

<u>MEETING</u> PLANNING AND ENVIRONMENT COMMITTEE
<u>DATE AND TIME</u> WEDNESDAY 19 JANUARY 2011 AT 7.00PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, HENDON NW4 4BG

TO: MEMBERS OF THE COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice

Vice Chairman: Councillor John Marshall

Councillors:

Maureen Braun

Anita Campbell

Jack Cohen

Alison Cornelius

Claire Farrier

Hugh Rayner

Andreas Tambourides

Jim Tierney

Substitute Members:

Sury Khatri

David Longstaff

Andrew McNeil

Graham Old

Monroe Palmer

Barry Rawlings

Agnes Slocombe

Stephen Sowerby

Reuben Thompstone

Darrel Yawitch

**You are requested to attend the above meeting for which an agenda is attached.
Aysen Giritli –Democratic Services Manager**

Democratic Services contact: Maria Lugangira 020 8359 2761

Media Relations contact: Sue Cocker 020 8359 7039

To view agenda papers on the website: <http://committeepapers.barnet.gov.uk/democracy>

CORPORATE GOVERNANCE DIRECTORATE

ORDER OF BUSINESS

Item No.	Title of Report	Page Nos.
1.	MINUTES	-
2.	ABSENCE OF MEMBERS	-
3.	DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS	-
4.	PUBLIC QUESTION TIME (if any)	-
5.	MEMBERS' ITEMS (if any)	-
6.	Report of the Assistant Director of Planning and Development Management	1 - 151
7.	Reports of the Finchley and Golders Green Area Planning – 7 December 2010	152 - 174
8.	ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	
9.	MOTION TO EXCLUDE THE PRESS AND PUBLIC:- That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act (as amended) shown in respect of each item:	-
10.	ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	

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PLANNING AND ENVIRONMENT COMMITTEE

19 JANUARY 2011

ITEM 6

REPORT OF THE
ASSISTANT DIRECTOR OF PLANNING AND
DEVELOPMENT MANAGEMENT

BACKGROUND PAPERS – GENERAL STATEMENT

The background papers to the reports contained in the agenda items which follow comprise the application and relevant planning history files, which may be identified by their reference numbers, and other documents where they are specified as a background paper in individual reports. These files and documents may be inspected at:

Building 4, North London Business Park
Oakleigh Road South
New Southgate
London N11 1NP

Contact Officer: Mrs V Bell, 020 8359 4672

PLANNING AND ENVIRONMENT COMMITTEE

DATE: 19 January 2011

INDEX TO THE REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT

H/04167/10

1 - 66

Colindale

Zenith House, The Hyde, London, NW9 6EW

Redevelopment of the former Zenith House site comprising the erection of buildings ranging from 2 to 16 storeys to provide 309 residential units, 1611sqm of Class B1 or D1 floorspace and 97sqm of Class A1 or Class A3 floorspace along with a landscaped courtyard, provision of 218 car parking spaces and 349 cycle spaces, vehicular access from Colindeep Lane and pedestrian access from Colindale Avenue.

Approve Subject to Conditions

H/04595/10

67 - 131

Colindale

Green Point, (Millet House) Edgware Road, London, NW9 5AR

Extension to the time limit for implementing Appeal Decision reference APP/N50590/A/07/2057441 granted 03/04/2008 for demolition of existing building and erection of a mixed use building up to 8 storeys high comprising 86 residential units, 1181 metre square of A1 non-food retail floorspace (Class A1) and 569 metre square of either office (Class B1) or livework accommodation with 121 basement/ground floor residential and 23 ground floor commercial car parking spaces and vehicular access from the Greenway.

Approve Subject to Conditions

B/04262/10

132 -151

Totteridge

The Ravenscroft School, Barnet Lane, London, N20 8AZ

Use of field to the north of the site (area 22723sq.m) as school playing field involving levelling for sports use, new pedestrian and vehicular access and the erection of a new boundary fence. Use of existing school playing field (area 22775sq.m) as public open space.

Approve Subject to Conditions

LOCATION: Zenith House, The Hyde, London, NW9 6EW
REFERENCE: H/04167/10
WARD: Colindale
APPLICANT: Genesis Housing Group
PROPOSAL: Redevelopment of the former Zenith House site comprising the erection of buildings ranging from 2 to 16 storeys to provide 309 residential units, 1611sqm of Class B1 or D1 floorspace and 97sqm of Class A1 or Class A3 floorspace along with a landscaped courtyard, provision of 218 car parking spaces and 349 cycle spaces, vehicular access from Colindeep Lane and pedestrian access from Colindale Avenue.

Received: 18 Oct 2010
Accepted: 25 Oct 2010
Expiry: 24 Jan 2011
Final Revisions:

BACKGROUND

Planning consent for the redevelopment of Zenith House was approved by the Planning & Environment Committee on the 4 of July 2007 and subsequently granted on the 8 October 2007 following the completion of a S106 legal agreement. Following the issue of planning permission, the applicants, Genesis Housing Group, secured an allocation of grant funding from the HCA to deliver the affordable housing within the development. The time limit on this original planning permission was extended for a further three years by the Planning and Environment Committee in August 2010.

Since the original grant of planning permission in 2008 the Lohanna Community Trust, who were the prospective user for the community centre proposed as part of the original scheme, are no longer pursuing premises within the Zenith House development. This coupled with the changing economic climate and the withdrawal of their former development partner Mars Investments, Genesis have chosen to pursue a fresh design approach to the site with new architects.

In the period since the original grant of planning permission the Council has prepared and adopted the Colindale Area Action Plan which provides a planning policy and design framework to guide and inform the development and regeneration of Colindale which is designated in the London Plan as an Opportunity Area with a minimum housing target of 10,000 new homes and 500 jobs. The Colindale AAP identifies the Zenith House site as a key site for mixed use residential development in the Edgware Road Corridor of Change.

Following over a year of pre-application design work Genesis are now proposing a revised scheme for the redevelopment of the site which no longer includes the Lohanna community facility and associated multi-storey car park and instead proposes to deliver housing as the predominant use. As a result the number of units has increased from 215 to 309 including a mix of flats and mews houses. The scheme will deliver the same percentage of affordable housing as before which will comprise 135 affordable units, of which 97 will be social rented and 38 will be shared ownership. This represents 44% affordable housing by unit numbers or 48% by habitable rooms, with a tenure split of 72% social rented and 28% intermediate.

Genesis are proposing to utilise the HCA housing grant allocated to the previous proposal in this new scheme in order to deliver the affordable units. Subject to planning permission being granted, Genesis have advised that they would be ready to start construction this year to begin delivering the affordable homes. The revised proposal therefore represents a deliverable scheme that will aid in the supply of housing in these difficult and uncertain economic times.

The scheme includes 1,611sqm of flexible space on the ground and lower ground floor along Edgware Road for use as either office space (Class B1 use) or community space (Class D1 use). The Council are currently exploring the potential for locating a Centre for Independent Living facility within the D1 space in the development. The scheme also includes a small retail/café unit located within the north western corner of the site comprising 97sqm for either Class A1 or Class A3 use.

A total of 226 residential car parking spaces will be provided within a basement car park and some surface parking on the mews street. 355 cycle spaces will also be provided within secure basement storage areas.

RECOMMENDATION:

Resolution to approve subject to:

Recommendation 1:

The application being one of strategic importance and therefore referred to the Mayor of London and no direction being received to refuse the application or for the Mayor to act as the Local Planning Authority for the purpose of determining the application.

Recommendation 2:

Subject to recommendation 1 above that the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes of seeking to secure the following:

- a. Legal Professional Costs Recovery
Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.
- b. Enforceability
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- c. Affordable Housing
Provision of 135 affordable housing units on the site as follows:
 - i) Social Rented Accommodation:
 - 30 x 1 bedroom (2 person)
 - 2 x 2 bedroom (3 person)
 - 40 x 2 bedroom (4 person)
 - 1 x 3 bedroom (4 person)
 - 13 x 3 bedroom (5 person)
 - 11 x 4 bedroom (7 person)
 - ii) Shared Ownership Accommodation:
 - 15 x 1 bedroom (2 person)
 - 3 x 2 bedroom (3 person)
 - 12 x 2 bedroom (4 person)
 - 8 x 3 bedroom (5 person)
- d. Highways Infrastructure
 - (i) Payment of a financial contribution of £100,000 Index Linked to the Council towards the upgrade and signalisation of the junction of the A5 Edgware Road and Colindale Avenue;
 - (ii) Payment of a financial contribution of £10,000 Index Linked to the Council towards a review and study of existing CPZs within the vicinity of the site;

e. Public Transport

- (i) In accordance with the priorities identified in the CAAP the payment of a financial contribution of £100,000 Index Linked to the Council towards step free access and public transport improvements at Colindale Tube Station;
- (ii) In accordance with the priorities identified in the CAAP the payment of a financial contribution of £50,000 Index Linked to the Council towards Public Realm Improvements in the area;
- (iii) In accordance with the priorities identified in the CAAP the payment of a financial contribution of £20,000 Index Linked to the Council towards Bus Stop Improvements;
- (iv) In accordance with the priorities identified in the CAAP the payment of a financial contribution of £135,000 Index Linked to the Council towards Bus Enhancements.

f. Travel Plan

The applicant shall enter into a Travel Plan that seeks to reduce reliance on the use of the private car and to ensure the sustainability of the development. The Travel Plan shall include the following obligations to facilitate modal shift in the choice of transport mode available to occupiers of the residential units as follows:

- (i) Upon acquiring a residential unit the occupier will be given a voucher to the value of £150 per dwelling up to a maximum cost of £46,350 to the applicant. The voucher shall either allow the occupier to purchase up to 2 years membership to the Car Club with the remaining value as an Oyster Card travel pass, or the full value of £150 shall be provided as an Oyster Card travel pass;
- (ii) Upon acquiring a residential unit the occupier will be given a cycle voucher to the value of £150 per dwelling up to a maximum cost of £46,350 to the applicant;
- (iii) Provision of cycle maintenance workshops for the servicing and maintenance of bicycles at a cost of £5,000 to the applicant in order to encourage occupiers to cycle more regularly;
- (iv) Provision of 2 Car Club parking spaces within the development.

g. Travel Plan Monitoring

A contribution of £10,000 Index Linked towards the monitoring of the Travel Plan for the development.

h. Education

A contribution of £757,801 Index Linked towards education provision in the borough.

i. Colindale AAP Implementation and Strategy

A contribution of £25,000 Index Linked towards the continued development, implementation and monitoring of the Colindale AAP and strategies for the Colindale area.

j. Monitoring of the Section 106 Agreement

A contribution of £20,000 Index Linked towards the monitoring and management of the S106 planning obligations.

k. Other Requirements

The applicant shall provide quarterly to the Council an update report on progress of the development for all stages of development, construction and occupation.

Recommendation 3:

That upon completion of the agreement specified in recommendation 2, the Assistant Director of Planning and Development Management approve the planning application reference H/04167/10 under delegated powers subject to the following conditions:

1. Approved Plans

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

10-289 L(00) 000; 10-289 L(00) 001; 10-289 L(00) 099; 10-289 L(00) 100; 10-289 L(00) 101 Rev.A; 10-289 L(00) 102 Rev.A; 10-289 L(00) 103; 10-289 L(00) 104; 10-289 L(00) 105; 10-289 L(00) 106; 10-289 L(00) 107; 10-289 L(00) 108; 10-289 L(00) 109; 10-289 L(00) 110; 10-289 L(00) 111; 10-289 L(00) 112; 10-289 L(00) 113; 10-289 L(00) 114; 10-289 L(00) 115; 10-289 L(00) 116; 10-289 L(00) 117; 10-289 L(00) 201; 10-289 L(00) 202; 10-289 L(00) 203; 10-289 L(00) 301 Rev.A; 10-289 L(00) 302; 10-289 L(00) 303; 10-289 L(00) 304; 10-289 L(00) 305; 10-289 L(00) 306 Rev.B; 10-289 L(00) 307; 126_SK101215_01_playspace.

- Planning Statement dated October 2010 prepared by Rolfe Judd Planning;
- Children's Play Space and Outdoor Recreation Strategy dated October 2010 prepared by Rolfe Judd Planning;
- Off Site Play Provision (ST/DZ/P4156) dated December 2010;
- Landscape Design Report dated October 2010 prepared by Area Landscape Architects;
- Energy Strategy dated October 2010 prepared by Ramboll UK Limited;
- Sustainability Statement dated October 2010 prepared by Ramboll UK Limited;
- Air Quality Assessment dated 14 October 2010 prepared by Ramboll UK Limited;
- Environmental Noise Assessment Report dated August 2010 prepared by Ramboll UK Limited;
- Wind and Comfort Desk Study dated 14 October 2010 prepared by Ramboll UK Limited;
- Flood Risk Assessment dated October 2010 prepared by Ramboll UK Limited;
- Daylight and Sunlight Report prepared by Anstey Horne & Co;
- Transport Assessment (ref: 100203/ZHBAR3) dated 18 October 2010 prepared by Motion Transport Planning;

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. Time Limit

This development must begin within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Restricted Use – Office/Community

The ground and lower ground floors within the building hereby approved shall only be occupied by uses falling within Class B1 or D1 of Town and Country Planning (Use Classes) Order 2005.

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

4. Restaurant Hours of Opening

The Class A3 restaurant/cafe use hereby permitted shall not be open to customers before 9am or after 11pm on weekdays or before 11am or after 11pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

5. Levels

Before this development is commenced, details of the levels of the building, roads and footpaths in relation to the adjoining land and highway and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers and the health of any trees on the site

6. Materials

Notwithstanding the submitted plans, before the development hereby permitted commences samples of the materials to be used for the external surfaces of the building and hard surfaced areas shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To safeguard the visual amenities of the building and surrounding area.

7. Architectural Details

Notwithstanding the submitted plans, before the development hereby permitted is commenced, details of the following at an appropriate scale shall be submitted to and agreed in writing by the Local Planning Authority:

- i. Window reveals
- ii. Roof parapet
- iii. Balconies and balustrades
- iv. Entrances to flats

All works shall conform to those approved.

Reason:

To safeguard the visual amenities of the building and surrounding area.

8. Site Enclosure

Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

9. Hours of Construction

No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

10. Ventilation and Extraction Equipment

Before the development hereby permitted commences on site details of all extraction and ventilation equipment shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

11. Noise Mitigation Measures

Before the development hereby permitted commences, details of the measures to be implemented by the developer to address the findings of the Ramboll PPG24 Noise Report dated August 2010 shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason:

To ensure that the amenities of occupiers are not prejudiced by road traffic noise in the immediate surroundings.

12. Noise Insulation

The development shall be constructed so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration. This sound insulation shall ensure that the level of noise from the development in the habitable rooms of the adjoining premises shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home.

13. Noise from Site Plant

The level of noise emitted from all plant and equipment within the development hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of any neighbouring property which existed at the time of this decision notice.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of any existing neighbouring property at the time of this decision notice.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties

14. Noise Report for site plant

Before development commences, a report shall be carried out by a competent acoustic consultant and submitted to the LPA for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

15. Odour from restaurant condition

Prior to the occupation of the café/restaurant hereby approved, details of appropriate odour mitigation measures will be submitted to and approved by the LPA. The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason: To ensure that the amenities of neighbouring properties are not prejudiced by odour in the immediate surroundings.

16. Landscaping - Details

Before the development hereby approved commences, a scheme of hard and soft landscaping including details of:

- i. A Landscape Strategy for the central communal courtyard;
- ii. Location and size of proposed tree planting including details of individual tree species and any tree pits proposed;
- iii. Method statement for planting and on-going maintenance of any proposed tree planting;
- iv. Full planting plans for the Green Roofs detailing species, specification and location for any planting, including on-going maintenance shall be submitted and approved in writing by the Local Planning Authority.

All works so agreed shall be carried out strictly in accordance with the approved details.

Reason:

To ensure a satisfactory level of appearance and security to the development and to ensure that appropriate mitigation of tree and ecology impacts are provided.

17. Landscaping - Implementation

All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

18. Landscaping - Maintenance

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

19. Construction Management Plan

Prior to commencement of development hereby approved a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details. This statement shall include, but not be limited to, the following information:

- a. details of the routing of construction vehicles to the site and access and egress arrangements within the site;
- b. site preparation and construction stages of the development;
- c. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- d. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- e. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- f. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- g. noise mitigation measures for all plant and processors;
- h. details of contractors compound and car parking arrangements;
- i. Details of interim car parking management arrangements for the duration of construction.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of free flow of traffic.

20. Parking Spaces

Before the development hereby permitted is occupied the parking spaces shown on plans 10-289 L(00) 099 and 10-289 L(00) 100 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

21. Parking Management Plan

The development hereby permitted shall not be occupied until a Parking Management Plan detailing the allocation of car parking spaces, on site parking controls and charges, and enforcement of unauthorised parking has been submitted to and approved by the local planning authority. The plan shall be implemented before the building hereby permitted is occupied and maintained thereafter.

Reason:

To ensure that on site car parking is adequately managed and controlled.

22. Cycle Parking Provision

The development shall not be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority. All of the spaces shall be permanently retained thereafter.

Reason:

In the interests of promoting cycling as a mode of transport.

23. Amended Crossover

Before the building hereby permitted is occupied, details of any amendments to the existing crossover on Colindeep Lane shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interest of highway and pedestrian safety on Colindeep Lane.

24. Associated Off-Site Highways Works

Prior to the occupation of the development hereby approved, details of any associated off-site highways works in the vicinity of the vehicular access onto Colindeep Lane, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.

Reason:

To ensure the safety and security of pedestrians and the free-flow of traffic.

25. Waste Management Plan

The development hereby permitted shall not be occupied until a Waste Management Plan detailing the method for refuse/recycling collection from the development has been submitted to and approved by the local planning authority. The plan shall be implemented before the building hereby permitted is occupied and maintained thereafter.

Reason:

In order to facilitate safe refuse/recycling collection for the development and to protect the amenities of the area.

26. Refuse

Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins and/or other refuse storage containers where applicable, together with a details of a Waste Management Plan which shall include details of a satisfactory point of collection and any collection arrangements shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the building is occupied.

Reason:

To ensure a satisfactory appearance for the development, satisfactory accessibility and to protect the amenities of the area.

27. Drainage Strategy

Within 6 months of the development commencing unless otherwise agreed, the applicant shall submit a drainage strategy detailing any on and/or off site drainage works. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy has been agreed and implemented”.

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

28. Code for Sustainable Homes

The dwelling(s) shall achieve a Code Level 4 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 4 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

29. Environmental Standard: Commercial/Community Space

The non-residential floorspace within the development hereby approved is required to meet the BREEAM Excellent rating. Before the building is first occupied the developer shall submit certification to demonstrate that BREEAM Excellent rating has been achieved.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

30. Green Roofs

Before the commencement of development details of the Green Roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details as approved.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

31. External Lighting

Details of external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To prevent light pollution of neighbouring properties whilst ensuring a satisfactory level of security.

32. CHP

Before the development hereby permitted commences, full details of the proposed CHP unit, community heating system and photovoltaic panels, shall be submitted to and approved in writing by the Local Planning Authority. The systems or facilities shall be installed and fully operational prior to the occupation of the building and thereafter permanently maintained in accordance with these details.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

33. Estate Management Plan

Before the development hereby permitted is occupied, an Estate Management Plan detailing how the public and communal areas of the development shall be maintained by the applicant or nominated management company, shall be submitted to and approved in writing by the local planning authority. The plan shall be implemented before the building hereby permitted is occupied and maintained thereafter.

Reason:

To ensure the satisfactory management and appearance of the development.

INFORMATIVES:

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i. The proposed development accords with strategic planning guidance and policies as set out in the Mayor's London Plan London Plan (consolidated with Alterations since 2004) (published 19 February 2008) and the Adopted Barnet Unitary Development Plan (UDP) (2006). In particular the following policies are relevant:

London Borough of Barnet Adopted Unitary Development Plan 2006:

Policy GSD – Sustainable Development

Policy GMixedUse – Mixed Use

Policy GBEEnv1 – Character

Policy GBEEnv2 – Design

Policy GBEEnv3 – Safe Environment

Policy GCS1 – Community Facilities

Policy GEMP4 – Protecting Employment Land

Policy ENV7 – Air Pollution

Policy ENV13 – Minimising Noise Disturbance

Policy ENV14 – Contaminated Land

Policy D1 – High Quality Design

Policy D2 – Character

Policy D3 – Spaces

Policy D5 – Outlook

Policy D9 – Designing Out Crime

Policy D11 – Landscaping

Policy D17 – High Buildings – Acceptable Locations

Policy L7 – Tourist Facilities – Preferred Locations

Policy M1 – Transport Accessibility

Policy M2 – Transport Impact Assessments

Policy M3 – Travel Plans

Policy M4 – Pedestrians and Cyclists – Widening Opportunities

Policy M5 – Pedestrians and Cyclists – Improved Facilities

Policy M6 – Public Transport – Use

Policy M7 – Public Transport – Improvements

Policy M10 – Reducing Traffic Impact

Policy M13 – Safe Access to New Development

Policy M14 – Parking Standards

Policy H2 – Housing – Other Sites

Policy H4 – Dwelling Mix

Policy H5 – Affordable Housing

Policy H16 – Residential Development – Character

Policy H17 – Residential Development – Privacy Standards

Policy H18 – Residential Development – Amenity Space Standards

Policy H20 – Residential Development – Public Recreational Space

Policy H21 – Residential Density

Policy CS1 – Community and Religious Facilities

Policy EMP2 – Employment Land – Protection

Policy EMP3 – Employment Land – Consolidation
Policy IMP1 – Priorities for Planning Obligations
Policy IMP2 – Use of Planning Obligations

ii. The proposal is acceptable for the following reason(s): -
The proposed development would see the redevelopment of an important brownfield site within the Colindale Area Action Plan area. The scheme represents a high quality design solution providing for a range of residential accommodation and commercial / community floorspace. The development will provide 48% affordable housing on a habitable room basis which would contribute towards meeting the housing needs of the borough. The development will deliver sustainable housing meeting Code Level 4 and deliver significant Carbon Dioxide savings. The sensitive design, layout and orientation of the proposals in relation to neighbouring properties is an improvement over the previously approved development and would minimise any potential impact to the amenities of these properties.

2. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

3. There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 8502777.

4. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

5. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
6. Any related costs for alterations to the public highway layout, including reinstatement works, will be borne by the applicant. To receive a copy of our Guidelines for Developers and an application form please contact: David M Smith, Clerk of Works, Traffic & Development Section – Environment and Operations Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP
7. The development is required to have a Travel Plan. LB Barnet is promoting the use of Online Travel Plan Builder. A travel plan is a document produced by you which includes a package of measures designed to help and improve transport facilities and promote more sustainable modes. Every plan is specific to the development hence prior to occupation measures need to be tailored to your site.

Barnet Travel Plan Builder is Online package. It is easy to use and will help you construct your travel plan efficiently. All you have to do is input the information when you are prompted and at the end you will have your site specific travel plan. The travel plan is broken down into manageable chunks and progress is saved in incremental stages.

It can also be reviewed and modified at any stage up until its submitted. Submission can be done on-line or Traffic & Development Section, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP]

8. The applicant is advised that any occupiers of the site would not be able to purchase any type of parking permit, voucher or similar issued within a Controlled Parking Zone (CPZ) in the area that a property address might otherwise be eligible for as part of the councils ongoing management of the public highway.
9. The applicant should be aware of the following information regarding National Grid's 400,000 volt and 275,000 volt underground cables and associated apparatus:
 - The person(s) responsible for planning, supervising and carrying out work in proximity to any National Grid cables shall be liable to the National Grid, as cable(s) owner, as well as to any third party who may be affected in any way by any loss or damage resulting from their failure to locate and avoid any damage to such a cable(s).
 - The relevant guidance in relation to working safely near to existing underground cables is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance HS(G)47 "Avoiding Danger From Underground Services" and all relevant site staff should make sure they are both aware of and understand this guidance.
 - For further general information see: www.nationalgrid.com/uk/LandandDevelopment or request a copy of "Working with You" publication via the Asset Protection Team.
10. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

2. KEY RELEVANT PLANNING POLICY

2.1 Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (consolidated with Alterations since 2004) published 19 February 2008 and the adopted London Borough of Barnet Unitary Development Plan (2006). These strategic and local plans are the policy basis for the consideration of this planning application.

2.2 Central Government Guidance and Policy Statements

National guidance is provided by way of Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs).

The PPSs and PPGs of most relevance to the determination of this application are:

- Planning Policy Statement 1: Delivering Sustainable Development (2005)
- Planning and Climate Change: Supplement to PPS1 (2007)
- Planning Policy Statement 3: Housing (2006)
- Planning Policy Guidance 13: Transport (2001)
- Planning Policy Statement 22: Renewable Energy (2004)
- Planning Policy Statement 23: Planning and Pollution Control (2004)
- Planning Policy Guidance 24: Planning and Noise (1994)
- Planning Policy Statement 25: Development and Flood Risk (2006)

2.3 The London Plan

The London Plan (consolidated with Alterations since 2004) was published on 19 February 2008. It provides the strategic planning guidance and policies for the capital, which promotes sustainable growth and environmentally responsive development.

Colindale is identified in the London Plan on Map 2A.1 as an Opportunity Area. Table 5B.1 sets the target of delivering 10,000 new homes in Colindale and 500 jobs (see Fig.1 below).

London Plan Policy 2A.5 states that frameworks should be produced for Opportunity Areas that achieve the following:

- seek to exceed the minimum guidelines for housing having regard to indicative estimates of employment capacity set out in the subregional tables (see Chapter 5)
- maximise access by public transport
- promote social and economic inclusion and relate development to the surrounding areas, especially any nearby Areas for Regeneration
- take account of the community, environmental and other distinctive local characteristics of each area
- deliver good design, including public realm, open space and, where appropriate, tall buildings
- co-ordinate development that crosses borough boundaries where appropriate

Fig.1 - London Plan Table 5B.1 Opportunity Areas for Intensification in North London

	Area (Ha)	Indicative employment capacity ^a 2001 – 2026	Minimum homes ^b 2001 – 2026
Opportunity Areas			
King's Cross	53	25,000	2,250
Paddington	38	23,200	3,000
Euston	16	5,000	1,000
Tottenham Court Road	19	5,000	1,000
Victoria	52	8,000	1,000
Upper Lea Valley (including Tottenham Hale)*	3,133	15,000	7,000
Cricklewood/Brent Cross	323	20,000	10,000
Colindale	201	500	10,000
Areas for Intensification			
Arsenal/Holloway	38	1,500	2,000
Mill Hill East	48	500	3,500
Haringey Heartlands/Wood Green	50	1,500	1,700
West Hampstead Interchange	17	500	2,000
Holborn	13	2,000	200
Farringdon/Smithfield*	10	2,000	100
Total	4,011	109,700	44,750

As an Opportunity Area Colindale is expected to deliver 500 jobs and a minimum of 10,000 new homes in the period to 2026. Policy 5B.2 relates to the Opportunity Areas in North London as follows:

“....Taking account of other policies, developments will be expected to maximize residential and non residential densities and contain mixed use....Given their scale, they are also likely to give rise to substantial planning obligations....”

Paragraph 5.43 supporting text to policy 5B.2 highlights the following:

"Colindale. This area comprises parts of the former RAF East Camp adjacent to the M1, which is currently being redeveloped for housing, the Hendon College site, the existing Grahame Park Estate, which is due to be comprehensively redeveloped, as well as Colindale Tube and the Hospital and library sites to the west of the tube. In total these represent an opportunity significantly to intensify residential development together with a range of leisure and other uses. Appropriate developer contributions will be needed to deliver public transport improvements to support the proposed intensification of residential use."

Policy 3A.3 relates to maximising the potential of sites and states that the Mayor will, and boroughs should, ensure that development proposals achieve the maximum intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity. Accordingly the Mayor will refuse planning permission for strategic referrals that, taking into account context and transport capacity, under-use the potential of a site.

Policy 4B.1 'Design principles for a compact city' states that the Mayor will seek to ensure that new developments maximise site potential, enhance public realm, provide a mix of uses, are accessible, legible, sustainable, safe, inspire, excite and delight in respect of London's natural and built heritage. Policies 4B.2, 3, 4, 5 and 6 provide further policy guidance and context for Policy 4B.1.

Policy 4A.7 states that boroughs should adopt a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from on site renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.

Policy 4A.1 states that The Mayor will, and boroughs should, in their DPDs require developments to make the fullest contribution to the mitigation of and adaptation to climate change and to minimise emissions of carbon dioxide. The following hierarchy will be used to assess applications:

- using less energy, in particular by adopting sustainable design and construction measures (Policy 4A.3)
- supplying energy efficiently, in particular by prioritising decentralised
- energy generation (Policy 4A.6), and
- using renewable energy (Policy 4A.7).

Policy 4A.5 states that Boroughs should maximise the opportunities for providing new heating and cooling networks that are supplied by decentralised energy and ensure that all new development is designed to connect to the heating and cooling network. In addition the Mayor will expect all major developments to demonstrate that the proposed heating and cooling systems have been selected in accordance with the following order of preference:

- connection to existing CCHP/CHP distribution networks
- site-wide CCHP/CHP powered by renewable energy
- gas-fired CCHP/CHP or hydrogen fuel cells, both accompanied by renewables
- communal heating and cooling fuelled by renewable sources of energy
- gas fired communal heating and cooling.

Policy 3C.23 states that The Mayor, in conjunction with boroughs, will seek to ensure that on-site car parking at new developments is the minimum necessary and that there is no over-provision that could undermine the use of more sustainable non-car modes.

The following Supplementary Planning Documents are also relevant in considering this application:

- Providing for Children and Young People's Play and Informal Recreation (Adopted March 2008)
- Sustainable Design & Construction (Adopted May 2006)
- Housing (Adopted November 2005)
- Accessible London: Achieving an Inclusive Environment (Adopted April 2004)

Other relevant London Plan policies:

Policy 2A.1 Sustainability criteria
Policy 3A.3 Maximising the potential of sites
Policy 3C.1 Integrating transport and development
Policy 3C.3 Sustainable transport in London
Policy 3D.11 Open space provision in DPDs
Policy 4A.1 Tackling climate change
Policy 4A.3 Sustainable design and construction
Policy 4A.4 Energy assessment
Policy 4A.5 Provision of heating and cooling networks
Policy 4A.6 Decentralised Energy: Heating, Cooling and Power
Policy 4A.7 Renewable Energy
Policy 4A.11 Living Roofs and Walls
Policy 4A.13 Flood risk management
Policy 4A.14 Sustainable drainage
Policy 4A.16 Water supplies and resources
Policy 4B.1 Design principles for a compact city
Policy 4B.5 Creating an inclusive environment
Policy 4B.9 Tall buildings – location

The following Supplementary Planning Documents are also relevant in considering this application:

- Sustainable Design & Construction (Adopted May 2006)
- Accessible London: Achieving an Inclusive Environment (Adopted April 2004)

2.4 Draft Revised London Plan

The Mayor has published a Consultation Draft Replacement London Plan (October 2009). This has subsequently undergone minor alterations (December 2009 and March 2010). The draft revised London Plan (October 2009) has identified the wider Colindale / Burnt Oak Opportunity Area comprising 262 hectares of land in Barnet and Brent as having capacity for 2,000 jobs and a minimum housing target of 12,500 new homes between 2011 and 2031.

2.5 Barnet Unitary Development Plan

The London Borough of Barnet UDP was adopted in May 2006 and contains local planning policies for Barnet. UDP policies that were agreed to be saved by the Secretary of State in May of this year which are relevant to this application are:

Policy GSD – Sustainable Development
Policy GMixedUse – Mixed Use
Policy GBEnv1 – Character
Policy GBEnv2 – Design
Policy GBEnv3 – Safe Environment
Policy ENV7 – Air Pollution
Policy ENV13 – Minimising Noise Disturbance
Policy D1 – High Quality Design
Policy D2 – Character
Policy D3 – Spaces

Policy D5 – Outlook
Policy D9 – Designing Out Crime
Policy D11 – Landscaping
Policy M1 – Transport Accessibility
Policy M2 – Transport Impact Assessments
Policy M3 – Travel Plans
Policy M5 – Pedestrians and Cyclists – Improved Facilities
Policy M6 – Public Transport – Use
Policy M7 – Public Transport – Improvements
Policy M10 – Reducing Traffic Impact
Policy M13 – Safe Access to New Development
Policy M14 – Parking Standards
Policy IMP1 – Priorities for Planning Obligations
Policy IMP2 – Use of Planning Obligations

The following Barnet Supplementary Planning Documents are relevant to this application:

- SPD: Planning Obligations (Adopted October 2006)
- SPD: Contributions to Education (Adopted June 2008 and updated January 2010)
- SPD: Sustainable Design & Construction (Adopted June 2007)

2.6 Barnet Core Strategy

The Planning & Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies DPD. Until the LDF is complete policies within the adopted UDP have been saved for a period of three years.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

Policy CS 3 states 'on the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26. As our focus of growth we will promote opportunities on the west side of the borough in the strategically identified North West London – Luton Coordination Corridor. We will promote the following regeneration and development areas in the Corridor:

- Brent Cross - Cricklewood
- Colindale
- Mill Hill East

These areas are expected to provide in the range of 17,000 new homes between 2011/12 to 2025/26. An appropriate level of transport provision will be provided as the regeneration schemes roll out.'

Policy CS 4 states 'we will aim to create successful communities in Barnet by:

- seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership
- seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness
- seeking a variety of housing related support options that maximise the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults
- delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 30% affordable homes on sites capable of accommodating ten or more dwellings
- seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes
- on sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to 3 rounds of public consultation and is in general conformity with the adopted London Plan therefore weight can be given to it as a material consideration in the determination of planning applications.

2.7 The Three Strands Approach

In November 2004 the Council approved its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. A second edition of the document was published in 2008.

The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The third strand 'Growth' responds to Barnet's significant growth potential and sets out how and where sustainable strategic growth, successful regeneration and higher density can take place across the borough.

The Three Strands Approach establishes Colindale as one of three strategic opportunity areas for high quality sustainable growth within Barnet where 10,000 new homes are expected to be delivered.

2.8 Colindale Area Action Plan

The Colindale Area Action Plan (AAP) was adopted in March 2010. This provides a planning policy and design framework to guide and inform the development and regeneration of Colindale up to 2021 in response to the London Plan's designation as an Opportunity Area.

The AAP contains guidance on sustainable development and identifies a number of key infrastructure improvements needed to support the delivery of growth in Colindale. It identifies four character areas, the “Corridors of Change”, which identify specific development sites and set specific policy objectives to be achieved from redevelopment.

The Zenith House site is within the Colindale AAP area and falls within the Edgware Road Corridor of Change. The AAP vision for this Corridor of Change is:

The Colindale stretch of Edgware Road will become a thriving mixed-use urban corridor providing a focus for employment, housing and bulky retailing. A coordinated and high quality approach to the public realm will help establish a formal boulevard character befitting this busy and dense urban corridor. The area will provide an improved gateway to the new Colindale centre incorporating tall buildings where appropriate and involving key junction improvements to increase movement capacity and new or improved public transport provision.

The AAP identifies Zenith House as a key site and recognises that it has planning permission for mixed use, residential led redevelopment to provide 215 new homes and a community centre.

CAAP Policy 4.3 sets out the following priorities for developments within the Edgware Road Corridor of Change:

- a) Promote and coordinate the redevelopment of sites to provide a mix of uses appropriate to the area, with emphasis given to ensuring lower floors of key sites provide the commercial and community activity required to create a lively, busy and thriving place;
- b) Promote upper floors of key sites for high quality, high density residential accommodation to a density level of up to 200dph incorporating noise mitigation measures;
- c) Ensure major sites contribute to the creation of a coordinated new, tree-lined urban boulevard environment along this part of Edgware Road incorporating a high quality clutter-free public realm;
- d) Provide high quality, attractive, safe and legible pedestrian and cycle routes to and from surrounding areas and along Edgware Road itself;
- e) Improve public transport services and priority together with appropriate vehicular capacity along Edgware Road and particularly the junction with Colindale Avenue; and
- f) Continue to work closely with the London Borough of Brent and TfL on ensuring the coordinated management and implementation of the range of development and transport improvements and other infrastructure necessary to support the area’s sustainable growth.

