

**Colindale Underground Station, Colindale Avenue,  
NW9**

**LOCATION:** Site to the rear of Colindale Station Plaza comprising land of Former Station House and part of Former Colindale Hospital Site, Colindale Avenue, London, NW9 5HG

**REFERENCE:** 16/5015/S73 **Received:** 28 July 2016  
**Accepted:** 12 August 2016

**WARD:** Colindale **Expiry:** 11 November 2016

**APPLICANT:** Sainsbury's Supermarkets Ltd.

**PROPOSAL:** Variation of condition 13 (hours of use) of planning permission H/03131/14 dated 27/08/14 for 'Application to make minor amendments to the approved development (ref H/01110/13, approved 3rd April 2014 for 'construction of a part 7, part 18 storey mixed use building comprising 55 room Apart-Hotel (Use Class C1), 319 student accommodation units (Sui Generis), four commercial units (Use Class A1/A3) and gym (Use Class D2) along with associated car parking and landscaping') comprising: 1) Alterations to floor layouts to provide teaching rooms for student residents, reorganisation of student and hotel common areas and mezzanine retail floorspace; 2) Addition of second basement level; 3) Associated external alterations.' Variation to include extension of the opening hours of Unit 1 and to change the wording of the condition to 'The A1/A3 units on the ground floor of the building hereby permitted shall not be open to customers before 7 am or after 11pm on weekdays and Saturdays or before 8am or after 10pm on Sundays apart from unit 1. Unit 1 shall not be open to customers before 7 am or after 11pm every day'

**APPLICATION SUMMARY**

Planning permission was granted on 3 April 2014 for the wider development at the site at Station House, Colindale Avenue (Application ref. H/01110/13).

A minor amendment application (Application ref. H/03131/14) was subsequently granted planning permission on 27 August 2014 for:

*Application to make minor amendments to the approved development (ref H/01110/13, approved 3rd April 2014 for 'construction of a part 7, part 18 storey mixed use building comprising 55 room Apart-Hotel (Use Class C1), 319 student accommodation units (Sui Generis), four commercial units (Use Class A1/A3) and gym (Use Class D2) along with associated car parking and landscaping') comprising: 1) Alterations to floor layouts to provide teaching rooms for student residents, reorganisation of student and hotel common*

*areas and mezzanine retail floorspace; 2) Addition of second basement level; 3) Associated external alterations.*

As such, planning permission H/03131/14 is now the operative planning permission.

In respect of opening hours, condition 13 of this permission states that:

*The A1/A3 units on the ground floor of the building hereby permitted shall not be open to customers before 7 am or after 11pm on weekdays and Saturdays or before 8am or after 10pm on Sundays*

*Reason: To safeguard the amenities of occupiers of adjoining residential properties, in line with policy DM01 of the Barnet Local Plan*

#### Proposed Amendment

The proposal seeks to extend the permitted trading hours of the Sainsbury's unit (unit 1) only, and only in respect of Sunday's to bring the store's opening hours on this day in line with the rest of the week. In effect, the variation only seeks an additional hour in the morning and an additional hour in the evening on a Sunday. And it is proposed to amend the wording of Condition 13 to read as follows:

*The A1/A3 units on the ground floor of the building hereby permitted shall not be open to customers before 7 am or after 11pm on weekdays and Saturdays or before 8am or after 10pm on Sundays apart from unit 1. Unit 1 shall not be open to customers before 7 am or after 11pm every day.*

*Reason: To safeguard the amenities of occupiers of adjoining residential properties, in line with policy DM01 of the Barnet Local Plan*

The proposed amendment to the wording of Condition 13, is not considered to result in any significant impact on residential amenity and is recommended for Approval.

### **RECOMMENDATION**

#### **Approve subject to:**

##### **Recommendation 1**

The applicant and any other person having a requisite interest in the site be invited to enter into a Deed of Variation varying the extant section 106 Agreement dated 31st March 2013 in accordance with the terms set out in the Application Summary section of this report.

##### **Recommendation 2:**

That upon completion of the agreement specified in Recommendation 1, the Head of Strategic Planning approve the planning application reference 16/5015/S73 under delegated powers subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Strategic Planning.

