

LOCATION: Middlesex University, The Burroughs, London, NW4 4BT
REFERENCE: H/04180/14 **Received:** 01 August 2014
Accepted: 05 August 2014
WARD: Hendon **Expiry:** 04 November 2014

Final Revisions:

APPLICANT:

PROPOSAL: Erection of 1no. 5 storey building for educational purposes, ancillary uses and associated servicing, including hard and soft landscaping. Provision of 2no. disabled parking spaces and cycle storage facilities.

Approve Subject to S106

Subject to a Section 106 Agreement

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;

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Development Management & Building Control approve the planning application reference: H/04180/14 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 13001-02-21, 13001-02- 22, 13001-02-23, 13001-02-24, 13001-02-25, 13001-02-26, 13001-02-27, 13001-02-28, 13001-02-29, 13001-02-30, 13001-02-31, 13001-02-32, 13001-02-33, 13001-02-34, 13001-02-35, 13001-02-36, 13001-02-37A, 13001-02-38, 13001-02-42 and 13001-02-48

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 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 the development hereby permitted is occupied the parking spaces/garages 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 in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 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 development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 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 character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 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 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 8 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 9 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 12 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.

- 13 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 in accordance with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 14 No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

- 15 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

- 16 The level of noise emitted from the **(specify machinery)** 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 17 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority 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 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 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 in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 18 Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the biomass boiler shall be submitted to and approved 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 by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason:

To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development.

- 19 Prior to first occupation of the building, a lighting strategy shall be submitted

to and approved in writing by the Local Planning Authority, which shall include measures to mitigate light spill from the building. The building shall be occupied in accordance with the approved strategy thereafter.

Reason:

To minimise the visual impact of the building on the appearance of the area and the amenities of occupiers of neighbouring residential properties, in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

2 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

3 In complying with the contaminated land condition parts 1 and 2:

Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

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 council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate

against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements

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) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

RECOMMENDATION III:

That if an agreement has not been completed by 19/12/2014, that unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application H/04180/14 under delegated powers for the following reasons:

The development does not include a formal undertaking to meet the costs of the traffic assessment scheme. Without the Travel Plan it would be difficult for the Local Planning Authority to assess the university's measures to promote the use of sustainable modes of transport. In the absence of such an undertaking the proposal is contrary to policy DM17 of the Local Plan Development Management Policies (Adopted) 2012 and contrary to Policies CS9 of the Local Plan Core Strategy (Adopted) 2012.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan July 2011

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM03,

DM13, DM17

Relevant Supplementary Planning Documents:

Supplementary Planning Document (SPD): Sustainable Design and Construction

Relevant Planning History:

Application: Planning **Number:** H/00023/11
Validated: 23/12/2010 **Type:** APF
Status: DEC **Date:** 14/02/2011
Summary: APC **Case Officer:** Graham Robinson
Description: Demolition of the ground floor infill part of 'link' building which connects the Town Hall Extension to the Town Hall Annex to create a pedestrian link from The Burroughs to the new Middlesex University Art, Design and Media Building and Hendon Grove. Associated internal and external alterations.

Application: Planning **Number:** H/00024/11
Validated: 23/12/2010 **Type:** LBC
Status: DEC **Date:** 14/02/2011
Summary: APC **Case Officer:** Graham Robinson
Description: Demolition of the ground floor infill part of 'link' building which connects the Town Hall Extension to the Town Hall Annex to create a pedestrian link from The Burroughs to the new Middlesex University Art, Design and Media Building and Hendon Grove. Associated internal and external alterations.

Application: Planning **Number:** H/00033/14/LIC
Validated: 27/08/2014 **Type:** LIC
Status: DEC **Date:** 23/09/2014
Summary: EXM **Case Officer:** Elizabeth Thomas
Description: The removal and replacement of 3 no. existing antennas for 3 no. tri-band antennas along with 1 no. 300mm dish, 2 no. additional equipment cabinets and ancillary development thereto.