The adopted Colindale AAP is form a material consideration, under Section 38(6) of the Planning and Compensation Act 2004, in the determination of any planning applications for sites within the AAP area. The policies relevant to this application are:

Policy 2.0 – Colindale Opportunity Area
Policy 3.1 - Improving Connectivity in Colindale

- Policy 3.2 – Walking and Cycling
- Policy 3.3 - Buses
- Policy 3.4 – Public Transport Interchange
- Policy 3.5 – Parking
- Policy 3.6 - Travel Plans
- Policy 4.3 – Edgware Road Corridor of Change
- Policy 5.1 – Urban Design
- Policy 5.3 – Building Heights
- Policy 6.1 – Energy Hierarchy
- Policy 6.2 – CHP and District Heating System
- Policy 6.3 – Creating Sustainable Buildings
- Policy 6.5 – Surface Water Run Off
- Policy 7.4 – Neighbourhood Centre in Colindale
- Policy 7.5 – Working in Colindale
- Policy 8.3 – Funding Infrastructure in Colindale and Section 106 Contributions

3. RELEVANT PREVIOUS DECISIONS

Application Ref.	Address	Description of Development	Decision and Date
W01156AH/07	Zenith House, Edgware Road, NW9	Demolition of part of existing office/warehouse building including retention of front facade and partial rebuild, and erection of two to eleven storey buildings at podium level to comprise 215 residential units with 215 car parking spaces within basement, 4286sqm of Class D1 (Community Centre) on the ground and first floors with 225 associated parking spaces within the former warehouse building (at ground, mezzanine and first floor levels), 293sqm Class A3 (restaurant) on the ground floor with 5 associated car parking spaces within the basement, a landscaped courtyard at podium level with children's play area, pedestrian access from Colindale Avenue, and erection of single storey enclosures to accommodate refuse storage, cycle storage and plant machinery.	APPROVED 08/10/2007 following completion of Section 106 Agreement
H/01862/10	Zenith House, Edgware Road, NW9	Extension to time limit for implementing planning permission W/01156/AH/07 dated 05/10/07 for 'Demolition of part of existing office/warehouse building including retention of front facade and partial rebuild, and erection of two to eleven storey buildings at podium level to comprise 215 residential units with 215 car parking spaces within basement, 4286sqm of Class D1	APPROVED 31/08/2010 following deed of variation to completed Section 106 Agreement

		(Community Centre) on the ground and first floors with 225 associated parking spaces within the former warehouse building (at ground, mezzanine and first floor levels), 293sqm Class A3 (restaurant) on the ground floor with 5 associated car parking spaces within the basement, a landscaped courtyard at podium level with children's play area, pedestrian access from Colindale Avenue, and erection of single storey enclosures to accommodate refuse storage, cycle storage and plant machinery.'	
H/00342/09	Colindale Hospital, Colindale Avenue, London NW9 5HG	Redevelopment of the former Colindale Hospital to include the erection of 714 residential units including the change of use and conversion of the listed former Administration building to residential, a new primary care trust facility (Use Class D1) of 1,132sqm, commercial units (Use Class A1/A2//A3/B1) and site management office (Use Class D1/B1), together with access roads, car parking and cycle parking, new public and private open space, children's play space and landscaping. Application includes the submission of an Environmental Statement.	APPROVED 20/11/2009 following completion of S106 agreement
H/00343/09	Land at Station House and part of former Colindale Hospital site, Colindale Avenue	Construction of a part 7, part 18 storey building comprising a 374 bed Aparthotel (Use Class C1) together with a bar-club / restaurant (Use Class A3/A4), gym (Use Class D2) and four commercial units on the ground floor (Use Class A1/A3) along with associated car parking and landscaping.	APPROVED 24/12/2010 following completion of S106 agreement
Application in Adjoining Borough Brent Brent Ref: 06/1652	Buildings & Grounds, Oriental City, Edgware Road, Kingsbury, London, NW9. (LONDON BOROUGH OF BRENT)	Application accompanied by a full Environmental Impact Assessment for the demolition of existing buildings and redevelopment for mixed-use purposes, comprising Class A1 retail (with a replacement Oriental City [to include a Sui Generis Amusement Arcade and A3/A5 Uses], new B & Q and bulky goods store, which together should provide 500 jobs), 520 residential units (comprising 1-, 2- and 3-bed flats, 4% being affordable) located in eight blocks rising to 3, 6, 9 and 18 storeys above a fifth-floor-level landscaped podium along the Edgware Road, rising to 8, 4, 5	Approved 13/06/ 2007 (Permission extended for further 3 years in June 2010)

		and 2 storeys above the fifth-floor landscaped podium facing Plaza Walk and rising to 3 and 6 storeys above the Grove Park street level. Also, a nursery and primary school for 480 children, health & fitness studio (Use Class D2), associated landscaping, servicing, 1098 car parking spaces - comprising 721 spaces for retail users (incl. school drop off and disabled), 5 staff spaces accessed from Grove Park for the school, and 351 (incl. disabled) for residents and a further 21 disabled spaces on the podium.) and works to highway.	
Application in Adjoining Borough Brent Brent Ref: 08/2823	Land at Junction of Edgware Road and Capitol Way, London NW9 0EQ (LONDON BOROUGH OF BRENT)	Demolition of existing units and erection of 5 replacement 6 storey, 8 storey and 19 storey buildings, comprising 462 self-contained flats, 6, 191m ² of retail (Use Class A1), 1,125m ² of mixed uses (Use Class A1 & B1) a 706m ² community/health centre (use Class D1), 97m ² of creche facilities (Use Class D1), 278 residential car-parking spaces, 500 residential cycle-parking spaces, 80 commercial car-parking and cycle-parking spaces, bin stores and associated landscaping, with access from Capitol Way, NW9 and Plaza Walk NW9.	Approved 30/ 09/ 2009

4. PRE-APPLICATION CONSULTATION

The applicants held a public exhibition on site on Thursday 23rd September 2010 (10.00 to 18.00) and Wednesday 24th September (16.00-20.00). During the exhibition a meeting was held with neighbouring residents at St Alphage Court and Colindale Avenue.

Letters were posted by Genesis Housing Group two weeks before the exhibition to over 320 local residents and businesses within the vicinity of the site. Letters were also sent to Ward Councillors and London Borough of Brent.

The exhibition included a number of boards which contained the proposal drawings with supporting text and comprise the following information:

- Site location plan
- Proposed floor plan/elevations
- 3D images
- Context drawings from surrounding areas on Edgware Road and Colindale Avenue/Colindeep Lane
- Landscaping proposals
- Illustration showing impact on adjoining occupiers

5. STATUTORY AND NON-STATUTORY CONSULTATION RESPONSES

5.1 Comments from Residents

Local residents and businesses were consulted by letter on the 27th October 2010. The application was advertised in the press on the 1st November 2010 and a site notice was displayed at the site from the 28th October.

Neighbours Consulted:	300	Replies:	08
Neighbours Wishing To Speak:	0		

A total of 8 replies were received from local residents in response to the application. Of the 8 replies, 6 were signed proformas from residents living in Colindale Avenue which contained the same typed comments as follows:

“Thank you for your letter dated 26 October 2010 in which you informed me of redevelopment of the former Zenith House, London NW9 6EW. I am replying to strongly object to this application as it contravenes the planning legislation as stated by Barnet Council.

Firstly, having looked at the plans, the end elevation indicates houses that will literally be built 4 feet from the boundary of my back garden. The height proposed will severely affect the amount of sunlight my garden is able to receive which will not only affect the garden itself but will have a detrimental impact upon my family’s enjoyment of the garden, particularly during the summer.

Secondly, building the houses (north side of Zenith House site) will also result in the loss of existing trees with many species of wildlife that make a significant contribution to the character and amenity of the area.

Thirdly, buildings up to 16 storeys will mean that my home and garden would be overlooked which will eliminate our privacy which is the reason I bought our home in the first place.

Also, with 309 residential units, there will be a large increase in the number of people and, therefore, vehicles associated with that. Parking spaces (for the proposed development) have been calculated based on 0.7 cars per household. This is insufficient and it will create additional strain on the area which is already overcrowded with vehicles and parking is virtually impossible as it is.”

Officer’s Response:

- *Each of the proposed mews houses are 2 storeys in height with a small third storey element. The third storey provides an additional bedroom and has a pitched roof to reduce the mass. The mews houses are designed to relate to the scale of the neighbouring properties. There is an existing alley way between the proposed mews houses and the rear boundary fence of the gardens to the houses in Colindale Avenue. There will therefore be a gap of approximately 2m from the rear wall of the*

mews houses to the rear boundary of the gardens. The mews houses will be 20m away from the rear elevation of the houses on Colindale Avenue with the exception of one of the houses where the gap is 16m. This gap increases to 23m where the mews houses are located along the access way that leads to Colindale Avenue. The mews houses do not have any windows in their rear elevation facing the properties in Colindale Avenue. A daylight and sunlight study has been undertaken which concludes that the proposals satisfy the BRE Guidelines and there will be no material impact on existing neighbouring residential amenity in terms of daylight and sunlight. The relationship is therefore considered acceptable.

- *There are limited trees on the periphery of the site. These are not protected by any Tree Preservation Order. The approved development would see the removal of these trees. New trees will be planted in the new mews street and within the woodland area of the central landscaped courtyard. The development is not considered to impact on biodiversity.*
- *The revised proposals have been carefully designed to ensure that the building will not negatively affect adjoining land uses in terms of height, bulk, scale, orientation, and design. The scale of the mews houses reflects the scale of the surrounding properties. The tower element is contained on the corner of the site at the furthest point away from the existing residential properties. An assessment of tall buildings and the scale and mass of the proposals is provided within Section 7.3 of this report.*
- *Car parking for the development is provided predominantly at basement level with limited surface car parking in the new mews street. Residents of the development will not be able to apply for car parking permits for the surrounding area. The proposed car parking level is supported by a Travel Plan and significant package of measures including a car club, Oyster vouchers and cycle vouchers. An assessment of car parking is provided at Section 7.9 of this report.*

The remaining two letters made the following additional comments:

- Object to high rise development adding to increasing density of the area
- Not enough services and shops
- Existing properties being built are not selling
- The increased traffic flow from residents and visitors will increase traffic congestion which is already poor with queues occurring at the junction of Colindeep Lane and Edgware Road during peak periods of the day and weekends. The proposed development will have only 218 car parking spaces for 309 residential units.
- Colindeep Lane is a very busy road but is also a dangerous one. Drivers' vision is affected due to bends in the road and cars travelling at speed round bends. Many accidents and near accidents actually occur on the corner of Colin Park Road and Colindeep lane as cars turning right from Colin Park Road cannot see cars travelling towards the Edgware Road at speed. Are cars going to be able to turn right into the development?
- Already many accidents with people leaving/entering the McDonalds car park.

- Due to the increased traffic, bottlenecks may occur on the Edgware Road with cars proposing to turn left into Colindeep Lane. The new Matalan store has already increased traffic flow in this area.
- Colindale is a traditional suburb of London. Apart from the rather ugly Merit House (non residential) there are no high storey buildings. This is in keeping with the area throughout with only a couple of buildings with approx. eight floors but mainly two storey buildings for businesses and residential use. The proposed development will be totally out of keeping with the area.

Officer's Response:

- *The proposed building is no taller than the previously approved scheme and is less bulky. The site is considered appropriate for a tall building given it's location on the corner of a large road junction and the space and setting this provides. An assessment of tall buildings and the scale and mass of the proposals is provided within Section 7.3 of this report.*
- *The site is within easy walking distance of Colindale The Hyde and Burnt Oak centres and good public transport links/buses. There are also local shopping parades within the vicinity of the site.*
- *The rate of sale of other developments is not a material planning consideration. The proposals include a mix of accommodation sizes from 1 bed apartments to 4 bed mews houses and will deliver 44% affordable housing to meet housing need within Barnet. A full assessment of unit mix and affordable housing is provided at Section 7.8 of this report.*
- *A Transport Assessment was submitted with the application and has been reviewed by the Council's Highways Officers and TfL. This concludes that the trip increases from the proposed development are likely to be within the existing daily fluctuations in traffic and is unlikely to have any detrimental impact on the public highway network. A full assessment is provided at Section 7.9 of this report.*
- *The proposed access for the site utilises the existing entrance. Car turning movements are assessed in the TA and the Council's Highways Officers are satisfied with the safe function of the junction.*

5.2 Consultation Responses from Statutory Consultees and Other Bodies

Greater London Authority & Transport for London (GLA and TFL)

The GLA's letter and detailed Stage 1 Planning Report dated 30 November 2010 states that the Mayor considers that while the application is generally acceptable in strategic planning terms, the application does not comply with the London Plan in some areas. However the report sets out possible remedies to address these issues which would make the application acceptable.

The Stage 1 report concludes as follows:

London Plan policies on housing, urban design, inclusive design, children's play space, climate change mitigation and adaptation and transport are relevant to this application.

The application complies with some of these policies but not with others, for the following reasons:

- Housing: the proposed level of affordable housing, tenure split and mix of units comply with London Plan policies 3A.9, 3A.10 and 3A.5, but there is an outstanding concern regarding the affordability of the family-sized intermediate units.
- Urban design: the scheme is generally well designed and broadly complies with London Plan design policies, but there are minor concerns regarding materials, wind levels, cycle access and the design of the retail unit adjacent to Edgware Road.
- Inclusive design: the proposed development broadly complies with London Plan policies 3A.5 and 4B.5, but the proposed number of blue badge parking spaces falls short of Lifetime Homes guidance.
- Children's play space: in its current form the proposal does not comply with London Plan policy 3D.13.
- Climate change mitigation: further information is required in order to ensure compliance with London Plan climate change mitigation policies.
- Climate change adaptation: the proposal complies with London Plan policies 4A.3, 4A.9, 4A.10, 4A.11 and 4A.14.
- Transport: the application broadly complies with London Plan transport policies but some minor outstanding issues need to be addressed prior to stage two.

Response to GLA Stage 1 Report:

The Stage 1 report lists a number of changes/additional information which might remedy the above-mentioned deficiencies, and could lead to the application becoming compliant with the London Plan. The applicants have submitted a letter dated 15 December 2010 which provides responses to each of the issues raised. This is accompanied by additional plans and information.

Housing: the applicant should demonstrate that the three-bed intermediate units will meet the London Plan affordability criteria.

Response:

- *The applicant has carried out a development appraisal which demonstrates that the 3b5p units would require the following earnings:*

25% first tranche sale with rent at 2.75% = £40,771

45% first tranche sale with rent at 2.75% = £53,130

The proposals are therefore within the London Plan affordability criteria which state that Intermediate housing is sub-market housing, where costs, including service charges, are above target rents for social housing but are affordable by households on incomes of less than £57,600.

Urban design: the applicant should address the concerns raised in respect of materials, wind levels, cycle access and the design of the retail unit.

Response:

- *The concept of the scheme breaks down into three distinctive parts, the mews, the mansion block and the Edgware Road block including the tower. The use of a simple*

colour palette provides a strength and uniformity to the development when viewed from a distance. When viewed up close on a more personal level, the distinction between each building typology becomes more apparent and the variance in the use of brick is more noticeable. It is considered that the selection of brickwork, colour, coursing and bonding relate appropriately to the other elements of the design. The facade is broken up through the use of bay windows, winter gardens, balconies and the careful articulation of the upper setback floors.

- *Cyclist's will enter the development from the four corners of the site, the dog-leg of Colindale Ave, from Edgware Road, from the corner of Edgware Road and Colindeep Lane. At these points the cyclist will dismount outside their entrance, or those to which they are closest and proceed by foot through to the courtyard communal core. Here they will where take their bike by lift to the basement bike store.*
- *The design of the small retail unit facing Edgware Road has been amended to provide a door to the main street frontage. Enclosed with this letter are the elevations which have been revised to reflect this change. In terms of the retail unit's street elevation this has been derived from the ground floor commercial frontage of blocks Band C. Notably the large framed rectangular window frontage. The proportions of blocks Band C relate to that of the existing shops, reading as a series of four smaller buildings. The brick base provides protection from street damage while positioned up to the footpath. The retail unit while tying into the proposed development also relates to the existing shop to which it abuts. In addition its parapet also matches that of the shop frontage.*
- *Due to the existing rights to light issues with the neighbouring buildings which are not in Genesis's control the height of the retail unit has been restricted to ground floor level only.*

Inclusive design: the applicant should seek to provide additional blue badge holder parking spaces.

Response:

- *The number of blue badge parking spaces complies with Lifetime Homes Standards. The provision of 31 blue badge parking spaces includes the 8 spaces required under Lifetime Home Standards (i.e. 1 additional space per lift core).*

Children's play space: the applicant should seek to provide additional on-site play space for the under 5' s.

Response:

- *The applicant has reviewed the areas of the play zones within the courtyard and have confirmed that the proposals include a play area of approximately 400sqm. In terms of play provision for under 5's the scheme proposes 135sqm of formal play provision. This area includes play equipment as well as safety surfacing which is formed into mounds to increase play opportunity. The area is enclosed by a low timber fence to ensure that the area is clearly defined as well as providing security. In addition to the formal play space there is also additional play space within the middle terrace comprising 253sqm. This is a looser arrangement and play opportunities are integrated with the general circulation space of the Courtyard. This middle terrace*

area is ideally located as it provides a level surface that is remote enough from surrounding accommodation to avoid potential conflict with the resident's surrounding the edge of this space. The applicants have provided an additional plan which sets out the play areas proposed in the development in more detail. The detailed design of the scheme will be dealt with by way of a condition.

- *In addition to the Play and Activity area are Woodland and Community Gardens which would provide break out space for the children within the development. In total the central landscaped courtyard area provides 1200sqm of on-site play space.*
- *The proposed level of on-site play provision is considered acceptable to the Council.*

Climate change mitigation: an estimate of carbon dioxide savings compared to a Building Regulations 2010 compliant scheme should be provided, along with further information in respect of the proposed quantum of PV panels relative to the available roof space.

Response:

- *The applicants have provided plan 126-03 and 126-20 which show the locations and extent of green roofs and biodiversity brown roofs across the development and the detail of how they will be constructed and planted. Plan 126-03 also shows the location, numbers and areas of Photovoltaic panels. A total of 186 panels (305sqm) of PV panels will be provided.*

Transport: heads of terms for a car and cycle parking management plan including introduction of parking controls, pedestrian and cycling improvements and a revised travel plan need to be provided.

Response:

- *TfL have agreed the heads of terms for the Section 106 agreement in relation to transport which includes travel plan measures such as Oyster Card travel pass vouchers to the value of £150 per dwelling up to a maximum cost of £46,350, cycle voucher to the value of £150 per dwelling up to a maximum cost of £46,350 and cycle maintenance workshops for the servicing and maintenance of bicycles at a cost of £5,000.*
- *The Section 106 also includes a contribution towards review of parking controls in the area.*

Environment Agency - objection

The Environment Agency (EA) (letter dated 19 November 2010) have stated that in the absence of an acceptable Flood Risk Assessment (FRA) they object to the application and recommend refusal on this basis for the following reasons:

The FRA submitted with this application does not adequately comply with the requirements set out in Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

Show that it would be feasible to balance surface water runoff to the Greenfield run off rate for all events up to the 1 in 100 year storm (including climate change) and set out how this will be achieved.

Show how Sustainable Drainage Systems (SUDS) such as permeable pavements (with sub base storage), filter drains and strips, swales, (for conveyance), temporary basins, ponds, wetlands and green/brown roofs will be maximised on this site with any obstacles to their use clearly justified.

The Environment Agency has provided advice on how these concerns can be addressed.

Response:

The applicant's consultants have been in discussions with the Environment Agency to address the objection. They submitted a letter to the Council on the 24th December which provides responses to each of the issues raised:

- *The applicants have reviewed the scheme with the design team, and can confirm that the volume of surface water attenuation included in the scheme can be increased to meet the Mayor's preferred standard of 100% attenuation which is above the essential standard rate of 50% attenuation as stated in the FRA.*
- *Revised calculations have been provided which set out the attenuation requirements based on achieving greenfield run-off rates, these are estimated to be 9.6l/s for the site. The calculations show that a volume of between 560 and 740 m³ will be required to achieve a reduction of peak run off rates to Greenfield runoff rates. This increases the storage volume by approximately 270 m³ compared to the commitment made in the FRA and will be achieved by increasing the size of the attenuation tank.*
- *The applicants have investigated the suitability of including a range of SUDS as part of the design process and the FRA. Several of the SUDS methods are not considered appropriate or feasible due to site constraints i.e. poor infiltration rates and the nature of the proposed scheme (e.g. full basement). Above ground storage in ponds, swales or detentions basins are not considered feasible options due to the size of attenuation required and the presence of the basement across the majority of the site. All the other external areas are trafficked areas. However, the applicants have committed to providing a living roof across approximately two thirds of the buildings comprising green and brown roofs. These are only restricted in the areas required to accommodate the solar photovoltaic panels, the pitched roof and terraced elements of the mews houses. The living roof will incorporate a cellular structure to create a void beneath the substrate to provide attenuation storage.*
- *A rainwater harvesting system is included in the scheme to provide the irrigation requirements of the landscaping scheme for the main part of the development. Water butts will be included to all of the mews houses.*
- *The roof will also be designed to provide storage/attenuation of approximately 150m³. At this stage in the design, an aboveground attenuation tank in the basement will be used to provide the remainder of the attenuation required to offset the increase in surface water flows attributable to climate change and to attenuate peak flows to*

Greenfield rates to meet the preferred standard of the London Plan SPG. The tank will be in the order of 410-590m³. Water in the tank will be pumped via two outfalls to the public sewers in Colindale Avenue and Colindeep Lane. As back-up, there will be a gravity overflow pipe and a duty standby pump with a back-up power-generator in case the system fails.

An update and response from the Environment Agency will be provided at the committee meeting.

Thames Water - no objection subject to a condition

Thames Water have stated that following initial investigation, they have identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following condition imposed.

'Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 01923 898072) prior to the Planning Application approval.'

In order to meet the Homes and Communities requirements for securing the allocated housing grant to deliver the affordable housing on the site, Genesis are required to start on site in March, subject to planning permission being granted. Therefore to meet this timescale Genesis have requested that the condition be worded as follows:

Within 6 months of the development commencing unless otherwise agreed, the applicant shall submit a drainage strategy detailing any on and/or off site drainage works. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy has been agreed and implemented".

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames

Water Development Control Department (telephone 01923 898072) prior to the Planning Application approval.

The revised wording has been put forward to Thames Water. Their response will be reported at the meeting.

Metropolitan Police Service - no objection

The MET Police have confirmed (letter dated 16 November 2010) that they have no objections in principle to the development. Barnet Borough Police have no objections in principle to the development proposals.

They have confirmed that the applicants have been in pre-planning discussions with the Crime Prevention Design Advisor about the proposals with reference to crime reduction and community safety issues. They also confirm that the design team have taken into consideration many of the comments and recommendations made during those discussions. In terms of good design this includes reducing the opportunities for crime and recognising the importance of the principles of the Secure by Design award scheme.

London Fire and Emergency Planning Authority - no objection

The London Fire and Emergency Planning Authority has advised (letter dated 18 November 2010) that they are satisfied with the proposals in relation to the fire precautionary arrangements for fire brigade vehicle access.

London Borough of Brent - no objection

LB Brent have confirmed (letter dated 3 December 2010) that they have no objection in principle to the proposal but have made the following comments:

- D1 floorspace: this was present in the previous application (W01156AJ/07) and would provide necessary community facilities for future occupiers of the site as well as existing surrounding residents.
- Education: there is a need to consider education capacity to cater for the new occupiers of the site.
- Sustainable transport improvements: to require substantial improvements for cycle routes, pedestrian crossing(s) and road safety particularly at the Edgware Road/Colindale Ave junction in line with Barnet's AAP for Colindale. Given the size of the proposal there is also a need for a Travel Plan which incorporates and promotes public transport use.

Transco - no reply received

Arquiva (Formerly National Grid Wireless) – no objection

Arquiva is responsible for providing the BBC and ITVs transmission network and is responsible for ensuring the integrity of Re-Broadcast Links. They have confirmed that they do not consider that the development is likely to have an adverse effect on their operations and have concluded that they have no objection to the application.

5.3 Internal Consultation responses

Traffic and Development – no objection subject to appropriate conditions and S106 obligations.

The Traffic and Development team within Environment and Operations have no objections to the application and consider the application to be in line with the policies in the Colindale Area Action Plan. They have confirmed that the application is acceptable subject to the package of measures incorporated as part of the S106 heads of terms and a number of conditions being imposed in relation to the following:

- Car Parking Management Plan
- Cycle Parking
- Construction Management Plan
- Waste Management Plan
- Crossover details

A full assessment of traffic and transport related issues is provided in section 7.9 of this report.

Environmental Health – no objection subject to conditions

The Environmental Health Officer has no objections to the application subject to a number of conditions being imposed in relation to the following:

- Noise levels and mitigation in accordance with Ramboll PPG24 Noise Report dated August 2010
- Sound insulation
- Noise from site plant
- Noise report for site plant
- Odour control

6. DESCRIPTION OF SITE, THE DEVELOPMENT, AND SURROUNDING AREA

6.1 Description of Site and Surrounding Area

The application site comprises a 1.1 hectare site on the east side of Edgware Road which forms the borough boundary between Barnet and the London Borough of Brent. The site was previously occupied by a 1970s office building which used to be the headquarters of Zenith Cameras. The building was demolished in 2008 and the site is now vacant and hoarded.

The site is bounded to the south west by Edgware Road, the south east by Colindeep Lane and the north west by a three storey terrace and the rear boundary of properties fronting Colindale Avenue. To the north east are residential and commercial properties and an electricity sub-station. The surrounding area is varied in character, comprising a mix of large scale buildings including retail warehouses and offices and more traditional two storey semi detached residential properties to the south and west.

Levels drop across the site from west to east by approximately 1.8 metres. There are some existing trees around the perimeter of the site though these are not covered by a TPO.

The site is located approximately 500 metres from Colindale Underground station, which is served by trains that operate on the Edgware branch of the Northern Line, with an average frequency of 22 trains per hour. There are a number of bus stops in the Vicinity of the site, which are served on a regular basis by routes 32, 142, 204, 292 and 303, with a peak frequency of five buses on average per hour which makes the site very accessible by bus. The public transport accessibility level (PTAL) of the site ranges from 2, to the north of the site, 3 to the east and 4 to the south and west (where 1 is low and 6 is high). The site is in easy reach of a wide range of transport services.

6.2 Approved Development

The original application for the redevelopment of Zenith House (reference W01156AH/07) was approved by the Planning and Environment Committee on the 4 July 2007. Full planning permission was subsequently granted on the 8th October 2007 following the completion of a Section 106 Agreement. The planning consent includes the erection of a building up to 16 storeys in height (11 storeys above a 3 storey podium). The approved development comprises:

- 215 residential dwellings, 49% of the units will be affordable housing;
- 4286sqm of Class D1 Community use on the ground and first floors;
- 293sqm of Class A3 restaurant floorspace at the ground floor level;
- 215 car parking spaces to be provided at basement level for the residential properties;
- 225 car parking spaces for the D1 Community use at ground floor and new mezzanine level;
- The provision of a central landscaped communal courtyard at podium level with children's play area primary access via an entrance foyer in the corner of Edgware Road and Colindeep Lane;
- Private footpath and pedestrian access onto Colindale Avenue.

An application to extend the time limit for the approved development for a further three years was granted in August 2010 under application reference H/01862/10.

6.3 Description of Proposed Development

This revised application proposes a mixed use development comprising the following:

- Provision of 292 flats and 17 mews houses (309 units in total);
- 44% of the units are proposed to be affordable housing comprising a mix of 71.8% (97 units) as social rented accommodation and 28.2% (38 units) as intermediate housing.
- 1611sqm of flexible commercial space on the ground and lower ground floors for either Class B1 (office) or Class D1 (community) use;
- 97sqm for either Class A1 (retail) or Class A3 (café/restaurant) purposes;
- Provision of three building typologies identified as the mews houses, the urban block and the street/tower block. The buildings will range in height from 2 and 3 storey mews houses, to a 6 storey mansion block around a communal square and a 7 storey block on Edgware Road with a 16 storey tower on the corner of Edgware Road and Colindeep Lane;

- The provision of a basement level car park accessed via a ramp from Colindeep Lane which will serve the residential units. Some surface level car parking will be provided along the mews street. A total of 226 car parking spaces will be provided including 31 disabled spaces, 2 car club spaces and 6 spaces for the commercial unit. 355 secure cycle spaces will also be provided;
- The provision of a landscaped courtyard at ground floor level with access from Edgware Road and Colindale Avenue including a dedicated play area for young children.

7. PLANNING APPRAISAL

7.1 Environmental Impact Assessment

Whilst the development of the site falls within the threshold of Schedule 2 development (for the purposes of the 1999 Environmental Impact Assessment Regulations), the proposals will not have a significant effect on the local environment by virtue of factors such as its nature, size or location. Accordingly a Screening Opinion was issued by the Council in August 2010 confirming that an Environmental Statement was not required for the revised application.

The proposed redevelopment of the site does not constitute an 'EIA development' requiring the submission of an Environmental Statement.

Instead, the main considerations such as scale, height and design of the proposed building, the intensity of the use, the impact upon residential amenity, highway safety and parking provision, air quality, energy and sustainability and flood risk could be adequately dealt with by technical reports and information submitted with the application.

7.2 Principle of Mix of Uses

The site falls within the Colindale Opportunity Area which is identified in the London Plan. The Council has an adopted Area Action Plan (AAP) for Colindale which sets out a framework for guiding growth and regeneration in the area. The Zenith House site is identified in the AAP as a key site for mixed use, residential-led redevelopment.

The extant planning permission for the site established the principle of redeveloping the site for mixed residential and community uses. The number of residential units has been increased from 215 to 309 due to the removal of the large community centre and multi storey car park that would have served it.

The current application will provide 1,611sqm of office space on the ground and lower ground floors. This has the potential to generate up to 70 jobs on site. Given that the site was previously used as an office headquarters and warehouse, the proposed office use is considered appropriate for this location and would provide employment. The provision of high quality, modern office space is considered to compensate for the loss of the original office/warehouse building.

The application proposes that the ground floor commercial floorspace is flexible for B1 and D1 uses so that it could also be used for community use. The applicant is currently in

discussion with the Council to explore the potential to locate a Centre for Independent Living (CIL) within the ground/lower ground floor of the building. Having regard to the extant consent, a community use on the site would also be appropriate.

The application includes a small café/corner shop unit of 97sqm (use class A1/A3). A 297sqm restaurant/café unit (class A3) was included in the approved development. The proposed smaller A3/A1 unit is considered to be acceptable and will provide additional activity within the development and benefit the wider area.

The application proposes the redevelopment of a vacant office/warehouse site to provide a new mixed use development with commercial office floorspace on the lower floors and residential accommodation (including a substantial proportion of affordable housing). The proposed mix of uses complies with Colindale AAP Policy 4.1 part a) which requires developments to provide a mix of uses appropriate to the area, with emphasis given to ensuring lower floors of key sites provide the commercial and community activity required to create a lively, busy and thriving place.

Whilst the proposals will result in the reduction of employment floor space it is considered that the proposals comply with the Council's and GLA's policies in regenerating vacant and redundant sites to provide replacement workspace and important supply of housing in the borough.

7.3 Affordable Housing

Policy H5 of the adopted UDP (2006) states that having regard to the council's target that half the housing provision over the UDP period should be affordable, the council will seek to negotiate the maximum reasonable amount of affordable housing on sites of ten or more units gross, or 0.4 hectares or more, and to ensure that these units will continue to be affordable for successive occupiers.

London Plan Policy 3A.10 requires councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. It encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

Policy 3.13 of the draft replacement London Plan seeks the maximum reasonable amount of affordable housing and 3.12 seeks to ensure that 60% is social housing and 40% is intermediate housing.

The application includes 135 affordable units, of which 97 are social rented and 38 are intermediate (shared ownership). This represents a provision of **44%** affordable housing by units or **48%** by habitable rooms, with a tenure split of 72% social rented and 28% intermediate. This quantum remains in line with the level of affordable housing proposed within the approved scheme.

Genesis secured grant funding from the HCA in relation to the previous application granted in 2008 to deliver the affordable housing units. Genesis are seeking permission from the HCA to transfer this allocation to the new scheme to deliver the affordable units. Therefore subject to planning consent being granted, Genesis would be ready to commence construction this year. The revised proposal therefore represents a deliverable scheme that will aid in the supply of affordable housing in these difficult and uncertain economic times.

The application proposes a significant level of affordable housing which is acceptable in relation to UDP Policy H5 and London Plan policy 3A.10.

Viability Assessment

Genesis have submitted viability assessment which reviews the cost and income profiles for the proposal and demonstrates, by way of both a Greater London Authority Development Control Toolkits ("Toolkit") and a Homes & Communities Agency (HCA) Economic Appraisal Tool ("EAT"), the development economics of the project.

The results of both the GLA Toolkit and HCA EAT assessments show that with 44% affordable housing by units, and taking into account the Section 106 contributions sought by the Council, the scheme would result in a Residual Value (RV) of minus £8million which would make the development completely unviable. When the grant allocation is factored in the RV improves to between £1.4million and £2million. The viability assessments therefore demonstrate that the grant allocation is essential to the delivery of the affordable housing units on the site.

GVA Grimley were appointed as independent planning consultants to undertake a review of the viability assessment submitted for the development. They have confirmed that the proposed level of affordable housing is the maximum level that the scheme can deliver subject to the grant allocation being carried over from the previous scheme.

Housing Mix

The scheme contains a broad mix of unit types and sizes including flats, duplexes and mews houses ranging from one-bed, two-person to four-bed, seven-person accommodation and complies with London Plan policy 3A.5. This is illustrated in the table below.

Within the social rented tenure, 26% of the units have three or more bedrooms. Whilst this does not meet the London Housing Strategy target for family sized social rented homes, the majority of the two-bedroom units accommodate four persons and are therefore suitable for families.

Tenure Type	1 Bedroom Units	2 Bedroom Units	3 Bedroom Units	4 Bedroom Units	Total	Number of Habitable Rooms
Private	64	103	7	0	174	470
Intermediate	15	15	8	0	38	115
Social Rented	30	42	14	11	97	313
Total	109	160	29	11	309	898

7.4 Scale, Design and Appearance

Layout and Design

The proposed development is made up of three building components:

- Mews houses arranged along a public street ranging from 2 to 3 storeys in height;
- Contemporary mansion blocks of 6 storeys arranged around a central communal landscaped courtyard and with entrances onto the street; and
- A street block and tower element located along the Edgware Road frontage which are 7 and 16 storeys respectively.

Public Street and Mew Houses

The development incorporates a network of mews streets which provide safe, convenient and attractive pedestrian routes through the site connecting to Edgware Road, Colindeep Lane and Colindale Avenue. These provide access for residents and visitors to all of the proposed homes, and also provide public routes through the site, offering an attractive alternative to the busy main roads. The streets are lined on either side by buildings with front doors and windows which create active frontages and ensure that the space is overlooked to provide natural surveillance. Importantly this will create a safe and attractive pedestrian link through the site to Colindale Avenue which will reduce walking time to Colindale Underground Station. This route will be open to the public and will therefore benefit the future occupants of the development and existing residents from the surrounding area. This is in contrast to the permitted scheme which had a single building footprint that occupied most of the site with no public routes through the site.

The mews houses provide 17 family homes that vary from three-bedroom, five-person houses of two storeys, to four-bedroom, five-person houses which are three storeys high. The houses are positioned around the perimeter of the site backing on to the eastern and northern boundaries and fronting onto the mews street. The rear walls of the houses will provide a new brick garden wall to the adjoining properties. The rear elevations of the houses have no windows in them.

Each house is arranged around its own private courtyard, with an outlook both on to the mews and into the courtyard. The main entrances into the houses are through the courtyard, where there is space for bicycles, prams and bins as well as space to sit and play. The living accommodation wraps around the courtyard at the ground floor, with bedrooms on the upper floors. The three storey houses benefit from additional terraced upper floor amenity space. Four Mews houses are also proposed along the pedestrian link leading to Colindale Avenue.

A new three bedroom end-of-terrace house is proposed to be added onto the existing terrace of houses along Colindale Avenue. This house has been designed to match the size, proportions and style of the houses in the existing terrace.

Near the main entrance to the mews from Colindeep Lane there are three mews flats located above the car park entrance. These flats are accessed by private stairs to the first floor, and, as with the houses, each is arranged around a private courtyard. All rooms

look on to the courtyard, which provides a quiet and private amenity space. These flats help provide activity around the entrance to the site.

Mansion Blocks

The main element of the scheme is a series of mansion blocks arranged around the central courtyard, each with a front door onto the street. Each block is four storeys high from ground to parapet level with a double storey set-back (six storeys in total). The mansion block typology provides a smaller number of flats per core and avoids long internal corridors. It allows most of the homes to be dual aspect and provides flexibility in integrating different housing tenures.

Accommodation comprises one, two and three bedroom flats and duplex flats which are split across two floors. The duplexes are located either at the ground floor or at the set-back level at fourth floor. The number of homes per block ranges from 24 to 30. All flats have either a private terrace or balcony. Ground floor flats facing the square have patio gardens and upper level duplexes have large roof terraces. Generous openings are provided at ground floor that cut straight through to the central garden courtyard. This provides visual and physical permeability through the site. It is proposed that these are gated to the street and are surfaced as outdoor spaces. Glazed entrances to the cores are located within or off these passages.

