursuant to draft Condition 27 contained in Appendix A to the Committee Report.