

Location **126 Colindale Avenue London NW9 5HD**

Reference: **18/5153/S73**

Received: 21st August 2018

Accepted: 24th August 2018

Ward: Colindale

Expiry 23rd November 2018

Applicant: Colindale Business Centre Ltd C/O Savills

Proposal: Variation of condition 2 (Plan Numbers) pursuant to planning permission H/05833/14 dated 20/12/2016 for `Demolition of existing business centre and construction of 2 no. two five storey buildings to provide 35 no. residential flats and 566 m2 of commercial floor space (Use Class B1), including basement car park with 44 car spaces and 70 cycle spaces. Provision of associated access, refuse storage, amenity space and landscaping.` Amendments include removal of part of basement car park and relocation of basement plant storage room under Block B and re-arrangement of car parking spaces within the site resulting in a loss of 4 basement parking spaces and addition of 5 ground floor parking spaces. Alterations to create fire escape access from basement to ground floor (amended description).

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Deed of Variation to legal agreement of approved application reference H/05833/14 to provide for the following:

- The provision within the development of a minimum of 17.5% (by unit number) of homes as affordable housing, providing a minimum of 6 shared ownership residential units.

- The viability of the development shall be re-appraised at an appropriate point in the implementation of the development and, if deemed viable to do so, a financial contribution shall be paid towards the provision of affordable housing in the Borough.

- The applicant will be required to enter into a Local Employment Agreement (LEA) with the Council. The employment agreement would

need to secure the following minimum levels and would also set out specifically how the applicant would deliver these:

- 4 places for progression into employment, less than 6 months;
- 2 places for progression into employment, more than 6 months;
- 5 apprenticeships;

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

1 This development must be begun within three years from the date of H/05833/14, being the 20th December 2016.

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

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

6539-PL-603 D Site Context Plan - Ground Floor Level
Received 12 October 2018

Design and Access Statement
Received 24 August 2018

6539-PL-605 D Block A Ground and First Floor Plan as proposed
6539-PL-609 B Block B - Ground and First Floor Plan
6539-PL-613 D Elevations as Proposed Block A - NE & NW Sheet 1 of 5

6539-PL-614 E Elevations as Proposed Block A - SW & SE Sheet 2 of 5
6539-PL-615 C Elevations as Proposed Block B - SW &
6539-PL-616 C Elevations as Proposed Block B - NE & SE
6539-PL-617 D Elevations as Proposed Block A & B - SW & NE
6539-PL-619 D SW Elevation with adjacent buildings & Existing buildings indicated

6539-PL-620 B Block A & B Basement plan (As proposed)
6539-PL-621 B Block A & B Section AA (As proposed)

6539-PL-622 B Elevations/ Sections BB & CC Block A

6539-PL-600; 6539-PL-601; 6539-PL-602 Revision B; 6539-PL-603 Revision B; 6539-PL-604 Revision B; 6539-PL-606 Revision C; 6539-PL-607 Revision B; 6539-PL-610 Revision A; 6539-PL-611 Revision A; 6539-PL-618 Revision B;

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

3 Notwithstanding the details shown on the plans, hereby approved, no development (other than demolition, site clearance and ground works) shall be undertaken unless and until:

(a) 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; and

(b) a sample panel shall be constructed on site, inspected 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 shown on the plans, hereby approved, no development shall commence (other than demolition, site clearance and ground works) unless and until detailed bay studies at an appropriate scale (1:10, 1:20 or 1:50) showing

details of the construction of the below features have been submitted and approved in writing by the Local Planning Authority:

- window reveals
- residential core entrances
- parapets, fascias and brick on edge details
- projecting and recessed balconies
- rainwater goods

The development shall be carried out and constructed in accordance with the detailed bay studies and schedules approved. For the avoidance of doubt, any features shown on these bay studies where they represent specific parts of the development shall be taken to represent all features of that type throughout the development unless otherwise stated.

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.

5 No development shall commence (other than demolition, site clearance and ground works), unless and until 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 are submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

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

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

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

7 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- 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. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

8 Before the development hereby permitted is occupied, car parking should be provided in accordance with a scheme to be submitted to and approved by the Planning Authority and spaces shall not be used for any purpose other than parking of vehicles in connection with the approved development. The parking layout should include provision of disabled parking spaces for all elements of the development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

9 Prior to the occupation of each phases hereby approved, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. location and layout of car parking spaces,
- ii. The allocation of car parking spaces;
- iii. On site parking controls
- iv. The enforcement of unauthorised parking; and
- v. disabled parking spaces
- vi. Electrical Vehicle Charging Points.