Application: Planning **Number:** H/00055/13/LIC
Validated: 17/05/2013 **Type:** LIC
Status: DEC **Date:** 13/06/2013
Summary: NEX **Case Officer:** Malachy McGovern
Description: Installation of 1no. 300mm dish antenna. (Telecommunications installation)

Application: Planning **Number:** H/00252/13/ENQ
Validated: **Type:** ENQ
Status: REC **Date:**
Summary: UNK **Case Officer:** Graham Robinson
Description: First stage of the Middlesex London Estates Strategy (LES1). Improvements to the external sports facilities, construction of a new four storey building (Forum North Building) involving likely relocation of University Nursery to temporary accommodation, improvements to landscaped amenity areas including creation of new connections through the site, replacement and relocation of flood lighting, and reorganising vehicular circulation from Greyhound Hill.

Application: Planning **Number:** H/00290/10
Validated: 25/01/2010 **Type:** S73
Status: DEC **Date:** 07/04/2010
Summary: APC **Case Officer:** Graham Robinson
Description: Variation of condition 10 (Times of use) of planning permission reference W00229/BF/01 dated 15-10-02 to be varied to 'The building hereby approved shall be open for use 24 hours per day and not at all on Bank or Public Holidays'.

Application: Planning **Number:** H/00627/13
Validated: 22/02/2013 **Type:** APF
Status: DEC **Date:** 18/07/2013
Summary: APC **Case Officer:** Graham Robinson
Description: Construction of a 2-storey detached building to provide an additional 690 sqm of teaching space with associated access, paths, steps and landscape works.

Application: Planning **Number:** H/00628/13
Validated: 22/02/2013 **Type:** APF
Status: DEC **Date:** 15/07/2013
Summary: APC **Case Officer:** Graham Robinson
Description: Construction of two-storey extension to the Williams Building to provide an additional 495sqm of teaching space.

Application: Planning **Number:** H/00826/11
Validated: 11/03/2011 **Type:** APF
Status: DEC **Date:** 06/05/2011
Summary: APC **Case Officer:** Graham Robinson
Description: Two storey infill extension to Real Tennis Court building to provide changing and refreshment facilities and multi-purpose recreational/teaching space, access terrace and ramp.

Application: Planning **Number:** H/00951/12
Validated: 09/03/2012 **Type:** HSE
Status: DEC **Date:** 24/07/2012
Summary: APC **Case Officer:** Graham Robinson
Description: Part single, part two storey rear extension.

Application: Planning **Number:** H/00996/14
Validated: 28/02/2014 **Type:** APF
Status: DEC **Date:** 25/04/2014
Summary: APC **Case Officer:** Aahsanur Rahman
Description: Erection of a single storey building for use as a nursery.

Application: Planning **Number:** H/01627/11
Validated: 08/04/2011 **Type:** CON
Status: DEC **Date:** 21/06/2011
Summary: AP **Case Officer:** Graham Robinson
Description: Submission of details of conditions 2 (Parking Details), 8 (Contaminated Land - Part 2), 11 (Disability Access), 23 (Environmental Standard Non-Residential), 24 (Energy Efficiency Measures) and 32 (Cycle Storage Facilities) pursuant to planning permission reference H/04475/08 dated 02/09/2009.

Application: Planning **Number:** H/01678/11
Validated: 10/05/2011 **Type:** HSE
Status: APD **Date:** 13/12/2011
Summary: INV **Case Officer:** Graham Robinson
Description: Part single, part two storey rear extension.

Application: Planning **Number:** H/01912/08
Validated: 12/06/2008 **Type:** APF
Status: DEC **Date:** 07/08/2008
Summary: APC **Case Officer:** Louise Doran
Description: Demolition of existing ramp, balustrade and entrance door at south entrance of college building. Erection of new steps, ramp, automatic door and entrance canopy. Demolition of existing dwarf wall, fence and brick post. Erection of new fence and gate.