Edgware Road Block and Tower

The Edgware Road block comprises four storeys of flats above the ground floor commercial space plus a duplex level set back 1.6m from the front and back parapets (seven storeys in total). Flats facing Edgware Road have large glazed winter gardens, and flats facing the garden square have open balconies. The stair and lift cores for the flats in this block are entered from the public mews running at the rear of the block alongside the central courtyard garden, which avoids breaking up the main commercial / community space along the main street frontage. This is also the more sheltered and attractive side for residential entrances.

At street level the Edgware Road building features a continuous 'active frontage' of flexible commercial or community space (Use Classes B1 or D1d), which could be occupied by one user or sub-divided into several units. A single storey retail unit (Class A1/A3) is located on the Edgware Road adjoining the existing Sunnyside Terrace parade of shops. This unit overlooks a small public square created where the mews street meets Edgware Road.

The tower element is located at the end of the 7 storey Edgware Road block on the corner of Edgware Road and Colindeep lane. The tower steps up from 15 storeys to 16 storeys on the corner with the top floor flats having a double height galleried living space. The floorplan of the tower is articulated to give every flat outlook in at least two directions. Flats facing Edgware Road and the junction with Colindeep Lane have fully glazed winter gardens, and flats facing the quieter garden square have open balconies.

It is considered that the proposed scheme accords with Policies H12, H16, H18, D1, D3, D4, D5, and D9 of the UDP in providing a high quality, well designed and accessible development. A network of public streets will encourage movement into and through the site thus creating a permeable street network. It is considered that the design is

compatible with the character and appearance of the surrounding residential area and the wider Colindale Area.

Scale and Massing

The mews houses are two storeys high with a small set back third storey to accommodate a bedroom. The mews houses respond to the scale of the neighbouring residential area to the north and east which is predominantly two storey houses plus pitched roofs.

The mansion blocks around the central courtyard are four storeys high plus a duplex level set-back from the parapet (6 storeys in total). From within the mews street they appear as four-storey buildings with the full six storeys becoming apparent only on more distant views. The duplex floors are further articulated with set backs to create a varied roofline. The development is considered to provide an appropriate transition to the surrounding residential properties on the eastern and northern boundaries.

The main block fronting Edgware Road follows a similar massing strategy to the mansion blocks around the other sides of the courtyard, with the important addition of the street level commercial / community space taking the overall height up to seven storeys. The duplexes on the top of this block are treated differently from the other blocks, having a light-weight fully glazed treatment.

The scale and massing of the tower have been explored in great detail. The design integrates the apartment plans with the three-dimensional modelling to break the tower down into five distinctive vertical elements. These elements are each different in height to give variation at the roofline with the each one stepping up to the main corner overlooking the junction. The elements are also separated by gaps formed for the glazed winter gardens and balconies. This strategy emphasises the verticality of each element and avoids the trap of the building looking bulky. Whilst the highest part of the revised scheme is no taller than the approved development, the massing of the new design is much more slender. It should also be noted that the tower in the revised scheme has been positioned to allow sunlight into the central courtyard and minimise overshadowing.

The revised scheme is considered to provide a satisfactory response to its context and uses steps in the buildings' height and form to create an appropriate transition between the existing and proposed development.

Tall Buildings

The scheme includes a tower on the corner of Edgware Road and Colindeep Lane. The tallest part of the tower is 16 storeys (52m to the parapet) stepping down to 15 storeys (44.5m).

The approved development is for a 16 storey building which would be 47m tall with the addition of wind turbines which projected a further 13m above the top of the building. A comparison of the two schemes is provided in Appendix 1.

Policy D7 of the Adopted UDP (2007) sets out the following criteria for assessing acceptable locations for high buildings:

- Carefully related to their surroundings in terms of their design;
- Have well-designed setting with hard and soft landscaping;
- Are of the highest design and architectural quality;
- Do not mar the skyline nor intrude to the detriment of important views and sight lines;
- Contribute positively to any relevant point of civic or visual significance;
- Have taken account of the impact on wind turbulence, overshadowing; light/noise reflection, telecommunication channels and other functional considerations;
- Are accompanied by a design statement including analysis of the urban design context; and
- Minimise energy consumption.

London Plan policies 4B.9 and 4B.10, which relate to the specific design issues associated with tall and large-scale buildings, are of particular relevance to the proposed scheme. Policy 4B.9 states *'The Mayor will promote the development of tall buildings where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings.'*

Policy 4B.10 requires all large-scale buildings including tall buildings to be of the highest quality design and in particular:

- meet the requirements of the View Management Framework set out in Policy 4B.16 of the London Plan
- be suited to their wider context in terms of proportion and composition and in terms of their relationship to other buildings, streets, public and private open spaces, the waterways or other townscape elements
- be attractive city elements as viewed from all angles and where appropriate contribute to an interesting skyline, consolidating clusters within that skyline or providing key foci within views
- illustrate exemplary standards of sustainable construction and resource management and potential for renewable energy generation and recycling, and incorporate CHP infrastructure
- be sensitive to their impact on micro-climates in terms of wind, sun, reflection and overshadowing
- pay particular attention, in residential environments, to privacy, amenity and overshadowing
- be safe and secure in terms of their own integrity and the safety of occupiers and have an acceptable relationship to aircraft, navigation and telecommunication networks
- be appropriate to the transport capacity of the area ensuring adequate, attractive, inclusive and safe pedestrian and public transport access
- provide high quality spaces, capitalise on opportunities to integrate green spaces and planting and support vibrant communities both around and within the building

- where appropriate, contain a mix of uses with public access, such as ground floor retail or cafes.

The Commission for Architecture and the Built Environment's (CABE) document 'Guidance on Tall Buildings' sets out a number of criteria for high buildings. It advises that *'To be acceptable, any new tall building should be in an appropriate location, should be of first class design quality in its own right and should enhance the qualities of its immediate location and setting. It should produce more benefits than costs to the lives of those affected by it'*.

CAAP Policy 5.3 states that *'the height of new buildings in Colindale will take account of accessibility to public transport, shops and services and the height of existing buildings in the vicinity of the proposal site. Guidance on the appropriate height of new buildings is set out in Figure 5.2 and this should be the starting point for development proposals.*

Taller buildings (in excess of 6 storeys) will only be located in the most sustainable locations which benefit from good access to public transport facilities and shops and services. The area immediately around Colindale Underground station will become the most sustainable location within the AAP.

Tall buildings will be of excellent design quality in their own right and should enhance the qualities of its immediate location and wider setting. Proposals should demonstrate that the building is attractive and elegant from all significant views and will act as a positive landmark and help aid legibility and orientation. Developers should have regard to 'Guidance on Tall Buildings' by CABE and English Heritage.'

There are a number of tall buildings in the immediate area around the Zenith House site including the MFI offices to the south west (8 storeys) and Merit House to the north (13 Storeys). There are also several approved developments on the Brent side of the Edgware Road with extant planning consents for tall towers. These are Oriental City (23 storeys) and Capitol Way (19 storeys).

The site occupies a prominent and important corner on the junction of Edgware Road and Colindeep Lane along the A5 corridor. This large junction provides a substantial area of open space in front of the site. In addition there are only a limited number of residential properties in close proximity to the site. Given this setting and the taller buildings in the vicinity, the positioning of a taller building on this corner part of the site is considered appropriate.

Zenith House acts as a focal point at the junction of two roads along an important urban corridor which leads into central London. Therefore the redevelopment of this site needs to create a landmark building to act as a beacon for the proposed regeneration and growth in this part of the borough.

A 16 storey building has already been approved on the corner part of the site. At it's tallest point, the tower element of the proposed application is 5m higher than the highest part of the approved building however it is significantly less bulky than that of the approved development. The additional height is only focused on a single flat on the top floor on the corner of the building and provides a double height living space for this unit. The height then steps down to 50m and 48m either side of the tallest point before

dropping to 44.5m. This stepping effect provides important articulation at the top of the building.

Having regard to the fact that there is consent for a 16 storey building on the site already the development complies with the requirements for tall buildings as follows: the development does not affect any strategic views as set out within the Revised London View Management Framework (July 2010); The building will meet Code Level 4 and exceed the energy requirements of the London Plan; The scheme will provide large flats which meet the London Housing Design Guide space standards; Issues of daylight, sunlight and shadowing are dealt with below; The scheme includes a mix of uses including ground floor commercial floorspace and a café; The scheme is considered to be a high quality design and represents an improvement over the approved development; Whilst marginally taller than the approved building, the proposal will be significantly less bulky and relates better to the surrounding properties.

The application is considered to meet the criteria of UDP policy D7 as well as London Plan policies 4B.9 and 4B.10 and the CABE guidance.

Internal Space Standards

Appendix 1 of the adopted Sustainable Design and Construction SPD sets out the following floor areas for residential development in Barnet:

Fig.2 Space Standards from Barnet Sustainable Design and Construction SPD

Dwelling Type	Area in Square Metres
1 Bedspace	30m ² to 35m ²
2 Bedspaces	45m ² to 50m ²
3 Bedspaces	57m ² to 67m ²
4 Bedspaces	67m ² to 75m ²
5 Bedspaces (1 storey)	75m ² to 85m ²
5 Bedspaces (2 storey)	82m ² to 85m ²
6 Bedspaces (1 storey)	85m ² to 95m ²
6 Bedspaces (2 storey)	95m ² to 100m ²
6 Bedspaces (3 storey)	100m ² to 105m ²
7 Bedspaces (2+ storey)	108m ² to 115m ²
7+ Bedspaces	Add 10m ² per bedspace

Although not yet mandatory, the proposed scheme has been designed to meet the Mayor's London Housing Design Guide (LHDG). The table at Figure 3 below sets out the LHDG residential space standards which are greater than the standards in the Council's adopted SPD.

Fig.3 Space Standards from Mayor's London Housing Design Guide

	Dwelling type (bedroom/ persons)	Essential GIA (sq.m)
Single storey dwelling	1b2p	50
	2b3p	61
	2b4p	70
	3b4p	74
	3b5p	86
	3b6p	95
	4b5p 4b6p	90 99
Two storey dwelling	2b4p	83
	3b4p	87
	3b5p	96
	4b5p	100
	4b6p	107
Three storey dwelling	3b5p	102
	4b5p	106
	4b6p	113

The applicants have submitted an audit with the application which shows that the all of the proposed homes, regardless of tenure, meet or exceed the LHDG space standards and that the development as a whole meets nearly all of the proposed London Housing Design Guide standards.

All of the units are also proposed to be built to Lifetime Homes Standards. The development will deliver large units which meet the London Housing Design Guide standards and exceed the Council's space standards. The development will therefore provide high quality living accommodation.

Density

Planning Policy Statement 3 (PPS3) seeks to achieve a wide choice of high quality homes, both affordable and market housing, to meet future needs, and to create sustainable, inclusive, mixed communities in all areas, ensuring that as many of the new homes as possible are built on previously developed land.

Policy H21 of the Adopted UDP (2006) states that the council will favourably consider proposals for higher density, residential development within Barnet's Major and District Town Centres, together with the West Hendon Local Centre, Cricklewood, and Brent Cross, Mill Hill East and Colindale, provided such proposals comply with Policy D1 and relate satisfactorily to their surroundings.

London Plan policy 3A.3 seeks to maximise the potential of sites. Draft replacement London Plan policy 3.4 moves away from 'maximise' in favour of 'optimise,' having regard to local context, design principles and public transport accessibility.

For Urban Sites (defined as 'areas with predominantly dense development such as for example terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys located within 800 metres walking distance of a District centre or, along main arterial routes'), the London Plan density matrix suggests a residential density of between 200 and 450 habitable rooms per hectare (70 – 170 dwellings per hectare) for sites with a PTAL of 2 to 3, and a density of between 200 and 700 habitable rooms per hectare (70 – 260 dwellings per hectare) for sites with PTAL of 4 to 6.

Colindale AAP Policy 4.3 states that development in the Edgware Road Corridor of Change should promote upper floors of key sites for high quality, high density residential accommodation to a density level of up to 200 dwellings per hectare incorporating noise mitigation measures.

The Zenith House site has a public transport accessibility level of between 3 and 4 and its immediate setting is urban in character. It therefore falls between the two density ranges set out above. The approved application had a density of 195 dwellings per hectare (530 habitable rooms per hectare). The revised application proposes 309 residential units on a 1.1 hectare site, this equates to a density of 280 dwellings per hectare. The mix of units proposed equates to a density of 816 habitable rooms per hectare.

The new scheme is higher in density than the approved development but this is mainly due to the reduction in the amount of non-residential floorspace which has been replaced by residential accommodation. This is because the scheme no longer contains a 4,286sqm community centre with an associated 225 space car park.

The proposed density exceeds the London Plan density matrix guidance and the Colindale AAP guidance for the Edgware Road Corridor of Change. However, when considering density it is important to take into account the size of the flats, the amount of amenity space provided and the quality of the environment being created. The proposed development will deliver large apartments in accordance with the Mayors draft London Housing Design Guide which are well in excess of the space standards set out in the Council's SPD. The scheme is designed around a high quality central square which will provide over 1,500sqm of amenity space including on-site childrens play space. The layout of the development will also create new mews streets with a distinct sense of place.

The scheme is considered to be well designed, will provide good quality accommodation with adequate amenity space, and will relate positively and be well integrated into the existing and emerging context. Officers consider that the revised development represents a significant improvement in design compared to the previously approved scheme. The development maximises the potential of the site and is considered to be in line with PPS1, PPS3, and the London Plan as well as Policy H21 of the Adopted UDP. For these reasons the proposed density is considered acceptable.

Materials and Detailing

The predominant material for all of the buildings is brick. A red brick is proposed generally, referencing the common material of Edwardian London mansion blocks.

Glazed terracotta cladding tiles have been proposed for the tower because of its enhanced long-term durability and elegance and because it can provide a subtle range of shades and textures to enhance the concept of a cluster of five slim towers making up the larger tower.

For all of the apartment blocks a vertical window proportion is adopted within the brick or terracotta walling. Windows are combined vertically to modulate the façade proportions, and this device is used extensively on the tower to accentuate the overall verticality and the distinctiveness of the five slender elements.

Larger areas of glazing denote bay windows, winter gardens and other special locations, including feature corners on the tower. Within the commercial ground floor large glazed openings are framed within the brickwork facades, which come down to the street level and emphasise the individuality of the blocks. This also allows for the possible sub-division of this floorspace into smaller commercial units.

The upper duplex levels of the mansion blocks are faced in colour-coated zinc cladding in a mid-or dark-grey matt colour. The same material is used for the solid panel elements of the bay windows and the 'pop-up' bedrooms on the mews houses.

The proposed palette of materials is considered to be appropriate for the location and the scale of the buildings and reflect a high quality development. The final colour and specification of each material will be dealt with by way of condition.

7.5 Amenity Space and Play Space

The apartment blocks enclose and back on to a large communal garden square within the development. This central square is approximately 60m by 40m in dimension providing a substantial area of 2,400sqm. Due to its size this space is divided up to provide different character areas for active play, quiet contemplation and soft landscape, providing a high quality focus and amenity space for the development. The central square is overlooked by the properties to provide surveillance and security.

All flats have either a private terrace or balcony. Ground floor flats facing the square have patio gardens and upper level duplexes have large roof terraces. A number of the flats overlooking the Edgware Road have winter gardens making the space usable throughout the year.

The development provides 135sqm of dedicated doorstep playable space for the under 5's within the central courtyard. This area includes play equipment as well as safety surfacing which is formed into mounds to increase play opportunity. The area is enclosed by a low timber fence to ensure that the area is clearly defined as well as providing security.

In addition to the formal play space there is also additional play space within the middle terrace comprising 253sqm. This is a looser arrangement and play opportunities are integrated with the general circulation space of the Courtyard. This middle terrace area is ideally located as it provides a level surface that is remote enough from surrounding accommodation to avoid potential conflict with the resident's surrounding the edge of this space.

In addition to the Play and Activity area there is a woodland area and community gardens which provide approximately 1200sqm of communal amenity space within the Courtyard for the residents. The play space within the courtyard will provide high quality flexible play areas for both formal and informal play. The whole courtyard is overlooked and will have secure access for residents of the development only.

Each of the mews houses has its own private courtyard which would be suitable for under 5's play. The residents of the mews houses would also have access to the central communal garden square.

In addition to the onsite play and amenity space provided, there are a number of parks within accessible distance of the site. These include areas of Local Playable Space suitable for the under 5s at Court Way, Colindale Park and Grove Park which are all within 400m of the site, and areas of Neighbourhood Playable Space at Rushgrove Park and Montrose Park suitable for 12 years + which are within 800m of the site.

Having regard to the GLA's play guidance and UDP policy, it is considered that there will be accessible provision of playable space for children of all ages within the site or within close proximity upon completion of the proposed scheme.

7.6 Impact on Neighbouring Properties

The revised proposals have been carefully designed to ensure that the building will not negatively affect adjoining land uses in terms of height, bulk, scale, orientation, massing and design. The development site is adjacent to residential dwellings to the east on St Alphage Court and to the north-west on Colindale Avenue. These dwellings back onto the development site and contain a number of windows which will have direct views of the proposed building(s). These residential dwellings contain rear gardens which adjoin with the site boundary.

2 storey and part 3 storey mews houses are located around the perimeter of the site to relate to the scale of the surrounding properties. These houses and the associated mews street provide a set back for the 6 storey mansion block which is located between 16 and 18 metres away from the site boundaries. This improves the relationship to the surrounding properties when compared to the approved development.

Daylight and Sunlight

The applicants have submitted a sunlight and daylight assessment prepared by Anstey Horne which assesses the effect of the development upon all nearby adjoining properties. The report notes that the massing of the proposed development has been designed to ensure that it results in a minimal impact on the amenity of the existing neighbours. Furthermore the neighbouring properties will continue to receive very good levels of

natural sunlight and daylight in to their properties. Overall the report concludes that the proposals satisfy the BRE Guidelines and there will be no material impact on existing neighbouring residential amenity.

The proposed development will not result in an unacceptable increase in overlooking to or from neighbouring properties and garden spaces as no windows in the flank and rear elevations in the development are proposed. UDP Policy H17 states that there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking and 10.5 metres to a neighbouring garden. The distance from the Colindale Avenue properties to the closest windows on the Zenith House site is over 27m. The properties in St Alphage Court will not be directly overlooked from the development. The mews houses provide an effective barrier to overlooking, and the apartments are set well away from neighbouring windows.

The applicants have provided a detailed assessment of sun lighting to gardens which concludes that there will be no significant effect on the sunlight enjoyed by the gardens of the properties on Colindale Avenue in comparison to the existing warehouse building and there may indeed be some improvements during the year.

7.7 Disabled Access

UDP Policy D8 states that 'Development proposals relating to residential development, and buildings open to the public or used for employment or educational purposes, should provide suitable access and facilities for people with disabilities.'

London Plan policy 4B5 and draft replacement London Plan policy 7.2 require all future development to meet the highest standards of accessibility and inclusion. London Plan policy 3A.5, and draft replacement London Plan policy 3.8 expect 10% of all new housing to be wheelchair accessible or easily adaptable for wheelchair users.

All of the residential units have been designed to meet Lifetime Homes standards, and large scale layout plans of typical units have been provided to support this. Ten per cent of units will be wheelchair accessible or easily adaptable for wheelchair users in the future and there is a good spread between unit size and tenure. Blocks with wheelchair accessible units have been provided with two lifts. The level change across the site has been addressed through the landscaping scheme via a series of steps and ramps, which will be no steeper than 1:21 and will enable access through all parts of the site for mobility impaired users.

A total of 31 Blue Badge disabled car parking spaces are provided which is more than 10% of the total number of units and complies with Lifetime Homes standards.

The application is considered to comply with Barnet UDP and London Plan policy requirements and the GLA Access Officer is satisfied with the proposals.

7.8 Transport

Site Context

The site is located on the Edgware Road (A5) and has vehicular access to both Colindeep Lane and Colindale Avenue. Previously the site had operated one-way system with entrance from Colindeep Lane and exit on to Colindale Avenue.

The Colindale Controlled Parking Zone (CPZ) is adjacent to, but does not include, the former Zenith House site. The CPZ currently operates a one hour restriction (2-3pm, Monday – Friday). Waiting restrictions operate within the zone where traffic conditions dictate, these hours are 8am-6.30pm (Mon-Sat). The restrictions are no parking 'At Any Time' on Colindeep Lane from Edgware Road to junction with St Alphage Court. Colindale Avenue has a combination of yellow lines (8am-6.30pm) and residents parking bays. A similar regime including free spaces, operates on its neighbouring roads Annesley Avenue and Cecil Road on the north of the site. On the southern side of the site, away from the junction of Edgware Road, Colindeep Lane and residential streets such as Colin Park Road are not subject to restrictions and uncontrolled on-street parking takes place.

The methodology used to measure the accessibility of a site by public transport is based on Public Transport Accessibility Level (PTAL). The PTAL ranges from 1a (0.01 -2.50) representing Low accessibility, to High accessibility at 6B (40.01+). The PTAL Score for the site is 3 / 4 which is considered as medium accessibility.

The site is served by bus routes 204, 303, 32, 142. The new route 324 from Stanmore to Brent Cross also passes the site. The site is just over 500 metres walk away from Colindale Underground Station which is on the Edgware Branch of the Northern Line.

Trip Generation

A Transport Assessment (TA) prepared by Motion Transport Planning has been submitted with the application. The following table taken from the TA provides a comparison between the number of trips generated during the peak hours by the extant approved scheme and the number generated by the current application.

Application	AM Peak (8.00-9.00)			PM Peak (17.15-18.15)		
	Arrivals	Departures	2-way	Arrivals	Departures	2-way
Approved Scheme:	22	27	49	35	30	65
Revised Scheme	19	36	55	27	27	54
DIFFERENCE	-3	+9	+6	-8	-3	-11

The difference in the trip generation between the extant application and the revised application during the AM peak is approximately 10%. However, in PM peak the predicted trip generation is reduced by approximately 17%. This reflects the fact that the previously approved scheme included a large community centre with an associated 225 space car park which generated car movements. Therefore whilst the revised scheme

increases the number of residential units on the site, the overall traffic movements are comparable to the previous application.

Traffic flow surveys were carried out on A5 Edgware Road and Colindeep Lane in the vicinity of the proposed development by the applicants transport consultants. On the A5 Edgware Road the surveys indicated that during the AM Peak approximately over 2300 two way trips were recorded to the north of Colindeep Lane junction and approximately 1850 two way trips recorded to the south of the Colindeep Lane junction.

Similarly, during the PM Peak approximately over 1800 two way trips were recorded to the north of Colindeep Lane junction and approximately 2350 two way trips to the south of Colindeep Lane junction were recorded on the A5 Edgware Road.

The survey indicated that the existing trips on Colindeep Lane are in the order of approximately 950 two way trips in the AM Peak and over 1000 two way trips in the PM Peak.

The Council's Highways Officers are therefore satisfied that, based upon the information presented in the TA, when comparing the predicted trip rates with the existing trips on public highway network the trip increases are likely to be within the existing daily fluctuations in traffic and unlikely to have any detrimental impact on the public highway.

Access

The main vehicle access will be via Colindeep Lane. This will provide access to the mews street and also the basement car park. The ramp to the basement car park has been amended following detailed discussions with the applicant to achieve a gradient of 1:8 with transitional gradients at the top and bottom of the ramp of 1:12.

There is also an emergency egress and access onto Colindale Avenue. This access point will be controlled by retractable bollards to ensure this route is only used for emergencies. The remainder of the time it will provide a pedestrian route through the site to Colindale Avenue.

Car Parking Provision

The Council's parking standards as set out in Policy M14 of the Adopted UDP (2006) which states that the council will expect development to provide parking in accordance with the *London Plan* parking standards, except in the case of residential development, where the standards will be:

- i) 2 to 1½ spaces per unit for detached and semi-detached houses;
- ii) 1½ to 1 spaces per unit for terraced houses and flats; and
- iii) 1 to less than 1 space per unit for development consisting mainly of flats.

Colindale AAP Policy 3.5 states that '*residential parking requirements will vary across Colindale depending on the location of each development site. 1 space per unit will be taken as the maximum standard but a lower provision of 0.7 spaces per unit will be encouraged on sites within close proximity to the public transport interchange, neighbourhood centre and high frequency bus routes.*'

The development proposes a total of 218 residential car parking spaces for the 309 residential units which equates to a ratio of 0.7 spaces per unit. 44 of the parking spaces will include electric charging points. In addition to the residential car parking spaces 6 commercial parking spaces, 12 motorcycle bays and 2 car club parking spaces are also proposed. 31 of the car parking spaces are proposed to be disabled blue badge spaces.

The proposed level of car parking is in line with the Colindale AAP Policy 3.5. The site is approximately 500m from Colindale Underground Station (which is approximately a 10 minute walk) and is served by multiple bus routes. There are bus stops adjacent to the site which collectively is served by 44 buses per hour. The site is therefore well served by public transport. The proposed level of car parking is considered acceptable in this location.

This level of car parking is supported by a robust travel plan with clear measures and incentives to reduce the reliance on the private car which have been agreed with the Council's Highways Officers and TfL. The submission of the Travel Plan will be secured as an obligation under the Section 106 agreement as set out in the Heads of Terms at the beginning of this report.

The Travel Plan will have Smart Targets attached to it which shall be monitored and includes a package of soft measures such as Oyster cards vouchers and cycle vouchers from the outset to encourage potential purchasers and future occupants to use public transport and facilitate modal shift in the choice of transport mode. To ensure that the Travel Plan has a real chance of affecting people's travel behaviour the applicant has agreed to the following incentives:

- (v) Providing an Oyster Card travel pass or voucher to the value of £150 per dwelling for each of the first occupiers of the development up to a maximum cost of £46,350
- (vi) Providing a cycle voucher to the value of £150 per dwelling for each of the first occupiers of the development up to a maximum cost of £46,350
- (vii) Provision of cycle maintenance workshops for the servicing and maintenance of bicycles at a cost of £5,000.

In addition to the Travel Plan a Car Parking Management Plan showing how the car parking spaces are to be allocated and managed will be required to be submitted by the applicant to ensure that the car parking spaces are utilised fully. This is dealt with by way of condition.

There is currently an existing one hour Colindale CPZ operating in the vicinity of the Colindale Station which is sufficient to deter commuter parking in the area. As the site is proposing a reduced level of parking provision, the hours of operation and extent of the Colindale CPZ will need to be reviewed and amendments made accordingly. In addition, any occupiers of the site would not be able to purchase any type of parking permit, voucher or similar issued within a Controlled Parking Zone (CPZ) in the area.

TfL has also recommended that controlled parking restrictions should be implemented on surrounding roads and new occupants should be excluded from applying for parking permits. A contribution of £10,000 is required to be secured through Section 106 to carry out the CPZ review and implement any required changes.

Cycle Parking

349 cycle spaces are provided on the site. Although this level of parking is considered to be on the high side, TfL have confirmed that they are in favour of this level of Cycle Parking. The cycle parking is provided in secure areas within the basement car park.

7.9 Energy and Sustainability

The London Plan expects new development to make the fullest contribution to the mitigation of and adaptation to climate change and to minimise omissions of carbon dioxide (Policy 4A.1), as well as meeting the standards of sustainable design and construction (Policy 4A.3 and UDP Policy ENV2). Policies 4A.4, 4A.5, 4A.6 and 4A.7 in the London Plan and UDP Policy ENV1 requires all strategic developments to adopt energy efficiency measures and provide a proportion of energy used from renewable sources.

Colindale AAP Policy 6.1 states that 'Development in Colindale will make the fullest contribution to the mitigation and adaptation to, climate change and to minimise emissions of carbon dioxide and reduce consumption of natural resources.' Policy 6.3 requires residential development to achieve a minimum of level 4 as set out in the Code for Sustainable Homes, subject to a viability assessment.

The proposals have been developed in accordance with the principles of sustainability and efficient energy use. A number of sustainable innovative design features have been included in the proposals that will reduce the carbon dioxide levels by 24% including the provision of a community heating system and Combined Heat and Power plant. All of the residential units will be built to Code for Sustainable Homes Level 4.

Energy

London Plan Policy 4.1 sets out the following hierarchy for use when assessing applications:

- using less energy ('be lean'), in particular by adopting sustainable design and construction measures (Policy 4A.3)
- supplying energy efficiently ('be clean'), in particular by prioritising decentralised energy generation (Policy 4A.6), and
- using renewable energy ('be green') (Policy 4A.7).

The applicants have submitted an Energy Strategy which sets out how the application will meet the energy hierarchy. The strategy proposes that the development 'be lean' by adopting the following passive energy saving measures to reduce the carbon emissions of the proposed development:

- Improved u-values to building fabric
- Accredited construction details (to minimise thermal bridging);
- Improved air tightness to 5m³/hr m²
- Low Energy Lighting to at least 75% of apartment lighting
- Communal boilers with a minimum boiler seasonal efficiency of 90%
- Dwellings with Mechanical Ventilation with Heat Recovery (MVHR)

- Natural Ventilation to car park area
- Cooling via Air Source Heat Pump (ASHP) to commercial areas
- No active cooling in dwellings as they are principally dual aspect, and will be well ventilated via MVHR.

The development is estimated to emit 477 tonnes of regulated carbon dioxide per annum after the application of passive design and energy efficiency measures. Based on the information provided, the proposed development is likely to exceed 2010 Building Regulations compliance through energy efficiency measures alone. Although the modelling provided uses 2006 Building Regulations compliance software, a reduction in regulated emissions of 32% will be achieved through the first element of the energy hierarchy.

District Heating and Combined Heat and Power (CHP)

The development will 'be clean' by employing a single community heat network to serve the whole site. A single energy centre will be located in the basement below the main tower and will contain gas fired boilers, and a 110 kiloWatt capacity gas fired Combined Heat and Power (CHP) unit. The CHP unit is proposed to meet the base hot water load and 40% of the space heating load. A thermal store is proposed to work in conjunction with the CHP unit to capture all heat generated to prevent 'heat dumping'.

The operation of the gas-fired CHP further reduces site-wide CO₂ emissions by 27% or 220 tonnes annually. There is not a viable district heating system close to the proposed development, however the energy centre will have provision to allow for future connection to a district heating system should one be implemented.

The development is estimated to emit 223 tonnes of regulated carbon dioxide emissions per annum after the application of CHP. A reduction in regulated carbon dioxide emissions of 254 tonnes per annum (53%) will therefore be achieved through this second part of the energy hierarchy. Expressing this on a whole energy basis, a reduction of 30% from CHP is planned.

Renewable Energy

The development will 'be green' with the addition of 300m² of Photovoltaic (PV) panels mounted on the roofs of the main buildings. The PV Panels are predicted to provide an on-site reduction in CO₂ by 18 tonnes, equivalent to 3% of total site emissions.

The total estimated regulated carbon emissions of the development are 205 tonnes of carbon dioxide per year after the cumulative effect of energy efficiency measures, CHP and renewable energy has been taken into account. These measures are expected to reduce site CO₂ emissions by 24%. The development therefore complies with the London Plan policy and the requirements of the Colindale AAP.

Code for Sustainable Homes

The residential element of the development has been designed to achieve Code for Sustainable Homes Level 4. A preliminary assessment has been carried out by the applicant's registered Code for Sustainable Homes Assessor which shows that the scheme can achieve this level. This accords with CAAP policy 6.3.

The applicant has submitted a sustainability statement which demonstrates how the development will comply with London Plan policy and the Council's Sustainable Design and Construction SPD. Specific measures include the provision of brown roofs, the incorporation of sustainable urban drainage systems including permeable surfaces and attenuation tanks, rainwater harvesting and reducing water consumption to a maximum of 105 litres per person per day. The proposed measures are acceptable and comply with London Plan climate change adaptation policies.

7.10 Noise and Air Quality

The applicants have submitted a PPG24 noise report which shows that part of the site falls into Noise Exposure Category C. The report states that suitable mitigation measures should be employed so that suitable internal noise levels are achieved. A condition is recommended to require details of noise mitigation measures to be submitted and approved by the Council.

An air quality report prepared by Ramboll, dated 14 October 2010, has been submitted with the application which shows that there will be no exceedences of the air quality objectives. The Council's Environmental Health Officer has confirmed that this is satisfactory.

8. SECTION 106 PLANNING OBLIGATIONS

UDP Policy IMP1 states that the council's key priorities for planning obligations will be for the provision of:

- Residential Development:
 - Improvements to public transport infrastructure, systems and services.
 - Educational provision in areas with existing shortages of school places or where the development will create such a shortage.
 - Affordable or special needs housing to meet identified local needs.
 - Where appropriate; highway improvements (including benefits for pedestrians and cyclists), environmental improvements; the provision of open space; and other community facilities.
- Non-residential Development:
 - Improvements to public transport infrastructure, systems and services.
 - Small business accommodation, and training programmes to promote local employment and economic development.
 - Town centre regeneration schemes, including their promotion, management and physical improvements.

- Where appropriate, highway improvements (including benefits for pedestrians and cyclists); environmental improvements; the provision of open space; and other community facilities.

Policy IMP2 further states that in order to secure the best use of land, the council will seek to ensure through the use of conditions or planning obligations attached to planning permissions, that new development provides for the infrastructure, facilities, amenities and other planning benefits which are necessary to support and serve it, and which are necessary to offset any consequential planning loss which may result from the development.

Colindale AAP Policy 8.3 states that *'the Council will seek to ensure, through the use of conditions and/or planning obligations, that new development provides for the planning benefits which are necessary to support and serve proposed new development in Colindale. The pooling of contributions for necessary transport and community infrastructure will be required having regard to the relative priorities for planning obligations for each Corridor of Change.'*

The Colindale AAP (section 4.11) identifies the following Section 106 priorities for the Edgware Road Corridor of Change:

1. Provide a co-ordinated approach to public realm improvements including contributing to the boulevard character of this section of Edgware Road;
2. New or improved public transport provision, particularly for buses;
3. Provide attractive, legible and safe pedestrian and cycle routes; and
4. Colindale Avenue/Edgware Road junction improvements.

In addition to the above policies the Council has adopted Supplementary Planning Documents (SPDs) for 'Information, Management and Monitoring of Planning Obligations' and 'Contributions to Education'.

In accordance with the above policies the following obligations are required to be secured through a Section 106 legal agreement with the developer:

Affordable Housing

Policy H5 of the Adopted UDP (2006) states that the council will seek to negotiate the maximum reasonable amount of affordable housing on sites of ten or more units gross, or 0.4 hectares or more, and to ensure that these units will continue to be affordable for successive occupiers.

The application includes 135 affordable units, of which 97 are social rented and 38 are intermediate (shared ownership). This represents a provision of 44% affordable housing by units or 48% by habitable rooms, with a tenure split of 72% social rented and 28% intermediate. The following mix of affordable units will therefore be secured through the S106 agreement:

- i) Social Rented Accommodation:
 - 30 x 1 bedroom (2 person)
 - 2 x 2 bedroom (3 person)
 - 40 x 2 bedroom (4 person)

1x 3 bedroom (4 person)
13 x 3 bedroom (5 person)
11 x 4 bedroom (7 person)

ii) Shared Ownership Accommodation:

15 x 1 bedroom (2 person)
3 x 2 bedroom (3 person)
12 x 2 bedroom (4 person)
8 x 3 bedroom (5 person)

Education

Under Policy CS8 of the Adopted UDP (2006) the council will seek to secure financial contributions through a Section 106 Agreement for future education needs generated by developments in the Borough. In accordance with the council's Contributions to Education SPD, and based on the total number of residential units proposed, a contribution of **£757,801** is required.

Highway Improvements

Colindale AAP Policy 3.1 sets out the highways improvements required within Colindale to accommodate the planned growth in the area. These include improvements to the capacity at the A5/Colindeep Lane junction and A5/Colindale Avenue junction. This is further supported by Policy 4.3 part e) which states that developments will be expected to improve public transport services and priority together with appropriate vehicular capacity along Edgware Road and particularly the junction with Colindale Avenue.

In light of the Colindale AAP policies and priorities, and having regard for the scale of the development, a contribution of **£100,000** is required for the upgrade and signalisation of the junction of the A5 and Colindale Avenue in order to facilitate the development.

Step Free Access Colindale Tube Station

A major aim of the Colindale AAP is to upgrade the Public Transport Interchange around Colindale Tube Station. This is set out in AAP Policy 3.4 which states that the interchange will include (among other things):

- Step free access for all on public transport;
- High quality information for passengers;
- Improved ticket hall with increased passenger capacity and facilities.

In accordance with the Colindale AAP, all developments in the area will be expected to contribute to the overall costs of these improvements. A detailed study on the provision of step free access and interchange improvements within Colindale Underground Station is currently being undertaken by TfL funded by section 106 contributions secured from the Colindale Hospital development. A contribution of **£150,000** is therefore required from the Zenith House development towards implementing step free access and other improvements at Colindale Station.

Bus Enhancements

Colindale AAP Policy 3.3 states that Bus connections will be significantly improved, both within Colindale and to destinations outside Colindale. It also states that developers will provide an appropriate level of financial contributions to local bus services, in accordance with Policy 8.3.

TfL have requested a S106 contribution of **£135,000** from the development towards bus service enhancements.