The Car Park Management Plan should include details of the proposed monitoring of EVCP and disabled parking spaces, to inform when additional spaces are required to be brought into operation.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian 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.

10 a) Notwithstanding the details submitted with the application and otherwise hereby approved, the development shall not be occupied until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

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

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with 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.

12 Before the development commences (except for demolition, site clearance and below ground works) The applicant should submit a scheme showing details of the proposed internal access roads layout for approval, including layout and ramp gradient, details of swept paths and turning movements for Heavy Goods Vehicles and Refuse Collection vehicles entering the site and that Heavy Goods Vehicles can turn around within the internal roads. Although the Council will not consider the proposed internal roads for adoption as public highways, the internal roads submitted details should include specification of carriageway construction to adoptable standards to allow for refuse vehicles to enter the site.

Reason: To ensure the safe form of access to the development to conform to 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.

13 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport 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.

14 a) Before the development hereby permitted is first occupied, 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.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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).

15 Notwithstanding the details shown on the plans submitted and otherwise hereby approved none of the buildings of the development hereby permitted shall be occupied until details are submitted to the Local Planning Authority and approved in writing which specify:

(a) the siting and design of all privacy screens that are to be installed as part of the development (including on the shared amenity space on Block A and balconies); and

(b) a schedule of the parts of the development hereby permitted that are to be used for amenity purposes and those which are to be restricted access for maintenance only.

Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan.

16 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development (other than demolition, site clearance and ground works) shall be commenced until details are submitted to and approved in writing by the Local Planning Authority which specify the details of boundary treatments to be installed within the development. These details shall include materials, type and siting of all boundary treatments. The development shall be implemented in full accordance with the approved details prior to the first occupation of any residential unit and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings and in the interests of the appearance of the development, in accordance with policies DM01 and DM02 of the Barnet Local Plan.

17 Notwithstanding the details shown on the plans submitted hereby approved, 10% of the residential units provided shall be easily adaptable for wheelchair use or to 'Wheelchair Homes' standards. A plan showing the location and layout of such units

shall be submitted to and approved in writing by the Local Planning Authority prior to any development (other than demolition, site clearance and ground works) being commenced. The wheelchair units shall thereafter be constructed as such.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

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

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

19 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping,

shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) 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.

c) 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 CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

20 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.

21 Upon their first occupation, the commercial units on the ground and first floor of Block A hereby approved as shown shall be occupied for uses falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.

Reason: To enable flexibility for the first occupation of the commercial units hereby approved.

22 (a) No development other than demolition works, shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

(b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

23 (a) No development, other than demolition, shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally

generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated; as measured within habitable rooms of the development shall be no higher than 30dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

(b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

24 The level of noise emitted from the 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 Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

25 Before the building hereby permitted is first occupied the proposed window(s) in the elevation facing No. 124 Colindale Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20.03.19 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide affordable housing contributions or a contribution to Skills and Employment. The proposal would therefore not address the impacts of the development, contrary to policies DM10 and DM14 of the Barnet Development Management Policies (2012) and Policies CS NPPF, CS1, CS4, CS7 and CS9 of the Local Plan Core

Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 For any alterations to the vehicle access from the public highway, the applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed new vehicular access and alterations to the existing vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, including reinstatement of redundant vehicle access, will be borne by the applicant. The applicant is advised that Transport for London will be consulted regarding the impact on the bus stop in the vicinity of the proposed vehicle access.
To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP
- 3 For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses
- 4 Thames water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 5 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

- 6 Thames Water would recommend that petrol/oil interceptors be fitted in all parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.

Officer's Assessment

1. Site Description

The application site comprises the Colindale Business Centre situated at 126 Colindale Avenue. The site measures approximately 0.2857 ha.

The Colindale Business Centre comprises a two-storey building, comprising a total floor area of 1,698 sqm of floor space. The commercial space is in multiple occupation. Recently planning consent has been granted for a change of use of part of the accommodation to residential use (through the prior approval process). It is accessed from Colindale Avenue by pedestrians and vehicles. There are currently 44 car parking spaces on the site.