Application: Planning **Number:** H/02124/09

Validated:	18/06/2009	Type:	ADV
Status:	DEC	Date:	12/08/2009
Summary:	APC	Case Officer:	Graham Robinson
Description:	Erection of 4x non illuminated signs and 1x non illuminated totem around site.		
Application:	Planning	Number:	H/02816/14
Validated:	10/06/2014	Type:	APF
Status:	DEC	Date:	10/09/2014
Summary:	APC	Case Officer:	Aahsanur Rahman
Description:	Installation of 6 portakabins for temporary class rooms.		
Application:	Planning	Number:	H/03020/13
Validated:	17/07/2013	Type:	APF
Status:	DEC	Date:	11/09/2013
Summary:	APC	Case Officer:	Elizabeth Thomas
Description:	Installation of gate, screen and bench seating.		
Application:	Planning	Number:	H/03190/08
Validated:	10/09/2008	Type:	CON
Status:	DEC	Date:	26/01/2009
Summary:	AP	Case Officer:	Louise Doran
Description:	Submission of details of condition 2 (materials) and condition 3 (tree protection and fencing) pursuant to planning permission H/01912/08 dated 07/08/08.		
Application:	Planning	Number:	H/03525/10
Validated:	23/08/2010	Type:	CON
Status:	DEC	Date:	08/10/2010
Summary:	AP	Case Officer:	Graham Robinson
Description:	Submission of details of Condition 4 (materials) pursuant to planning permission H/04475/08.		
Application:	Planning	Number:	H/03632/11
Validated:	26/08/2011	Type:	APF
Status:	DEC	Date:	10/02/2012
Summary:	APC	Case Officer:	Deirdre Jackman
Description:	Two storey rear extension to Church House and construction of a single storey detached building for use as a Scout Hut, following demolition of existing Scout Hut and extension.		
Application:	Planning	Number:	H/03717/11
Validated:	26/08/2011	Type:	CAC
Status:	DEC	Date:	21/03/2012
Summary:	APC	Case Officer:	Deirdre Jackman
Description:	Demolition of existing Scout Building and extension.		
Application:	Planning	Number:	H/03980/09
Validated:	19/11/2009	Type:	ADV
Status:	WDN	Date:	14/01/2010
Summary:	WIT	Case Officer:	Graham Robinson
Description:	Erection of 10 PVC double sided banners to the lighting columns.		
Application:	Planning	Number:	H/03982/13
Validated:	28/11/2013	Type:	CON
Status:	DEC	Date:	09/01/2014
Summary:	AP	Case Officer:	Graham Robinson
Description:	Submission of details of conditions 4 (Materials), 6 (Refuse), 7 (Ventilation & Extraction Equipment-Details Required), 8 (Middlesex University Travel plan), pursuant to planning permission (H/00628/13) dated (12 July 2013).		
Application:	Planning	Number:	H/03983/13

Validated: 28/11/2013 **Type:** CON
Status: DEC **Date:** 09/01/2014
Summary: AP **Case Officer:** Graham Robinson
Description: Submission of details of conditions 3 (Refuse), 6 (Materials), 7 (Ventilation & Extraction Equipment-Details Required), 8 (Levels), 9 (Middlesex University Travel Plan), pursuant to planning permission (H/00627/13) dated (16 July 2013).

Application: Planning **Number:** H/04257/14
Validated: 27/08/2014 **Type:** CON
Status: REG **Date:**
Summary: DEL **Case Officer:** Aahsanur Rahman
Description: Submission of details of condition 3, (Materials) pursuant to planning permission H/02530/14 dated 18/07/2014.

Application: Planning **Number:** H/04381/12
Validated: 19/11/2012 **Type:** ADV
Status: DEC **Date:** 29/08/2013
Summary: APC **Case Officer:** Graham Robinson
Description: Installation of 9 no. non illuminated banners on street lighting columns.