Bus Stop Improvements

The applicant has put forward a proposal to amend the bus stop adjacent to the site to improve pedestrian access to the development. This and the other stop in the vicinity of the site should be upgraded to current accessibility standards. Therefore, a S106 Contribution of **£20,000** is required for Bus Stop Improvements in the vicinity of the site.

Public Realm Improvements

Colindale AAP Policy 4.3 part c) states that development on major sites shall contribute to the creation of a coordinated new, tree-lined urban boulevard environment along this part of Edgware Road incorporating a high quality clutter-free public realm.

A contribution of **£50,000** is therefore sought towards Public Realm improvements in the vicinity of the site in line with Policy 4.3.

Travel Plan

To ensure the sustainability of the development a Travel Plan is required to be submitted by the applicant. The travel plan is required to include the following obligations to facilitate modal shift:

- i) Upon acquiring a residential unit the occupier will be given an Oyster Card travel pass or voucher to the value of £150 per dwelling up to a maximum cost of **£46,350** to the applicant;
- ii) Upon acquiring a residential unit the occupier will be given a cycle voucher to the value of £150 per dwelling up to a maximum cost of **£46,350** to the applicant;
- iii) Provision of cycle maintenance workshops for the servicing and maintenance of bicycles at a cost of **£5,000** to the applicant in order to encourage occupiers to cycle more regularly.

In order to ensure the objectives of the Travel Plan are met a 'Monitoring Contribution' is required for monitoring the objectives of the Travel Plan. A contribution of **£10,000** is required and will be included as part of a S106 Agreement.

Colindale AAP Implementation and Strategy Contribution

The application falls within the Colindale AAP area. To help deliver the vision, objectives and policies set out in the Colindale AAP to transform the area into a vibrant and successful city suburb of Barnet, a contribution of £25,000 is required towards the continued development and implementation and monitoring of the AAP/strategy for the Colindale area.

S106 Monitoring Contribution

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore requires the payment of **£20,000** towards the costs of undertaking the work relating to securing the planning obligations in line with the adopted Supplementary Planning Document (SPD) for Planning Obligations (2007).

TOTAL CONTRIBUTIONS

The total package of S106 contributions is **£1,325,501**. This represents a contribution of £4,290 per unit.

Community Infrastructure Levy

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

9. EQUALITY AND DIVERSITY ISSUES

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

London Plan policy 4B.5 and draft replacement London Plan policy 7.2 require all future development to meet the highest standards of accessibility and inclusion. London Plan policy 3A.5, and draft replacement London Plan policy 3.8 expect 10% of all new housing to be wheelchair accessible or easily adaptable for wheelchair users.

In accordance with UDP policy H14, 10% of the units have been designed to be wheelchair accessible or fully adaptable for those in wheelchairs. The development will also provide 10% disabled car parking.

In accordance with London Plan Policy 3A.5 and UDP Policy H13 all new residential units will be built to relevant Lifetime Home Standards, allowing accessible and adaptable homes to meet the needs of people with disabilities.

The needs of disabled people are catered in terms of the design of the mews street, footways, and accessible public transport, in order to encourage sustainable travel and reduce car dependency.

The proposals are in accordance with national, regional and local policy by establishing a high quality inclusive design, providing an environment which is accessible to all and which can be maintained over the lifetime of the development.

10. CONCLUSION

The former Zenith House site is identified in the adopted Colindale AAP as a development site within the Edgware Road Corridor of Change. The proposed mixed used development would maximise the use of this previously developed site by providing 309 residential units including 17 mews houses. The proposals will provide 135 affordable homes which equates to 48% on a habitable room basis and would contribute towards meeting the housing needs of the borough. Genesis Housing Group have secured housing grant from the HCA for the previous approved scheme which they are proposing to use to deliver the affordable housing in this revised proposal. Therefore subject to planning consent being granted, Genesis are ready to commence construction this year. The revised proposal therefore represents a deliverable scheme that will aid in the supply of housing in these difficult and uncertain economic times.

The scheme will deliver high quality spacious residential accommodation in excess of the space standards set out in the Council's adopted SPD and in compliance with the Mayor's draft London Housing Design Guide standards.

The proposal incorporates a range of building types at different scales including the provision of a high quality tower that will define this part of Colindale and act as a visual landmark along the Edgware Road. A 16 storey building has already been approved on the site. At it's tallest point, the tower element of the proposed application will be 5m higher than the highest part of the approved building, however it is significantly less bulky. The additional height is only focused on a single flat on the top floor on the corner of the building before stepping down to a series of lower elements. This stepping effect provides important articulation at the top of the building.

The scheme is considered to represent high quality architectural design that is appropriate to its context and which will enhance the townscape of the area. The layout of the development will provide mews houses along new streets with a new public pedestrian link through to Colindale Avenue. The scheme will therefore provide a permeable network of public routes which will benefit the surrounding area. The design and layout of the scheme is considered to be an improvement over the previously approved development.

The sensitive design, layout and orientation of the proposals in relation to neighbouring properties at St Alphage Court and the properties located along Colindale Avenue is an improvement over the previously approved development and would minimise any potential impact to the amenities of these properties.

The proposals have been developed in accordance with the principles of sustainability and efficient energy use. A number of sustainable innovative design features have been included in the proposals that will reduce the carbon dioxide levels by 24% including the provision of a community heating system and CHP plant. All of the residential units will be built to Code for Sustainable Homes Level 4.

All relevant policies contained within the Adopted UDP, the Mayor's London Plan (consolidated with Alterations since 2004), Planning Policy Statements and Supplementary Planning Documents, as well as the Colindale AAP have been fully considered and taken into account by the Local Planning Authority. For the reasons set out in this report, it is considered that the proposal represents an appropriate redevelopment of a brownfield site. Accordingly, subject to the satisfactory completion of the Section 106 agreement and the conditions detailed in the recommendation, **APPROVAL** is recommended.

APPENDIX 1:



3D View of Proposed Scheme

- 1 - Edgware Road block including tower
- 2 - Contemporary 'Mansion Block' around central garden square
- 3 - Mews Houses and street
- 4 - Communal garden square
- 5 - Basement car park entrance



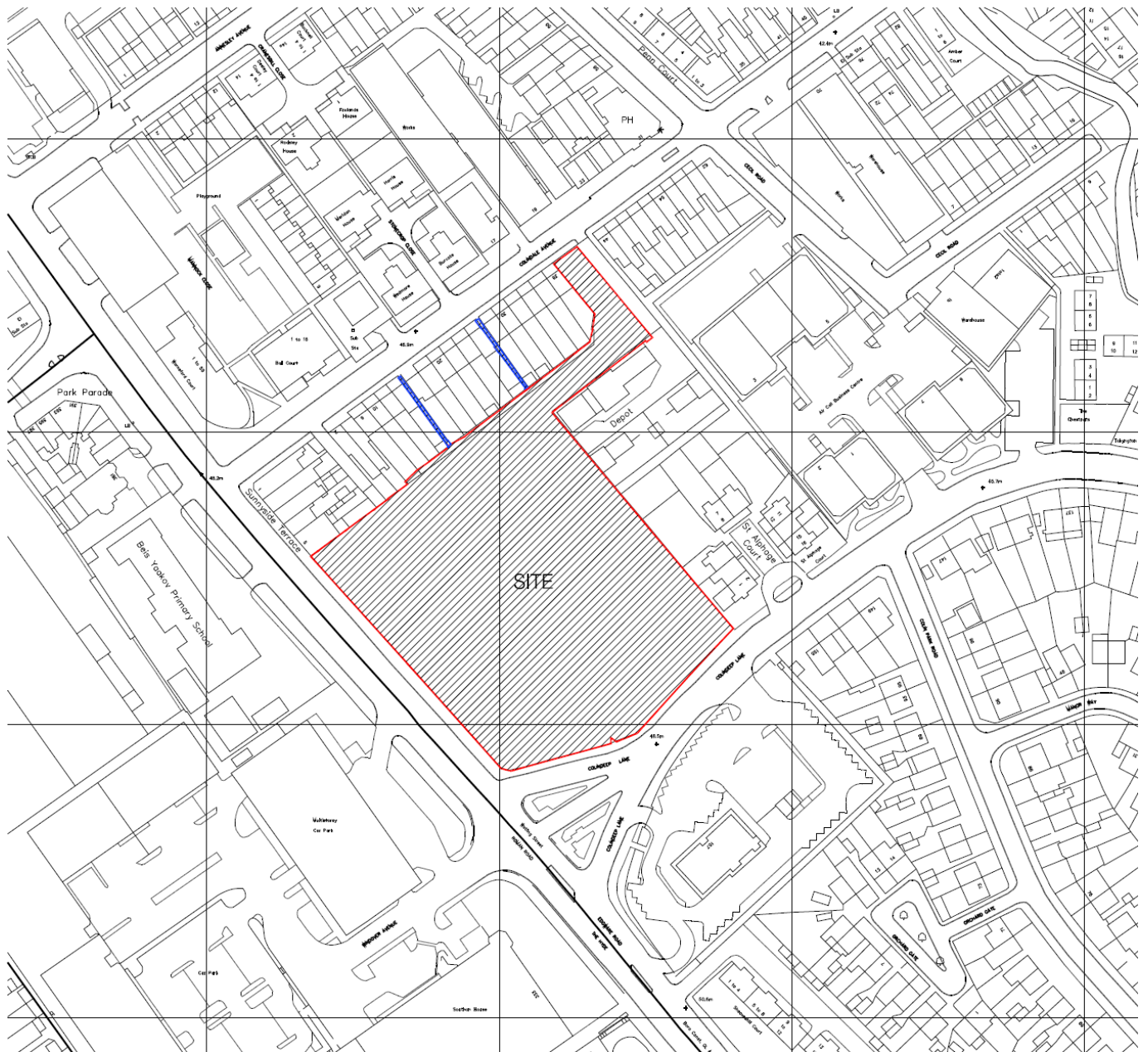
View of Approved Scheme



Comparison of Proposed Revised Scheme with Approved Scheme

SITE LOCATION PLAN: Zenith House, The Hyde, London, NW9 6EW

REFERENCE: H/04167/10



LOCATION: Green Point, (Millet House) Edgware Road, London, NW9 5AR
REFERENCE: H/04595/10 **Received:** 11 November 2010
WARD(S): Colindale **Accepted:** 11 November 2010
Expiry: 10 February 2011

Final Revisions:

APPLICANT: Central Developments Ltd.

PROPOSAL: Extension to the time limit for implementing Appeal Decision reference APP/N50590/A/07/2057441 granted 03/04/2008 for demolition of existing building and erection of a mixed use building up to 8 storeys high comprising 86 residential units, 1181 metre square of A1 non-food retail floorspace (Class A1) and 569 metre square of either office (Class B1) or livework accommodation with 121 basement/ground floor residential and 23 ground floor commercial car parking spaces and vehicular access from the Greenway.

BACKGROUND

A planning application for the redevelopment of Green Point (previously known as Millet House) allowed in appeal APP/N50590/A/07/2057441 following a refusal by the Planning & Environment Committee on the 6 of June 2007. This extant planning permission for the redevelopment of the site has a three year time limit for implementation which expires in April 2011.

The applicants, Central Developments Ltd., have found it impossible to realise the approved scheme in the current financial environment but still wish to take forward the development of this site. Government guidance published in November 2009 recognised that many schemes would falter with the economic downturn and under existing legislation introduced a new application type that would allow developers and local planning authorities to keep planning permissions alive for longer to allow swifter implementation when economic conditions improve. Under this new 'time extension' application the applicants have applied to extend their permission for a further three years.

Time extension applications have to be considered against updated or new policy implemented since the time of the approval, this includes any policy relating to S106 Obligations. The application was granted at appeal in April of 2008. Since this time the Colindale AAP and SPDs on Education, Libraries and Health Facilities have been adopted. As a result of this S106 contributions have been re-negotiated.

This application is recommended for approval

RECOMMENDATION 1

Approve subject to the completion of a satisfactory Section 106 Agreement in accordance with the following Heads of terms:

- (a) Provision of 30 affordable housing units on the site. 16No. socially rented (9 x 1bed 2p and 7 x 2bed 4p) and 14No. Shared Ownership (12 x 1bed 2p and 2 x 2bed 4p)
- (b) A contribution of £50,000 index linked for open space improvements and improvements to outdoor sports and recreational facilities.
- (c) A contribution of £30,000 index linked towards public realm improvements in the area.
- (d) A contribution of £70,000 index linked towards Junction improvements along the A5 within 1 kilometre of the site.
- (e) The applicant shall enter into a Travel Plan that seeks to reduce reliance on the use of the private car and to ensure the sustainability of the development.
- (f) A contribution of £5,000 Index linked towards the monitoring of the Travel Plan for the development.
- (g) A contribution of £127,028 index linked toward education provision in the Borough.
- (h) A contribution of £14,724 index linked towards library provision within the borough
- (i) A contribution of £54,121 index linked towards the provision of Health Facilities within the borough.
- (j) The contribution of a sum of £8,500 index linked towards the monitoring and management of the S106 planning obligations.
- (k) Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements.
- (l) All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

RECOMMENDATION 2:

That upon completion of the S106 Agreement, the Assistant Director of Planning and Development Management approve the planning application reference H/04595/10 under delegated powers subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Drg. No's: 5 (01)01 Rev C; 5(12)-01 Rev G; 5(12)00 Rev G; 5(12)01 Rev D; 5(12)02 Rev K; 5(12)03 Rev K; 5(12)04 Rev J; 5(12)05 Rev K; 5(12)06 Rev K; 5(12)07 Rev K; 5(12)10 Rev G; 5(13)01 Rev E;

5(13) 02 Rev E; 5(13)03 Rev E; 5(14)01 Rev H; 5(14)02 Rev H; 5(14)03 Rev J; 5(14)04 Rev J; 5(14)05 Rev J; 489_SK_NG_080208_01 to 04 inclusive; Design and Access Statement; Planning Statement and Environmental Report; Appendices Vol. 1; Appendices Vol. 2.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Before this development is commenced, details of the levels of the building, roads and footpaths in relation to the adjoining land and highway and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers and the health of any trees on the site.

4. Notwithstanding the submitted plans before the development hereby permitted commences samples of the materials to be used for the external surfaces of the building and hard surfaced areas shall be submitted to and agreed in writing by the Local Planning Authority including, though not limited to:

- (i) Sample glazing with window/door frame(s)
- (ii) Balustrade and edge detail.
- (iii) Roofing materials, including roof parapets and overhangs to flats.
- (iv) Typical rainwater goods (section of gutter, downpipe etc)
- (v) Sample area of render.
- (vi) Sample area of brickwork (Note: For main brick a sample wall should be erected indicating proposed pointing).

All works shall conform to those approved.

Reason:

To safeguard the visual amenities of the building and surrounding area.

5. Notwithstanding the submitted plans before the development hereby permitted is commenced the following construction details at 1:20 scale (except where otherwise indicated) shall be submitted to and agreed in writing by the Local Planning Authority:

- (i) Balcony doors to flats
- (ii) Balcony balustrades
- (iii) Gates and Railings
- (iv) Main entranceways to flats and live/work units
- (v) Roof parapets and overhangs to flats and houses

- (vi) Rainwater goods (gutters, down pipes etc) (1:100)
- (vii) All plant at roof level - including lift motor (1:50)
- (viii) Locations of all service intakes and meters (no meter boxes to be visible on front facades).

All works shall conform to those approved.

Reason:

To safeguard the visual amenities of the building and surrounding area.

6. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

7. Notwithstanding the submitted plans before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins and/or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

8. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

9. No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason:

The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

10. A scheme of hard and soft landscaping with particular reference to the vicinity of the entrance to the affordable housing including details of:
- (i) Location and size of proposed tree planting including details of individual tree species and any tree pits proposed.
 - (ii) Method statement for planting and on-going maintenance of any proposed tree planting,
 - (ii) Full planting plans for Green roof planting detailing species, specification and location for any planting, including on-going maintenance. All works so agreed shall be carried out strictly in accordance with the approved details.

Reason:

To ensure a satisfactory level of appearance and security to the development and to ensure that appropriate mitigation of tree and ecology impacts are provided.

11. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

12. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

13. Details of any external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To prevent light pollution of neighbouring properties whilst ensuring a satisfactory level of security.

14. No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontages of the development from a point 2.4m from the highway boundary for a distance of 2.4m on both side of the vehicular accesses.

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

15. The car parking areas indicated on Drawings:5(12)-01 Rev G and 5(12)00 Rev G shall be constructed and marked out prior to the occupation of the development, and thereafter retained permanently for the accommodation of

vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason:

To ensure that sufficient off-street parking areas are provided and the free flow of traffic on the adjoining highway is not prejudiced in accordance with Policies M8 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006

16. Before the development hereby permitted commences a Parking Management Plan detailing:
- (i) Parking management strategy
 - (ii) Measures to maintain the Retail Service Apron (as shown on plan 5(12)00 Rev G) for loading and unloading only.
 - (iii) The allocation of parking spaces
 - (iv) Compliance/enforcement strategy

Shall be submitted to and agreed in writing by the Local Planning Authority. The management plan shall be implemented as soon as the first unit is occupied onsite and kept in operation thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that parking and servicing is provided and managed in accordance with the council's standards in the interests of Highway and pedestrian safety.

17. Prior to commencement of development hereby approved a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details. This statement shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site and access and egress arrangements within the site;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;

- ix. Details of interim car parking management arrangements for the duration of construction;
- x. details of precautions to minimize damage to protected species and habitats in particular from site clearance works including soil moving and material storage, vehicle and machinery movements, removal and disposal of excess soil, debris and materials from the site;
- xi. Details of action to be taken and mitigation measures to be employed should any protected species be found or disturbed on the site.

Reason:

In the interests of the free flow of traffic, highway safety and sustainable development.

18. Before the development hereby permitted commences a site management plan detailing the siting of all temporary buildings proposed during construction, vehicle unloading areas and material storage areas shall be submitted to and agreed in writing by the Local Planning Authority. All works shall conform to those approved.

Reason:

To ensure that neighbour's amenity is not adversely affected.

19. Prior to the occupation of the development a waiver of liability and indemnity agreement must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason:

To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

20. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

21. The non-residential floorspace within the development hereby approved is required to meet the BREEAM Very Good rating. Before the building is first

occupied the developer shall submit certification to demonstrate that BREEAM Very Good rating has been achieved.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

22. The work part of the Live/Work Units hereby approved and shown on the approved drawing number 5(12)01 Rev D shall only be used for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 in association with the Residential parts of the units as shown on the submitted plans hereby approved and shall not be used for any other purpose.

Reason:

In order that the proposed live/work units will contribute towards a healthy and stable economy in Barnet.

23. The residential parts of the Live/Work Units hereby approved and shown on the approved drawing number 5(12)01 Rev D shall only be used for residential purposes in association with the Work part of the said Live/work units and shall not be used for any other purpose.

Reason:

In order that the residential element of the proposed Live/work units is retained and so that residential amenity of both the new unit and those neighbouring occupiers shall be protected.

24. Detailed drawings showing the internal layout of the Live/Work units hereby approved shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

To ensure the appropriate and functional development of the live Work Units.

25. The work element of the live/work unit hereby approved shall be a use which can be carried out without detriment to the amenity of the occupants of other units by reason of noise, smell, fumes, smoke, soot, ash, dust or grit.

Reason:

In order that the work element of the development is retained and so that residential amenity of both the new unit and those neighbouring occupiers shall be protected.

26. The ground floor A1 Retail Area shown on Plan 5(12)00 RevH shall be used for Non-food, Retail and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order, 2005, unless agreed in writing by the local planning authority or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area and local Town Centres.

27. No mezzanine floors shall be installed within the site as a whole without the prior agreement of the Local Planning Authority.

Reason:

To control the trading effects of the proposal in the interests of the vitality and viability of nearby town centres.

28. Part 1

Before development commences other than for investigative work:

- a) A desktop study 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 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

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.

29. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

30. A noise assessment, by an approved acoustic consultant, shall be carried out in accordance with Planning Policy Guidance Notes 24 on the development that assesses the likely impacts of noise on the development. This report and any measure to be implemented by the developer to address its findings shall be submitted in writing for the approval of the Local Planning Authority before the development commences. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings.

31. The level of noise emitted from the lift and air conditioning plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

32. Prior to the occupation of the ground floor retail units, details of appropriate noise mitigation measures shall be submitted to and approved in writing by the local planning authority. The sound insulation shall ensure that the level of noise in habitable rooms of neighbouring properties shall be no higher than 35 Db(A) from 07:00 hrs to 23:00 hrs and 30 Db(A) in bedrooms from 23:00 hrs to 07:00 hrs the following day.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties

RECOMMENDATION 3

That if the above agreement has not been completed by the 10th February 2011 the Assistant Director of Planning and Development Management REFUSE the application reference H/04595/10 under delegated powers for the following reason:

The development does not include formal undertakings to provide appropriate affordable housing, education, library, Health Facility, travel plan, open space provision or junction improvements that would be required to address the additional traffic generated by the development. Consequently the development would fail to meet the demand for affordable housing and would not meet the need to address the educational and open space requirements of occupiers of new housing and would be detrimental to highway safety, contrary to policies M8, M10, H5, & CS8 of the Adopted UDP 2006.

INFORMATIVES:

1. The plans accompanying this application are:- Drg. No's: 5 (01)01 Rev C; 5(12)-01 Rev G; 5(12)00 Rev G; 5(12)01 Rev D; 5(12)02 Rev K; 5(12)03 Rev K; 5(12)04 Rev J; 5(12) 05 Rev K; 5(12) 06 Rev K; 5(12)07 Rev K; 5(12)10 Rev G; 5(13)01 Rev E; 5(13) 02 Rev E; 5(13)03 Rev E; 5(14)01 Rev H; 5(14)02 Rev H; 5(14)03 Rev J; 5(14)04 Rev J; 5(14)05 Rev J; 489_SK_NG_080208_01 to 04 inclusive; Design and Access Statement; Planning Statement and Environmental Report; Appendices Vol. 1; Appendices Vol. 2.

2 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the Mayor's London Plan (Consolidated with alterations since 2004) and the Adopted Barnet Unitary Development Plan (UDP) (2006). In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GSD, GMixedUse, GBEnv1, GBEnv2, GBEnv3, GParking, GCS1, GEMP4, ENV12, ENV13, ENV14, D1, D2, D3, D4, D5, D6, D9, D10, D11, D17, M1, M2, M3, M4, M5, M6, M10, M11, M12, M13, M14, H2, H5, H16, H17, H18, H20, H21, H24, CS1, CS2, EMP2, EMP3, EMP7, IMP1, IMP2.

The proposal is also in accordance with the adopted Colindale Area Action Plan (March 2010)

ii) The proposal is acceptable for the following reason(s): -

The proposed development would see the regeneration of an important brownfield site within the Colindale Opportunity Area as identified in The London Plan. The scheme represents a high quality design solution providing for a range of residential accommodation, commercial, and community facilities.

The proposal is considered to be acceptable having regard to development plan policies. Through careful design the proposed development would have minimal impact upon neighbouring residential amenities.

3. Any alteration to existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, Oakleigh Road South, London N11 1NP.
4. The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a 278 Agreement under the Highways Act 1980.
5. Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
6. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contact on 0845 850 2777. Reason - To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
7. Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 02085074321.
8. There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 8502777.

9. The applicant should be aware of the following information regarding National Grid's 400,000 volt and 275,000 volt underground cables and associated apparatus:

The person(s) responsible for planning, supervising and carrying out work in proximity to any National Grid cables shall be liable to the National Grid, as cable(s) owner, as well as to any third party who may be affected in any way by any loss or damage resulting from their failure to locate and avoid any damage to such a cable(s).

The relevant guidance in relation to working safely near to existing underground cables is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance HS(G)47 "Avoiding Danger From Underground Services" and all relevant site staff should make sure they are both aware of and understand this guidance.

For further general information see: www.nationalgrid.com/uk/LandandDevelopment or request a copy of "Working with You" publication via the Asset Protection Team.

10. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
11. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The details of acoustic consultants can be obtained from the following contacts:

- Institute of Acoustics: telephone number 01727 848195
- Association of Noise Consultants: telephone number 01763 852958

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- Dept of Environment: PPG 24 (1994) Planning Policy Guidance - Planning & Noise.
- BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description & measurement of environmental noise.
- BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas.
- BS 8223 :1999 - Sound insulation and noise reduction for buildings: code of practice.

- Dept of Transport: Calculation of Road Traffic Noise (1988).
 - Dept of Transport: Calculation of Railway Noise (1995).
 - Dept of Transport: Railway Noise & Insulation of Dwellings.
12. Please supply the following information for all extraction units (including air conditioning, refrigeration):
1. The proposed hours of use of the equipment.
 2. The sound pressure levels of the ventilation/ extraction system to be installed in decibels dB(A) at a specified distance from the equipment.
 3. Details of where the equipment will be placed i.e. within or outside of the building, marked on to a scale map.
 4. Details of silencers to be fitted, and other sound insulation measures to reduce any noise impacts on neighbours including their noise reduction in dB(A).
 5. Distance away from noise sensitive premises and the nature of these premises e.g.: offices, housing flats or storage.
13. The applicant is advised that any occupiers of the site would not be able to purchase any type of parking permit, voucher or similar issued within a Controlled Parking Zone (CPZ) in the area that a property address might otherwise be eligible for as part of the councils ongoing management of the public highway.
14. The development is required to have a Travel Plan which includes the initiative for provision of the Car Clubs. LB Barnet is promoting the use of Online Travel Plan Builder. A travel plan is a document produced by you which includes a package of measures designed to help and improve transport facilities and promote more sustainable modes. Every plan is specific to the development hence prior to occupation measures need to be tailored to your site.
- Barnet Travel Plan Builder is Online package. It is easy to use and will help you construct your travel plan efficiently. All you have to do is input the information when you are prompted and at the end you will have your site specific travel plan. The travel plan is broken down into manageable chunks and progress is saved in incremental stages.
- It can also be reviewed and modified at any stage up until it's submitted. Submission can be done on-line or to Traffic & Development Section, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (consolidated with Alterations since 2004) published 19 February 2008 and the adopted London Borough of Barnet Unitary Development Plan (2006). These strategic and local plans are the policy basis for the consideration of this planning application.

Central Government Guidance and Policy Statements

National guidance is provided by way of Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs). The PPSs and PPGs of most relevance to the determination of this application are:

- d) Planning Policy Statement 1: Delivering Sustainable Development (2005)
- e) Planning and Climate Change: Supplement to PPS1 (2007)
- f) Planning Policy Statement 3: Housing (June 2010)
- g) Planning Policy Statement 4: Planning for Sustainable Economic Growth (Dec 2009)
- h) Planning Policy Guidance 13: Transport (2001)
- i) Planning Policy Statement 22: Renewable Energy (2004)
- j) Planning Policy Statement 23: Planning and Pollution Control (2004)
- k) Planning Policy Guidance 24: Planning and Noise (1994)
- l) Planning Policy Statement 25: Development and Flood Risk (2010)

The London Plan

The London Plan (consolidated with Alterations since 2004) was published on 19 February 2008 and is part of the development plan under the Planning and Compulsory Act 2004. Colindale is identified in the London Plan on Map 2A.1 as an Opportunity Area. Table 5B.1 sets the target of delivering 10,000 new homes in Colindale and 500 jobs (see below).

London Plan Policy 2A.5 states that frameworks should be produced for Opportunity Areas that achieve the following:

- seek to exceed the minimum guidelines for housing having regard to indicative estimates of employment capacity set out in the subregional tables (see Chapter 5)
- maximise access by public transport
- promote social and economic inclusion and relate development to the surrounding areas, especially any nearby Areas for Regeneration
- take account of the community, environmental and other distinctive local characteristics of each area
- deliver good design, including public realm, open space and, where appropriate, tall buildings
- co-ordinate development that crosses borough boundaries where appropriate

Other relevant London Plan policies include:

Policy 2A.1 (Sustainability criteria), 3A.1 (Increasing London's supply of housing), 3A.3 (Maximising the potential of sites), 3A.10 (Negotiating affordable housing in individual private residential and mixed-use schemes), 3C.1 (Integrating transport and development), 3C.3 (Sustainable transport in London), 4A.1 (Tackling climate change), 4A.3 (Sustainable design and construction), 4A.4 (Energy assessment), 4A.5 (Provision of heating and cooling networks), 4A.7 (Renewable Energy), 4A.11 (Living Roofs and Walls), 4A.13 (Flood risk management), 4A.14 (Sustainable drainage), 4A.16 (Water supplies and resources), 4B.1 (Design principles for a compact city), 4B.5 (Creating an inclusive environment), 4B.9 (Tall buildings – location).

The following Supplementary Planning Documents are also relevant in considering this application:

- Sustainable Design & Construction (Adopted May 2006)
- Accessible London: Achieving an Inclusive Environment (Adopted April 2004)

Barnet Unitary Development Plan

The London Borough of Barnet UDP was adopted in May 2006 and contains local planning policies for Barnet. Relevant policies include:

GSD, GMixedUse, GBEnv1, GBEnv2, GBEnv3, GParking, GCS1, GEMP4, ENV12, ENV13, ENV14, D1, D2, D3, D4, D5, D6, D9, D10, D11, D17, M1, M2, M3, M4, M5, M6, M10, M11, M12, M13, M14, H2, H5, H16, H17, H18, H20, H21, H24, CS1, CS2, EMP2, EMP3, EMP7, IMP1, IMP2.

Barnet Core Strategy

The Planning & Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies DPD. Until the LDF is complete policies within the adopted UDP have been saved for a period of three years.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

Policy CS 3 states 'on the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26. As our focus of growth we will promote opportunities on the west side of the borough in the strategically identified North West London – Luton Coordination Corridor. We will promote the following regeneration and development areas in the Corridor:

- Brent Cross - Cricklewood
- Colindale
- Mill Hill East

These areas are expected to provide in the range of 17,000 new homes between 2011/12 to 2025/26. An appropriate level of transport provision will be provided as the regeneration schemes roll out.'

Policy CS 4 states 'we will aim to create successful communities in Barnet by:

- seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership
- seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness
- seeking a variety of housing related support options that maximise the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults
- delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 30% affordable homes on sites capable of accommodating ten or more dwellings
- seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes
- on sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to 3 rounds of public consultation and is in general conformity with the adopted London Plan therefore weight can be given to it as a material consideration in the determination of planning applications.

The Three Strands Approach

In November 2004 the Council approved its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The third strand 'Growth' responds to Barnet's significant growth potential and sets out how and where sustainable strategic growth, successful regeneration and higher density can take place across the borough. The Three Strands Approach also establishes Colindale as one of three strategic opportunity areas for high quality sustainable growth within Barnet where 10,000 new homes are expected to be delivered.

Colindale Area Action Plan (AAP)

The Council has prepared an Area Action Plan for Colindale which was adopted in March 2010. This provides a planning policy and design framework to guide and inform the development and regeneration of the area up to 2021 in response to the London Plan's Opportunity Area designation. The AAP contains guidance on sustainable development and identifies a number of key infrastructure improvements

needed to support the delivery of growth in Colindale. It identifies four character areas, the “Corridors of Change”, which identify specific development sites and set specific policy objectives to be achieved from redevelopment.

The Green Point Site is within the Colindale AAP area and falls within the Edgware Road Corridor of Change. The AAP vision for this Corridor of Change is:

The Colindale stretch of Edgware Road will become a thriving mixed-use urban corridor providing a focus for employment, housing and bulky retailing. A coordinated and high quality approach to the public realm will help establish a formal boulevard character befitting this busy and dense urban corridor. The area will provide an improved gateway to the new Colindale centre incorporating tall buildings where appropriate and involving key junction improvements to increase movement capacity and new or improved public transport provision.

Green Point is identified as a key site with planning permission for mixed uses, residential led redevelopment to provide 86 new homes, over 1181m² non food retail floor space and 569m² of Livework / Office space.

The adopted Colindale AAP forms a material consideration, under Section 38(6) of the Planning and Compensation Act 2004, in the determination of any planning applications for sites within the AAP area.

1.2 Relevant Previous Decisions

Application Ref.	Address	Description of Development	Decision and Date
W00407AZ/07	Green Point (Millet House), Edgware Road, Collindale, NW9 5AR	Demolition of existing building and erection of a mixed use building up to 8 storeys high comprising 86 residential units, 1181 metre square of A1 non-food retail floorspace (Class A1) and 569 metre square of either office (Class B1) or livework accommodation with 121 basement/ground floor residential and 23 ground floor commercial car parking spaces and vehicular access from the Greenway.	Refused at Committee 6 June 2007. Overturned at appeal and granted 3 April 2008
H/04167/10	Zenith House, The Hyde, London, NW9 6EW	Redevelopment of the former Zenith House site comprising the erection of buildings ranging from 2 to 16 storeys to provide 309 residential units, 1611sqm of Class B1 or D1 floorspace and 97sqm of Class A1 or Class A3 floorspace	Under Consideration

		along with a landscaped courtyard, provision of 218 car parking spaces and 349 cycle spaces, vehicular access from Colindeep Lane and pedestrian access from Colindale Avenue.	
H/01862/10	Zenith House, Edgware Road, NW9	Extension to time limit for implementing planning permission W/01156/AH/07 dated 05/10/07 for 'Demolition of part of existing office/warehouse building including retention of front facade and partial rebuild, and erection of two to eleven storey buildings at podium level to comprise 215 residential units with 215 car parking spaces within basement, 4286sqm of Class D1 (Community Centre) on the ground and first floors with 225 associated parking spaces within the former warehouse building (at ground, mezzanine and first floor levels), 293sqm Class A3 (restaurant) on the ground floor with 5 associated car parking spaces within the basement, a landscaped courtyard at podium level with children's play area, pedestrian access from Colindale Avenue, and erection of single storey enclosures to accommodate refuse storage, cycle storage and plant machinery.'	APPROVED 31/08/2010 following deed of variation to completed Section 106 Agreement
W01156AH/07	Zenith House, Edgware Road, NW9	Demolition of part of existing office/warehouse building including retention of front facade and partial rebuild, and erection of two to eleven storey buildings at podium level to comprise 215 residential units with 215 car parking spaces within basement, 4286sqm of Class D1 (Community Centre) on the ground and first floors with 225 associated parking	APPROVED 08/10/2007 following completion of Section 106 Agreement

		spaces within the former warehouse building (at ground, mezzanine and first floor levels), 293sqm Class A3 (restaurant) on the ground floor with 5 associated car parking spaces within the basement, a landscaped courtyard at podium level with children's play area, pedestrian access from Colindale Avenue, and erection of single storey enclosures to accommodate refuse storage, cycle storage and plant machinery.	
H/00342/09	Colindale Hospital, Colindale Avenue, London NW9 5HG	Redevelopment of the former Colindale Hospital to include the erection of 714 residential units including the change of use and conversion of the listed former Administration building to residential, a new primary care trust facility (Use Class D1) of 1,132sqm, commercial units (Use Class A1/A2//A3/B1) and site management office (Use Class D1/B1), together with access roads, car parking and cycle parking, new public and private open space, children's play space and landscaping. Application includes the submission of an Environmental Statement.	APPROVED 20/11/2009 following completion of S106 agreement
H/00343/09	Land at Station House and part of former Colindale Hospital site, Colindale Avenue	Construction of a part 7, part 18 storey building comprising a 374 bed Aparthotel (Use Class C1) together with a bar-club / restaurant (Use Class A3/A4), gym (Use Class D2) and four commercial units on the ground floor (Use Class A1/A3) along with associated car parking and landscaping.	APPROVED 24/12/2010 following completion of S106 agreement
Application in Adjoining Borough Brent	Buildings & Grounds, Oriental City, Edgware Road,	Application accompanied by a full Environmental Impact Assessment for the demolition of existing buildings and	Approved 13/06/ 2007

<p>Brent Ref: 06/1652</p>	<p>Kingsbury, London, NW9. (LONDON BOROUGH OF BRENT)</p>	<p>redevelopment for mixed-use purposes, comprising Class A1 retail (with a replacement Oriental City [to include a Sui Generis Amusement Arcade and A3/A5 Uses], new B & Q and bulky goods store, which together should provide 500 jobs), 520 residential units (comprising 1-, 2- and 3-bed flats, 4% being affordable) located in eight blocks rising to 3, 6, 9 and 18 storeys above a fifth-floor-level landscaped podium along the Edgware Road, rising to 8, 4, 5 and 2 storeys above the fifth-floor landscaped podium facing Plaza Walk and rising to 3 and 6 storeys above the Grove Park street level. Also, a nursery and primary school for 480 children, health & fitness studio (Use Class D2), associated landscaping, servicing, 1098 car parking spaces - comprising 721 spaces for retail users (incl. school drop off and disabled), 5 staff spaces accessed from Grove Park for the school, and 351 (incl. disabled) for residents and a further 21 disabled spaces on the podium.) and works to highway.</p>	<p>(Permission extended for further 3 years in June 2010)</p>
<p>Application in Adjoining Borough Brent Brent Ref: 08/2823</p>	<p>Land at Junction of Edgware Road and Capitol Way, London NW9 0EQ (LONDON BOROUGH OF BRENT)</p>	<p>Demolition of existing units and erection of 5 replacement 6 storey, 8 storey and 19 storey buildings, comprising 462 self-contained flats, 6, 191m² of retail (Use Class A1), 1,125m² of mixed uses (Use Classes A1 & B1) a 706m² community/health centre (use Class D1), 97m² of creche facilities (Use Class D1), 278 residential car-parking spaces, 500 residential cycle-parking</p>	<p>Approved 30/ 09/ 2009</p>

		spaces, 80 commercial car-parking and cycle-parking spaces, bin stores and associated landscaping, with access from Capitol Way, NW9 and Plaza Walk NW9.	
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1.3 Statutory and Non Statutory Consultation Responses

Comments from Residents

Local residents and businesses were consulted by letter on the 6th December 2010. The application was advertised in the press on the 16th December 2010 and a site notice was displayed at the site.

