

LOCATION: Imperial House, Edgware Road, Colindale, London, NW9 5AL

REFERENCE: APP/N5090/W/16/3158645 Received: 22/07/2015

WARD: Burnt Oak Expiry: 21/10/2016

APPLICANT: Imperial House London Ltd.

PROPOSAL: Redevelopment of Imperial House comprising the demolition of existing buildings and erection of buildings ranging from 3 to 16 storeys to provide 81 residential units (Use Class C3) and 815sqm of replacement office accommodation (Use Class B1) along with landscaped courtyard and provision of 87 basement car parking spaces, 5 motorcycle spaces and 166 cycle parking spaces, vehicular access from The Greenway and vehicle out onto Edgware Road with pedestrian access from Edgware Road

APPEAL SUMMARY

- 1.1 Please find herewith a briefing note summarising a recent appeal decision relating to the aforementioned site.
- 1.2 The appeal was made by Imperial House London Ltd. against the decision of the Council of the London Borough of Barnet in relation to planning application 15/04442/FUL submitted on 15 July 2015 for the following development:

Redevelopment of Imperial House comprising the demolition of existing buildings and erection of buildings ranging from 3 to 16 storeys to provide 81 residential units (Use Class C3) and 815sqm of replacement office accommodation (Use Class B1) along with landscaped courtyard and provision of 87 basement car parking spaces, 5 motorcycle spaces and 166 cycle parking spaces, vehicular access from The Greenway and vehicle out onto Edgware Road with pedestrian access from Edgware Road

- 1.3 The application was recommended for approval by officers at planning committee on 24th February 2016 however the planning committee resolved to refuse the application for the following reasons:

- 1) The proposed development, by virtue of its excessive height, scale and massing would introduce a discordant and visually obtrusive form of development that would fail to respect its local context and the pattern of development in its surroundings, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore not constitute a sustainable form of development and would

be contrary to policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (July 2011, October 2013 and January 2014).

- 2) The proposed development, by virtue of its excessive height and proximity to the residential properties to the north and east would represent an overly dominant form of development that would significantly diminish the outlook of the neighbouring occupiers to the detriment of their living conditions. The application is therefore contrary to CS NPPF and DM01 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policy 3.5 of the London Plan (July 2011, October 2013 and January 2014) and the Barnet Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents (April 2013).
- 3) The application does not include a formal undertaking to secure an adequate contribution to affordable housing provision to meet the demand for such housing in the area. The application is therefore unacceptable and contrary to policies CS NPPF, CS4, CS15 and DM10 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.
- 4) The application does not include a formal undertaking to secure the planning obligations which are necessary for the development to be found acceptable. The application is contrary to London Plan policies 4.3, 4.12, 6.3, 6.9, 6.10, 8.2, policies DM14, DM17, CS8, CS9 of the Barnet Local Plan Core Strategy and Development Management Policies Document (adopted September 2012), the Barnet Planning Obligations (adopted April 2013) Supplementary Planning Document and the Barnet Supplementary Planning Document on Delivering Skills, Employment and Enterprise Training (SEET) (adopted October 2014).

1.4 The application was subsequently refused by notice dated 15 March 2016.

1.5 Subsequent to the refusal of the application, the applicant exercised their entitlement to a free resubmission and submitted an amended scheme with a reduced height of 14 storeys. This application was subsequently presented to planning committee on 23rd May 2016 with a recommendation for approval which was endorsed by members and the application (council ref: 16/1713/FUL) was subsequently approved. The approved application consisted of the following development:

Redevelopment of Imperial House comprising the demolition of existing buildings and erection of buildings ranging from 3 to 14 storeys to provide 76 residential units and 815sqm of replacement office accommodation (Use Class B1) along with landscaped courtyard and

provision of 87 basement car parking spaces, 5 motorcycle spaces and 166 cycle parking spaces, with provisions for refuse and amenity space

1.6 An appeal was subsequently lodged in relation to the refused application (15/04442/FUL) under the written representations procedure. In assessing the appeal, the inspectorate identified the following key issues:

- The character and appearance of the surrounding area; and
- The living conditions of the occupiers of nearby properties, with particular reference to outlook.

1.7 It should be noted, in relation to the 3rd and 4th reasons for refusal of the application that a Section 106 Agreement was agreed alongside the appeal which secured all of the planning obligations and contributions that were set out in the recommendation to committee on 23rd of May. The Section 106 Agreement was agreed prior to a decision being issued on the appeal in order to ensure that the obligations were secured in the event that the appeal was allowed.

1.8 In relation to the first reason for refusal and the impact of the development on the character and appearance of the locality, the inspector's conclusion can be summarised as follows:

"...I am not convinced that the appeal scheme would look overly dominant or intrusive or that it would overwhelm the appearance of the properties to the east or appear visually intrusive in relation to them or Green Point. Moreover, given its close relationship with the adjacent 19 storey tower at TQN and the other tall buildings along the Edgware Road corridor... I therefore conclude on this issue that the proposed increase in height of Block A (over and above that approved under reference 16/1713/FUL) would cause no harm to the character and appearance of the surrounding area."

1.9 In relation to the second reason for refusal and the impact of the development on the living conditions of neighbouring residents (specifically outlook), the inspector's conclusion can be summarised as follows:

"...the proposal would be 40 metres from the closest rear window in Greenway Close, 65 metres from the closest rear window in Portman Close, and some 100 metres from the nearest properties on the Greenway... it would be some considerable distance away and views would not be taken at particularly close quarters. Block A would also be seen against the backdrop of the other high buildings nearby, notably the taller TNQ on the other side of Edgware Road.... On this basis, I am not convinced that when viewed from the surrounding residential properties, the relatively modest increase in the height of Block A would appear excessively dominant... I therefore conclude on this issue that the proposed increase in height of Block A (over and above that approved under reference 16/1713/FUL) would cause no harm to the living conditions of the occupiers of nearby properties, with particular reference to outlook."

- 1.10 In light of the inspector's findings, summarised above, the appeal was allowed subject to the conditions suggested by the LPA and subject to the Section 106 Agreement secured.

OUTCOME: APPEAL ALLOWED SUBJECT TO CONDITIONS AND S106 AGREEMENT