Application: Planning **Number:** H/04419/12
Validated: 17/12/2012 **Type:** LBC
Status: DEC **Date:** 18/03/2013
Summary: APC **Case Officer:** Emily Benedek
Description: Internal and external alterations involving installation of new building services control system to include; new internal conduit; new surface mounted room sensors; new external temperature sensor; new control panels within boiler room and appliance bay.
(LISTED BUILDING APPLICATION)

Application: Planning **Number:** H/04496/12
Validated: **Type:** APF
Status: UNA **Date:**
Summary: INV **Case Officer:** Emily Benedek
Description: Internal and external alterations involving installation of new building services control system to include; new internal conduit; new surface mounted room sensors; new external temperature sensor; new control panels within boiler room and appliance bay.

Application: Planning **Number:** H/04634/11
Validated: 18/11/2011 **Type:** S96A
Status: DEC **Date:** 20/12/2011
Summary: APC **Case Officer:** Graham Robinson
Description: Non-material minor amendments to planning permission reference H/04475/08 dated 02/09/09 for, 'Redevelopment of the Town Hall car park site and adjacent land, to provide a 2 to 5 storey academic teaching building, together with the provision of 28 parking spaces, 42 secure cycle spaces and associated paths, terraces, landscaping and works.' Amendments include alterations of plant elements, plant areas and vent extracts at basement, ground floor, fourth floor and roof levels of building ABC and at first and second floors levels of block E, and minor elevational detail changes.

Application: Planning **Number:** H/06124/13
Validated: 27/01/2014 **Type:** APF
Status: DEC **Date:** 11/04/2014
Summary: REF **Case Officer:** Emily Benedek
Description: Erection of 1no. 5 storey building for educational purposes, ancillary uses and associated servicing, including hard and soft landscaping. Provision of 2no. disabled parking spaces and cycle storage facilities.

Application: Planning
Validated: 27/01/2014
Status: DEC
Summary: APC
Description: Provision of 16no. floodlights to existing sports pitch and construction of raised viewing deck with single storey storage underneath.

Number: H/06131/13
Type: APF
Date: 10/03/2014
Case Officer: Emily Benedek

Application: Planning
Validated: 10/12/2001
Status: DEC
Summary: APC
Description: Erection of 12 x 7m high floodlights around existing tennis courts.

Number: W/00229/BG/01
Type: APF
Date: 07/02/2002
Case Officer: Heidi Euzger

Application: Planning
Validated: 16/05/2002
Status: DEC
Summary: APC
Description: Demolition of existing teaching units and erection of 3 prefabricated units.

Number: W/00229/BH/02
Type: APF
Date: 10/03/2003
Case Officer:

Application: Planning
Validated: 21/07/2003
Status: DEC
Summary: APC
Description: Construction of new roof over existing quadrangle to provide additional floorspace associated with existing University use and installation of new glazed entrance fronting The Burroughs.

Number: W/00229/BL/03
Type: APF
Date: 22/10/2003
Case Officer: Lesley Feldman

Application: Planning
Validated: 29/11/2004
Status: DEC
Summary: APC
Description: External Emergency staircase.

Number: W/00229/BP/04
Type: APF
Date: 04/02/2005
Case Officer: Lesley Feldman

Application: Planning
Validated: 20/12/2007
Status: DEC
Summary: AP
Description: Submission of details of Condition 3 (extraction and ventilation equipment) pursuant to planning permission W00229BV/07 dated 11.12.07 for conversion of and mezzanine additions to existing University Sports, Social building and nursery.

Number: W/00229/BW/07
Type: CON
Date: 14/02/2008
Case Officer: Louise Doran

Consultations and Views Expressed:

Neighbours Consulted: 31 Replies: 13
Neighbours Wishing To Speak: 4

The comments raised may be summarised as follows:

- Campus already densely populated with an existing building estate
- The proposal will result in overlooking and a loss of privacy to adjoining residents
- Concern with potential noise, disturbance and light spill from site to adjoining residential properties
- The design of the building is out of character with the surrounding area
- The proposal will have a detrimental impact on the locality and negative impact on

the local population

- The proposal will impact on wildlife
- The proposal will increase littering and noise and disturbance from users of the campus
- The development is within or very close to an area of archaeological significance and English Heritage should be consulted
- The proposal is the same as one that has already been refused
- Remote learning should be considered with temporary buildings
- Increase in traffic
- Increase in pedestrian footfall leads to increased levels of litter on the public footway and open space
- Significantly impact the traffic in the area in addition to causing parking issues
- Overdevelopment of the site