Neighbours Consulted:	458	Replies:	3
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3 responses to the public consultation have been received. The comments made can be summarised as follows:

- The height and bulk of the proposal would result in a loss of light to adjacent properties on Portman Gardens.
- The additional traffic levels on The Greenway would have a detrimental impact upon the traffic in the area.
- The additional associated Parking would exasperate the existing parking problem on The Greenway.
- There would be a loss of privacy to properties along Portman Gardens.
- There is evidence on the corner of Colindale Avenue and the Edgware Road of unsold retail properties the provision of more units of this type does not makes sense.
- The scale of the development is unacceptable in such close proximity to two story residential properties.
- The proposal would be out of character with the local residential area.
- There would be a loss of privacy to properties along The Greenway.
- The proposal does not include sufficient parking.
- The junction between the Edgware Road and The Greenway is likely to be hazardous due to the level of parking on The Greenway.
- Cars associated with the proposal would add to problems of bottlenecking when accessing Montrose Avenue.
- The council previously considered the application and refused it. The proposal should not be allowed.

Comment on these objections can be found in section 3 of this report.

Statutory Bodies/External Organisations Consultation Responses

Environment Agency (EA)

No objection raised.

Barnet Borough Police:

No objection raised.

London Fire Brigade:

No response received at the time of writing the report.
No objection raised to previous submission.

Thames Water:

No objection raised.

National Grid:

No Objection Raised

London Borough of Brent:

No response received at the time of the writing of the report.

Internal consultation responses

Environmental Health

The Environmental Health department have confirmed that they have no objections to the renewal of the planning permission subject to conditions.

Environment and Operations - Traffic and Development Team

The Highways Officer has confirmed that they have no objections to the renewal of the planning permissions subject to conditions and S106 requirements being applied to the renewed consent.

2. PLANNING APPRAISAL

Description of Site and Surrounding Area

The site is located at the junction of The Greenway and Edgware Road (A5). The Edgware Road forms the borough boundary with Brent council.

The site comprises 0.46 ha and is occupied by a single-storey derelict warehouse/factory building known as Millet House.

The immediate area is mixed use in character, featuring large scale retail warehouses, offices, showrooms and, residential units.

Across Edgware Road in Brent are a variety of shopping facilities including Oriental City (a shopping mall), ASDA, Wickes, and a Mercedes Benz sales centre. There are currently proposals under consideration for the comprehensive development of the Oriental City site.

The Greenway consists largely of two storey semi-detached residential units.

Description of Approved Development

The approved development comprises:

- 86 residential dwellings over a stepped building rising from 2 to 8 floors with 35% of the units affordable housing;
- 1181sqm of Class A1 Non Food Retail Floorspace on the ground floor to the Edgware Road Frontage;
- 569m2 of Class B1 office or Live Work units;

- 121 car parking spaces to be provided at basement and ground floor level for the residential properties;
- 23 car parking spaces for the commercial use at ground floor level;

Further details can be found in Appendix 3 'Committee Report 6 June 2007'

Appeal History

The original application for the redevelopment of The Green Point Site (reference W00407AZ/07) was allowed at appeal (APP/N5090/A/07/2057441) following a Refusal by the Planning and Environment Committee of 6 June 2007.

At committee the application was refused on the following grounds:

-Impact on Neighbouring Residential Amenity

The proposed development, by reason of its height, bulk and massing would be overbearing and detrimental to the residential and visual amenities of adjoining occupiers and would not provide adequate amenity space for future residents, contrary to Policies GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D7, H16, H17 and of the London Borough of Barnet Adopted Unitary Development Plan 2006.

-S106 – Affordable Housing

The development would require the provision of on-site units for affordable housing and no formal undertaking is given to provide these units contrary to Policies H5 and IMP1 of the London Borough of Barnet Adopted Unitary Development Plan 2006 and Supplementary Planning Document 'Affordable Housing 2007'.

-S106 – Education

The development lies within an area where there is currently a shortage of school places and no formal undertaking is given to meet the extra educational costs arising as a result of the development, contrary to policies CS8, IMP1 and IMP2 of the London Borough of Barnet Adopted Unitary Development Plan 2006 and Supplementary Planning Guidance 'Educational Needs Generated by New Housing Developments (2000)'.

-S106 – Public Open Space

The development would require the provision of improvements towards public open space and outdoor recreational facilities and no formal undertaking is given to meet this need, contrary to policy L26, H20, IMP1 and IMP2 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

-S106 – Highways

The development would require the provision of highway improvements and no formal undertaking is given to meet this need, contrary to policy M5, M11, M13, IMP1 and IMP2 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

In consideration of the potential impact upon amenities of neighbouring occupiers the Planning Inspector on appeal considered that the development would not be

unacceptably harmful and that it would be in conformity with the development plan. **This is further expanded upon in Appendix 1 which contains the Inspector's Appeal Report.**

The refusal reasons relating to S106 matters were resolved by the submission at the hearing of a Unilateral undertaking that covered the planning obligations.

Although this provides background to the extant permission the decision to approve or refuse this extension of time should be made solely on any changes to policy since the inspector's decision in April 2008.

Current Application

This application is for an extension of the time limit on the existing planning consent which was granted in April 2008 for the redevelopment of the Green Point Site. No changes are proposed to the approved plans or documents. The redevelopment of the site has by definition been judged to be acceptable in principle by The Planning Inspectorate. The Appeal report is attached at Appendix 1. The issues discussed in the Appeal report will not be repeated in this report unless relevant policies have changed.

Planning Considerations

The recession has had a significant impact on the development industry over the past two years. The ability for developers to raise finance to purchase and construct schemes has been restricted as bank lending has contracted. As a result many schemes could not be delivered within their three year time limit.

Changes In Policy

Greater Flexibility for Planning Permissions: Guidance (November 2009)

In 2009 the Government recognised the difficulties facing the industry and introduced legislation to help maintain the delivery of sustainable development in the face of UK recession. New guidance on providing greater flexibility for planning permissions was brought out in November 2009 via the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009. The measures set out in the procedure have been introduced in order to make it easier for developers and Local Planning Authorities (LPA) to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. LPA's are instructed to take a "positive and constructive approach" towards those applications which improve the prospect of sustainable development being taken forward quickly.

This process is referred to as an 'extension', although formally this procedure allows applicants to apply to the LPA for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. It is therefore an extension of time for the implementation of a planning permission by grant of a new permission for the development authorised by the original permission.

The outcome of a successful application under this new procedure is a new permission with a new time limit attached. The standard time period is 3 years.

The Department for Communities and Local Government stresses that, whilst this is not a rubber-stamp exercise, "development proposed in an application for extension

will by definition have been judged to be acceptable in principle at an earlier date" (Greater Flexibility for Planning Permissions, 2009). In considering an application to extend a planning permission, the LPA is required to focus their attention on development plan policies and other material considerations (including national policies) which may have changed significantly since the original grant of permission.

National Policy Statements

The majority of national policy statements are unchanged from the date when the original application was considered at appeal in 2008. The main updates have been in the creation of PPS4: Planning for Sustainable Economic Growth (2009), and the more recent changes to PPS3: Housing which were brought in by the new government.

PPS4 consolidates the key economic policies of PPG4, PPG5 and PPS6 (and part of PPS7). It places retail and town centre development in its wider context, as 'economic development' which provides employment opportunities, generates wealth or produces an economic output or product. As such this contributes to the Government's overarching objective of 'sustainable economic growth'. It retains the key aspects of retail policies contained with PPS6, including the sequential test, retail scale and revised impact assessment. The Green Point application includes 1181m² of Class A1 non-food retail floorspace and also 569m² of office or Live-Work accommodation. The level of retail space proposed falls well below the threshold of 2,500m² at which an impact assessment would be required. Further to this the development is in accordance with an existing Development plan (The Colindale Area Action Plan – March 2010) which identifies the Edgware Road Corridor of change as suitable for 'bulky' retailing and commercial uses on the lower floors. Furthermore Barnet's adopted UDP (2006) identifies the site (ref 'H8') as appropriate for a mixed use site for small business accommodation and housing. Due to the conformity of the original proposal with the introduction of PPS4 is not considered to affect the original application.

PPS3 has recently been amended to address issues relating to density and "garden grabbing". The proposed development does not involve any "garden grabbing". In relation to density, the newly adopted PPS3 provides local authorities with flexibility as to how they approach density issues within their local development frameworks although the policy objective of making efficient use of land remains. The minimum density requirements included in the previous version of PPS3 have been removed.

It is not considered that the changes to PPS3 would affect this approach or justify any different conclusion as to the appropriateness of the density of the development. On this basis, the application is considered to be acceptable in relation to the guidance in PPS3.

Regional Policy

The London Housing Design Guide – Interim Edition August 2010. The status of this document is advisory raising a best practice target for new development.

As of April 2011 the standards will be required of housing schemes applying for funding from the London Homes and Communities Agency. The S106 Requirement for 30 affordable units would remain in place with or without such funding.

Whilst not all of the units achieve the design targets set out within the document its capacity is advisory and on the basis of the weight that LPA's should give to adopting a positive and constructive approach to applications for extension of time limits this document would not impact upon the appeal decision.

Local Planning Policy

The process to replace Barnet's Unitary Development Plan which was adopted in 2006, with a Local Development Framework (LDF) began at the end of 2007. The LDF will contain a suite of Development Plan Documents which will include the Core Strategy, a Development Management Policies DPD and the Colindale Area Action Plan DPD.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to 3 rounds of public consultation and is in general conformity with the adopted London Plan therefore weight can be given to it as a material consideration in the determination of planning applications.

The Core Strategy identifies under policy CS 4 the goal of creating successful communities by seeking a range of dwelling sizes and types of housing. Whilst the proposal includes only 1 and 2 bed units this is in keeping with the Colindale Area Action Plan's preference for high density housing within the Edgware Road Corridor.

Since the adoption in 2006 of the UDP a number of policies have been saved so that they can continue to be used in determining planning applications whilst the LDF is prepared. The following policies which were referred to in the original committee report have therefore subsequently been deleted:

GEA, GEnergy, Gland, GBEEnv5, GLoc, GNonCar, GH1, GH2, GH3, ENV1, ENV2, ENV7(A), ENV10, ENV11, D7, D8, D17, H4, H13 H14,

These policies either repeat national regulations or requirements which are already set out in regional policies within the London Plan, hence the decision not to save them. The application is still consistent with the saved policies against which the proposals were originally considered.

Colindale Area Action Plan

Since planning permission was granted at appeal in 2008 for the redevelopment of Green Point, the Council has prepared an Area Action Plan (AAP) for Colindale which was adopted in March 2010. This provides a planning policy and design framework to guide and inform the development and regeneration of Colindale up to 2021 in response to the London Plan's designation of Colindale as an Opportunity Area. The AAP contains guidance on sustainable development and identifies a number of key infrastructure improvements needed to support the delivery of growth in Colindale. It identifies four character areas, the "Corridors of Change", which identify specific development sites and set specific policy objectives to be achieved from redevelopment.

Green Point is within the Colindale AAP area and falls within the Edgware Road Corridor of Change. The AAP vision for this Corridor of Change is:

The Colindale stretch of Edgware Road will become a thriving mixed-use urban

corridor providing a focus for employment, housing and bulky retailing. A coordinated and high quality approach to the public realm will help establish a formal boulevard character befitting this busy and dense urban corridor. The area will provide an improved gateway to the new Colindale centre incorporating tall buildings where appropriate and involving key junction improvements to increase movement capacity and new or improved public transport provision.

The Green Point proposal for the provision of 86 new homes with 1181m² A1 non-food Bulky goods retail at ground floor and 569m² office or live work space is in accordance with the adopted Colindale AAP and this application to extend the planning permission would enable the implementation of its objectives.

Amendments to Section 106 Requirements

A unilateral undertaking (dated 19th March 2008) is attached to the existing planning permission (reference W00407AZ/07) for the site.

The introduction of new and updated SPD's and the adoption of the Colindale AAP have required negotiations to take place to agree an updated S106 Obligation.

UDP Policy IMP1 states that the council's key priorities for planning obligations will be for the provision of:

- Residential Development:
 - Improvements to public transport infrastructure, systems and services.
 - Educational provision in areas with existing shortages of school places or where the development will create such a shortage.
 - Affordable or special needs housing to meet identified local needs.
 - Where appropriate; highway improvements (including benefits for pedestrians and cyclists), environmental improvements; the provision of open space; and other community facilities.

- Non-residential Development:
 - Improvements to public transport infrastructure, systems and services.
 - Small business accommodation, and training programmes to promote local employment and economic development.
 - Town centre regeneration schemes, including their promotion, management and physical improvements.
 - Where appropriate, highway improvements (including benefits for pedestrians and cyclists); environmental improvements; the provision of open space; and other community facilities.

Policy IMP2 further states that in order to secure the best use of land, the council will seek to ensure through the use of conditions or planning obligations attached to planning permissions, that new development provides for the infrastructure, facilities, amenities and other planning benefits which are necessary to support and serve it, and which are necessary to offset any consequential planning loss which may result from the development.

Colindale AAP Policy 8.3 states that *'the Council will seek to ensure, through the use of conditions and/or planning obligations, that new development provides for the*

planning benefits which are necessary to support and serve proposed new development in Colindale. The pooling of contributions for necessary transport and community infrastructure will be required having regard to the relative priorities for planning obligations for each Corridor of Change.'

The Colindale AAP (section 4.11) identifies the following Section 106 priorities for the Edgware Road Corridor of Change:

1. Provide a co-ordinated approach to public realm improvements including contributing to the boulevard character of this section of Edgware Road;
2. New or improved public transport provision, particularly for buses;
3. Provide attractive, legible and safe pedestrian and cycle routes; and
4. Colindale Avenue/Edgware Road junction improvements.

In addition to the above policies the Council has adopted Supplementary Planning Documents (SPDs) for 'Information, Management and Monitoring of Planning Obligations' and 'Contributions to Education'.

In accordance with the above policies, the following obligations are required to be secured through a Section 106 legal agreement with the developer:

Affordable Housing

Policy H5 of the Adopted UDP (2006) states that the council will seek to negotiate the maximum reasonable amount of affordable housing on sites of ten or more units gross, or 0.4 hectares or more, and to ensure that these units will continue to be affordable for successive occupiers.

The application includes 30 affordable units, of which 16 are social rented and 14 are intermediate (shared ownership). This represents a provision of 35% affordable housing by units or 33% by habitable rooms, with a tenure split of 53% social rented and 47% intermediate. The following mix of affordable units will therefore be secured through the S106 agreement:

- i) Social Rented Accommodation:
 - 9 x 1 bedroom (2 person)
 - 7 x 2 bedroom (3 person)
- ii) Shared Ownership Accommodation:
 - 12 x 1 bedroom (2 person)
 - 2 x 2 bedroom (3 person)

Education

Under Policy CS8 of the Adopted UDP (2006) the council will seek to secure financial contributions through a Section 106 Agreement for future education needs generated by developments in the Borough. In accordance with the council's Contributions to Education SPD, and based on the total number of residential units proposed, a contribution of £127,028 is required.

Libraries

The contributions to libraries SPD adopted in June 2008 identifies the associated requirements towards for library facilities and services this has been calculated as £14,724.

Health Facilities

Due to the scale of the development in accordance with the Health Facility SPD adopted on (30 July 2009) the associated obligations have been calculated using the NHS HUDU model to be £54,121.

Open Space Improvements

Policy 5.5 of the Colindale AAP seeks to create a high quality sustainable and attractive environment, improve the amount and quality of open space and enhance biodiversity in the area, addressing local issues of deficiency and meeting the needs of new residents, families and visitors. The introduction of 86 residential units with only balcony space for amenity would result in a significant use of local parks. A contribution of £50,000 towards the maintenance and improvement of local parks, with particular focus on Montrose park is required.

Highways

1) Junction Improvements

Colindale AAP Policy 3.1 sets out the highways improvements required within Colindale to accommodate the planned growth in the area. These include improvements to the capacity to Junctions along the A5 within the Edgware Road Corridor of Change. This is further supported by Policy 4.3 part e) which states that developments will be expected to improve public transport services and priority together with appropriate vehicular capacity along Edgware Road and particularly the junction with Colindale Avenue.

In light of the Colindale AAP policies and priorities, and having regard for the scale of the development, a contribution of £70,000 is required for the upgrade and signalisation of junctions of the A5 within the Colindale Area in order to facilitate the development.

2) Public Realm Improvements

Colindale AAP Policy 4.3 part c) states that development on major sites shall contribute to the creation of a coordinated new, tree-lined urban boulevard environment along this part of Edgware Road incorporating a high quality clutter-free public realm.

A contribution of £30,000 is therefore sought towards Public Realm improvements in the vicinity of the site in line with Policy 4.3.

3) Travel Plan

To ensure the sustainability of the development a Travel Plan is required to be submitted by the applicant.

In order to ensure the objectives of the Travel Plan are met a 'Monitoring Contribution' is required for monitoring the objectives of the Travel Plan. A contribution of £5,000 is required and will be included as part of a S106 Agreement.

Health Facilities:

S106 Monitoring Contribution

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore requires the payment of £8,500 towards the costs of undertaking the work relating to securing the planning obligations in line with the adopted Supplementary Planning Document (SPD) for Planning Obligations (2007).

Community Infrastructure Levy

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

The Council's Solicitors will need to agree the S106 Agreement. As per the recommendation attached to this report, once the Deed is completed and signed, the new planning consent under this application can be issued.

3. COMMENTS IN RESPONSE TO OBJECTIONS

Planning permission has already been granted for the development. The objections received have previously been taken into account at the time the original application was approved by Members. This is addressed in the original committee report attached at Appendix 3.

The impact upon neighbouring amenities of the proposed development due to its height bulk and mass including loss of light and privacy and the overbearing presence of the development were dealt with at appeal. A conclusion was reached by the Planning Inspector that the proposal would not be unacceptably harmful upon neighbouring amenities and that the proposal would be in line with the adopted development plan. The Inspectors report at Appendix 1 goes into detail on these matters.

The level of parking provided is considered by highways to be satisfactory for the development proposed and are not considered to be likely to lead to a an unacceptable impact upon the free flow of traffic and parking in the area.

Other issues are covered in the body of the report.

4. EQUALITIES AND DIVERSITY ISSUES

Residential units are designed to achieve Lifetime homes requirements and there are not considered to be any significant equalities and diversity issues relating to the application to extend the original planning permission. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in its Equality Scheme.

5. CONCLUSION

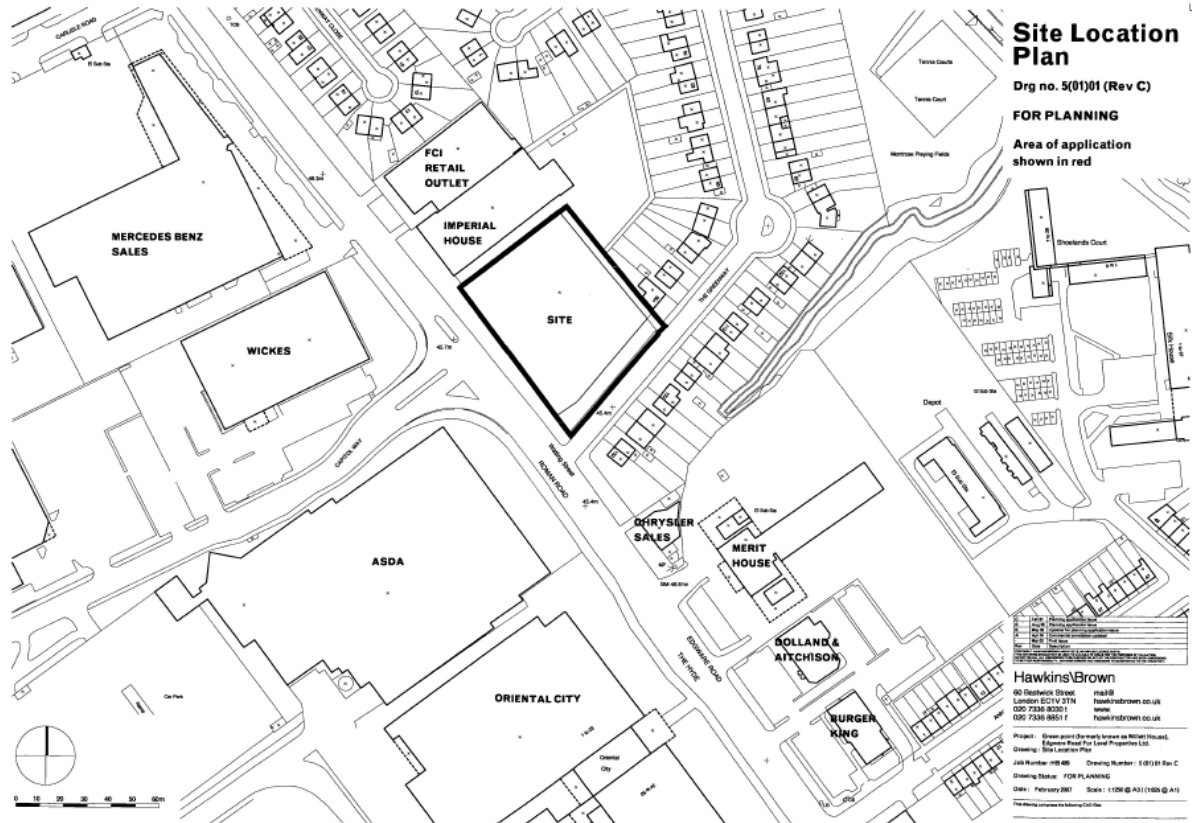
The Government, when introducing legislation to enable planning permissions to be extended, expected LPAs to assist the wider economy and the delivery of sustainable development by keeping alive planning applications which would otherwise lapse during the UK recession. Some policy changes were anticipated in the legislation and although the guidance made it clear that applications to extend planning permissions should not be considered a rubber stamp exercise, it also made clear that LPAs should be positive and constructive in their approach to determining them.

The development proposed in this application for extension has by definition been judged to be acceptable in principle by Members at the original committee in 2007. It is considered that there are no national, regional or local planning policy changes which mean permission should not be given to extend the time limit of the planning permission. In addition there are no other material considerations which would indicate that this application should be determined otherwise than in accordance with the development plan. The approved scheme is recognised within the adopted Colindale Area Action Plan and the proposal continues to be acceptable.

The application to extend the existing planning permission for redevelopment of Green Point for a further three years is therefore recommended for approval.

SITE LOCATION PLAN: Green Point (Millet House), Edgware Road, Colindale, London, NW9 5AR

REFERENCE: H/04595/10





Appeal Decision

Inquiry opened on 18 March 2008

Site visit made on 19 March 2008

by **Clive Hughes** BA MA DMS MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
3 April 2008

Appeal Ref: APP/N5090/A/07/2057441

Green Point, Edgware Road, Colindale, London NW9 5AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Level Properties Ltd against the decision of the Council of the London Borough of Barnet.
- The application Ref W00407AZ/07, dated 16 March 2007, was refused by notice dated 6 June 2007.
- The development proposed is mixed use development incorporating 86 residential units, 1181 square metres of A1 non-food retail and 569 square metres of B1 office/live-work with 116 basement residential and 28 ground floor commercial car parking spaces.
- The inquiry sat for 2 days on 18 and 19 March 2008.

Decision

1. I allow the appeal, and grant planning permission for demolition of existing building and erection of a mixed-use building up to 8 storeys high comprising 86 residential units, 1181 sq metres of non-food retail floorspace (Class A1) and 569 sq metres of either office (Class B1) or live/work accommodation with 121 basement/ground floor residential and 23 ground floor commercial car parking spaces and vehicular access from The Greenway at Green Point, Edgware Road, Colindale, London NW9 5AR in accordance with the terms of the application, Ref W00407AZ/07, dated 16 March 2007, and the plans submitted with it, as amended by the drawings submitted with the appeal and listed on page 6 of this Decision, and subject to the conditions set out in the Annex.

Procedural matters

2. The application was amended prior to determination by the Council. The description of the revised scheme, as agreed by the appellants and the Council at the Inquiry, is as set out in paragraph 1 (above) (Document 5).
3. There are two typographical errors on the decision notice. It refers to Policy H17 of the *London Borough of Barnet Unitary Development Plan* (the UDP) instead of Policy H18. Policy H18 is referred to in the *Statement of Common Ground* (SoCG) and I am satisfied that the appellants' case has not been prejudiced by this minor error. The decision notice also refers to Drawing No 5(12)00 Rev G instead of Rev H. I have considered the later revision (Rev H) as it was submitted prior to the Council's determination of the application.
4. A Unilateral Undertaking under section 106 of the Act was submitted by the appellants at the Inquiry. This provides for 30 of the dwellings (35%) to be affordable housing units; for financial contributions towards open space provision; pedestrian and highway works; education; and the costs of

preparing, monitoring and managing the Undertaking. The contents of this Undertaking are in accordance with the Council's requirements and overcome the Council's reasons for refusal Nos 2, 3, 4 and 5. Amended plans were submitted to the Inquiry. These plans show an increase in the balcony space for some of the flats which overcomes part of the first reason for refusal.

Main issue

5. The main outstanding issue, therefore, is the effect of the proposed development on the living conditions of occupiers of nearby dwellings with particular regard to the effect on outlook. The Council identified the properties concerned as Nos 94, 96, 118-132 (even) and 93-109 (odd) The Greenway.

Reasons

6. The Council identified that the harm to the occupiers of the 19 properties as set out in paragraph 5 (above) would arise as a consequence of the height, bulk and massing of the proposed building. At the Inquiry the Council said that the elements that cause concern are the 4-storey section on the Edgware Road/The Greenway junction and the 6-storey section in the north-eastern corner.
7. Concerning the Edgware Road/The Greenway junction, I agree with the Council that there would be some impact on outlook from the dwellings on the opposite side of The Greenway and on views of occupiers of properties that look west down The Greenway. With regard to the properties opposite the appeal site, the contentious part of the building would be in front of Nos 126 (part), 128, 130 and 132. No 126 would be largely opposite the courtyard formed by the proposed "U"-shaped layout; the bulk of the building would thus be significantly further away than the existing structure. Due to the oblique angle of its siting, the occupiers of the flats at No 132 would retain long views down Edgware Road to the west of the proposed building.
8. For the occupiers of Nos 128 and 130 there would be some adverse impact on outlook as the proposed building would be taller than the existing factory. This impact, however, would be limited due to the significant distance between the houses and the proposed building, the provision of the courtyard that results in a reduced width to the frontage building and the set back of the upper floors behind balconies. Views would be retained either side of the proposed building. Although there would be some loss of outlook from these two properties I do not consider that this loss would be so significant as to be unacceptable. The test in UDP Policies D5 and H16 is that adequate outlook is preserved; I consider that this development complies with those policies.
9. In coming to that conclusion I have taken account of the development at 1 Colindale Avenue (Kidstop) where four-storey flats are being built opposite terraced houses. While there are clear differences in circumstances, I have noted that the gap between the flats and the houses will be significantly less than the separation distance as now proposed at the appeal site.
10. With regard to views from further down The Greenway, the visual impact would be likely to be limited due to the greater distances involved although more of the building would be likely to be seen. Of the other properties referred to by the Council, the occupiers of Nos 94 and 96 would see the building above the houses but due to the distances involved I do not consider that the impact

- would be unacceptably harmful. The building would be seen in the context of the 4-storey Imperial House and the substantial mass of the Asda store on the opposite side of Edgware Road.
11. The impact on the occupiers of Nos 118-124 (even) The Greenway would be acceptable as they would face either the courtyard or the 2-storey live/work units. These units would be sited on the existing building line and have the same height as the factory and so would have no additional impact. There would be views of the upper floors of the building behind but due to the separation distance I consider that adequate outlook would be preserved.
 12. Concerning the north-east corner of the proposed building, the Council accepted that the proposed 2-storey "plinth" comprising live/work units and the servicing and parking areas would be acceptable. I agree as it would be of similar height and rather less depth than the existing building. I saw that the gardens of the adjoining (odd numbered) houses are set at a lower level than the houses, the appeal site and the car park to Imperial House with which there are common boundaries. The only house to abut the appeal site, No 109, has a large single storey structure that takes up much of its garden. Between that garden and the appeal site is a wall, about 3m high, that would be likely to restrict views of the building. The adjoining property, No 107, has a garage to the rear of the house and the garden is flanked by the structure at No 109 and a 3m high wall to the car park at the rear. Nonetheless, from this garden there would be clear views of the building.
 13. However, these and adjoining houses are sited parallel with the appeal site and as such their direct outlook is towards the rear part of Imperial House and its associated car park with its high fences and lighting columns. Beyond the low-level gardens, therefore, the outlook from these houses is predominantly commercial. There are oblique views of the existing factory building on the appeal site and of the adjoining gardens. Close to the garden of No 109 the proposed building would have a flat roof of similar height to the eaves of the existing factory. By removing the pitched roof, this part of the proposed building would be less visually dominating than the existing factory. In this context, I do not consider that the outlook of the occupiers of these properties would be unacceptably harmed. While there is no doubt that the flats would be visible from the houses and gardens, I consider that adequate outlook would be preserved in compliance with Policies D5 and H16.
 14. The Council cited other properties in The Greenway whose occupiers would be affected. Concerning Nos 97 and 99, these properties are at an oblique angle to the appeal site and seem to face Imperial House and the commercial building beyond. I do not consider that the outlook of the occupiers of these houses would be seriously harmed. Concerning Nos 93 and 93, these houses are sited such that they face the appeal site. However, the proposed building would have less depth than the existing factory. It would be set almost 5m off the boundary with Imperial House whereas the existing building abuts the boundary. I consider that a combination of this set back, the 2-storey "plinth" and the 50-60m separation distance would result in adequate outlook being retained in accordance with the cited policies in the UDP.
 15. I conclude on the main issue that while there would be some limited harm to the outlook of occupiers of nearby houses and flats, the development has been

- designed to ensure that adequate outlook would be preserved and so the development would comply with UDP Policies D5 and H16.
16. I have also taken into consideration the written representations made in respect of this appeal. Concerning the assertion that the scheme constitutes overdevelopment, I acknowledge that there can be a tension between policies that seek to maximise the potential of sites and those that seek to respect local context. I have also had regard to PPS3: *Housing* which warns that more intensive forms of development are not always appropriate.
 17. This site is identified in the UDP as Site Specific Proposal H8 for a mixed use, starter and small business accommodation and housing. Policies in the recently adopted *London Plan: Spatial Development Strategy for Greater London Consolidated with Alterations since 2004* (2008) seek to optimise the use of sites (Policy 2A.1) and maximise the potential of sites (Policies 4B.1 and 4B.3). Table 5B.1 of the London Plan identifies Colindale as an Opportunity Area in North London; Policy 5B.2 says that taking account of other policies, developments will be expected to maximise residential and non-residential densities. This strategy is in line with the Council's *Three Strands Approach* (2005) in which Strand Three includes strategic regeneration and higher density; the Strand specifically identifies Colindale as having significant potential for new homes and jobs. The site also falls within the boundary of the emerging *Colindale Action Area Plan*; it is identified as part of a development site (No 10: Green Point). The Council acknowledged that the area is identified for intensification but as this plan is at an early stage it carries very limited weight.
 18. I have also had regard to the local context which includes buildings of a wide range of scales and uses ranging from the houses in The Greenway to multi-storey developments such as Merit House, 1 Colindale Avenue (Kidstop) and the approved scheme for Oriental City, as well as substantial retail stores such as Asda and Wickes on the opposite side of Edgware Road. In this context, and in accordance with the adopted policies, I do not consider that the proposed development is too much for the site. I consider that its horizontal emphasis, expressed through the dominant floor plates above the 2-storey plinth, together with the deeply recessed balconies and the extensive glazing of the top floors would produce a very pleasing building, well suited for this location. It would also reflect the significant scale of buildings in the immediate area while respecting its residential neighbours.
 19. Concerning the impact on education and health facilities no evidence was put forward to demonstrate that this development would result in any harm. The Council is satisfied that, subject to the terms of the Unilateral Undertaking, there would be no unacceptable burden on education facilities. Concerning overlooking I accept the evidence of the appellants and the Council that the privacy standards set out UDP Policy H17 are fully met. Concerning flood risk I have noted that a Flood Risk Assessment was submitted and that it has been accepted by the Environment Agency. In these circumstances, and in the absence of any contradictory evidence, I can give little weight to the residents' concerns on this matter.
 20. Concerning highways issues I have taken into account the fact that the off-street parking provision accords with the Council's requirements. The

appellants' uncontested evidence is that while there will be an increase in traffic on the immediate road network the impact would be negligible. The Unilateral Undertaking, which is acceptable to the Council, makes provision for a financial contribution towards pedestrian and highway works.

21. I have considered the representations of the owners of Imperial House concerning the impact of this proposal on the potential for redeveloping the Imperial house site. The uncontested evidence at the Inquiry was that this proposal would not prevent the reasonable redevelopment of that site. I have noted that the building has been set back several metres from the common boundary to facilitate such redevelopment.
22. I have taken into account the suggested conditions as set out in the SoCG and as discussed at the Inquiry. I agree that a condition requiring the submission of details of existing and proposed levels is necessary in the interests of the living conditions of adjoining residents. Details of external materials, lighting and landscaping proposals need to be submitted in the interests of the visual amenities of the area and security. An archaeological investigation needs to be carried out to assess the archaeological importance of the site. Details of sight lines and parking need to be provided in the interests of highway safety in the area. Construction Management and Site Management Plans, including details of hours of working, are necessary in the interests of highway safety and residential amenity.
23. A condition is required to ensure that the development complies with policies concerning sustainable forms of development. It is also necessary to impose conditions regarding a site investigation and remediation works as the site may be contaminated following its long industrial history. The proposed live/work units need to be conditioned to ensure that they are used for the specified purposes and do not cause any loss of amenity to residents of other units in the scheme or in nearby dwellings. The retail area needs to be conditioned to ensure that it is used for non-food retail purposes only with no mezzanine floors to protect the trading impact of the development on nearby town centres. Air quality and external noise need to be assessed and, if necessary, mitigation measures put in place to protect the living conditions of future residents. Noise mitigation measures need to be included within the retail units to ensure that this part of the development does not harm the living conditions of occupiers of the residential units and nearby dwellings.
24. Overall, I conclude that the development would not be unacceptably harmful to the outlook of occupiers of nearby dwellings and that it would be in conformity with the development plan. I have found nothing in the other matters raised that are sufficient to outweigh that conclusion. I have taken into account the provisions of the Unilateral Undertaking and conclude that permission should be granted subject to the conditions set out in the Annex to this Decision.

Clive Hughes

Inspector

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DipArch RIBA FRSA

Michael West MCD

BArch FRTPI RIBA FRSA

Patrick Grincell BSc MA

MRICS MRTPI

Lance John Harris

MRICS

Director, Hawkins/Brown, 60 Bastwick Street,
London EC1V 3TN

Principal, West & Partners, Isambard House,
Weston Street, Southwark

Planning Director, Savills (L&P) Ltd, Lansdowne
House, 57 Boundary Square, London W1J 6ER

Director, Anstey Horne & Co Ltd, 4 Chiswell
Street, London EC1 – evidence not challenged
and taken as read

Neil Findlay BSc CEng

MICE MIHT MILT

Technical Director, WSP Development and
Transportation, Mountbatten House, Basing View,
Basingstoke, Hampshire RG21 4HJ – evidence
not challenged and taken as read

INTERESTED PERSONS:

Cllr Claire Farrier

225 Watling Avenue, Burnt Oak HA8 0NB –
Councillor for Burnt Oak Ward

Mr W A Farquhar

130 The Greenway, London NW9 5AP (site visit)

William Yapp

107 The Greenway, Colindale, London NW9 5AR
(site visit)

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Council's notification letter and list of persons notified
- 2 Signed Statement of Common Ground
- 3 Analysis of UDP Policy H17 by Hawkins/Brown
- 4 Signed Unilateral Undertaking dated 19 March 2008
- 5 Document ref: LPL/PMG/6 – agreed description of development
- 6 Document ref: LPL/PMG/4 – London Plan Policies and the change to 2008

PLANS SUBMITTED AT THE INQUIRY

- A Drawings No 489_SK_NG_080208_01 to 04 inclusive: revisions to balcony amenity space
- B Drawings No 489/5(12)02 Rev K, 03 Rev K, 04 Rev J, 05 Rev K, 06 Rev K and 07 Rev K: revisions to floor plans to accommodate additional balcony amenity space

Annex to Appeal decision APP/N5090/A/07/2057441

Conditions (30)

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Before the development is commenced, details of the levels of the building in relation to adjoining land and highways and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 3) Notwithstanding the submitted plans before the development hereby permitted commences samples of the materials to be used for the external surfaces of the building and hard surfaced areas shall be submitted to and approved in writing by the local planning authority including, though not limited to,
 - i. Sample glazing with window/door frames
 - ii. Balustrade and edge detail
 - iii. Roofing materials, including roof parapets and overhangs to flats
 - iv. Typical rainwater goods (section of gutter, downpipe etc)
 - v. Sample area of render
 - vi. Sample area of brickwork – for main brickwork a sample should be erected indicating proposed pointing

The development shall be implemented in accordance with the approved details.