To the north of the site is Colindale Avenue and two storey residential properties. To the east of the site is the former British Library Archive site, which has recently been developed to provide a residential led, mixed use development. South of the site is also residential development and to the west is Brent Works, a new residential development arranged over 3 blocks of 3 and 4 storeys.

The site benefits from a good level of public transport accessibility (PTAL 4) reflecting its proximity to the underground station and local bus routes.

Permission was granted under reference H/05833/14 dated 20/12/16 for 'Demolition of existing business centre and construction of 2 no two five storey buildings to provide 35 no. residential flats and 566m2 of commercial floor space (use Class B1), including basement car park with 44 car spaces and 70 cycle spaces. Provision of associated access, refuse storage, amenity space and landscaping.' This application seeks to vary this permission.

2. Site History

Reference: H/00567/14

Address: 126 Colindale Avenue, London, NW9 5HD

Decision: Prior Approval Required and Approved

Decision Date: 2 April 2014

Description: Change of use (1st floor of units 3 and 4) from B1 office to C3 residential (4 Units).

Reference: H/02976/14

Address: Unit 1 & 2, Colindale Business Centre 126 Colindale Avenue, London, NW9 5HD

Decision: Prior Approval Required and Approved

Decision Date: 30 July 2014

Description: Change of use of first floor from B1 office to C3 residential (5 Units)

Reference: H/05703/13

Address: 126 Colindale Avenue, London, NW9 5HD

Decision: Withdrawn

Decision Date: 11 December 2015

Description: Demolition of existing business centre and construction of 2 no. five storey buildings to provide 36 no. residential flats and 1,701 sqm of commercial floor space (Use Class B1), including basement car park with 33 car spaces and 45 cycle spaces. Provision of associated access, refuse storage, amenity space and landscaping.

Reference: H/05833/14

Address: 126 Colindale Avenue, London, NW9 5HD

Decision: Approved following legal agreement

Decision Date: 20 December 2016

Description: Demolition of existing business centre and construction of 2 no. two five storey buildings to provide 35 no. residential flats and 566 m2 of commercial floor space (Use Class B1), including basement car park with 44 car spaces and 70 cycle spaces. Provision of associated access, refuse storage, amenity space and landscaping

Reference: 17/4756/FUL

Address: 126 Colindale Avenue, London, NW9 5HD

Decision: Approved subject to conditions

Decision Date: 3 October 2017

Description: Alterations to the west elevation of the building to include new windows at ground and first floor levels

Reference: 17/6829/PNO

Address: Ground And First Floor Building 1, 126 Colindale Avenue, London

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (14 Units)

Decision: Prior Approval Required and Approved

Date: 20.12.2017

Reference: 17/7183/ADV

Address: Unit 2, 126 Colindale Avenue NW9 5HD

Description: Installation of 2no. internally illuminated fascia signs and 2no. internally illuminated projecting sign

Decision: Approved subject to conditions

Date: 04.01.2018

Reference: 18/0933/PNO

Address: Unit 2, 126 Colindale Avenue NW9 5HD

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (14 units)

Decision: Prior approval required and refused

Date: 27.03.2018

Reference: 18/2026/PNO

Address: Unit 2, 126 Colindale Avenue NW9 5HD

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (14 Units)

Decision: Prior approval required and Approved

Date: 11.05.2018

3. Proposal

This application proposes to vary the plans (condition 2) as approved in H/05833/14 dated 20/12/16 for 'Demolition of existing business centre and construction of 2 no two five storey buildings to provide 35 no. residential flats and 566m2 of commercial floor space (use Class B1), including basement car park with 44 car spaces and 70 cycle spaces. Provision of associated access, refuse storage, amenity space and landscaping.'

The amendments include:

- Removal of part of the basement car park. This results in a loss of 4 residential car parking spaces from the basement.
- Relocation of the basement plant storage and cycle store from under Block B to within basement car park under Block A
- Addition of 2 parking spaces on ground floor of Block A to be allocated for residential parking. These parking spaces are located in the same area as the 6 existing commercial parking bays.
- Addition of 2 residential parking bays outside Block A
- Addition of 1 visitor parking space to extend existing visitor parking bay. This results in 4 rather than 3 visitor parking spaces.

Overall, the total number of car parking spaces will increase from 44 car parking spaces to 45 car parking spaces.