Internal /Other Consultations:

- Environmental Health - No objection subject to conditions and informatives
- Traffic & Development - No objection subject to a Section 106 Agreement for an additional £5,000 contribution for monitoring the Travel Plan for the next 5 years
- English Heritage – the proposal is unlikely to have a significant effect on heritage assets of archaeological interest

Date of Site Notice: 05 August 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is part of the Middlesex University campus which is accessed from The Burroughs.

The application relates to an area of land between the Vine Building and The Forum. To the east of the site is the Sheppard Library and to the west of the site is the Multi-Use Sports Pitch. The site has direct access to the university car park accessed from Greyhound Hill.

Proposal:

The application is a resubmission of a previously refused application (H/06124/13) for the erection of 1no. 5 storey building for educational purposes. The previous application was refused for the following reason:

- 1 The proposed development, by reason of the additional building, will result

in an over intensification of use and potential increase in student numbers which would have an adverse impact on the amenity of adjoining residents contrary to adopted (2012) Core Strategy Policy CS1 and adopted (2012) Development management Policy DM01.

The previous application (H/01624/13) is currently subject to an appeal.

The current application seeks permission for the erection of 1no. 5 storey building for educational purposes, ancillary uses and associated servicing including hard and soft landscaping.

The provision of 2no. disabled parking spaces will be provided as well as cycle storage facilities which is to be located adjacent to the building.

The irregular shaped building will measure a maximum of 48 metres in depth, 25.5 metres in width and 17.6 metres in height.

The building will use the existing levels difference on site and would be 2 storeys higher than the adjacent Forum building. The new building will have 2 'wings' on either side immediately adjacent to the neighbouring buildings which will be set at a lower level with green roofs on top. The building will create 3,662sqm of additional floor space.

The area outside the Forum Building and the Forum North building will be landscaped to create level access from both buildings with new outdoor seating areas and improved pedestrian access through the site.

Planning Considerations:

Policy Context

DM03: Accessibility and inclusive design

Development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they meet the following principles:

- i. can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances
- ii. are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment
- iii. are flexible and responsive taking account of what different people say they need and want, so people can use them in different ways
- iv. are realistic, offering more than one solution to help balance everyone's needs, recognising that one solution may not work for all.

Policy DM13: Community and education uses

a: Loss of community / educational use

Loss of community / educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site

has been marketed effectively for such use.

b: New community or educational use

New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres.

New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

Policy DM17: Travel impact and parking standards

a: Road Safety

The council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

b: Road Hierarchy

The council will seek to ensure that roads within the borough are used appropriately according to their status in the defined road hierarchy. In taking into account the function of adjacent roads the council may refuse development proposals which would result in inappropriate road use, or adversely affect the operation of roads in an area

c: Development, Location and Accessibility

The council will expect major development proposals with the potential for significant trip generation to be in locations which are, or will be made, highly accessible by a range of transport modes.

d: Transport Assessment

In considering planning applications for new development, the council will require developers to submit a full Transport Assessment (as defined by Department for Transport threshold) where the proposed development is anticipated to have significant transport implications in order to ensure that these impacts are considered. This assessment should include an analysis of accessibility by all modes of transport.

e: Travel Planning

For significant trip generating developments, (defined by Transport for London thresholds), the council will require the occupier to develop, implement and maintain a satisfactory Travel Plan (or plans) to minimise increases in road traffic and meet mode split targets. In order to ensure that they are delivering this the travel plan will need to contain measurable outputs so that they can be monitored.

f: Local Infrastructure Needs

i. Developments should be located and designed to make the use of public transport more attractive for all users by providing improved access to existing facilities, and if necessary the development of new routes and services, including improved and fully accessible interchange facilities.