#### **COMMENCEMENT**

- 1 This development must be commenced within three years from the date of this permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

## **PLANS OF THE DEVELOPEMNT**

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

140127-A(GA)P080

140127-A(GA)P090

140127-A(GA)P100

140127-A(GA)P110

140127-A(GA)P120

140127-A(GA)P300

140127-A(GA)P400

140127-A(GA)P401

130222 A(GA)P110

130222 A(GA)P160

130222 A(GA)P170

130222 A(GA)P260

130222 A(GA)P270

130222 A(GA)P280

Design and Access Statement

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 application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan and policy 1.1 of the London Plan.

## **MATERIALS AND DETAILING**

- 3 Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not proceed above basement level unless and until details and appropriate samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 4 Notwithstanding the details submitted in the drawings otherwise hereby approved the development is not to proceed above basement level unless and until details (necessary details specified in brackets) of the following features of the new buildings have been submitted to the Local Planning Authority and approved in writing:
- Glazing and window frame details/reveals (details at a scale of not less than 1:10 or a sample).
  - Projection of oriel windows (details at a scale of not less than 1:10 or a sample).
  - Terracotta, timber and mesh spacing (details at a scale of not less than 1:10 or a sample).
  - Window openings on the glazed elements of the building (details at a scale of not less than 1:10 or a sample).
- The buildings shall be implemented in accordance with the approved details prior to the occupation of the dwellings hereby 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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

## **SITE LEVELS**

- 5 The development shall be constructed in accordance with the levels details approved under reference H/02497/14. Site levels shall be thereafter retained in accordance with these details.

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 amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.

## **SUSTAINABILITY**

- 6 The development hereby permitted shall be constructed to achieve not less than BREEAM 'Excellent' in accordance with the relevant BRE standards (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme). The building shall be occupied until formal certification has been issued confirming that not less than Excellent has been achieved and this certification has been submitted to the Local Planning Authority.

Reason:

To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan, the Colindale Area Action Plan (2010) and policies 5.2 and 5.3 of the London Plan.

- 7 Prior to the development hereby approved proceeding above basement level, a strategy setting out how the development will connect to the single Energy Centre provided within the Colindale Hospital site under application H/00342/09 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved and shall not be occupied until the applicant has demonstrated that the development has been connected to the Energy Centre.

Reason:

To ensure that the development is sustainable and complies with the requirements of London Plan policies 5.2 and 5.6.

### **RESTRICTIONS ON USE**

- 8 The student accommodation hereby approved shall only be occupied as part of the overall use of this part of the building as "Sui Generis" student accommodation, and it shall not be used as independent and separate self-contained dwellings within the meaning of Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason:

To ensure that use of the premises does not prejudice the amenity of the area and to prevent the units from being occupied as sub-standard residential accommodation and to ensure the Local Planning Authority can control the planning of the area, in line with policies CS4, DM01 and DM02 of the Barnet Local Plan.

- 9 Any hotel room shown on the approved plans shall only be occupied for the purposes of a hotel within Use Class C1 as defined in the Town and Country Planning (Use Classes) Order 2005, as amended.

Reason:

To ensure that use of the premises does not prejudice the amenity of the area and to prevent the units from being occupied as sub-standard residential accommodation and to ensure the Local Planning Authority can control the planning of the area, in line with policies CS4, DM01 and DM02 of the Barnet Local Plan.

- 10 The maximum stay of any guest or person within the Aparthotel hereby approved shall be 90 consecutive days.

Reason:

To ensure that use of the premises does not prejudice the amenity of the area and to prevent the units from being occupied as sub-standard residential accommodation and to ensure the Local Planning Authority can control the planning of the area, in line with policies CS4, DM01 and DM02 of the Barnet Local Plan.