- 4) Notwithstanding the submitted plans before the development hereby permitted is commenced the following construction details at 1:20 scale (except where otherwise indicated) shall be submitted to and agreed in writing by the local planning authority:
 - i. Balcony doors to flats
 - ii. Balcony balustrades
 - iii. Gates and railings
 - iv. Main entranceways to flats and live-work units
 - v. Roof parapets and overhangs to flats and houses
 - vi. Rainwater goods (gutters, downpipes etc) (1:100)
 - vii. All plant at roof level – including lift motor (1:50)
 - viii. Location of all service intakes and meters (no meter boxes to be visible on front facades)

The development shall be implemented in accordance with the approved details.

- 5) No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays; before 08:00 hrs or after 13:00 hrs on Saturdays; or before 08:00 hrs and

- after 18:00 hrs on other days unless previously agreed in writing by the local planning authority.
- 6) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
 - 7) Prior to the commencement of development a scheme of hard and soft landscaping, with particular reference to the vicinity of the entrance to the affordable housing, shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of:
 - i. Locations and size of proposed tree planting including details of individual tree species and any tree pits proposed
 - ii. Method statement for planting and on-going maintenance of any proposed tree planting
 - iii. Full planting plans for Green roof planting detailing species, specification and location of any planting, including on-going maintenance. All works so agreed shall be carried out strictly in accordance with the approved details.
 - 8) All work comprised in the approved landscaping scheme shall be carried out within 12 months following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
 - 9) Any trees or shrubs planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within 5 years of the completion of the development shall be replaced with trees or shrubs with appropriate size and species within a period of 12 months.
 - 10) No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontages of the development to The Greenway from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access.
 - 11) The car parking areas indicated on Drawings No 5(12)01 Rev G and 5(12)00 Rev H shall be constructed and marked out prior to the occupation of the development, and thereafter permanently retained for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.
 - 12) Before the development hereby permitted commences a Parking Management Plan shall be submitted to and agreed in writing by the local planning authority. This Plan shall include details of
 - i. Parking management strategy
 - ii. Measures to maintain the Retail Service Apron (as shown on Drawing No 5(12)00 Rev H) for loading and unloading only
 - iii. The allocation of parking spaces
 - iv. Compliance/enforcement strategy

The Management Plan shall be implemented as soon as the first unit is occupied onsite and kept in operation thereafter unless otherwise agreed in writing by the local planning authority.

- 13) The demolition and/or construction of the development hereby approved shall be carried out in accordance with a method statement and Construction Management Plan, which shall have been previously submitted to and approved in writing by the local planning authority. Any demolition shall be carried out in complete accordance with the approved scheme.

Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the method statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site parking facilities for contractors during all stages of development (excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

- 14) Before the development hereby permitted commences a site management plan detailing the siting of all temporary buildings proposed during construction, vehicle unloading areas and materials storage areas shall be submitted to and agreed in writing by the local planning authority. All works shall conform to those approved.
- 15) Details of any external lighting shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 16) No development shall be commenced until an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes, and an accompanying interim certificate stating that the dwellings have been designed to achieve at least Level 3 of the Code has been submitted to and approved in writing by the local planning authority. The dwellings shall not be occupied until they have been issued with a final Code certificate of compliance.
- 17) Before development commences other than for investigation work:

- a. A site investigation shall be designed for the site using information obtained from a desktop study and Conceptual Model submitted. 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. If the risk assessment and refined Conceptual

Model indicate no risk of harm, development shall not commence until approved in writing by the local planning authority.

- b. 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.
- 18) 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 first occupied.
 - 19) For any live/work units provided, the work part shall only be used for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 in association with the residential parts of the units as shown on the approved submitted plans and shall not be used for any other purpose.
 - 20) For any live/work units provided the residential part shall only be used for residential purposes in association with the work part of the said live/work units and shall not be used for any other purpose.
 - 21) Detailed drawings showing the internal layout of the B1 office or live/work units hereby approved shall be submitted to and approved in writing by the local planning authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any approval given.
 - 22) Without prejudice to Condition 21 no B1 office or live/work units hereby approved shall be used or occupied for any purpose unless and until the detailed drawings referred to in condition 21 have been submitted to and approved in writing by the local planning authority.
 - 23) For any live/work units provided the work element shall be a use which can be carried out without detriment to the amenity of the occupants of other units by reason of noise, smell, fumes, smoke, soot, ash, dust or grit.
 - 24) The ground floor A1 retail area shown on Drawing No 5(12)00 Rev H shall be used for non-food retail and for no other purpose (including any other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 2005 unless agreed in writing by the local planning authority or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
 - 25) No mezzanine floors shall be installed within the site as a whole without the prior written approval of the local planning authority.
 - 26) Before the development commences, details of the proposed Green Roofs; specific equipment and controls for heating, electricity and water to reduce energy use; and bicycle storage facilities shall be submitted to and approved in writing by the local planning authority. The systems or facilities shall be installed and fully operational prior to the first occupation of the building and thereafter permanently maintained.

27) Before development commences, an air quality report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved in writing by the local planning authority. It should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory.

A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

28) A PPG24 assessment, by an approved acoustic consultant, shall be carried out on the development that assesses the likely impacts of noise on the development. This report and any measures to be implemented by the developer to address its findings shall be submitted to and approved in writing by the local planning authority before the development commences. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

29) Before development commences, a report shall be carried out by a qualified acoustic consultant and submitted to the local planning authority for approval, which assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data and be set out so that the local planning authority can fully audit the report and critically analyse the contents and recommendations. The approved mitigation measures shall be implemented in their entirety before any of the units are occupied.

30) Prior to the occupation of the ground floor retail units, details of appropriate noise mitigation measures shall be submitted to and approved in writing by the local planning authority. The sound insulation shall ensure that the level of noise in the habitable rooms of the neighbouring premises shall be no higher than 35Db(A) from 07:00 hrs to 23:00 hrs and 30 Db(A) in bedrooms from 23:00 hrs to 07:00 hrs the following day.

APPENDIX 2
Decision Notice
Issued 6 June 2007

Director of Planning and Environmental Protection,
Building 4, North London Business Park
Oakleigh Road South, London N11 1NP
Contact Number: 020 8359 4675

PLANNING

Applicant: Level Properties Ltd
Agent: Patrick Grincell
Savills Incorporating Hephher D
Bridewell Place
London
EC4V 6AW

Application No: W00407AZ/07
Registered date: 5 April 2007

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby:

REFUSES PLANNING PERMISSION for:-

Demolition of existing building and erection of a mixed use building up to 8 storeys high comprising 86 residential units, 1181 metre square of A1 non-food retail floorspace (Class A1) and 569 metre square of either office (Class B1) or livework accommodation with 121 basement/ground floor residential and 23 ground floor commercial car parking spaces and vehicular access from the Greenway.

At:- Green Point Edgware Road Colindale London NW9 5AR

as referred to in your application and shown on the accompanying plan(s):

For the following REASON(S):-

- 1 The proposed development, by reason of its height, bulk and massing would be overbearing and detrimental to the residential and visual amenities of adjoining occupiers and would not provide adequate amenity space for future residents, contrary to Policies GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D7, H16, H17 and of the London Borough of Barnet Adopted Unitary Development Plan 2006.
- 2 The development lies within an area where there is currently a shortage of school places and no formal undertaking is given to meet the extra educational costs arising as a result of the development, contrary to policies CS8, IMP1 and IMP2 of the London Borough of Barnet Adopted Unitary Development Plan 2006 and Supplementary Planning Guidance 'Educational Needs Generated by New Housing Developments (2000)'.

- 3 The development would require the provision of improvements towards public open space and outdoor recreational facilities and no formal undertaking is given to meet this need, contrary to policy L26, H20, IMP1 and IMP2 of the London Borough of Barnet Adopted Unitary Development Plan 2006.
- 4 The development would require the provision of highway improvements and no formal undertaking is given to meet this need, contrary to policy M5, M11, M13, IMP1 and IMP2 of the London Borough of Barnet Adopted Unitary Development Plan 2006.
- 5 The development would require the provision of on-site units for affordable housing and no formal undertaking is given to provide these units contrary to Policies H5 and IMP1 of the London Borough of Barnet Adopted Unitary Development Plan 2006 and Supplementary Planning Document 'Affordable Housing 2007'.

INFORMATIVE(S):-

- 1 The plans accompanying this application are:- Drg. No's: 5 (01)01 Rev C, 5(12)-01 Rev G, 5(12)00 Rev G, 5(12)01 Rev D, 5(12)02 Rev J, 5(12)03 Rev J, 5(12)04 Rev H, 5(12) 05 Rev J, 5(12) 06 Rev J, 5(12)07 Rev J, 5(12)10 Rev G, 5(13)01 Rev E, 5(13), 02 Rev E, 5(13)03 Rev E, 5(14)01 Rev H, 5(14)02 Rev H, 5(14)03 Rev J, 5(14)04 Rev J, 5(14)05 Rev J, Design and Access Statement, Planning Statement and Environmental Report, Appendices Vol. 1, Appendices Vol. 2. Flood Risk Assessment.

Date of Decision: 6 June 2007

Signed:


Acting for **Stewart Murray**
Director of Planning & Environmental Protection

NOTE(S):-

- 1 Your attention is drawn to the attached Schedule which sets out the rights of an applicant who is aggrieved by a decision of the Local Planning Authority.
- 2 This notice relates solely to the refusal of planning permission and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

LOCATION: Green Point, Edgware Road, Colindale, London NW9

REFERENCE: W00407AZ/07 **Received:** 20 Mar 2007
Accepted: 5 Apr 2007

WARD: Burnt Oak **Expiry:** 5 Jul 2007
Final Revisions:

APPLICANT: Level Properties Ltd

PROPOSAL: Demolition of existing building and erection of a mixed use building up to 8 storeys high comprising 86 residential units, 1181 metre square of A1 non-food retail floorspace (Class A1) and 569 metre square of office (Class B1) and livework accommodation with 116 basement/ground floor residential and 28 ground floor commercial car parking spaces and vehicular access from the Greenway.

RECOMMENDATION I:

That the Borough Solicitor and the Director of Planning and Environmental Protection be instructed to invite the applicant and any other person having a requisite interest, to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation that the Borough Solicitor considers is necessary for the purposes of seeking to ensure the following advantages:

- (a) Provision of 30 affordable housing units on the site. 16 socially rented (9 x 1bed 2p and 7 x 2bed 4p) and 14 Shared Ownership (12 x 1bed 2p and 2 x 2bed 4p) to be transferred to a registered social Landlord nominated by the Council at 65% of the Total Cost Indicators for 2006 (inclusive of all related on-costs) as stated in the Council's SDP for Affordable Housing. The affordable housing must be built to development standards set by the Housing Corporation which are necessary to achieve affordable housing grant. The scheme should also contribute to the Construction Training Scheme as stated in the SPD for Affordable Housing.
- (b) A contribution of £50,000 for open space improvements and improvements to outdoor sports and recreational facilities.
- (c) A contribution of £30,000 for pedestrian and highway works within 1km of the site.
- (d) A contribution of £15,340 index linked toward education provision in the Borough.
- (e) The contribution of £7,017 towards the monitoring and management of the S106 planning obligations.
- (f) Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements.
- (g) All payments to be made in their entirety within 28 days following a material start to the implementation of the development with prior written notification to be given to the Chief Planner, Development Control 14 days prior to that start.

RECOMMENDATION II:

That upon completion of such agreement the Director of Planning and Environmental Protection be instructed to approve planning application ref: W00407AZ/07 under delegated powers subject to the following conditions:

1. This development must begin within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

3. Notwithstanding the submitted plans before the development hereby permitted commences samples of the materials to be used for the external surfaces of the building and hard surfaced areas shall be submitted to and agreed in writing by the Local Planning Authority including, though not limited to:
- (i) Sample glazing with window/door frame(s).
 - (ii) Balustrade and edge detail.
 - (iii) Roofing materials, including roof parapets and overhangs to flats.
 - (iv) Typical rainwater goods (section of gutter, downpipe etc).
 - (v) Sample area of render.
 - (vi) Sample area of brickwork (Note: For main brick a sample wall should be erected indicating proposed pointing).

All works shall conform to those approved.

Reason:

To safeguard the visual amenities of the building and surrounding area.

4. Notwithstanding the submitted plans before the development hereby permitted is commenced the following construction details at 1:20 scale (except where otherwise indicated) shall be submitted to and agreed in writing by the Local Planning Authority:
- (i) Balcony doors to flats.
 - (ii) Balcony balustrades.
 - (iii) Gates and Railings.
 - (iv) Main entranceways to flats and live/work units.
 - (v) Roof parapets and overhangs to flats and houses.
 - (vi) Rainwater goods (gutters, down pipes etc) (1:100).
 - (vii) All plant at roof level - including lift motor (1:50).
 - (viii) Locations of all service intakes and meters (no meter boxes to be visible on front facades).

All works shall conform to those approved.

Reason:

To safeguard the visual amenities of the building and surrounding area.

5. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

6. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

7. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8am or after 1pm on Saturdays, or before 8am or after 6pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

8. No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:

To enable archaeological investigation of the site.

9. A scheme of hard and soft landscaping with particular reference to the vicinity of the entrance to the affordable housing including details of:
- (i) Location and size of proposed tree planting including details of individual tree species and any tree pits proposed.
 - (ii) Method statement for planting and on-going maintenance of any proposed tree planting.
 - (iii) Full planting plans for Green roof planting detailing species, specification and location for any planting, including on-going maintenance. All works so agreed shall be carried out strictly in accordance with the approved details.

Reason:

To ensure a satisfactory level of appearance and security to the development and to ensure that appropriate mitigation of tree and ecology impacts are provided.

10. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

11. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

12. No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontages of the development from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

13. The car parking areas indicated on Drawings:5(12)-01 Rev G and 5(12)00 Rev G shall be constructed and marked out prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason:

To ensure that sufficient off-street parking areas are provided and the free flow of traffic on the adjoining highway is not prejudiced in accordance with Policies M8 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

14. Before the development hereby permitted commences a Parking Management Plan detailing:
- (i) Parking management strategy.
 - (ii) Measures to maintain the Retail Service Apron (as shown on plan 5(12)00 Rev G) for loading and unloading only.
 - (iii) The allocation of parking spaces.
 - (iv) Compliance/enforcement strategy.

Shall be submitted to and agreed in writing by the Local Planning Authority. The management plan shall be implemented as soon as the first unit is occupied onsite and kept in operation thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that parking and servicing is provided and managed in accordance with the council's standards in the interests of Highway and pedestrian safety.

15. The demolition and/or construction of the development hereby approved, shall be carried out in accordance with a method statement and Construction Management Plan, which shall have been previously submitted to and approved in writing by, the local planning authority. Any demolition shall be carried out in complete accordance with the approved scheme.

Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the method statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (excavation, site preparation and construction) and the provision on site of a storage /delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

Reason:

In the interests of the free flow of traffic, highway safety and sustainable development.

16. Before the development hereby permitted commences a site management plan detailing the siting of all temporary buildings proposed during construction, vehicle unloading areas and material storage areas shall be submitted to and agreed in writing by the Local Planning Authority. All works shall conform to those approved.

Reason:

To ensure that neighbour's amenity is not adversely affected.

17. Details of any external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To prevent light pollution of neighbouring properties whilst ensuring a satisfactory level of security.

18. The development will be required to meet the "Very Good" standard in the BRE (Building Research Establishment) EcoHomes assessment or equivalent level of the Code as may be agreed by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

19. Before development commences other than for investigative work:
- a) A site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model submitted. 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. If the risk assessment and refined Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

- b) 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.

Reason:

To protect the health of future occupiers from the potential harm of pollutants that may be present on site as a result of its past uses.

20. 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 protect the health of future occupiers from the potential harm of pollutants that may be present on site as a result of its past uses.

21. The work part of the Live/Work Units hereby approved and shown on the approved drawing number 5(12)01 Rev D shall only be used for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 in association with the Residential parts of the units as shown on the submitted plans hereby approved and shall not be used for any other purpose.

Reason:

In order that the proposed live/work units will contribute towards a healthy and stable economy in Barnet.

22. The residential parts of the Live/Work Units hereby approved and shown on the approved drawing number 5(12)01 Rev D shall only be used for residential purposes in association with the Work part of the said Live/work units and shall not be used for any other purpose.

Reason:

In order that the residential element of the proposed Live/work units is retained and so that residential amenity of both the new unit and those neighbouring occupiers shall be protected.

23. Detailed drawings showing the internal layout of the Live/Work units hereby approved shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

To ensure the appropriate and functional development of the Live/Work units.

24. Without prejudice to condition 23 no Live/Work units hereby approved shall be used or occupied for any purpose unless and until the detailed drawings referred to in condition 23 have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the appropriate and functional development of the Live/Work units.

25. The work element of the live/work unit hereby approved shall be a use which can be carried out without detriment to the amenity of the occupants of other units by reason of noise, smell, fumes, smoke, soot, ash, dust or grit.

Reason:

In order that the work element of the development is retained and so that residential amenity of both the new unit and those neighbouring occupiers shall be protected.

26. The ground floor A1 Retail Area shown on Plan 5(12)00 RevG shall be used for Non-food, 'Bulky Item' Retail and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order, 2005, unless agreed in writing by the local authority or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area and local Town Centres.

27. No mezzanine floors shall be installed within the site as a whole without the prior agreement of the Local Planning Authority.

Reason:

To control the trading effects of the proposal in the interests of the vitality and viability of nearby town centres.

28. Before the development commences details of the proposed Green Roofs; specific equipment and controls for heating, electricity, and water to reduce energy usage and bicycle storage facilities, shall be submitted to and approved in writing by the Local Planning Authority. The systems or facilities shall be installed and fully operational prior to the occupation of the building and thereafter permanently maintained.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

29. Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the LPA. It should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory.

A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the LPA prior to development. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason:

To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity.

30. A PPG24 assessment, by an approved acoustic consultant, shall be carried out on the development that assesses the likely impacts of noise on the development. This report and any measures to be implemented by the developer to address its findings shall be submitted to and approved by the LPA before the development commences. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason:

To ensure that the amenities of occupiers are not prejudiced by road traffic noise in the immediate surroundings.

31. Before development commences, a report shall be carried out by a qualified acoustic consultant and submitted to the LPA for approval, which assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the LPA can fully audit the report and critically analyse the contents and recommendations. The approved mitigation measures shall be implemented in their entirety before any of the units are occupied.

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

32. Prior to the occupation of the ground floor retail units, details of appropriate noise mitigation measures will be submitted to and approved by the LPA. This sound insulation shall ensure that the level of noise in the habitable rooms of the neighbouring premises shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home.

INFORMATIVE(S):

1. The plans accompanying this application are: Drg. No's: 5 (01)01 Rev C, 5(12)-01 Rev G, 5(12)00 Rev G, 5(12)01 Rev D, 5(12)02 Rev J, 5(12)03 Rev J, 5(12)04 Rev H, 5(12)05 Rev J, 5(12)06 Rev J, 5(12)07 Rev J, 5(12)10 Rev G, 5(13)01 Rev E, 5(13)02 Rev E, 5(13)03 Rev E, 5(14)01 Rev H, 5(14)02 Rev H, 5(14)03 Rev J, 5(14)04 Rev J, 5(14)05 Rev J, Design and Access Statement, Planning Statement and Environmental Report, Appendices Vol. 1, Appendices Vol. 2.
2. Any alteration to existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
3. The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (ie those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (telephone 0541 545500).

You may wish to note that this informative does NOT apply to permissions relating to:

- domestic householder development
- small scale construction projects (ie projects that will last no longer than 30 days and involve 4 or less people).
- internal works that can be carried out whilst the premises are still in operation.

4. In complying with the contaminated land condition parts 1 and 2:
 - a. Use of current guidance
Reference should be made at all stages to appropriate current guidance and codes of practice at January 2006 this would include:
The Environment Agency CLR Guidance documents;
Planning Policy Statement 23 Planning and Pollution Control;
PPS23 Annex 2 Development On Land Affected By Contamination;
BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
The Environment Agency (2001) Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination;
And Guidance for the safe development of housing on land affected by contamination, Environment Agency R&D Publication 66.
 - b. Maps
Clear site maps should be included in the reports showing previous and future layouts of the site, potential sources of contamination, the locations of all sampling points, the pattern of contamination on site, and to illustrate the remediation strategy.
 - c. Raw Data
All raw data should be provided in a form that can be easily audited and assessed by the council. (e.g. trial pit logs and complete laboratory analysis reports)
 - d. Decision Process
Details as to reasoning, how conclusions were arrived at and an explanation of the decisions made should be included (e.g. the reasons for the choice of sampling locations and depths).
5. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The details of acoustic consultants can be obtained from the following contacts:
Institute of Acoustics: telephone number 01727 848195
Association of Noise Consultants: telephone number 01763 852958

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

Dept of Environment: PPG 24 (1994) Planning Policy Guidance – Planning & Noise.
BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) – Description & measurement of environmental noise.

BS 4142:1997 – Method of rating industrial noise affecting mixed residential and industrial areas.

BS 8223 :1999 – Sound insulation and noise reduction for buildings: code of practice.

Dept of Transport: Calculation of Road Traffic Noise (1988).

Dept of Transport: Calculation of Railway Noise (1995).

Dept of Transport: Railway Noise & Insulation of Dwellings.

6. The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. The report submitted to the LPA should be written in accordance with the following guidance:
NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control.
Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality.
London Councils Air Quality and Planning Guidance, revised version January 2007.

The report should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network.

7. The reasons for this grant of planning permission or other planning related decision are as follows:
- i) The proposed development accords with strategic planning guidance and policies as set out in the Mayor's London Plan (published 10 February 2004) and the Adopted Barnet Unitary Development Plan (2006). In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006) – GBEnv1, GBEnv2, D1 – D7, D11 – D13, GNon car, GParking, M1 – M3, M13, M14, GTCR1, TCR4, TCR13, GH1 – GH3, H4, H5, H11, H12, H15 – H18, H20, H21, CS3, CS6 – CS8, L14, L26, IMP1 and IMP2.
- ii) The proposal is acceptable for the following reason(s):
This scheme represents a high quality design solution to the development of a residential led mixed use scheme in line with the site's designation within Barnet's Unitary Plan. The proposal is considered to be acceptable with regard to development plan policies. A careful design approach has prevented the proposal from having a significant impact upon neighbouring residential uses and subject to attached planning conditions and Section 106 contributions the development is recommended for approval.

RECOMMENDATION III

That if the above agreement has not been completed by the 29th October 2006 the Director of Planning and Environmental Protection REFUSE the application reference W00407AZ/07 under delegated powers for the following reason:

The development does not include formal undertakings to provide appropriate affordable housing, education or open space provision or the necessary junction improvements that would be required to address the additional traffic generated by the development. Consequently the development would fail to meet the demand for affordable housing and would not meet the need to address the educational and open space requirements of occupiers of new housing and would be detrimental to highway safety, contrary to policies M8, M10, H5 and CS8 of the Adopted UDP 2006.

1. MATERIAL CONSIDERATIONS

National Planning Policies

Planning Policy Statement 1 (Creating Sustainable Communities)

Planning Policy Guidance Note 3 (Housing)

Planning Policy Guidance Note 13 (Transport)

Planning Policy Guidance Note 24 (Noise)

Regional Planning Policies

London Plan: Policies 2A.1, 2A.3, 3A.2, 3A.4, 4B.3, 4C.8, 5E.2, 5E.3.

Local Planning Policy

Adopted UDP 2006 – GBEEnv1, GBEEnv2, D1, D2, D3, D4, D5, D6, D7, D11, D12, D13, M13, M14, H16, H17, H18, H20, H21, CS3, CS6, CS7, CS8, L14, L26, IMP1, IMP2.

The Three Strands Approach – November 2004

Draft Colindale Development Framework (2003)

Relevant Planning History

W00407AW/03 – Demolition of existing buildings and erection of a building up to 10 storeys high to provide 1090m² of A1 non-food retail and 410m² of B1 office/live-work space, 126 residential units, with basement parking for 126 cars and surface parking for 25 cars, vehicular access from The Greenway – withdrawn 18.8.04.

W00407AX/06 – Demolition of existing building and erection of a mixed use building up to 10 storeys high comprising 103 residential units, 1090 metre square of non-food retail floorspace (Class A1) and 410 metre square of office (Class B1), livework accommodation with 121 basement/ground floor residential and 23 ground floor commercial car parking spaces and vehicular access from the Greenway – withdrawn 5.12.06.

Adjacent Sites:

W00084AE/06 – National Grid Site/Formal Kidstop Site – Demolition of existing buildings and erection of mixed use development comprising 84 residential units and 375sqm of business (class B1) floorspace within 3 buildings of 3-8 storeys in height together with associated amenity space, landscaping, access and car-parking – approved 27.10.06.

W00198AA/04 – Beaufort Park – Redevelopment of site comprising 2800 residential units (Class C3), approximately 7850sqm of retail (Class A1), financial and professional services (Class A2), food and drink (Class A3), business (Class B1), leisure and community (Class D1 and D2) uses and driving test centre (sui generis) with associated landscaped open space, car parking and access arrangements (Outline Application). Submission of Environmental Statement – approved 8.4.05.

W01731JS/04 – Grahame Park – Redevelopment of site involving the demolition of 1314 existing residential units and construction of 2977 new residential units providing a total of 3440 units on the estate, provision of approximately 9074sqm replacement retail (Class A1), office (Class A2) food and drink (Class A3) and social and community (Class D1) uses and associated public and private open space, car parking and access arrangements (Outline Application) – Submission of Environmental Statement – resolution to grant permission subject to S106 Agreement 8.9.04.

WA 00126D – Oriental City (Brent) – Full application for the demolition of existing buildings and redevelopment for mixed use purposes, comprising Class A1 retail (with a replacement Oriental City new B&Q, 520 residential units (comprising 1,2 and 3 bed units) located in 8 blocks rising to 3,6,9, and 18 stories above a fifth floor level landscaped podium along the Edgware Road, rising to 8, 4, 5 and 2 stories above the fifth floor landscaped podium facing Plaza Walk and rising to 3 and 6 stories above the Grove Park street level. Also, a nursery and primary school for 480 children, health and fitness studio (Class D2), associated landscaping, servicing, 1069 car-parking spaces (718 for retail and 351 for residential and works to highway – Neighbouring Borough referral, June 2006.

The current planning application has been advertised in the press and on site.

Consultations and Views expressed on the current application

Neighbours consulted: 480 Replies: 14

13 letters from local residents or businesses and a petition of 353 signatories have been received by the planning department objecting to the scheme.

The following issues have been raised:

- 1) A building of 8 stories in height would adversely affect the light received by neighbouring occupiers and does not respect the scale or character of the existing residential properties.
- 2) Number of car parking spaces proposed is inadequate and will cause overspill parking on surrounding streets.
- 3) Loss of privacy to neighbouring properties on The Greenway from residential windows and balconies.
- 4) Proposed development would 'lead to a feeling of encroachment'.
- 5) Security would be compromised to the rear gardens along Greenway.
- 6) Increase in noise and disturbance from a development of this size, i.e. delivery Vans and Lorries.
- 7) Lack of visitor Car Parking.
- 8) Impact upon local traffic and parking, further congestion of The Greenway and creation of an accident spot.
- 9) Flood Risk and impact upon existing drainage.
- 10) Proposed density is not in keeping with the local area.
- 11) Proposal would be unwarranted due to the Oriental City development.
- 12) Impact of proposal upon existing local infrastructure.
- 13) Impact upon TV or Radio reception.
- 14) Increase in levels of litter and pollution in the local area.
- 15) Risk of subsidence from building works.
- 16) Proposal would be likely to increase the drug related crime in the area due to its high density and lack of community facilities.
- 17) Proposed development would have a detrimental impact upon the development potential of neighbouring Imperial House.

A letter of support has been received from the Catalyst Housing Group.

External consultation responses

Thames Water – No objection. Applicants should ensure new connections to sewerage system are inline with advice from the DETR which encourages disposal on site without recourse to public sewerage system and ensures the separation of foul and surface water. Petrol/oil interceptors are recommended in all car parking/washing repair facilities.

Environment Agency – Comments on to be reported at time of meeting.

Metropolitan Police – No objection.

London Fire Brigade – No objection.

Transport For London – No objection.

London Borough of Brent – Comments to be reported at time of meeting.

English Heritage – Archaeological condition recommended and attached.

National Grid – No objections.

Internal consultation responses

Traffic and Transportation – Applicant must enter into a S278 Agreement relating to the swept path from the access way to the north east. Mitigation measures to respond to the increase in traffic generated by the development and to improve the pedestrian realm will require a S106 payment of £30,000. No objections with S106 provisions.

Housing Department – The affordable housing element will greatly assist in meeting local housing need.

2. PLANNING APPRAISAL

Site Description and Surroundings

The site is located at the junction of The Greenway and Edgware Road (A5). The Edgware Road forms the borough boundary with Brent council.

The site comprises 0.46 ha being largely rectangular in shape. It is currently occupied by a single-storey derelict warehouse/factory building.

The immediate surrounding area is mixed use in character, featuring large scale retail warehouses, offices, showrooms and residential properties.

To the south east of the site sits Merit House, a 13 storey office building forming the highest building in the area. A further 200m to the south west a recent application at the former 'Kidstop' site for a mixed use development of eighty four units rising up to eight stories in height was granted in October 2006.

Across Edgware Road in Brent are a variety of commercial and retail facilities including Oriental City, ASDA, Wickes, and a Mercedes Benz sales centre. There are currently proposals under consideration for the comprehensive development of the Oriental City site.

The Greenway consists largely of two storey semi-detached residential units.

Montrose playing fields are located 120m to the north east, 10 ha of parkland with tennis courts, a pavilion, playground and football pitch.

Colindale Tube Station is located approximately 650 metres to the east of the site (20 min walking distance) and Edgware Road is served by a number of bus routes.

Proposals

The application proposes demolition of the existing derelict warehouse and its re-development with a new building of part-two, part-four, part-six and part-eight stories.

The scheme would comprise 86 residential units on its upper floors (3-8), and 1181m² of non-food retail floor space on the ground floor of the development fronting Edgware Road with delivery access from an internal courtyard.

To the rear of the development 569m² of Class B1 Office/Live-Work floor space would be provided split into a number of small units with access directly off The Greenway.

The residential element would be of 51 x one bed and 35 x two bed units with a total of 207 habitable rooms (446 habitable rooms/ha).

30 of the one bed units and 26 of the 2 bed units would be for market sale with access from the Greenway. The remaining 25 one bed and 9 two bed units would be affordable 35% (33% by habitable room).

The affordable housing provision would be split into rented (9 x 1bed, 7 x 2bed, 2nd-5th floors) and intermediate (12 x 1bed, 2 x 2bed, 5th – 7th floors). Access would be from the north side of the building facing Imperial House.

Vehicular access to the development would be off The Greenway. Basement parking would provide space for 116 vehicles and a further 26 spaces at ground floor level. 6 of the basement level spaces and 4 of the ground floor level spaces would be for disabled users.

Servicing and refuse collection points would be easily accessible, with bin stores positioned within 10m of the back edge of the pavement.

Background to proposed development

Strategic Policies – The London Plan (February 2004) encourages the most sustainable and efficient use of space in London and intensification and growth in areas of need and opportunity.

New developments should offer a range of housing choices in terms of mix of housing sizes and types (Policy 3A.4). Policy 4B.3 suggests maximising the potential of sites by achieving the highest possible intensity of use compatible within the local context, good design principles and public transport capacity.

Local Policies – Barnet's Adopted UDP notes that 'previously developed land must be maximised whilst respecting the character and environmental quality of the borough.' (Para 8.3.3.13).

The Three Strands Approach sets out the Council's vision and direction for regeneration, development and planning within Barnet. The approach is based around the three strands of protection, enhancement and growth. The new strategy will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst creating employment opportunities. All other Council strategies complement this approach and reflect the community and corporate priorities in a spatial manner.

Material Planning Considerations

Principle of Development – In principle a higher density, residentially led mixed use development on this site is acceptable, having regard to the other objectives contained within government guidance, the London Plan and Barnet's Adopted UDP. The site has been identified under the schedule of proposals of the UDP as appropriate for a mixed use residential development with starter small business accommodation and commercial use.

National policy as outlined in PPS3 advocates the redevelopment of previously developed land at appropriate densities and more efficient use of land.

'New housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.' (PPG 3, Para.56).

Density – The application proposes 86 units on a 0.46 Hectare site, this equates to a density of 185 units per hectare (446 habitable rooms per hectare).

The site is 20 min walking distance from both Colindale and Burnt Oak Underground stations. Four bus routes along the Edgware Road provide approximately 32 two-way buses an hour during peak hours.

The site has a PTAL rating of 2 (PTAL is an assessment of the accessibility of a site with regard to public transport. The London Plan has accessibility indexes; these vary from 6 in the most accessible sites to 1 for the least accessible sites in London. The PTAL ratings are summarised in a density location and parking matrix in the London Plan).

There is recognition within national, regional and local policies of a need to increase the densities of new residential development in appropriate locations. The proposed development would front onto a major transport corridor (the A5) and through careful design, limits its impact on neighbouring residential uses.

Policy 4B.3 of the London Plan seeks to ensure that development proposals ‘..achieve the highest possible intensity of use compatible with local context, design principle, the design policies in 4B.1 and with public transport capacity.

The proposal accords with the density location and parking matrix within the London Plan and is considered appropriate in this setting.

Design Considerations: Concept and Layout – The proposed new building would provide commercial space at street level facing Edgware Road with Live/Work units at first floor level. The third to seventh floors would contain residential units. This mixed use approach is in keeping with the site’s designation in the UDP and would reinforce the commercial character of this section of the Edgware Road while providing new residential units.

The built form would be largely situated on the Edgware Road frontage, stepping down towards residential properties along The Greenway. To the north east the proposal would not exceed two stories, the height of the existing warehouse.

The design of the building has been conceived as having three distinctive layers. The first, a two storey ‘plinth’ element would be glazed to the Edgware Road with dark brickwork and rendered bands to other aspects.

Above the plinth a strong horizontal emphasis would be achieved with rendered floor plates and a rhythmical façade of deeply recessed balconies over the next four floors.

The top two floors of the proposal would be heavily glazed with cantilevered balconies to provide a visually separate ‘penthouse’ appearance.

Overall the layout of the scheme is considered to represent high quality design that is appropriate in its context. For the scheme to meet its design objectives, it is paramount that the external detailing and materials are of a high quality. A number of conditions are proposed to ensure that detailing and materials are subject to control.

Design Considerations: External Details – The proposed scheme would be constructed from a palette of materials featuring dark brickwork, render, glazing and aluminium framing with ‘green’ roofs at all roof levels.

The balconies would have balustrades including aluminium railings and aluminium framed glazing.

A 1.2m high glazed screen would wrap the perimeter of the main roof to provide a clear unbroken site line to the top edge of the building.

The roof of the proposal would at all levels be planted with a Sedum mat to form an extensive green roof. This would improve the visual amenities of occupiers of the development whilst working towards meeting sustainability targets.

Design Considerations: Landscaping/Amenity Space – A condition has been attached requiring the submission of a detailed landscaping scheme to improve the appearance of the development.

Amenity space is provided in the form of private balconies to each of the residential units. Whilst overall levels of amenity are slightly lower than recommended under policy H18 of the UDP the close proximity of the development to Montrose Playing Fields along with the S106 contributions sought for improvements to open space and outdoor sports and recreation facilities in the area prevent this from being a significant concern.

Neighbour and Residential Amenity Impacts

Daylight / Sunlight – The massing of the building has been specifically configured to reduce potential impact on neighbouring residential properties. An independent BRE Daylight and Sunlight report was submitted with the application and demonstrates the effectiveness of the design in reducing this impact of the proposal. The report confirms that the proposed development would not have a significantly detrimental impact upon the sunlight and daylight received by neighbouring residential properties.