ii. The council will expect development to provide safe and suitable access arrangements for all road users to new developments. Where improvements or changes to the road network are necessary by virtue of an approved development, the council will secure a Legal Agreement from the developer.

iii. The council will require appropriate measures to control vehicle movements, servicing and delivery arrangements. Where appropriate the council will require Construction Management and/or Delivery and Servicing Plans.

iv. Where appropriate, development will be required to improve cycle and pedestrian

facilities in the local catchment area by providing facilities on site and/or funding improvements off site

g: Parking management

1. The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms)

ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and

iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)

2. Residential development may be acceptable:

i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.

ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

The main issues are:

- The impact on the character and appearance of the general locality
- The impact on highway and pedestrian safety
- The impact on neighbouring amenity
- Sustainability Issues
- Other material planning considerations

The impact on the character and appearance of the general locality

The new building will be of modern design which has been sensitively designed to ensure it is in keeping with the character and appearance of the university campus. Whilst the university buildings comprise a variety of styles the more recent additions to the campus including the Sheppard Library and the new Quadrant entrance have been of modern design. Therefore the principle of a modern design is considered acceptable. Although the area surrounding the university campus is predominantly residential the houses are some distance away (over 100m) and the site itself is designated for educational purposes and a new building within the heart of the university campus is considered appropriate in this location. The University is a big local employer and is considered to contribute to the local economy.

The new Forum North building is located in the middle of the site adjacent to the Multi Use Sports pitches between the Vine Building and The Forum Building. The building will take advantage of the existing levels differences on site (there are substantial levels differences between the Multi Use Sports pitch area and the existing tennis courts. This means that although the building would be a maximum of 5 storeys in height when viewed from the east elevation entrance to the building it would have the appearance of a 4 storey building. The proposal will only be two

storeys higher than the buildings on either side and with two 'wings' immediately adjacent to both neighbouring buildings would not appear as an overly dominant structure within the university campus. Furthermore, given the natural sloping of the land the proposed building will be set lower than the 5 storey Shephard library and will not appear as visually dominant within the site. It is acknowledged that given its size the new Forum North building will be visible outside the campus however, this does not mean that it will have a detrimental appearance on the landscape and general locality as it is set within the grounds of the built area.

The impact on highway and pedestrian safety

PTAL (Public Transport Accessibility Level) rating for this site is 3, calculated on a point where the site entrance is proposed. PTALs range from 1 to 6, where 6 represents a high level of accessibility and 1 a low level of accessibility.

There are several bus routes operating nearby, such as: Route 240; Route 183; Route 143; Route 326; The nearest underground station to this proposal is Hendon Central which is part of a Northern Line and is approximately 960.0 metres which is considered within walking distance to this site. Since PTAL calculations do not take into consideration the possibility of linking trips, meaning changing one mode of transport to another, public transport accessibility level for this location is considered to be very accessible.

The site is also within the Hendon Controlled Parking Zone (CPZ). On the Greyhound Hill the parking restrictions operate between 10AM to 5PM (Mon-Fri). Nearby there are parking bays for short stay operating from 9AM to 5:30PM (Mon-Fri). Part of The Burroughs has parking restrictions from 10AM to 5PM (Mon-Fri) up to St Josephs Grove and then the parking restrictions are from 8AM to 6:30PM on both sides. St Josephs Grove has various restrictions, part of it is from 8AM to 6:30PM (Mon-Fri) and the other part is from 1:45PM to 2:45PM. There is a Pay and Display car park on the Burroughs Gardens with approximate capacity of 20 parking spaces, operating from 9:AM to 5:30 PM (Mon-Sat). There are pay and display parking available on the Egerton Gardens.

In addition to the new building, the proposal includes some modifications of the existing vehicular access to the car park serving The Forum, a route which is also used by the delivery and emergency services. The route for the delivery and emergency access will be provided through a new road which is not part of this application. Given the 2no. Additional parking bays adjacent to the building and that the proposal will not result in an increase in the number of students, it is considered that the proposals would have an acceptable impact on highway and pedestrian safety.