There are 35 residential parking spaces to be provided. The arrangement of parking spaces has been varied but there is no loss of parking spaces as a result of the variation.

There is one additional visitor parking space provided.

There are 6 commercial parking spaces. This is unchanged from the approved scheme.

The proposal has been amended. The original scheme was to remove 4 parking spaces from the basement and provide 2 additional parking spaces at ground floor but would result in a loss of overall parking spaces by 2 spaces. In response to concerns raised by the public about the loss of parking and examination of the opportunities within the site, the applicant has amended the plans to show 3 additional parking spaces at ground floor (for a total of 5 additional spaces at ground floor from the approved scheme). The proposal now results in the overall increase of 1 parking space.

4. Public Consultation

Consultation letters were sent to 687 neighbouring properties. 36 responses have been received. The responses are comprised of 1 letter of support, 2 representations and 32 letters of objection.

The objections can be summarised as

- Access will be using Telegraph Avenue and Guardian Avenue. There is currently a direct access to Colindale Avenue from this site. The development should use the existing access.
- Oppose the approved and proposed application as the development will cause huge problems in the area in terms of traffic, noise, pollution and safety of the elderly and children using Telegraph Avenue and Guardian Avenue, with the additional service/maintenance changes which have not been agreed.
- The proposed pedestrian access to Mornington Close from this development will also create extra noise and provide additional escape route for criminals, drug dealers and anti-social behaviour offenders known in the area.
- New development will block a lot of natural light to existing buildings
- Colindale Avenue is too busy to accommodate another residential building.

The representations are summarised as:

- No objection to the scheme provided each residential flat is allocated a parking space.
- The reduction in parking spaces should come from the allocation for commercial units.

- The delivery of materials and HGV's into the site should be 'school hours' only.
- Traffic needs to be sensitive of young children in the area

A petition was received with 58 signatures.

The petition opposes the development. 'Access to the development at 126 Colindale Avenue will be using Telegraph Avenue and Guardian Avenue. There is currently direct access to Colindale Avenue from this site. We strongly oppose the planning approval and application above as the proposed development will cause huge problems in terms in traffic, noise, pollution and safety of the elderlies and children using Telegraph Avenue and Guardian Avenue. The proposed pedestrian access to Mornington Close from this development will also create extra noise and provide additional escape route for criminals, drug dealers and anti-social behaviour offenders known in the area. We propose that the proposed development to provide their own direct access to Colindale Avenue.'

A site notice was posted 13.09.2018

An advertisement was published on 13.09.2018

Response from Consultees

Highways- no objection.

Environmental Health- no objections to variation. Additional conditions and informative suggested as a result of a change in legislation.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies:

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)

CS6 (Promoting Barnet's Town Centres)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

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)

- Relevant Development Management Policies: DM01, DM02.

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM08 (Housing Targets)

DM10 (Affordable Housing contributions)

DM011 (Town Centres)

DM14 (Employment Space)

DM15 (Open Space)

DM17 (Travel impact and parking standards)

Colindale Area Action Plan (AAP)

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

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

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

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:

Sustainable Design and Construction Supplementary Planning Document (2013)

Residential Design Guidance (2016)

Planning Obligations (April 2013)

Affordable Housing (2010)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (2004)

Planning for Equality and Diversity in London (2007)

All London Green Grid (2012)

Sustainable Design and Construction (2014)

Accessible London: Achieving an Inclusive Environment (2014)

5.2 Main issues for consideration

The main issues in the assessment of this application are considered to be:

- Impacts of the variation on highway and pedestrian safety.
- Whether the variations will impact on the character and appearance of the property and wider area.
- Impacts of the variation on neighbouring or future occupiers

5.3 Assessment of proposals

Context

There is extensive history at the site. The site was formally known as the Business Centre. The business centre benefits from a number of permissions to convert the property into residential use. An earlier application (Ref No: H/05833/14) was approved for 'Demolition of existing business centre and construction of 2 no. two five storey buildings to provide 35 no. residential flats and 566 m² of commercial floor space (Use Class B1), including basement car park with 44 car spaces and 70 cycle spaces. Provision of associated access, refuse storage, amenity space and landscaping'

Since the granting of this above permission, the existing building on the site has been converted from office to residential through a number of PNO schemes.

This application is to vary Ref No: H/05833/14. The permission was granted in 2016 and is still valid although not implemented. The proposal is to demolish the existing buildings on the site which were formally the Colindale Business Centre and currently occupied as residential units.