Transport & Highway Impacts – A transport assessment was submitted in support of the planning application and has provided helpful analysis. The proposal's main transport impacts relate to parking provision, access and the effect of the traffic generation upon the highway network.

When compared against the existing permitted use of the site the transport assessment indicates that a marginal increase of two way vehicular trips would be experienced upon Edgware Road and Capitol Way. This is unlikely to have a significant impact upon the road network in the vicinity of the site.

With regard to parking 121 car parking spaces would be dedicated for residential use and a further 23 spaces for the commercial units. The ratio is considered appropriate in this location. At both basement and ground floor level disabled spaces have been situated in close proximity to lift cores.

There is an established network of well lit footways and footpaths surrounding the proposed development site with a pedestrian road crossing of the Edgware Road adjacent to the site.

Both the Greenway and Edgware Road are designated cycle routes. Secure cycle parking for 104 bikes is provided at the ground floor of all residential access points to encourage cycle usage.

The close proximity of shopping facilities across Edgware Road in Brent would further reduce the number of vehicular trips associated with the development.

The site is 20 min walking distance from both Colindale and Burnt Oak Underground stations. Our bus routes along the Edgware Road provide approximately 32 two-way busses an hour during peak hours.

S106 monies are sought to improve pedestrian and highways facilities within the area.

Noise – An initial acoustic survey has been carried out by the applicant; it acknowledged that the level of highway noise will require mitigation measures. Conditions requiring submission of a PPG24 noise assessment and details of satisfactory mitigation measures have been attached.

Conditions have also been imposed requiring noise impacts from the ventilation/extraction plant and retail units upon neighbouring and future residents to be assessed and mitigation measures submitted.

Air Quality – A condition has been attached requiring the preparation of an Air Quality Impact Assessment and a scheme of air pollution mitigation measures to be submitted and approved given the site's location along a main road.

Trees/Nature Conservation – There are no trees on the site though some planting has been indicated on the ground floor plans. Submission of a landscaping scheme has been conditioned.

Disability Issues – Parking provision meets 10% provision of disabled spaces which have been sensitively sited in close proximity to access points to the site.

All of the residential properties would meet Lifetime Homes Compliance with 10% capable to be converted to Wheelchair housing standards.

A level or gently sloping route would lead to all external entrances and facilities.

Sustainable Construction – The proposed development is conditioned to meet the 'Very Good' standard under BREEAM.

Extensive green roofs of a Sedum mat type have been proposed for the development improving the local microclimate, providing added insulation and controlling storm water run off.

Measures to control heating, electricity and water usage have been proposed, a condition requires submission of such details for approval by the planning authority.

Provision of 104 secure cycle parking spaces on site would promote non-car transport for local journeys.

Section 106: Planning Obligation Items

Provision of 30 affordable housing units on the site. 16 socially rented (9 x 1bed 2p and 7 x 2bed 4p) and 14 Shared Ownership (12 x 1bed 2p and 2 x 2bed 4p) to be transferred to a registered social Landlord nominated by the Council at 65% of the Total Cost Indicators for 2006 (inclusive of all related on-costs) as stated in the Council's SDP for Affordable Housing. The affordable housing must be built to development standards set by the Housing Corporation which are necessary to achieve affordable housing grant. The scheme should also contribute to the Construction Training Scheme as stated in the SPD for Affordable Housing.

A contribution of £40,000 for open space improvements and improvements to outdoor sports and recreational facilities.

A contribution of £30,000 for pedestrian and highway works within 1km of the site.

A contribution of £15,340 index linked toward education provision in the Borough.

The contribution of a sum of £7,017 towards the monitoring and management of the S106 planning obligations.

Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements.

3. EQUALITIES AND DIVERSITY ISSUES

There are no equality or diversity issues relating to this proposal.

4. COMMENTS ON THE GROUNDS OF OBJECTION

Many issues have been covered in the body of the report.

The daylight and sunlight study accompanying the planning application measures the loss of light to neighbouring residential properties and concludes that adequate daylight will be retained.

It is considered that security would be improved to the rear gardens along Greenway with the increase in residential activity that would occur with the development.

Car parking provision is at a ratio of above 1:1 and is considered acceptable for the proposal.

The development potential of neighbouring properties can not be considered as a significant material planning concern.

It is considered that the proposal would lead to an improvement in the area over the existing derelict warehouse and would not lead to an increase in drug related crime, pollution or littering.

The possibility of subsidence occurring as a part of the proposed building works can not be considered as a material planning consideration. If damage resulted to neighbouring properties this would be a matter for legal recourse.

It is not considered that the proposed development would result in a significant level of overlooking of neighbouring residential properties.

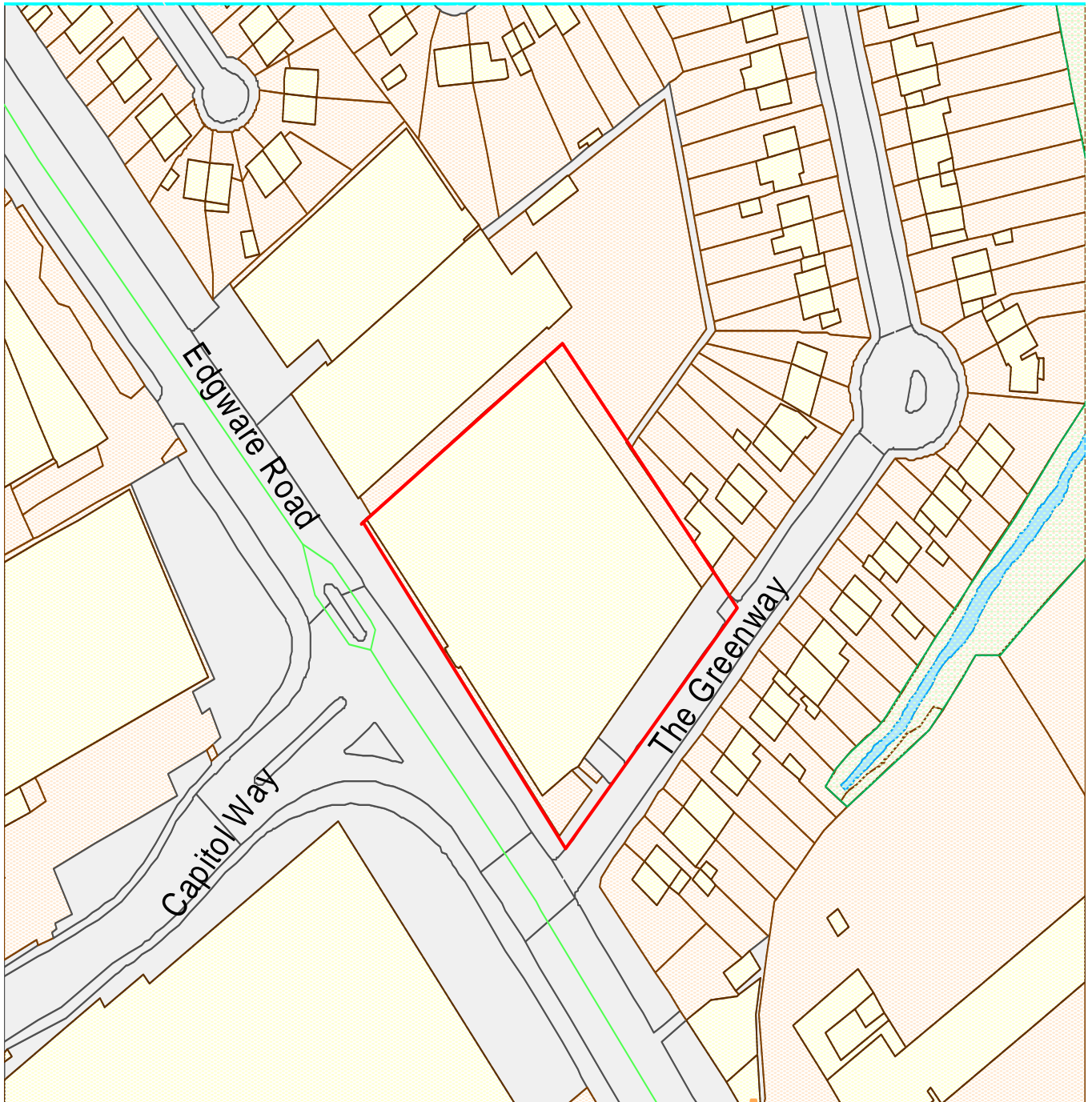
5. CONCLUSION

This scheme represents a high quality design solution to the development of a residential led mixed use scheme in line with the site's designation within Barnet's Unitary Plan.

The proposal is considered to be acceptable with regard to development plan policies. A careful design approach has prevented the proposal from having a significant impact upon neighbouring residential uses and subject to attached planning conditions and Section 106 contributions the development is recommended for approval.



W00407AZ/07 – Green Point, Edgware Road NW9



Based on the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Barnet LA086290 2003

LOCATION: The Ravenscroft School, Barnet Lane, London, N20 8AZ
REFERENCE: B/04262/10 **Received:** 22 October 2010
WARD(S): Totteridge **Accepted:** 26 October 2010
Expiry: 25 January 2011

Final Revisions:

APPLICANT: Mr P Ferrie

PROPOSAL: Use of field to the north of the site (area 22723sq.m) as school playing field involving levelling for sports use, new pedestrian and vehicular access and the erection of a new boundary fence. Use of existing school playing field (area 22775sq.m) as public open space.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

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

Ecology Consultancy Ecology Survey, Ecology Consultancy Bat Assessment, Ecology Consultancy Reptile Survey Report, (received 22/10/2010), Block Plan C10069/02, Block Plan C10069/03, Tree Protection Plan, Tree Constraints Plan, C1006/04/A, C10069/05, Letter from P. Ferrie - Headteacher, Letter from KSA Chartered Surveyors dated 14th December 2010, Arboricultural Report Impact Assessment & Method Statement, Addendum to Ravenscroft School Bat and Tree Assessment and Email from Agent (received 14/12/20210)

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 Before this development is commenced, details of the levels of the proposed fields, existing field, vehicular access and footpath in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

4. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

5. Notwithstanding details already submitted, before the development hereby permitted is brought into use, details of the site enclosures and proposed fencing both around and within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the character and appearance of the Green Belt and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

6. Any site clearance works shall be carried out outside of the bird nesting season, which lasts from October-February inclusive.

Reason

To ensure birds are not disturbed during the nesting season.

7. A scheme of soft landscaping, including details of existing trees to be retained and the hedging proposed adjacent to the proposed fencing, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

8. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

9. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

10. Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

11. No development or other operations shall commence on site in connection with the development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 2010 *Recommendation for Tree Works* (or as amended).

Reason:

To safeguard the health of existing trees which represent an important amenity feature.

12. No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to trees, including measures to retain the tree canopies above the proposed pedestrian and vehicular access, in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature.

13. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with the details submitted or as otherwise submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

14. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system and the amenities of the area.

15. Surface water source control measures shall be carried out in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason:

To prevent the increased risk of flooding and to improve water quality.

16. Before the development hereby permitted commences, details of the external light above the pedestrian walkway shall be submitted to and approved in writing by the Local Planning Authority. The lamp used should be no greater than 2000 lumens (150 Watts) and should comprise sensor activated low pressure sodium or mercury lamps as per the recommendations in Paragraph 5.18 of the Ecology Consultancy's Bat Assessment (received 22/10/2010).

Reason:

To enable the local planning authority to retain control over these matters in the interests of the amenities of adjoining properties and to safeguard nature conservation.

17. Details of the proposed pedestrian and vehicular accesses, including details of existing trees to be retained and the hedging proposed shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced. The vehicular access shall not be greater than 4m wide.

Reason:

To ensure a satisfactory appearance to the development.

18. Before the development hereby permitted commences, details of the proposed pedestrian and vehicle access bridge shall be submitted to and approved in writing by the Local Planning Authority. All works comprised in the scheme as approved shall be implemented and completed before the playing field is first used and shall be permanently retained thereafter.

Reason:

To protect trees of special amenity value and ensure a safe access to the new development.

19. Prior to the commencement of development hereby approved a Construction Management Plan must be submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details. This statement shall include, but not be limited to, the following information:

- i. Details of the routing of construction vehicles to the site and access and egress arrangements within the site;
- ii. Site preparation and construction stages of the development;
- iii. Details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. Details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. Details of contractors compound and car parking arrangements;
- vi. Details of interim car parking management arrangements for the duration of construction;
- vii. Details of precautions to minimise damage to protected species and habitats in particular from site clearance works including soil moving and material storage, vehicle and machinery movements, removal and disposal of excess soil, debris and materials from the site;
- viii. Details of action to be taken and mitigation measures to be employed should any protected species be found or disturbed on the site.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties, highway or pedestrian safety.

20. The siteworks or works in connection with this development shall be in accordance with the precautionary and mitigation measures recommended in The Ecology Consultancy documents received 22/10/2010 or as otherwise submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard nature conservation.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006). In particular the following polices are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv4, GL1, GParking, D1, D2, D3, D5, D6, D11, D12, D13, D14, D15, M14, O1, O2, O6, O7, L11, L19 and CS4.
 - ii) The proposal is acceptable for the following reason(s): -
The proposal is consistent with the purposes and objectives of Green Belt land. The proposal will not harm the character and appearance of the site nor the general streetscene of Barnet Lane. The proposal is not considered to have an adverse impact on neighbouring residential amenities, with the nearest property being sited a considerable away. The proposal will not harm the neighbouring Upper Dolls Brook SINC and sufficient information has been submitted to demonstrate there will be no demonstrable impact on wildlife and the local bat community. The application accords with the aforementioned policies.
2. Any and all works carried out in pursuance of this planning permission will be subject to the duties, obligations and criminal offences contained in the

Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in criminal prosecution.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

Three Strands Approach – Approved September 2004 (Protection, Enhancement and Growth)

National Planning Policy:

PPS1 - Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas
PPS9 - Biodiversity and Geological Conservation

PPG2 - Green Belt
PPG17 - Planning for Open Space, Sport and Recreation.

Sustainable Design and Construction (2007)

The Mayor's London Plan (consolidated with alterations since 2004):

3D.8 - Realising the value of open space and green infrastructure
3D.9 - Green Belt
3D.14 Biodiversity and nature conservation
4B.8 - Respect Local Context and Communities

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, GBEnv4, GL1, GParking, D1, D2, D3, D5, D6, D11, D12, D13, D14, D15, M14, O1, O2, O6, O7, L11, L19, CS4.

Barnet Core Strategy

The Planning & Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies DPD. Until the LDF is complete policies within the adopted UDP have been saved for a period of three years.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

Policy CS 7 - Enhancing and Protecting Barnet's Open Spaces states

"In order to create a greener Barnet we will enhance and protect Barnet's Open Spaces by:

- protecting designated open spaces, including Green Belt and Metropolitan Open Land, and other suitable land with the potential to be used as open space
- Meeting increased demand for access to open space and opportunities for physical activity, by tackling deficiencies and under provision through:
- securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements, where opportunities arise, from all developments that create an additional demand for open space
- maintaining and improving the greening of the environment through the protection of incidental greenspace, trees, hedgerows, and watercourses enabling green corridors to link Barnet's rural, urban fringe and urban green spaces.
- protecting existing Sites of Nature Conservation Importance and working with our partners including the London Wildlife Trust to improve protection and enhancement of biodiversity in Barnet
- ensuring that development protects existing site ecology and makes the fullest contributions to enhancing biodiversity, both through on-site measures and by contribution to local biodiversity improvements."

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to 3 rounds of public consultation and is in general conformity with the adopted London Plan therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Planning History:

B/02646/08 - Single storey rear extension including three storey rear infill extension. Single storey rear extension to art block. Conditional approval 06/10/2008.

N02944R/06 - Environmental impact assessment screening option. Not required 18/07/2006.

N02944Q/06- Two storey infill extension to provide additional classrooms and staff room. New Entrance Lobby. Conditional approval 20/07/2006.

N02944P/06 - Single storey side extension to library block to provide new information technology classroom. Conditional approval 22/06/2006.

N02944N/04 - Single storey extension to existing sports hall to provide fitness suite. Conditional approval 19/05/2004.

N02944M/03 - Single storey extension to existing gymnasium. Conditional approval 10/09/2003.

N02944L/99 - Erection of two storey extensions to science block and expressive arts block, single-storey extensions to arts block and new staff room and new double garage and extended play ground space. Conditional approval 27/03/2000

Related Council Decision

Cabinet Resources 02/09/2008 Approved the proposed land exchange.

Consultations and Views Expressed:

Neighbours Consulted: 27

Replies: 3 objections
1 joint letter with two names

Neighbours Wishing To 3
Speak

Date of Site Notice: 04 November 2010

The objections raised may be summarised as follows:

- Mitigation measures should be adopted to ensure that the development does not harm the wildlife and ancient hedges
- It is not considered necessary to annex the public land and encroach onto Green Belt land.
- Covenants protect the land against such development
- There are legal implications for development - due to existing Deeds of Trust
- Development will set a precedent to develop public open space
- Hedgerows are older than what survey suggests
- Public access will be restricted
- Concern regarding bats on site and their protection
- Concerns with regard to traffic, access and parking
- Concern with regard to noise and disturbance
- Concern that further development may be encouraged e.g. flood lighting.

Objections have also been received from:

- **RSPB**
 - Development is not justified - in environmental or economic terms.
 - The area has a rich bird population that needs to be protected.
 - Applicant has failed to provide appropriate in-depth surveys for a range of species – in particular the bats on site
 - Details regarding levels are limited
 - Concern regarding levelling and the water table
 - Concern regarding the impact of drainage
 - Environment Agency should be consulted and made aware of concerns
 - Green corridor should be protected.
 - Over Development & Traffic Congestion
 - The erection of security fences represents an unacceptable physical and visual intrusion into the protected Green Belt countryside. This physical exclusion of the public from open land previously enjoyed by the entire community should not be condoned.

- Maintenance will involve the application of herbicide, which will run off and pollute the field ditches, watercourses and Dollis Brook, a Site of Nature Conservation Interest.
- The works will impinge on the ditches, especially where Great Crested Newts have been reported.
- **The Barnet Society**
 - The creeping enclosure of sections of Green Belt land has already progressed too far - a line needs to be drawn
 - The Barnet Society question whether the need for this facility is great enough to override the other objectives in PPG2
 - The school has existing playing fields and other sports grounds can be used which lie adjacent to the site
 - Dog fouling on the existing pitch is limited
 - References to security are questioned as children are not allowed on the field unsupervised
 - Concern is raised by the school as motorbikes are ridden on the site, however, this practice was stopped by the police years ago and this happened on the proposed site, not the existing field.
 - Rural character will be destroyed with Green Belt being enclosed.
 - Justification is both invalid and insufficient
 - No local civic societies were consulted by LBB Property Services
 - An Environmental Impact Assessment is essential
 - Objections relate most notably to:
 - the integrity of the Green Belt as the westerly field is less prominent than the proposed field
 - the levelling for which insufficient information has been provided
 - the fencing which will represent a physical and visual intrusion into the Green Belt which will exclude use by the general public
 - the ecology reports which are insufficient
 - the proposed breaks in the hedgerows
 - the new vehicular access
 - the intensity of the proposed use
 - the possibility that additional works and/or development may result from the proposal
- **Totteridge Residents Association**
 - Concern has been raised that the development is not justified
 - The application seeks permission to light the sports field and intensify the use - impacting wildlife and traffic
 - Environmental studies are lacking
- **London Wildlife Trust Barnet Group -**

OBJECT TO THE SCHEME.

There are good and bad features of the ecological surveys.

Major concern is raised that the bat surveyors failed to conduct adequate surveys to establish whether or not bats use the trees for roosting.

The methods used by the bat surveyors were not carried out in accordance with the recommendation of the Bat Conservation Trust Survey Guidelines (2007).

The bat roost survey was not conducted in winter,, but in September when dense foliage obstructed the view of possible bat roosting sites.

A Dawn survey for bat roosts was not undertaken by the surveyors

You need to be close to Pipistrelle bats to detect them – due to the way the survey was conducted, detection could have been missed.

The surveyors failed to give reasons for classifying potential bat roosts as “moderate” or “low”. Indeed, the surveyors failed to state their reasons for such classification.

Surveys failed to examine holes in trees and there is no mention that they looked for evidence of bat roosts. There is no evidence that they climbed up a ladder to look into the holes – even using an endoscope to look for droppings or dead bats within.

Their survey seems to have been half-hearted, inferior in quality, poorly-timed and not conducted according to recommendations.

They failed to find bat roosts because they failed to follow recommendations from an official organisation (BCT):

- (a) They didn't search for potential roosts at the correct times of the year (ie in winter), so they missed most of the holes and crevices for half or perhaps more of the trees they did examine.
- (b) They didn't search for roosts at the correct time of day (ie at dawn)
- (c) They didn't spend enough time looking along a very long hedge, using short-range bat detectors. They could have easily missed bats flying out of roosts, unless within a few yards of the surveyors bat detectors.

The proposed two very wide hedge breaks could have serious repercussions in the ability of bats to forage and to maintain their existing population.

The presence of Water Voles, Great Crested Newts and Stag Beetles – for which no surveys had been undertaken, yet these species are known to be present in the vicinity.

So they failed to note the value of this rough grassland for small mammals (eg voles, mice etc) and the fact that they are preyed by Owls and Kestrels.

The proposed land levelling may cause massive amounts of earth to wash into the stream and adversely affect the colony 800 metres downstream.

The proposed new field is at a lower level than the existing playing field. Therefore it is deeper into the water table and consequently is wetter and becomes waterlogged more easily than the existing field.

Because of this wetness, it supports a greater diversity of plants and their invertebrates. This field has a richer biodiversity than the existing higher and drier sports field.

The existing field is part of an important food-chain. The sports field will destroy the rough grassland meadow that supports a great diversity of wildlife.

This field is part of an important Green Chain and Corridor. This links the Upper and Middle Dollis Brook. Fields immediately to the east of Barnet Lane have already been converted into short-grass playing fields, which are substantially species-impooverished sites.

Indeed, part of these playing fields (the Old Stationers Fields) are to be urbanised by the introduction of a large clubhouse, security fencing, floodlighting and part-covered with a synthetic surface. Hence the importance of retaining the existing grassland fields in their natural state.

The field is a good metre or more lower and deeper into the water table than the existing school playing field and therefore becomes waterlogged more often and more completely. It is so obviously unsuitable for sports.

We consider that these works of levelling the ground will damage the aquatic habitat – a Site of Borough Importance for Nature Conservation.

Levelling would also damage the roots of trees and bushes in the hedges.

A fence is needed to prevent balls being kicked and lost in the hedge. If the fence is positioned too close to the hedge, then it could become a “crash” barrier for young, inexperienced bats as they could collide with the mesh and become injured in the process.

Erecting the fence will certainly damage trees and shrubs in the hedges. Even the ecology report supports this idea and proposes a narrow gap of only 5 metres between hedge and fence.

Most of the ancient hedgerows are protected under the Hedgerow Regulations (1997). They should not be butchered for trivial reasons. They are living historical monuments to our farmland heritage. Their wildlife is precious and irreplaceable.

London Wildlife Trust (Central Group), Herts & Middx. Wildlife Trust, Herts Amphibian & Reptile Group, London Ecology Unit, Fields in Trust, Barnet Sports Council, National Playing Fields Association, Green Spaces (inc Allotments), have been consulted and any replies will be reported at the meeting.

- **Sport England - Development has no impact on the playing fields.**

No objections to the application.

- **Natural England**

After consideration of the information provided it is our opinion that this proposal does not affect any priority interest areas for Natural England, therefore we DO NOT OBJECT to the proposal.

Although Natural England does not wish to offer any further substantive comments, we would welcome and encourage the use of the existing school playing field area as public open space, with regard to provision of suitable and appropriate species

mitigation as appropriate.

Natural England advise the council to retain trees, where possible, within the development and also recommend that a Natural England license is required if, on the basis of survey information and specialist knowledge, it is considered that the proposed activity is reasonably likely to result in an offence being committed.

Trees & Landscaping

The groundworks for the levelling are proposed to take place outside of the root protection areas of the hedgerows and trees along the southern and eastern sides of the site and as such would not result in the loss/damage of any trees or hedges.

The proposed access would result in the loss of low quality hawthorn and sloe trees which could not detract from the visual amenity of the area. The proposed removal of the early mature Oak [T18] which is of poor structural condition and is noted as hazardous cannot be objected to on arboricultural grounds. It has low bat roost potential.

Reptile surveys have been carried out and the methodology was in accordance with best practice. The timing was sub optimal for the surveys, however, no reptiles were observed over the course of seven survey visits.

With regard to bats on site, the emergence and activity surveys were carried out late in the bat survey season and thus may not accurately reflect bat usage of the area. That noted, bat activity at the site was evident – 4 bat species were recorded (common pipistrelle, noctule, Daubenton's bat, and a possible serotine). It seems likely that there is a common pipistrelle roost close to the site. Bat activity was concentrated along the northern and western boundaries, although the second survey recorded a pipistrelle flying easterly along the southern boundary of the site and a noctule midway along the eastern boundary.

The noctule and one of the pipistrelles of the 8/9/10 survey and the commuting pipistrelle of the 28/9/10 survey are relatively close to the proposed vehicular access.

Subject to the imposition of conditions and appropriate mitigation measures, including the requirement to maintain the tree canopy above the access points, the proposal is considered to be acceptable.

- A letter in support of the application has been submitted by the Applicant which states:

The Ravenscroft School currently has an area of land to the east of the school and this land is separated from the main school site by a public footpath and hedging. The setting and arrangement of this land poses a security and health and safety risk to our staff and pupils and makes the management and organisation of any sports events on this land impossible.

The new area of land to be exchanged would be adjacent to the school site providing easy access for pupils from our existing sports hall and changing room facilities and also providing easy vehicular access for maintenance vehicles and emergency vehicles.

With regard to use, we see occasional community use being a possibility and if this is organised the school changing facilities will be made available as necessary.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to Ravenscroft School which is located on Barnet Lane, to the north of Totteridge Village.

The site itself is not designated as a Special Area for Conservation, however, three non-statutory Sites of Importance for Nature Conservation (SINCs) are located within 1km of the site; Totteridge Fields and Highwood hill (Site of Metropolitan Importance), Upper Dollis Brook (Site of Borough Grade I Importance) and Totteridge Green (Site of Borough Grade II Importance).

The nearest SINC is the Upper Dollis Brook, approximately 200m north of the northern boundary.

The proposed playing field site is located to the north of the school and this field is surrounded by open grassland and agricultural fields to the north, east and west. The site is undeveloped (rough grass) and slopes gently down to the north and west with the highest point in the south-east corner.

There is a substantial hedge containing a number of trees together with a dry ditch to the south of the field, a small wooded copse to the east and to the west is a public footpath bounded by an established hedge.

Proposal:

The proposed development will involve relocating the existing school playing field (situated to the west of the school) to the north of the school building.

Works to enable this 'land swap' will involve:

- Creating a gap in the hedgerow (3-4m wide)
- Creating a pedestrian route through the hedgerow
- Creating two new sports pitches - a senior pitch and a junior pitch.
- Levelling the new field
- Fencing the perimeter of the new field
- Allowing the existing school playing field to be used as public open space.

Planning Considerations:

Proposed Use

The existing school currently uses an area of land to the east of the school for outdoor sports. This is separated from the school by a public footpath and hedging. As advised by the applicant this is considered to pose a security and health and safety risk to staff and pupils and management of events on this site is difficult. By using the field to the north access and management will be improved.

The proposed use of the site to provide playing fields for Ravenscroft School is considered to be compatible with the purposes and objectives of the Green Belt.

The proposed use is encouraged by Green Belt Policy as facilities for outdoor sport and recreation will complement and improve access to the Green Belt. Additionally, increased provision and opportunity for outdoor sport in the borough is encouraged by Leisure Policy in the Barnet Unitary Development Plan (Adopted 2006).

The public open space being used will be replaced by the existing playing field. This is considered acceptable as existing footpaths run through this field.

The Applicant's Agent has confirmed (email 14th December) that walkers will be able to come through the gap to the north east, walk around the fencing and pick up their route to the south west of the site without the need to create any additional breaks in vegetation in the vicinity of the site. This will ensure that desire lines i.e. well used informal paths will not be unduly disrupted as a result of the development.

The occasional community use of the proposed pitches is considered to be acceptable and compatible with policy which seeks to encourage the wider community use of school facilities when possible. Given the location of the playing fields away from residential properties and the fact that no floodlights are proposed which would extend the potential hours of use of the site it is not considered that this aspect of the development would adversely affect the amenities of residents in the locality.

Levelling and Drainage

As previously stated the site levels fall from south east to north west and information submitted with the application indicates levelling to take place to produce a uniform playing field level at a datum level of 83.1m which will involve some cut and fill to reduce the level of the field closest to the school and raise the level of the field at the northern end.

The level changes would not affect the whole site as no level changes are proposed around the southern or eastern perimeter of the site to ensure that the root protection areas of the surrounding trees and hedges are not prejudiced. Further details of this aspect of the proposal, together with drainage details, are recommended to be submitted by condition to ensure that the works are appropriate and that the surrounding trees/hedges are not adversely affected.

The Environment Agency has been consulted during the course of the application and raise no objection to the proposal. Conditions have been suggested which relate to drainage to ensure that measures are implemented to avoid runoff from the new levelled playing fields. Whilst the potential for soil runoff into the Dollis Brook is limited by the extent of the grassland habitat to the north, between the playing fields and the brook, this condition is considered prudent.

Whilst the levelling would change the topography of the site it would not prejudice the open character of this part of the green belt and is necessary to produce a better quality and more usable playing field for the school.

Fencing

It is proposed to erect a 1.8m high fence along the western, northern and eastern sides of the site. The fencing along the western and northern sides would be supplemented by a proposed new hedge utilising indigenous species found in the area. This would soften the visual appearance of the fencing and reflect the hedgerows that are common in the area. As the fence along the eastern side of the pitches would be seen against the backdrop of the existing wooded area no further planting is considered necessary along this part of the site.

- The formation of accesses from the existing school site into the proposed playing field area

Two accesses are proposed to be formed in the hedge that forms the boundary along the northern side of the school/southern side of the playing field.

At the eastern side of the site a vehicular access some 4m wide would be formed through part of the existing hedge and over the dry ditch to link the site to the existing school car park. This would require the removal of a group of low quality hawthorn and sloe trees which would have a negligible impact on visual amenity, information submitted indicates that groundwork would be kept outside of the root protection area of an adjacent Ash [T15].

The second access would be for pedestrians, it would be some 2.5m wide and more centrally located along the boundary, at the rear of the existing changing rooms. This would entail the removal of low quality hawthorn and sloe trees which would have a negligible impact on visual amenity. The removal of an early mature Oak [T18] identified. this is in very poor structural condition and is noted as low bat roost potential. The groundworks would be outside the root protection area of the adjacent Ash tree [T17].

The principle of the creation of accesses in the area is considered acceptable subject to conditions requiring details of the design, appearance and construction of the access bridging works.

Nature Conservation

A Site of Importance for Nature Conservation is located approximately 200m to the north of the application site, however, the site itself is not within this area and the new development proposed is not considered to have a detrimental impact on nature conservation in the area.

Bats

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2010. Bats are also protected under the Wildlife and Countryside Act 1981 (as amended).

To support this application two bat surveys have been undertaken on the site, each in line with the methodology contained in the Bat Conservation Trust - Bat Survey Good Practice Guidelines (BCT 2007) and Trees and Bats: Guidance Note 1 (Cowan, 2003).

Two evening bat emergence and activity surveys were carried out on the 8th and 28th September 2010 and an update survey was carried out on the 1st December 2010 when additional leaves had fallen from the trees, increasing visibility and reducing the limitations of the previous survey.

Whilst no bats were seen to emerge from trees within the site to confirm the presence of bat roosts, four bat species were recorded during the surveys; common pipistrelle *Pipistrellus pipistrellus*, noctule *Nyctalus noctula*, Daubenton's bat *Myotis daubentonii* and a possible serotine *Eptesicus serotinus*. The surveys have therefore confirmed that there is bat activity within the area and trees within the site are therefore considered to be of value to bats for foraging and commuting.

Again, whilst no bats were seen to emerge from trees within the site, eight trees have been considered to have features of potential value to roosting bats. Whilst this potential is described as moderate and low, the protection of these trees is still considered to be important to nature conservation.

The trees with roosting potential that most likely to be impacted by the works have been noted as T15 and T18, both listed as having low potential to support roosting bats. Others with low potential and all with moderate potential will remain unaffected. T15 showed minor dead wood in the crown and raised bark and T18 had a cavity at the base and some minor dead wood in the crown.

The ecologists have advised that best practice precautionary measures should be followed by tree surgeons prior to and during works to trees with low bat roosting potential and these are detailed in the survey. A condition has been recommended to ensure these guidelines are followed.

The development will create a gap in the hedgerow along the southern boundary of the proposed playing field. To ensure that the gap does not deter bats from feeding and commuting along this hedgerow the canopy is to be retained above the access. The Applicant's Agent (email 14th December 2010) has confirmed the canopy will be retained as there is no need to do any works to the overhanging canopies as sufficient height is available.

Consultation responses from Wildlife Groups have been received and are detailed above.

Natural England have raised no objection to the proposal. They assessed the information and their comments are detailed above. The proposal does not affect any priority interest areas and the use of the existing field as public open space is encouraged with the provision of suitable and appropriate species mitigation as appropriate.

The Barnet Group of the London Wildlife Trust have, however, raised a strong objection to the scheme and are concerned about the impact of the development on the Green Belt area, Bats and Wildlife.

Circular 06/2005 "Biodiversity and Geological Conservation- statutory Obligations and Their Impact within The Planning System" states at para 99 "It is essential that

the presence or otherwise of protected species, and the extent that they be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

The presence of bats in the locality is a material consideration and their presence in the area (as discussed above) is not disputed. Whilst the potential for bat roosts exists in the surrounding area no actual roosts have been found. Natural England have been made aware of the different surveys received and do not consider that the proposal will impact a priority area for nature conservation.

PPS 9 “Biodiversity and Geological Conservation states that:-

“(vi) The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

In view of the information received, the conditions suggested and the comments of Natural England it is considered that the proposal would not cause harm to bats. A number of the conditions that have been suggested should help overcome concerns raised by the Barnet Group of the London Wildlife Trust.

Birds

With certain exceptions, birds, their nests and eggs are protected under Sections 1-8 of the Wildlife and Countryside Act 1981 (as amended).

The Applicant has been advised by their consultants that works should be undertaken outside the bird nesting season and a suitably worded condition has been recommended in this regard.

Reptiles

Whilst the proposed field contains habitats suitable for reptiles (long grass and bramble scrub along margins), a presence/absence reptile survey was undertaken in August 2010 and no reptiles were observed at the site over the course of seven survey visits.

The absence may be due to the occasional mowing of the grassland.

Other Species

The Ecology Survey provided with the application describes the grassland as species-poor with little nature conservation interest. It is considered that levelling this

field and using it for sports pitches will not have a detrimental impact on wildlife.

It is not considered that creating pedestrian and vehicular accesses in the existing hedgerow will result in significant damage to conservation value. Further details to ensure the hedge is retained and species are not compromised has been requested through suggested conditions.

Further details with regard to levels have also been requested to ensure the buffer zone (suggested in the Ecology report) is implemented. The report suggests a 5m buffer zone around all hedges to limit any damage from the change in levels on the site.

Trees and Landscaping

Crucial to both the visual amenity and nature conservation of the site and surrounding area are the existing trees.

There will be no works in the tree protection zone, including fencing, levelling and other ground works. The zone will be fenced off with heras fencing and this will ensure the protection of root protection areas and canopies of adjacent trees.

All works to trees are detailed in the Arboricultural Report Impact Assessment and Method Statement. The vast majority of existing hedgerow and trees surrounding the site will be retained and additional hedgerow planting using native species will be undertaken to soften the impact of the fencing, creating further extent of hedgerow in common with the character and appearance of the area.

The development will have an acceptable impact on trees, subject to conditions.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly addressed in the appraisal.

No floodlighting is proposed with this development.

Whilst land ownership issues and covenants are not material planning considerations, the following comments are offered in response to the issues raised:

The Council has no evidence to suggest that any of the land involved in the playing fields swap is held as Common Land. In addition the Abstract of Title of the land dated 8 July 1861 shows that the land was at the time under private ownership, a situation which continued until the early 1900s.

Although the school land was acquired in separate parcels it is clear that the school curtilage is in the region of 19.3 acres, including the current school playing fields subject to the proposed land exchange. At no time has the school laid claim to a 29 acre land holding.