- 11 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority:
- The change of use of any ground floor unit occupied under Use Class A3 to a use under Use Class A1 as defined in the Use Class Order 2005 (as amended).
- Reason:
- To ensure that the commercial floorspace approved does not have a detrimental impact on the vitality and viability of the area and to ensure the Local Planning Authority can control the planning of the area, in line with policy CS6 and DM11 of the Barnet Local Plan.
- 12 The basement/mezzanine levels of the Use Class A1 units hereby permitted (as defined by the Use Classes Order 2005 (As Amended)) shall not be used as sales floorspace.
- Reason:
- To ensure that the commercial floorspace approved does not have a detrimental impact on the vitality and viability of the area and to ensure the Local Planning Authority can control the planning of the area, in line with policy CS6 and DM11 of the Barnet Local Plan.
- 13 The A1/A3 units on the ground floor of the building hereby permitted shall not be open to customers before 7 am or after 11pm on weekdays and Saturdays or before 8am or after 10pm on Sundays apart from unit 1. Unit 1 shall not be open to customers before 7 am or after 11pm every day.
- Reason:
- To safeguard the amenities of occupiers of adjoining residential properties, in line with policy DM01 of the Barnet Local Plan.
- 14 The bar/restaurant floorspace on the sixth floor of the building hereby permitted shall only be used for these purposes as an ancillary use for the student accommodation and not as a separate self-contained commercial use. This use shall not be open to customers before 7am or after 11pm on weekdays and Saturdays or before 8am or after 10pm on Sundays.
- Reason:
- To safeguard the amenities of occupiers of adjoining residential properties, in line with policy DM01 of the Barnet Local Plan.
- 15 The student social area on the mezzanine floor shall be used only as ancillary space to the approved student accommodation and not as a separate self-contained commercial use.

Reason:

To ensure that there is no increase in commercial floorspace, in the interests of the vitality and viability of the area and to ensure the Local Planning Authority can control the planning of the area, in line with policy CS6 and DM11 of the Barnet Local Plan.

- 16 The classrooms, lecture rooms, seminar rooms and study rooms as detailed on the plans hereby approved shall only be used by occupants of the student accommodation hereby permitted, with the exception of teaching and support staff necessary to carry out the educational use. No other persons shall arrive at and/or occupy any part of the development for study or educational purposes at any time and the building shall not be used by any educational institution, other than the institution that occupies the development.

Reason:

To safeguard the amenities of occupiers of nearby residential properties and in the interest of highway safety in accordance with policies CS9, DM01 and DM17 of the Barnet Local Plan.

- 17 Notwithstanding the plans hereby approved, the proposed development shall not incorporate any Conference or Banqueting facilities.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area, in line with policies CS9 and DM17 of the Barnet Local Plan.

## **CONTAMINATED LAND**

- 18 Part 1

The development shall be carried out and the site remediated in accordance with the details and method statement approved under reference H/02144/14.

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 and to comply with policy DM04 of the Barnet Local Plan.

- 19 Piling for foundations or other infrastructure using deep (approximately >15 metres below ground level) penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason:

To protect groundwater quality in the deep aquifer. Piling to facilitate building foundations has the potential to penetrate impermeable geological formations and create a pathway between contaminated shallow soils and deeper geological formations. A Piling Risk Assessment is required to demonstrate that the chosen piling method does not increase the risk of near-surface pollutants migrating into deeper geological formations and underlying aquifers, in line with policy DM04 of the Barnet Local Plan.

## **WATER, DRAINAGE AND WASTE**

- 20 The development hereby permitted shall not proceed above basement level until a drainage strategy detailing all on and off site drainage works to be carried out in respect of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works referred to in the strategy have been completed in their entirety.

Reason:

To ensure that the development provides appropriate drainage infrastructure and to comply with Policies 5.13 and 5.14 of the London Plan 2011.

- 21 The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

Reason:

To encourage the efficient use of water in accordance with policy 5.15 of the London Plan 2011.

- 22 Before the development hereby permitted is occupied a Refuse and Recycling Management Plan that includes: refuse/recycle collection arrangements, swept paths for collection vehicles, agreed points of collection and showing any required turnings of the refuse and recycle vehicles to facilitate the collection shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.



- 23 Before the development hereby permitted is occupied, an indemnity agreement must be signed, submitted to and approved in writing by the Local Planning Authority. The agreement shall indemnify the Council and its contractors 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 development.

Reason:

In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

## **NOISE AND AIR QUALITY MANAGEMENT AND MITIGATION**

- 24 No construction work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on any other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

- 25 Before any of the proposed A1/A3 units hereby approved are occupied, details of any extract and ventilation systems shall be submitted and approved by the Local Authority. Details shall include measures to mitigate noise and vibration, such that the noise levels at the façade of any building are 5dB below the ambient background level. Details of odour abatement shall also be submitted and shall be designed for the type of food to be prepared.