The site history shows later applications have been granted and implemented however the application H/05833/14 is still valid. This application seeks to vary the plans of the approved scheme. The principle of the development is therefore acceptable.

When compared to the aforementioned approved scheme, the proposal currently before the Council varies as follows:

- Removal of part of the basement car park
- Relocation of the basement plant storage and cycle store from under Block B to within basement car park under Block A
- Removal of 4 car parking spaces from basement. Addition of 5 car parking spaces at ground floor to serve residential. The total number of car parking spaces will increase from 44 car parking spaces to 45 car parking spaces.

All other aspects are as already approved.

- Whether the variations will impact on the character and appearance of the property and wider area.

The change to the layout of parking on the ground floor will result in the loss of landscaping internal to the site between the two buildings. The applicant proposes to remove the landscaping in this section in favour for additional parking and low level planting. While the reduction to the landscaping is a loss, the applicant has shown potential for smaller, low level planting around the parking bays instead.

The loss of landscaping has been weighed up against the benefit that the parking bays can provide. The parking bays are needed at ground floor to justify the loss of parking from the basement as a result of decreasing the size of the basement floor area and accommodating a fire escape access.

The fire escape access from the basement to the ground floor will result in some external manifestation. This is not expected to have a detrimental impact on the appearance of the host property as the scale of the fire escape access is minimal and sensitively located so as not to be seen in the street elevation. The only visible manifestation of the sunken stairs leading from the basement will be a set of low handrails. This is located in the corner of the carpark area at the rear of Block A.

- Impacts of the variation on highway and pedestrian safety.

There are changes sought in this variation which alter the approved parking layout.

As described above, 4 residential car parking spaces are removed from the basement. To offset the loss of these residential parking spaces, four additional parking spaces are provided within the site for residential parking. Two of these parks are within the ground floor of Block A with the existing commercial parking spaces. Two other spaces are proposed in front of Block A.

In addition there is one extra visitor parking space to extend existing visitor parking bay. This results in 4 rather than 3 visitor parking spaces.

The existing approved 6 commercial parking spaces are retained.

Overall, the total number of car parking spaces will increase from 44 car parking spaces to 45 car parking spaces.

There are 35 residential parking spaces to be provided. The arrangement of parking spaces has been varied but there is no loss of parking spaces as a result of the variation. There are 35 parking spaces for 35 units. This is the same provision as with the approved scheme which was acceptable.

There are 6 commercial parking spaces. This is unchanged from the approved scheme and there is no additional commercial space proposed which would warrant any additional commercial parking demand.

There is one additional visitor parking space provided.

There are no changes proposed to the access to and from the site. A number of comments have been raised around the access to the site and the safety implications of the vehicle and pedestrian access. The access is proposed from Colindale Avenue through Guardian Avenue and Telegraph Avenue. This access is as approved by the earlier application H/05833/14 and as such is considered acceptable. The scheme results in 1 additional parking space. The alterations to the parking layout is not considered to impact on the overall traffic movements through the site.

- Impacts of the variation on neighbouring or future occupiers

The proposed changes are primarily to the basement layout and parking arrangement.

There is no reduction to the number of residential parking spaces that will be provided. The scheme can still provide 35 parking spaces for 35 residential units. The relocation of parking spaces from the basement to the ground floor is not considered to have a harmful impact on future occupiers. These parking spaces should be allocated for ground floor units for ease of access.

The addition of parking spaces in the site outside Block A are facing the bin store and will not harm any future occupiers. The parks outside Block B are as approved with one additional space. The additional space facing this ground floor unit is not considered to have any increased harm above the existing arrangement.

There will be no change to the number of commercial parking spaces on the site and no change to the extent of commercial floor area for the site from approved. Therefore, there are no impacts on future commercial occupiers.

There is one additional parking space to be allocated for visitor parking. This results in 4 visitor parking bays rather than 3. The increased parking bay is considered to benefit the scheme.

The proposal also seeks to relocate the plant storage room from the basement under Block B to within the basement area. The accompanying planning statement outlines this change and states 'the proposed development will continue to connect to the de-centralised energy network and energy centre located at the former Colindale Hospital site (Pulse). This will enable the development to benefit from exemplary standards of energy efficiency.' There are no impacts expected as a result of moving the plant.