A plan showing the history of King George land shows that some land was removed from the King George Trust by virtue of a Deed of Declaration dated 8 January 1954. Land was also dedicated to the Trust in its place in 1955 to comply with an obligation to replace King George Trust land. This occurred due to an obligation under the

Agreement dated 1 October 1953 between Barnet Urban District Council and Hertford County Council for the Council to purchase the land shown hatched red for education purposes. As stated previously the proposed land exchange was approved by Cabinet Resources in September 2008.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The principle of the proposed use of this area of open space as playing fields is in accordance with green belt policies and will not adversely affect the open character of the area. An existing area of playing field, slightly larger in area than that proposed, to the west of the site will become open space and accordingly there will be no loss of open space.

The affect that the proposal would have on the ecology of the area is clearly a major consideration particularly so as surveys have shown the presence of Bats in the area. The main focus of the proposed works would be site levelling which would take place in the body of the site, away from the trees and hedges and the indicated areas of bat activity, As stated in the report the vast majority of the trees/hedges would be retained. Whilst there would be some loss involved in the creation of the access points this would be minimal and the retention of the tree canopy in these areas would ensure that bats should not be deterred from feeding or commuting along the hedge line. The pitches will not be floodlit and as such the nighttime environment will not be affected by the proposal. Certain birds, their nests and eggs are protected and a condition has been recommended that no works take place during the nesting season.

Whilst the typography of this particular area would be altered to provide a suitable usable playing field surface this would not result in level changes that would alter the character and appearance of the area to such a degree as to warrant refusal and the provision of a hedge along the outside of the proposed fencing would be in keeping with the appearance of the area where hedges are a common feature.

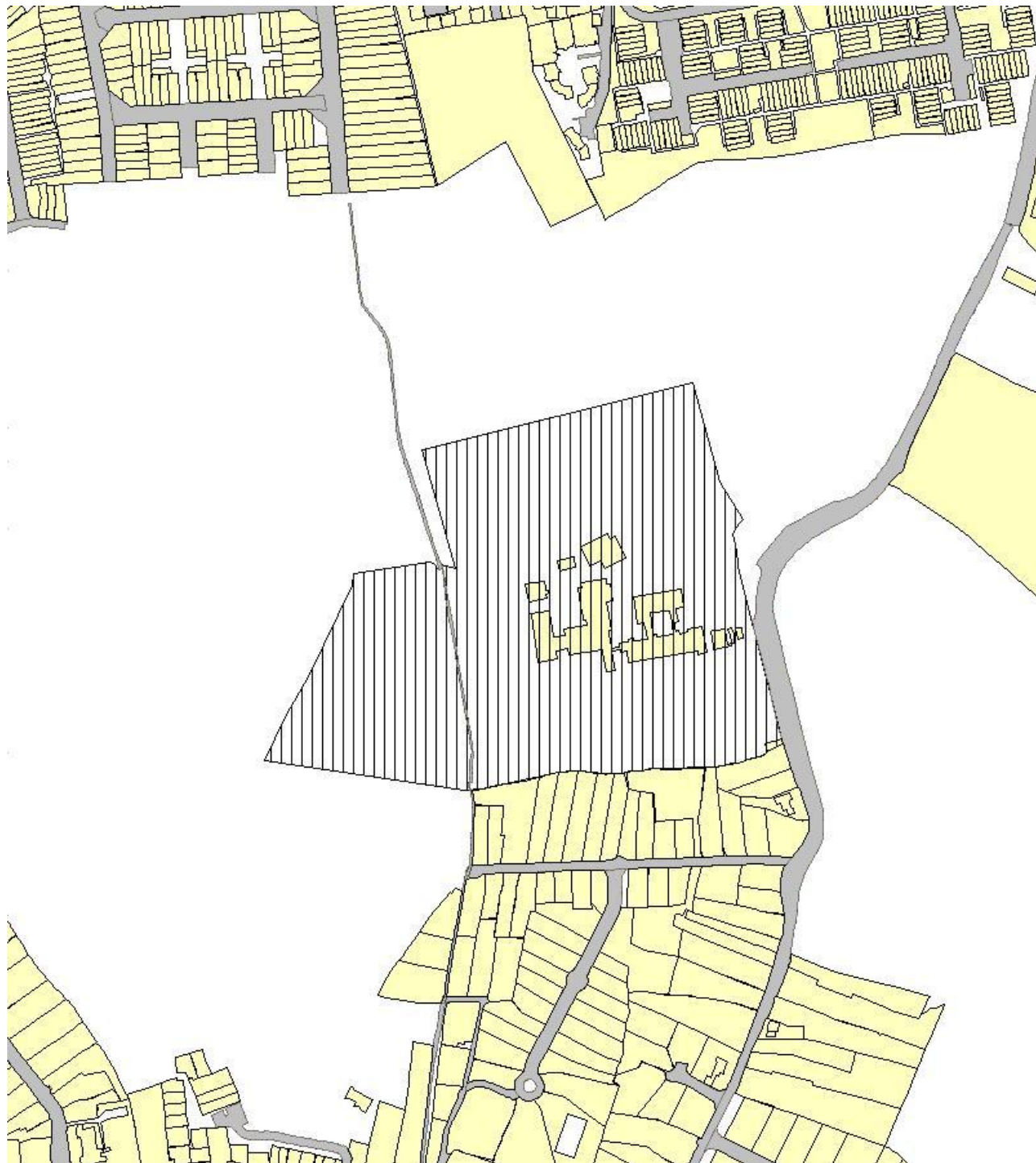
Subject to the conditions recommended the proposal is considered to be acceptable and approval is recommended.

**SITE LOCATION PLAN:
N20 8AZ**

The Ravenscroft School, Barnet Lane, London,

REFERENCE:

B/04262/10



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ITEM 7

PLANNING & ENVIRONMENT COMMITTEE – 19 JANUARY 2011

REPORT OF THE FINCHLEY & GOLDERS GREEN AREA PLANNING SUB-COMMITTEE

7 December 2010

SUB-COMMITTEE:

*Councillor Eva Greenpan BA LLB [Hons] (Chairman)

*Councillor John Marshall (Vice Chairman)

Councillors:

*Jack Cohen

Melvin Cohen LLB

*Colin Rogers

*Alan Schneiderman

*Jim Tierney

*Reuben Thompstone substituting for
Melvin Cohen

*denotes Member present

1. **213-223 GREAT NORTH WAY, LONDON NW4 1PN – F/03551/10 (FINCHLEY CHURCH END WARD) (Report of the Assistant Director of Planning and Development Management – Agenda Item 7)**

The Sub-Committee considered the attached report and addendum of the Assistant Director of Planning and Development Management and heard oral representations from Mr Davis (Finchley Church End Ward) objecting to the application and the applicant's architect's response. The Chairman referred the Sub-Committee's recommendations to the Planning and Environment Committee in accordance with paragraph 5.2 of Part 4, Section 2 of the Council's Constitution.

RECOMMENDATION –

REFUSE the application (reversal of Officer's recommendation) for the following reason:

1. The proposed development by reason of its poor parking provision would be detrimental to highway safety and the free flow of traffic contrary to policies M12 and M14 of the Adopted Unitary Development Plan 2006.
2. The proposed development does not include a formal undertaking to meet the costs of extra health facilities arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Contributions to Health Services and Policy CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.
3. The proposed development does not include a formal undertaking to meet the required costs for improvements to the pedestrian environment and monitoring of the travel plan and therefore would not address the highways impacts of the development, contrary to Policies M3, M5, M11, M12, IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.
4. The proposed development does not include a formal undertaking to meet the monitoring of planning obligations as a result of the development, and

therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Planning Obligations (2006) and Policies IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.

2. 52 THE MARKET PLACE, FALLODEN WAY, LONDON NW11 6JP – F/03980/10 (GARDEN SUBURB WARD) (Report of the Assistant Director of Planning and Development Management – Agenda Item 7)

The Sub-Committee considered the attached report and addendum of the Assistant Director of Planning and Development Management and heard oral representations from Mr Jonathan Gerber (Garden Suburb Ward) objecting to the application. The Chairman referred the Sub-Committee's recommendations to the Planning and Environment Committee in accordance with paragraph 5.2 of Part 4, Section 2 of the Council's Constitution.

RECOMMENDATION –

REFUSE the application (reversal of Officer's recommendation) for the following reason:

The proposed development would be harmful to the character of the conservation area contrary to policies D2, HC1, HC5 and D16 of the Adopted Unitary Development Plan 2006.

LOCATION: 213-223 Great North Way, London NW4 1PN

REFERENCE: F/03551/10 Received: 03 September 2010

Accepted: 15 September 2010

WARD(S): Finchley Church End Expiry: 15 December 2010

Final Revisions:

APPLICANT: D R Jones Ltd

PROPOSAL: Demolition of six dwellings and erection of a three storey building plus rooms in roof space and basement to facilitate a specialist elderly dementia care home (C2 use) for 73 patients. Vehicular access and associated car parking for 15 cars.

RECOMMENDATION:

APPROVE SUBJECT TO S106

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the Council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 Improvements to Public Realm (local) £17,000.00
A contribution towards Improvements to the pedestrian environment within the vicinity of the development.
- 4 Special Site-Specific Obligation £5,000.00
Monitoring of the Travel Plan
- 5 Health £44,377.00
A contribution towards Health Facilities and Resources in the Borough
- 6 Monitoring of the Agreement £3,318.00
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Head of Planning and Development Management approve the planning application reference: F/03551/10 under delegated powers subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 2852/100F, 2852/110A, 2852/101E, 2852/102E, 2852/103E, 2852/104E, 2852/108C, 2852/105B, 2852/106B, SPP/1597/1, 3923se-01; "Air Quality Assessment: Care Home Development, Great North Way, Barnet, dated 19th August 2010, report number 117/1/D1"; "Environmental Noise Assessment 213-223 Great North Way, Ref 5104/R1/pjq, dated 31/08/10"; Sustainability Statement; Design and Access Statement, Barnet and Hendon Care Needs Assessment Report, Planning Statement, Tree Survey and Preliminary Constraints Advice, Transport Statement, Hendon and the London Borough of Barnet Elderly Accommodation Market Report.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 This development must begin within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 Before any development starts on site, an energy assessment shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

- 4 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

- 5 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

- 6 The premises shall be used for Elderly Dementia Care Home as shown on the hereby approved drawings listed above and no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 7 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

- 8 Before the building hereby permitted is occupied all proposed first and second floor windows on the side elevations facing 225 Great North Way and Conifer Court shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 9 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8am or after 1pm on Saturdays, or before 8am or after 6pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 10 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

- 11 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

- 12 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

- 13 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 14 The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

- 15 Before the development hereby permitted is occupied the parking spaces/ garages shown on Drawing 2852/100 Rev. F shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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 Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 16 Notwithstanding the submitted drawings, before the development is commenced, a scheme showing details of access points (Pedestrian and Vehicular), estate road(s) and footways in accordance with the siting, size, dimensions and other details shown on the approved drawing shall be submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the access is satisfactory in terms of highway safety and in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 17 Before the permitted development commences a Construction Management Plan and Construction Logistic Plan must be submitted to and approved by the Local Planning Authority. This document following approval must be complied with unless previously agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 18 Before the development is occupied the Travel Plan shall be submitted to and approved by the Local Planning Authority. This should include the appointment of a Travel Plan coordinator. In order to ensure the objectives of the Travel Plan are met a 'Monitoring Contribution' will be required for monitoring the objectives of the Travel Plan. The Travel plan should be reviewed annually in accordance with the target set out in the Travel Plan.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 19 Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason

To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity.

- 20 Before development commences, a scheme of proposed noise mitigation measures that agrees with the specifications in the noise report by Ian Sharland Limited entitled, "Environmental Noise Assessment 213-223 Great North Way.", Ref 5104/R1/pjq, dated 31/08/10 shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason:

To ensure that the amenities of occupiers are not prejudiced by road traffic noise in the immediate surroundings

- 21 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

- 22 The level of noise emitted from the two plant rooms, cold store plant, kitchen plant, laundry plant, lift plant and motor room plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of any neighbouring property which existed at the time of this decision notice. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of any existing neighbouring property at the time of this decision notice.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows:
 - i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006). In particular the following policies are relevant: Adopted Barnet Unitary Development Plan (2006) – GBEnv1 – GBEnv4, GParking, GCS1, D1, D2, D4, D11 – D13, M2 – M5, M11 – M14, M17, H12, IMP1 and IMP2.
 - ii) The proposal is acceptable for the following reasons:

The proposal would ensure the protection and enhancement of the character and appearance of the area in line with UDP policies. It represents an efficient justified use of the land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. As conditioned, the proposed building would meet the Council's sustainable objectives.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 2 Your attention is drawn to the fact that this decision is subject to a Section 106 Planning Obligation.

3 Highways Informatives:

If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team in Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access which will need to be constructed as a heavy duty kerbed access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form please contact: David M Smith, Clerk of Works, Traffic and Development Section – Traffic and Development Section, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP

Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

LB Barnet is promoting the use of Online Travel Plan Builder.

Barnet Travel Plan Builder is an online package. It is easy to use and will help you construct your travel plan efficiently. All you have to do is input the information when you are prompted and at the end you will have your site specific travel plan. The travel plan is broken down into manageable chunks and progress is saved in incremental stages. It can also be reviewed and modified at any stage up until its submitted. Submission can be done on-line or Traffic and Development Section, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP

The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.

The applicant is advised that A1 Barnet by pass is part of Transport for London Road Network (TLRN). The proposed scheme is likely to have an impact on A1. Therefore the applicant is advised that Transport for London is consulted as part of the application to ensure that their view is taken into consideration.

The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and may require the applicant to enter into a 278 Agreement under the Highways Act 1980. Detailed design will have to be approved by Environment and Operations Directorate.

- 4 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location. In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve. The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants. The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment: PPG 24 (1994) Planning Policy Guidance – Planning and noise; 2) BS 7445 (1991) Pts 1, 2 and 3 (ISO 1996 pts 1-3) - Description and and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 – Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.
- 5 The reason for this determination is:-
The proposal is for a building operation/use which, by virtue of Sections 55 and 57 of the Town and Country Planning Act 1990, is development requiring planning permission, but such development is PERMITTED under Class B and Class C Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as Amended).

RECOMMENDATION III

That if an agreement has not been completed by 15/12/2010, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/03551/10 under delegated powers for the following reasons:

1. The proposed development does not include a formal undertaking to meet the costs of extra health facilities arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Contributions to Health Services and Policy CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.
2. The proposed development does not include a formal undertaking to meet the required costs for improvements to the pedestrian environment and monitoring of the travel plan and therefore would not address the highways impacts of the development, contrary to Policies M3, M5, M11, M12, IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.
3. The proposed development does not include a formal undertaking to meet the monitoring of planning obligations as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Planning Obligations (2006) and Policies IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/Statements
PPS1 and PPG24.

Mayor's London Plan (consolidated with alterations since 2004)
Strategic Planning Policies, in particular 3A.13, 3A.18, 3C.17, 3C.23, 4A.3, 4B.1, 5B.2 and 5B.3.

Relevant Unitary Development Plan Policies

GBEnv1 – GBEnv4, GParking, GCS1, D1, D2, D4, D11 – D13, M2 – M5, M11 – M14, M17, H12, IMP1 and IMP2.

Supplementary Planning Document: Contributions to Health and Resources from Development
Supplementary Planning Document: Sustainable Design and Construction
Supplementary Planning Document: Contributions to Library Services from Development

Relevant Planning History

Application F/00947/10 for a larger care home on site was withdrawn in 2010.

Consultations and views expressed

Neighbours Consulted: 147 Replies: 6
Neighbours Wishing To Speak 3

The objections raised may be summarised as follows:

- proposed use;
- excessive footprint;
- loss of amenity including loss light and overlooking;
- location of bin store;
- screening;
- car parking; and
- parking during construction work.

Internal/other consultations

Traffic and Development – no objection.

Environmental Health – no objection.

Transport for London – no response.

Adult Social Services – no objection.

Date of Site Notice

23 September 2010

2. PLANNING APPRAISAL

Site Description and Surroundings

The site currently consists of three pairs of semi-detached houses. Entrance to the site is via an access road parallel to Great North Way.

The immediate surroundings are characterised by a mixture of various types of buildings in different tenure and styles. The maximum height of buildings in the immediate surroundings is three storeys. There is a pair of semi detached houses to the east and newer block of flats (Conifer Court) to the west.

Proposal

The application seeks permission for the demolition of six dwellings and erection of a three storey building with rooms in roof space and basement to be used as a specialist elderly dementia care home (C2 use) for 73 patients. A new associated vehicular access car park for 15 cars is also proposed. The submission of the application follows pre-application discussions between the applicant and the Local Planning Authority.

A previous application for a larger scheme was also withdrawn earlier this year at

planning officer's request. Since the withdrawal, the applicant has liaised with planning officers, highways officers and adult social care staff to amend their scheme.

The proposed care home is to provide accommodation for older people and younger adults with care and support needs such as dementia, palliative care, intermediate care, rehabilitation, learning difficulties and physical impairments.

Planning Considerations

Proposed use – Council policy H12 states that special needs housing will be supported where they help meet an identified need, do not have a negative impact on the surrounding area and are easily accessible by public transport. Great North Way comprises a mix of single occupancy housing and purpose built blocks of flats and careful consideration would have to be given for the demolition of any property, for a different residential use.

The applicant has undertaken a significant amount of market research. This research has been reviewed by the Council's Adult Social Services Team prior to the submission of the application and as part of the current application and they have no objections to the scheme which is therefore considered to comply with the first criteria of policy H12.

Impact on the character of the area – Turning to design considerations, built environment policies in the Adopted UDP advocate that the design and layout of a proposal should be of a high standard which complements the character of the existing development in the vicinity of the site and maintains a harmonious street scene.

High quality inclusive design is also a key objective of PPS 1. Other guidance on delivering high quality design includes the 2000 DETR/CABE publication 'By Design: Urban Design in the Planning System: Towards Better Practice'. Any development proposal must be acceptable in terms of its impact upon surrounding existing development in terms of its character, design, parking, the street scene and residential amenity.

Planning Policy Statement 1 (PSS1) makes it clear that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted (paragraph 34). The statement also points out that policies should concentrate on guiding the overall scale, density, massing and height of new development in relation to neighbouring buildings and the local area more generally. It is clear from these points that Central Government views design as a key issue in the assessment of proposals and that the relationship between proposed buildings and existing buildings and spaces is a particularly important aspect of design.

Policy H12 recognises the requirement in the borough for supported housing for people with special needs, and will encourage proposals for residential care and specifically states that any such scheme should not have a demonstrably harmful impact on the character or amenities of the surrounding area.

Policy D2 states that the Council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street patterns and the overall character and quality of the area.

Great North way is characterised by a variety of housing types, and there are a number of existing flat developments in close proximity. Therefore from a street scene perspective the principle of a further development of a larger scale than the original pairs of semi-detached houses is considered appropriate in this particular location as it is considered that the predominant residential character would be maintained.

The proposed building would respect the general proportions of neighbouring flat

development. The building has been broken in two different sections of similar heights linked by a lower structure. It is considered that the general arrangements of the building would ensure that its bulk and mass relate appropriately with the rest of the street.

Bin and cycle stores are proposed to the rear of the site. They are considered to be in a suitable location that would enable planting between the outbuildings and the rear boundary of the site.

In summary, it is considered that the proposed new building has been designed with respect for the character and appearance of the area. The achievement of a high quality development will, however, nevertheless be dependent on the use of good quality materials and attention to detail. Consequently, relevant conditions will need to be attached, including submission of details of the facing materials, windows and hard and soft landscaping.

Subject to a number of conditions to control the quality of materials and detailing the proposal is considered to comply with the adopted UDP and National Policies.

Impact on the amenity of adjoining properties and future occupiers – One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported.

Unitary Development Plan Policies D5 and H16 seek to ensure that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to these issues. It is considered that the density of the site is acceptable and roughly comparable to previous permissions on site. The layout of the proposals ensures that sufficiently wide buffer zones with neighbouring existing development are introduced. Overall, it is considered that the increased activity on site would be acceptable subject to compliance with the recommended conditions.

Policy H17 sets the Council's overlooking standards which are met throughout the development.

The residents would have access to a small formal landscaped area. Although this provision falls short of UDP standards, it is considered that this does not warrant reason for refusal in view of the location of the site directly adjacent to a large open recreational area. It is considered that the proposed development would provide sufficiently high standards of amenity for future occupiers of the site.

Transportation Issues and highway safety – A new vehicular access and 15 car parking spaces are being provided. The proposed care home is to provide accommodation for older people and younger adults with care and support needs such as dementia, palliative care, intermediate care, rehabilitation, learning difficulties and physical impairments. The applicant states that such high dependency users would not have the use of a private car.

The care home as a whole will employ around 50-55 staff including both full and part time posts although around 43 staff would be on duty over a typical daily period. A maximum of 26 staff would be working during any given shift period. The 24-hour working of the care home is split into three shifts. Based on the other care homes operated by the European Care Group there are typically around 6 visits per day during the week from relations and friends rising to around 10 visits per day at weekends.

Parking – The assessment of parking provision for a care home is carried out based on London

Borough of Barnet Unitary Development Plan which in turn refers to the London Plan Parking Standards which proposes individual assessment based on the Transport Statement (TS). A bench mark maximum standard (based on unfettered demand to cater for resident staff and visitors) is considered to be of the order of 1 space per 2-4 beds. Based on the information provided by the care home operator above the 15 parking spaces proposed for the development is in line with the London Plan Parking Standards and therefore is considered acceptable.

Vehicular Access – The site is located off the service road running parallel to A1 the Great North Way in the southbound direction. The access to the site is from the service road.

Pedestrian Access: Pedestrian access to the site is from the service road running parallel to A1 Great North Way. It is not clear from the drawings how the pedestrians access the site other than via the main access road which has no footway and is only about 3m wide at its narrowest point. The pedestrian environment in the vicinity of the development including the existing condition of the existing public footway would need to be improved to facilitate the development. Therefore a contribution of £17,000 towards the improvements to pedestrian environment under S106 agreement is sought.

Cycle Parking – 16 secure and covered cycle parking spaces are provided.

Servicing and Delivery – It is proposed in the Transport Statement that the refuse collection will be undertaken from within the development site by a private collection firm.

Trip Generation – Table 4.2, in the Transport Statement shows the predicted vehicular traffic generation. Approximately, 156 two way vehicular trips are predicted for the proposed Care Home over a period of 12 hours. This would result in approximately 10-12 vehicular trips in an hour. However, taking into consideration the trips generated by the existing residential use, potentially, the overall increase in trips is likely to be in order of 110 vehicular trips. The Transport Statement also shows that the peak traffic generation for the care home would be during 1000 and 1100 hours which is outside the traditional network peak therefore is unlikely to have any detrimental impact on public highway.

Construction Management Plan – A robust construction management plan needs to be provided and careful consideration must be given to the optimum route(s) for construction traffic and the Environment and Operations Directorate should be consulted in this respect.

Travel Plan: In order to ensure that the objectives of the proposed Travel Plan are met a 'Monitoring Contributions' of £5,000 for the residential development is required under Section 106. In addition a Travel Plan Coordinator for the travel plan must be appointed.

Sustainability – The Sustainable Design and Construction SPD states that proposals for such developments need to demonstrate compliance with both the broader sustainable design principles and the specified environmental minimum requirements. Where an applicant considers that certain minimum requirements are not viable or deliverable, they will be expected to demonstrate this through design and feasibility studies.

The applicant has submitted an initial sustainability statement. The Council expects that proposals for such developments show how they fully embrace the principles, guidance and minimum requirements set out in the SPD. Any aspect of a proposal which does not fully comply with what is set out in this SPD will need to be fully explained and justified through appropriate feasibility studies.

Sustainable development is a key priority of Central Government and the Council. The

Council's adopted Supplementary Planning Document on Sustainable Design and Construction requires all Major and Large Scale Developments to deliver a minimum of 20% reduction in carbon emissions from total energy needs (heat, cooling and power (including power consumption through occupation)) of the development through on-site generation of renewable energy.

The applicant has indicated that the requirements can be met by the use of various technology but are not committing to a specific option. The various systems explored in their statement together with design features could ensure that the scheme meets the Council's objectives and requirements. The development could achieve a 20% reduction in Carbon emissions. A condition requiring the submission of an energy assessment is required by any works start on site.

Environmental Health Issues

Air quality – The applicant has enclosed a comprehensive air quality report by Air Quality Consultants, entitled Air Quality Assessment: Care Home Development, Great North Way, Barnet, dated 19th August 2010, report number 117/1/D1. It concludes that there are areas within the development site that exceed or are equal to the UK Air quality Objectives. These areas include the ground floor and first floor on the facade of the development fronting the Great North Way. The report also concludes that with mitigation in these areas of exceedence, "such as mechanical ventilation" then poor air quality in the area should not be a barrier to development. Environmental Health Officers agree with this assessment and suggest a condition to ensure that mitigation methods for air quality on the ground and first floor facades overlooking Great North Way are approved by the Council before development commences.

Noise from traffic on Great North Way – The applicant has submitted a noise report by Ian Sharland Limited entitled, "Environmental Noise Assessment 213-223 Great North Way". Ref 5104/R1/pjq, dated 31/08/10. It concludes that the development falls into Noise Exposure Category C according to Planning Policy Guidance 24. It demonstrates that with suitable mitigation the internal noise levels required by LB Barnet's supplementary planning guidance can be met. The report does state that "reasonable" noise levels are acceptable, but our SPG states that "good" levels according to BS8233 are required. However the mitigation proposed in the report would still result in good internal noise levels. Environmental Health Officers recommend a condition.

Noise from plant – There is a significant amount of plant associated with the development including two plant rooms, cold store, kitchen, laundry in the basement. There are also lifts and motor rooms. The development is in a busy location and most of the plant is in the basement. However as there are residential properties adjacent to this site Environmental Health Officers recommend a condition.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters are considered to have been covered in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

5. SECTION 106 ISSUES

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

In order to facilitate this development in this location a total highways contribution of £22,000 is sought under S106 for the following:

- Improvements to Pedestrian environment: £17,000
- Monitoring of travel Plan: £5,000

Under Policy CS13 of the Adopted UDP (2006) the Council will seek to secure a financial contribution of £44,377 for future health facilities needs generated by the development in the Borough.

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore seeks the payment of a financial obligation of £3,318 towards the costs of undertaking the work relating to securing the planning obligations as per the approved Supplementary Planning Document (SPD) for Planning Obligations.

6. CONCLUSION

The proposal would ensure the protection and enhancement of the character and appearance of the area in line with UDP policies. It represents an efficient justified use of the land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. As conditioned, the proposed building would meet the Council's sustainable objectives. APPROVAL is recommended.

REFERENCE:

F/03551/10



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LOCATION: 52 The Market Place, Falloden Way, London NW11 6JP
REFERENCE: F/03980/10 Received: 28 September 2010
Accepted: 08 October 2010
WARD(S): Garden Suburb Expiry: 03 December 2010
Final Revisions:

APPLICANT: Telefonica O2 Ltd

PROPOSAL: Erection of two further 'alarm type' boxes on the facade of 52 The Market Place with additional cabinet internally and ancillary development.

RECOMMENDATION:

APPROVE SUBJECT TO CONDITIONS

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Supporting information reference CS15526, Drawings 400B, 500B, 100A.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 This work must begin not later than three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 3 Before the development hereby permitted commences, details of the colour of the boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows:
 - i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006). In particular the following policies are relevant: Adopted Barnet Unitary Development Plan (2006) – GBEnv1, GBEnv2, GBEnv4, D1, D2, D16, HC1 and HC5.
 - ii) The proposal is acceptable for the following reason(s):
The antennae to be used simultaneously by O2 and Vodafone would facilitate the growth of existing systems with very limited environmental and character impact and no significant impact on the amenity of neighbouring residents and users.
- 2 The Applicant's attention is drawn to the Government's national guidance and Stewart Report on health issues arising from the installation of telecommunications equipment. In particular, the Applicant should ensure the level of emissions does not exceed the guidelines recommended by the International Committee on Non-ionizing Radiation Protection Standards.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/Statements
PPS1 and PPG8.

Relevant Unitary Development Plan Policies
GBEnv1, GBEnv2, GBEnv4, D1, D2, D16, HC1 and HC5.

Relevant Planning History
None.

Consultations and views expressed
Neighbours Consulted: 236 Replies: 49
Neighbours Wishing To Speak 1

A petition with 243 signatures against the scheme was received.

The 49 objections are the same template letters signed by various residents. The objections raised may be summarised as follows:

- effect on conservation area;
- lack of original planning permission;
- danger to children;
- loss of amenity relating to a pole; and
- proliferation.

Internal/other consultations
Traffic and Development – no objection.

HGS CAAC – no objection.

Date of Site Notice
21 October 2010

2. PLANNING APPRAISAL

Site Description and Surroundings

The application site is located at the corner of The Market Place and Kingsley Way in the Hampstead Garden Suburb Conservation Area. There is an existing O2 antenna within the bakery sign approximately 3.5 metres above ground level. This antenna has been in place for a number of years.

Proposals and planning history

The current application seeks full planning permission for the installation of two "alarm type" boxes on the facade of the building with a additional cabinet (within the building). The application is submitted by O2 and Vodafone. The site is already in use as a telecommunication site as there is an antenna within the bakery sign.

The proposal is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP) and the application has been provided with the appropriate certificate.

Background information

O2 has recently entered onto a strategic partnership with Vodafone to share their infrastructure in the UK and across Europe. The current planning application is a direct consequence of the new partnership. In practise, this means that the same antenna can be used simultaneously by O2 and Vodafone therefore reducing the number of antennae required by both companies to operate.

Planning considerations

Central government advice with regard to telecommunications is detailed in PPG8. It states that the Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. Local authorities have been advised to respond positively to telecommunication development proposals whilst balancing the need for increased service with the potential impact on surrounding localities.

Policy D16 of the UDP encourages sharing facilities. It also requires that installations to be appropriately designed, coloured and landscaped to take into account their setting and that there is no significant adverse impact upon the visual amenities of neighbouring occupiers.

The proposed boxes would appear no different to the existing alarm boxes found on a number of surrounding buildings. They would be located in similar positions on the facade of buildings in this stretch of The Market Place and be of the same design. The ancillary equipment to operate the Vodafone system would be housed within the building and therefore would not be visible. The proposed boxes would have no further impact on the character and appearance of the building than the existing boxes on other buildings.

The chosen technology to house the antennas is considered optimum for the conservation area and would prevent the installation of unsightly street masts that have been consistently resisted by officers.

The application is strongly encouraged because the equipment is to be used simultaneously by O2 and Vodafone and would facilitate the growth of existing systems with no significant environmental and character impact. A condition is attached to ensure that the boxes match the existing in colour and texture.

The proposed equipment would have a negligible impact on the building and the surrounding area, in line with Council policies and National Guidance set out in PPG8. The proposal would be on an existing site already in use for telecommunication purposes.

PPG8 outlines that applicants should provide evidence that other potential sites for the equipment have been adequately investigated. The applicant has not put forward alternatives because the site is already in use as a telecommunication site. Given the national and local policy requirements for site sharing, the site is considered the optimal location and no alternatives are required. The main alternative to the chosen site would be the installation of a streetmast which would be inappropriate in the conservation area.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Objections have been raised on the following grounds:

- effect on conservation area – objections on this ground are fully covered in the above appraisal.
- lack of original planning permission – the existing installation has been up for a number of years and has become lawful by virtue of time.

- danger to children – health issues are of great concern to the public in general as regards the erection of mobile communications equipment. The Stewart Report (2000) found that while the balance of evidence does not suggest that mobile phone technology puts the health of the general population at risk, the possibility of harm couldn't be ruled out. The report suggests a precautionary approach. The adoption of the stringent guidelines as set out by the International Commission on Non-Ionising Radiation Protection (ICNIRP) is part of the precautionary approach. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them. An ICNIRP compliance notice for the predicted field strengths for proposed installation has been submitted with the application. This certificate shows that the maximum signal strength is within ICNIRP Public Exposure Guidelines.
- loss of amenity relating to a pole – This ground of objection does not fully relate to the application which relates only to alarm boxes and not a street pole.
- Proliferation – Each application is dealt with on its own merit. The previous refusals from the Council on other sites in the conservation area were not on grounds that telecommunication equipment is unacceptable as a matter of principle but rather on grounds specific to each proposal. The granting of permission on the application site would not change this approach.

4. EQUALITIES AND DIVERSITY ISSUES

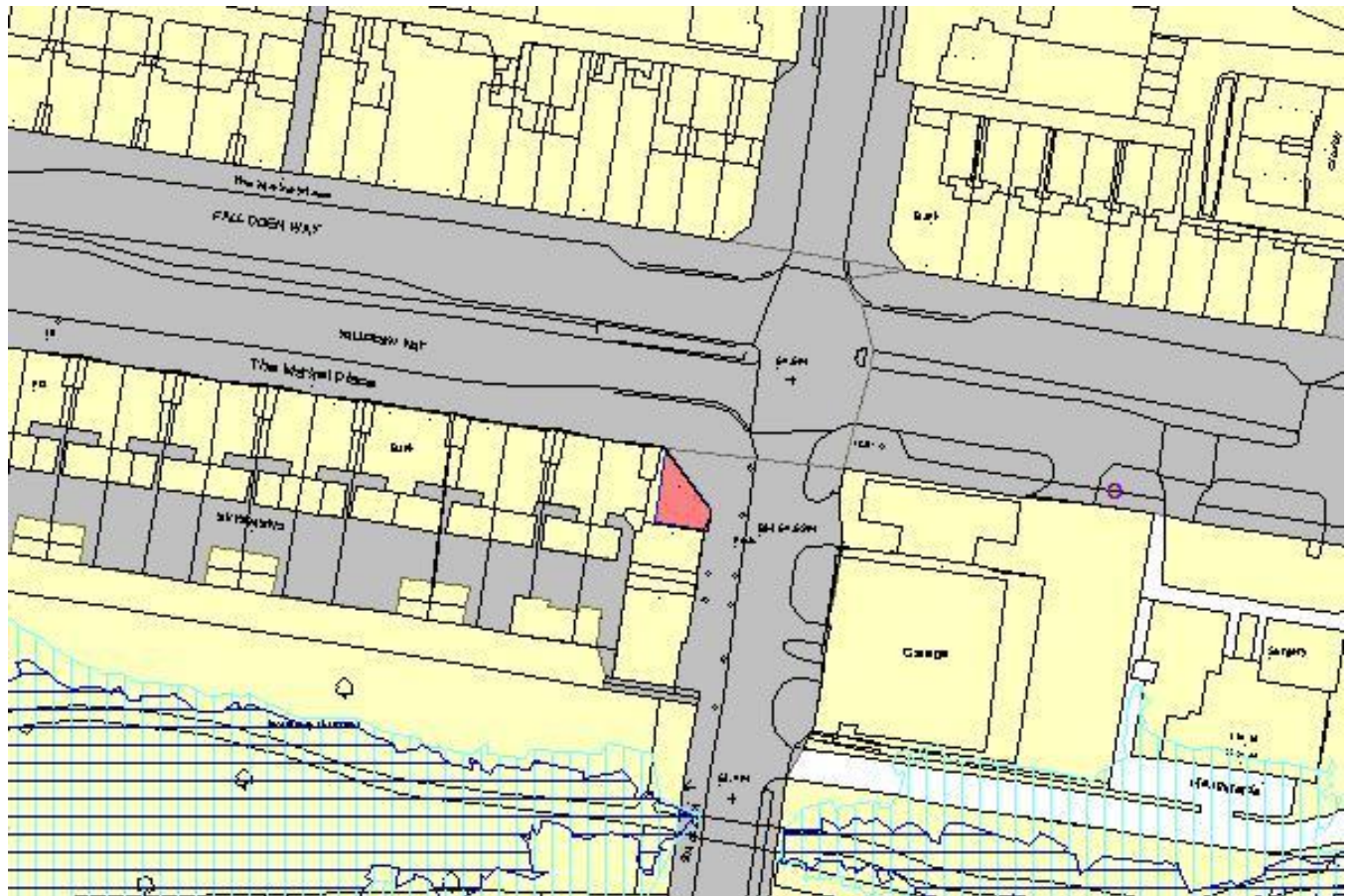
There are no equality and diversity issues.

5. CONCLUSION

The antennae to be used simultaneously by O2 and Vodafone would facilitate the growth of existing systems with very limited environmental and character impact and no significant impact on the amenity of neighbouring residents and users. APPROVAL is recommended.

SITE LOCATION PLAN: 52 The Market Place, Falloden Way, London NW11 6JP

REFERENCE: F/03980/10



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EXTRACT FROM THE ADDENDUM REPORT

FINCHLEY AND GOLDERS GREEN AREA PLANNING SUB-COMMITTEE

7th December 2010

213-223 Great North Way – Page 26

References to “younger adults” on page 34 paragraph 2 and page 35 paragraph 9 should be removed.

The following condition should be added:

“No collections or deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8 am or after 6 pm on any other day.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day”.

Informative 5 on page 32 should be removed.

52 The Market Place – Page 67

One further letter of objection was received reiterating objections made previously by other consultees and covered in the officer’s report. The total number of objections is therefore 50.