Reason:

To ensure that the amenities of neighbouring premises are protected from noise and odour from such systems, in line with policy DM01 of the Barnet Local Plan.

- 26 The level of noise emitted from the heating, ventilation 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 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, in line with policy DM01 of the Barnet Local Plan.

- 27 Before development proceeds above basement level, a report should 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 to serve the building. 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 line with policy DM01 of the Barnet Local Plan.

- 28 Prior to the first occupation of the development hereby approved full plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be maintained as such.

Reason:

To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and 5.3 of the London Plan.

## **LANDSCAPING**

- 29 Notwithstanding the details submitted and otherwise hereby approved, prior to the construction of the development proceeding above basement level a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details of landscaping submitted shall include but not be limited to the following:

- the position of any existing trees and hedges to be retained or removed;
- new tree, hedge and shrub planting including species, plant sizes and planting densities as well as planting for green roofs including herbaceous / climbers / grasses / ground cover plants;
- green and brown roofs;
- means of planting, staking and tying of trees, including tree guards as well as a detailed landscape maintenance schedule for regular pruning, watering and fertiliser;
- existing contours and any proposed alterations such as earth mounding;
- areas of hard landscape works including paving, proposed materials, samples, and details of special techniques to

minimise damage to retained trees and provide conditions appropriate for new plantings;

- timing of planting;
- all proposed boundary treatments, fencing or means of enclosure to be erected at the site.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan.

- 30 All work comprised in the approved scheme of hard and soft landscaping shall be carried out before the end of the first planting and seeding season following the first occupation of any part of the building or completion of the construction of the development, whichever is sooner.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan.

## **TRANSPORT**

- 31 Before the development hereby permitted is occupied the car parking spaces shown on the approved plans shall be provided in the development and shall not be used for any purpose other than the parking and turning of vehicles in connection with the development hereby approved.

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 CS9 and DM17 of the Barnet Local Plan.

- 32 Before the development hereby permitted is occupied a Car Parking Management Plan detailing the allocation of car parking spaces, all on site parking controls and charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved Car Parking Management Plan from the first occupation of the building and in perpetuity thereafter.

Reason:

To ensure that parking is provided and managed at the development in the interests of highway and pedestrian safety and the free flow of traffic in the area and in accordance with policies CS9 and DM17 of the Barnet Local Plan.

- 33 Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and

approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- 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. the positioning of cranes and other construction related equipment;
- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

34

Before development hereby permitted is first occupied, a full Delivery and Servicing Management Plan shall be submitted to and agreed by the Local Planning Authority. The delivery plan should include details of size, number, times and frequency of delivery vehicles and swept paths for vehicles entering and using the site in association with the permitted use.

Reason:

In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted)

September 2012.

- 35 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with active electric vehicle charging facilities and a further 20% to be provided with passive facilities for future fit out. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason:

To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 36 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 and increased in numbers, if needed. All of the spaces shall be permanently retained thereafter.

Reason:

In the interests of promoting cycling as a mode of transport, in line with London Plan policy 6.9 and policies CS9 and DM17 of the Barnet Local Plan.

- 37 The development shall be carried out in all respects in accordance with the approved Pringuer-James report 'Conceptual Design Statement (Basement Levels) Rev A', and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan policy 6.2.

- 38 The student accommodation hereby permitted shall not be occupied until a Student Pick-Up and Drop-Off Management Scheme is submitted and approved in writing by the local planning authority. This Scheme shall include details of a drop-off and collection schedule that will be set up by the student management company to stagger the pick-up and drop-off activity at

key times of year and how the parking spaces on the site will be managed during pick-up and drop-off periods. Student drop-off and pick-up activity shall thereafter be managed in accordance with the approved Scheme, or any variation that may be approved.