Travel Plan

The current Middlesex University's Travel Plan (TP) contains measures to promote the use of sustainable modes of transport. The TP was approved by Local Planning Authority (LPA), with agreed initiatives and targets. As mentioned above, the applicant has confirmed that the overall student numbers at Middlesex University remain the same as existing. It is therefore recommended that these Travel Pan

initiatives to be continued to be monitored. The results of the reviews should be incorporated into the next years report, required for submission to the LPA. It is expected that travel plans and monitoring of the TP activities to last at least for the next 5 years or until it is considered that the impact has achieved the agreed initial targets, whichever is the earliest.

It has been recommended that an extension to the travel plan is secured via a Section 106 Agreement.

Impact on neighbouring amenity

The proposed building will be located 55m from the nearest neighbouring property Sunnyfield School, will be located over 100m away from the nearest neighbouring residential property in Hatchcroft and over 130m from the rear gardens of the residential properties in Heton Gardens. Given the substantial distances between the new building and the nearest neighbouring residential properties, it is not considered that the proposal will result in overlooking or loss of privacy to the occupiers of the nearest residential properties. Concerns were raised by residents regarding light spill at night from lights left on in unused classrooms. The University intends to adopt a light strategy for the building to ensure that lights are not left on at night unnecessarily and in order to comply with BREEAM 'Excellent' standards it is likely that motion sensors will be attached to the lights to ensure unused classrooms will remain unlit. It is considered that these measures will minimise the impacts of the proposal on the amenities of the neighbouring occupiers. A condition is proposed to ensure this is implemented.

The previous application (H/06124/13) was refused for the following reason: 'the proposed development, by reason of the additional building, will result in an over intensification of use and potential increase in student numbers which would have an adverse impact on the amenity of adjoining residents contrary to adopted (2012) Core Strategy Policy CS1 and adopted (2012) Development management Policy DM01'.

The current application has been submitted with supporting information which states that there is a need for additional space for the following reasons:

- There is insufficient space for the existing senior academic staff, with sharing of office space
- There have been instances when the university did not have sufficient rooms to provide a quality teaching experience
- There has been increased demand for larger space requirements for research based studies
- The existing student timetable does not allow efficient use of staff and student time

In addition to this, the supporting information states "*we are aware that student numbers are of concern to local residents and members. This has been very evident in the formal consultation responses on the two Forum North applications and other recent planning applications and in views expressed at Committee. The Accommodation Statement reports on recent student numbers and includes a 5-year*

forecast to 2017/18. The accompanying text provides important information on how this data is derived and should be interpreted. In the interests of transparency, and to seek to allay concerns, MU is happy to provide this information to the Council, updated on a regular basis, say 1 November annually, and supplemented with actual figures for the year just finishing. This would enable the Council and other interested parties to monitor overall numbers. It could also provide useful background when considering future applications as the on going estate renewal/ improvement programme progresses. MU would be willing to enter into a planning obligation to provide this information as part of the Section 106 Agreement for Forum North. We suggest the obligation could be worded along the following lines (the wording may need to be refined and we can, of course, discuss this further with you):

On [date] MU will submit to LBB an annual update of the following information provided in Appendix X to the Agreement [reproduce Appendix 1 from the Accommodation Statement]:

- The Student 5 year Forecast*
- Actual student numbers for the preceding academic year*
- update to the accompanying text, as required LBB will make the annual update available to the public on request”.*

Based on the supporting information, it is understood that the predicted number of students at the Hendon Campus would reduce over time. As such, the proposal will not result in an increase in the number of students on site or result in an increase in pedestrian footfall. Accordingly, it is not considered that the proposal will result in increased littering to the surrounding area or additional noise and disturbance to the occupiers of the neighbouring residential properties. However, it is considered that in the event of approval a legal agreement should be provided by the university to ensure that there is an annual update to clearly demonstrate student numbers on the Hendon campus.