The addition of a fire escape access is to the benefit of future occupiers ensuring the building has safe and functional emergency access. The access is only to be used for emergency access and it is not expected this will impact on any adjacent residential amenities.

- Legal agreement

The legal agreement as part of the original proposal H/05833/14 will need to be varied to include this application. There are no changes to the heads of terms.

5.4 Response to Public Consultation

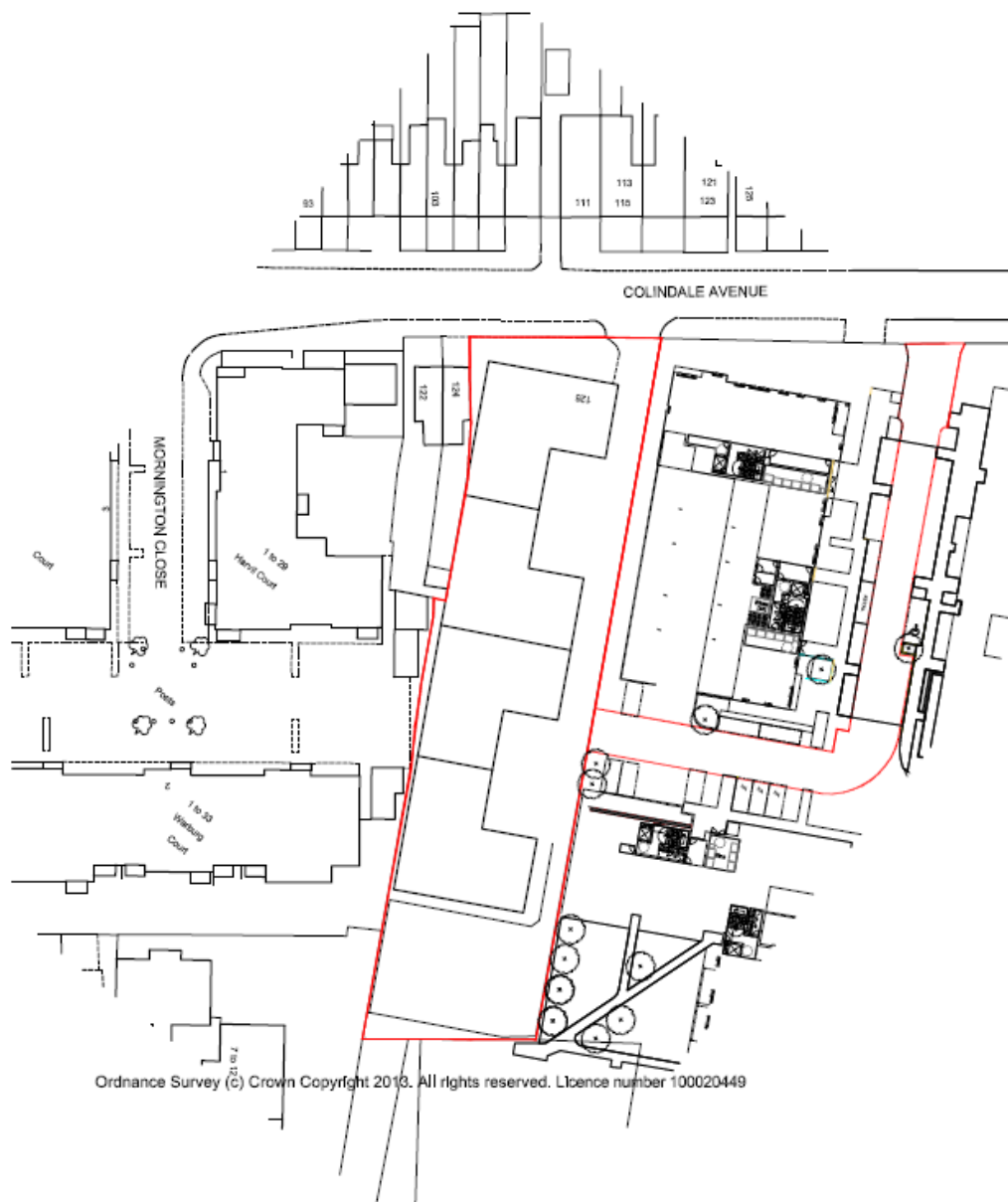
Discussed in main body of report.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



LOCATION PLAN 1:1250

0 10 20 30 40 50



Scale in metres.