Reason:

In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

**Informatives:**

1. With reference to Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended), this decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.
2. In complying with the contaminated land condition parts 1 and 2:
  - a) Reference should be made at all stages to appropriate current guidance and codes of practice at August 2012 this would include:
    - 1) The Environment Agency CLR model procedures;
    - 2) BS10175:2011 Investigation of potentially contaminated sites – Code of Practice;
    - 3) The Environment Agency “Guiding principles for land contamination (GPLC)”;
    - 4) Guidance for the safe development of housing on land affected by contamination, Environment Agency R&D Publication 66:2008.
  - b) 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) 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) 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).
3. The London Plan promotes electric vehicle charging points with 20% active and 20% passive provision and should be provided. The parking layout should include provision of electric charging points for all elements of the development.
4. Where a developer proposes to discharge water to a public sewer, prior

approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

6. 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.
7. The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.
8. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a total £799,448 payment under Mayoral CIL (£78,798 more than the original scheme (ref H/01110/13)).

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has been assessed at this time as liable for a £644,490 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site,

and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

### **Relief or Exemption from CIL**

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can potentially apply for relief or exemption under the following categories:

#### **1. Charity**

If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

#### **2. Residential Annexes or Extension**

You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

#### **3. Self Build**

Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whatto-submit/cil> for further details on exemption and relief

## **1. MATERIAL CONSIDERATIONS**



## **1.1 Key Relevant Planning Policy**

### 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 (published July 2011) and the development plan documents in the Barnet Local Plan (adopted September 2012). These statutory development plans are the main policy basis for the consideration of this planning application. A number of other documents, including supplementary planning guidance and national planning guidance, are also material to the determination of the application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

The officers have considered the development proposals very carefully against the relevant policy criteria and, for the reasons set out in this report, have concluded that that the development will fulfil them to a satisfactory level, subject to the conditions and planning obligations recommended. The proposed development is considered to comply with the requirements of the development plan.

### The London Plan 2016

The London Plan is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). In March 2016, the Mayor published (i.e. adopted) the London Plan 2011 consolidated with: the further alterations to the London Plan published in March 2015, the Housing Standards Minor Alterations to the London Plan published in March 2016 and the Parking standards Minor Alterations to the London Plan published in March 2016.

The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

### **Context and Strategy:**

1.1 (Delivering the Strategic Vision and Objectives for London)

### **London's Places:**

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); 2.13 (Opportunity Areas and Intensification Areas); and 2.18 (Green Infrastructure: The Multi Functional Network of Green Spaces)

### **London's People:**

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and

Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); and 3.18 (Education Facilities)

**London's Economy:**

4.1 (Developing London's Economy); 4.5 (London's Visitor Infrastructure); 4.7 (Retail and Town Centre Development); 4.8 (Supporting a Successful and Diverse Retail Sector and Related Facilities and Services); and 4.12 (Improving Opportunities for All)

**London's Response to Climate Change:**

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.4A (Electricity and Gas Supply); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); 5.18 (Construction, Excavation and Demolition Waste); and 5.21 (Contaminated Land)

**London's Transport:**

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

**London's Living Places and Spaces:**

7.1 (Lifetime Neighbourhoods); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location and Design of Tall and Large Buildings); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes); and 7.19 (Biodiversity and Access to Nature)

**Implementation, Monitoring and Review:**

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevance to the determination of this application are:

**Core Strategy (Adopted 2012):**

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS11 (Improving health and well being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

**Development Management Policies (Adopted 2012):**

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM05 (Tall buildings)

DM08 (Ensuring a variety of sizes of new homes to meet housing need)

DM09 (Specialist Housing – HMOs, student accommodation and housing for older people)

DM13 (Community and education uses)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

**Supplementary Planning Guidance and Documents**

A number of local and strategic supplementary planning guidance and documents are material to the determination of the application.

**Local Supplementary Planning Documents and Guidance:**

Planning Obligations (April 2013)

Sustainable Design and Construction (April 2013)

Residential Design Guidance (April 2013)

Colindale Area Action Plan (March 2010)

**Strategic Supplementary Planning Documents and Guidance:**

Draft SPG on Accessible London (April 2014)

Sustainable Design and Construction (April 2014)

**National Planning Guidance**

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance.

The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

#### The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Officers have concluded that the planning obligations recommended are legitimate and appropriate under these regulations. The applicant has agreed the obligations set out in Recommendation 1.