Sustainability Issues

The new building seeks to achieve a high level of sustainability in accordance with Middlesex University's own policies. The proposal would comply with the Council's SPD on Sustainable Design and Construction and is seeking to achieve a BREEAM standard of 'excellent.' It is considered that the proposals would achieve an acceptable level of environmental performance for a development of this size.

Other material planning considerations

Archaeology – The applicant has submitted an archaeological study. English Heritage has been consulted and do not have any concerns to raise with the proposal on archaeological grounds

3. COMMENTS ON GROUNDS OF OBJECTIONS

The comments raised have been addressed in the considerations above

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

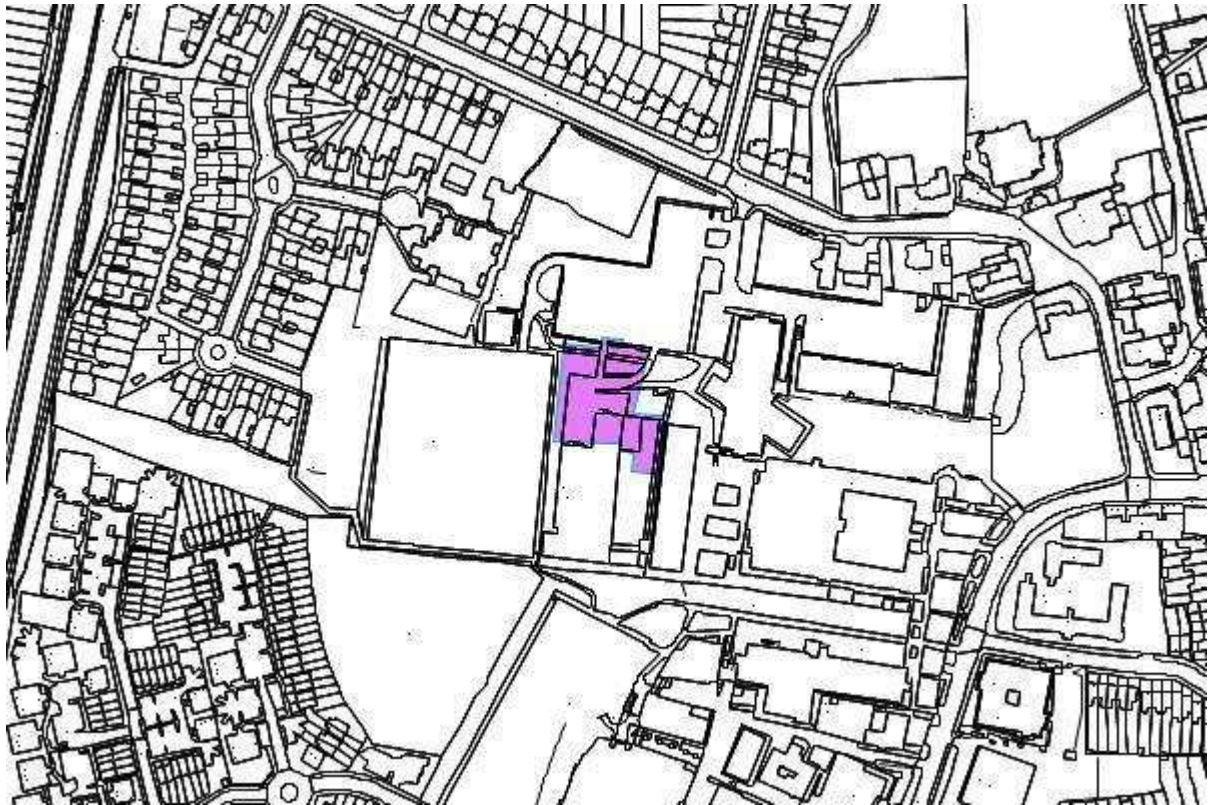
The application is recommended for **APPROVAL**.

**SITE LOCATION PLAN:
NW4 4BT**

Middlesex University, The Burroughs, London,

REFERENCE:

H/04180/14



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