## **1.2 Key Relevant Planning History**

### **APPENDIX 1: KEY PLANNING HISTORY FOR THE SITE**

<b>App Ref.</b>	<b>Address</b>	<b>Description of Development</b>	<b>Decision and Date</b>
<b>H/01159/08</b>	Colindale Hospital, Colindale Avenue, London NW9 5HG	Demolition of curtilage buildings to Listed Hospital Administration Block.	APPROVED 02/12/2008
<b>H/00395/09</b>	Colindale Hospital, Colindale Avenue, London NW9 5HG	Enabling works application for the provision of new site access, spine road with footpaths, emergency access to the health protection agency together with associated sub-surface infrastructure.	APPROVED 03/06/2009
<b>H/00342/09</b>	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	APPROVED 20/11/2009 following completion of S106 agreement

		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.	
<b>H/00343/09</b>	Land at Station House and part of Colindale Hospital, Colindale Avenue, London, NW9 5HG	The demolition of Station House and construction of a 293 bed, part 6, part 13 storey Aparthotel of up to 8965sqm, together with a 369sqm restaurant (Use Class A3) and three ground floor commercial units (Use Class A1/A2/A3) totaling 780sqm with associated access, car parking and landscaping, retention of and alterations to the Colindale Underground station building and the provision of a new public square and a transport interchange incorporating bus stops, taxi rank and associated landscaping.	APPROVED 20/11/2009 following completion of S106 agreement
<b>H/00344/09</b>	The Administration Building, Colindale Hospital, Colindale Avenue, London, NW9 5HG	Listed Building Consent application for works of repair and internal and external alterations to convert the former Colindale Hospital Administration Building into residential use.	APPROVED 20/11/2009
<b>H/00041/10</b>	Land at Station House and part of Colindale Hospital, Colindale Avenue, London, NW9 5HG	Section 73 application for amendments to wording of conditions 2 (Restriction to Hotel Use), 4 (Maximum Stay), 5 (A1/A3 Units Layout), 6 (A3 Specified Use), 8 (Details of Piazza), 10 (Materials), 12 (Refuse), 13 (Protection from Vibration), 14 (Land Contamination), 15 (Details of Ventilation and Extraction), 17 (Noise Report), 18 (Sound Insulation), 19 (Tree Protective Fencing), 20 (Services in Relation to Trees), 21 (Trees Method Statement), 23 (Landscaping Details), 26 (Construction Method Statement), 27 (Parking), 28 (Car Park Stacker Maintenance), 29 (Parking Management Plan), 30 (Cycle Parking Provision), 32 (Drainage Strategy), 34 (BREEAM Standard), 35 (Details of Green/Brown Roofs), 36 (Connection to Decentralised	APPROVED 05/05/2010 following completion of Deed of Variation to S106 agreement

		Heating Network), 37 (Details of Taxi and Coach Bays), 38 (PPG24 Noise Report) of approved planning consent ref. H/00343/09 and inclusion of new condition in relation to phasing plan.	
<b>H/03982/10</b>	Land at Station House and part of Colindale Hospital, Colindale Avenue, London, NW9 5HG	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
<b>H/00305/13</b>	Land at Station House and part of Colindale Hospital, Colindale Avenue, London, NW9 5HG	Non-material minor amendment to planning permission Ref: H/03982/10 dated 24/12/2010 for the "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" to amend the wording of the conditions 10, 11, 13, 17 and 18.	APPROVED 18/04/2013
<b>H/01110/13</b>	Land at Station House and part of Colindale Hospital, Colindale Avenue, London, NW9 5HG	Construction of a part 7, part 18 storey mixed use building comprising 55 room Apart-Hotel (Use Class C1), 319 student accommodation units (Sui Generis), four commercial units (Use Class A1/A3) and gym (Use Class D2) along with associated car parking and landscaping	APPROVED 03/04/2014

<b>H/03131/14</b>	Land at Station House and part of Colindale Hospital, Colindale Avenue, London, NW9 5HG	Application to make minor amendments to the approved development (ref H/01110/13, approved 3rd April 2014 for 'construction of a part 7, part 18 storey mixed use building comprising 55 room Apart-Hotel (Use Class C1), 319 student accommodation units (Sui Generis), four commercial units (Use Class A1/A3) and gym (Use Class D2) along with associated car parking and landscaping') comprising: 1) Alterations to floor layouts to provide teaching rooms for student residents, reorganisation of student and hotel common areas and mezzanine retail floorspace; 2) Addition of second basement level; 3) Associated external alterations.	<b>APPROVED</b> 27/08/2014
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### **1.3 Public Consultations and Views Expressed**

#### Public Consultation

A total of **359** local properties were consulted on the application by letter on 12<sup>th</sup> August 2016. The application was also advertised on site and in the local press on the 18<sup>th</sup> August 2016

#### Number of Responses from Residents

No responses have been received as a result of this consultation

#### Internal Consultation responses

**Traffic and Development Team:** No Comments Received

**Metropolitan Police:** No Comments Received

**Environmental Health** Querys raised regarding whether noise conditions were attached to the original consent.

Officer Comment: Conditions were attached to the original consent 24- 27 attached again above, which require noise mitigation measures in relation to the retail units.

## **2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL**

### **2.1 Site Description and Surroundings**

The application site is irregular in shape and covers an area of 0.19 hectares on the north side of Colindale Avenue. The site is cleared and hoarded off, but comprised part of the former Colindale Hospital, which is currently being

redeveloped for housing, and Station House, a 5 storey office building that has now been demolished. Access is from Colindale Avenue via the main spine road (Charcot Road) and roundabout through the Colindale Hospital development.

The site is bounded to the east by the Northern Line with residential properties beyond. To the south is the public piazza adjacent to Colindale Underground Station, with Colindale Avenue and the British Newspaper Library site and Colindale Park beyond. To the north and west are the recently constructed residential properties in the former Colindale Hospital development and the older 2 storey houses fronting Colindale Avenue.

The area around the site is mixed in character, consisting of modern developments ranging from 5 to 14 storeys, traditional 2 storey houses and employment/institutional buildings with larger footprints. The site lies within the wider Colindale Opportunity Area as identified in the London Plan and is earmarked for significant regeneration, along with a number of other sites in the area.

## **2.2 Description of the Proposed Development**

The proposal seeks to extend the permitted trading hours of the Sainsbury's unit (unit 1) only, and only in respect of Sunday's to bring the store's opening hours on this day in line with the rest of the week. In effect, the variation only seeks an additional hour in the morning and an additional hour in the evening on a Sunday. And it is proposed to amend the wording of Condition 13 as attached to planning permissions H/01110/13 dated 3<sup>rd</sup> April 2014 and H/03131/14 dated 27 August 2014 to read as follows:

*The A1/A3 units on the ground floor of the building hereby permitted shall not be open to customers before 7 am or after 11pm on weekdays and Saturdays or before 8am or after 10pm on Sundays apart from unit 1. Unit 1 shall not be open to customers before 7 am or after 11pm every day.*

*Reason: To safeguard the amenities of occupiers of adjoining residential properties, in line with policy DM01 of the Barnet Local Plan*

## **3. PLANNING CONSIDERATIONS**

### **3.1 Principle of the amendments to the uses proposed**

The proposed change in the opening hours of the Sainsbury Unit does not alter the uses approved under the original consent and can be approved subject to an assessment of the proposed changes in relation to residential amenity.

### **3.2 Impacts on amenities of neighbouring and surrounding occupiers and users:**



Local Plan policies seek broadly to promote quality environments and protect the amenity of neighbouring occupiers and users through requiring a high standard of design in new development. More specifically policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Policy DM04 identifies that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

### Noise

The earlier applications on the site were supported by a PPG24 assessment which demonstrated the appropriateness of the site for the development. The noise assessment concluded that during the development's construction period, the effect of noise and vibration on the surrounding area will be negligible and various measures such as site hoardings could be implemented to mitigate against any impacts that may arise. It is also recommended that a Construction Management Plan be required by condition, which would deal with issues such as construction methods and hours.

The noise assessment also concluded the operational impact of the hotel and commercial uses on the surrounding area (i.e. plant and vehicular movements) would be minimal and can be mitigated through the implementation of appropriate planning conditions.

The proposed change to the opening hours of the Sainsbury Store effectively bring the opening hours on Sunday in accordance with the other days of the week, opening an hour earlier and closing an hour later than allowed under the existing permissions. It is increasingly common for express store supermarkets to maintain the same operating hours throughout the week and in the context of the location of the unit, fronting Colindale Station is unlikely to result in any significant noise impacts upon neighbouring residential properties, with the limited noise disturbance which would occur as a result of people entering and leaving the store being no different to persons entering and leaving the tube station which would also be open at these times.

### **3.3 Planning obligation matters:**

Policy CS15 of the Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

It is recommended that a deed of variation be entered into with the developer that links the s.106 agreement relating to the previous approval (ref H/01110/13) to this amended approval. This is necessary since the outcome of this application will be a new planning permission. Details of the obligations previously agreed are set out below:

Public Transport Improvements Including Step Free Access at Colindale

#### Underground Station (£75,000)

A feasibility study for Step Free Access at Colindale Underground Station has been undertaken by TfL using allocated s.106 money from the Colindale Hospital development. This study will set out the cost for providing step free access at Colindale Underground Station as well as other station upgrades including additional gates, a new entrance into the Piazza and new ticket booths.

Given the low level of car parking proposed for the development and the fact that the majority of students and guests using the facility are expected to travel by public transport, a contribution of £75,000 is required. This also accords with the s.106 priorities set out the Colindale AAP.

A £50,000 contribution formed part of the legal agreement for the extant permission and it is considered reasonable to allocate the £10,000 previously secured towards highways improvements towards this, given that the A5/Colindale Avenue junction improvements already have the necessary funding. An uplift in this contribution to an overall figure of £75,000 would be appropriate, given the student accommodation now proposed is expected to be heavily reliant on the tube station. It would be reasonable to require this, particularly given that the majority of trips associated with the student accommodation now proposed would be made by public transport.

#### Travel Plan/Travel Plan Monitoring (£10,000)

In line with Barnet Local Plan policy DM17, the Planning Obligations SPD and TfL thresholds, the development requires a Strategic Travel Plan to deliver sustainable transport objectives for occupants of the aparthotel and student accommodation. A minimum figure of £10,000 is also required for the monitoring of the Travel Plan, in line with the SPD.

#### CPZ Contribution (£30,000)

In order to mitigate against potential parking displacement into surrounding streets, particularly as a result of the introduction of the student accommodation into the proposal, a contribution of £30,000 towards the provision of a Controlled Parking Zone in the vicinity of the site has been agreed.

#### Parking Permit Exemption (£5,000)

It is necessary to restrict residents of the scheme from applying for parking permits, in order to not disenfranchise existing residents when CPZ controls are put in place. A contribution of £5,000 is needed in order to facilitate a parking permit exemption scheme for residents of the development.

#### Restricted Student Occupation

It is necessary for the applicant to ensure that the student accommodation is occupied only by students on a full-time course or summer course and provide documentary evidence in accordance with timescales to be agreed.

Therefore the total additional S106 Contributions required to facilitate the increased size of the development is £120,000. An appropriate monitoring

contribution is also sought in line with the Planning Obligations SPD.

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.

### **3.4 Community Infrastructure Levy**

Under the CIL Regulations, s.73 applications must be assessed for any additional CIL payments beyond the original permission. As the floorspace is not increased by the current proposal the amount of CIL payable is unchanged from the previous S73 approval (Planning Reference H/03131/14).

Mayoral CIL: £799,448 (+£78,798)

Barnet CIL: £592,607 (-£51,883)

## **4. EQUALITIES AND DIVERSITY ISSUES**

Section 149 of the Equality Act 2010, which came into force on 5<sup>th</sup> April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under this important legislation.

## **5. COMMENTS ON GROUNDS OF OBJECTIONS**

N/A

## **6. CONCLUSION**

The proposed amendments would not have a significant impact on neighbouring residents, the character of the area or the local highway network beyond that of the original proposal. The same conditions and s.106 obligations imposed on the original consent have been carried forward onto this permission.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission.

Accordingly, subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** subject to conditions is recommended, as set out in the recommendations section at the beginning of this report.

## APPENDIX 1: PROPOSED SITE LAYOUT PLAN

