

**LOCATION:** Colindale Station and 167 - 173 Colindale Avenue And Flats 1- 6 Agar House, Colindale Avenue, NW9 5HJ & 5HR.

**REFERENCE:** 21/0909/S73 **Received:** 19 February 2021  
**Accepted:** 19 February 2021

**WARD:** Colindale **Expiry:** 21 May 2021

**APPLICANT:** Transport for London

**PROPOSAL:** Variation of condition 1 (Approved Plans) of planning reference 19/0859/OUT dated 10/03/20 for ' Hybrid planning application for comprehensive redevelopment of the site comprising full planning permission involving demolition of existing buildings to provide a replacement railway station ticket hall building (up to 702 sq.m) with step free access (Sui Generis) and including a retail store (Class A1) unit. Outline planning consent for the erection of a mixed use development ranging from 6 to 29 storeys in height comprising of up to 860 sq.m of flexible A1/A2/A3/A4/A5 and B1/D1/D2 uses and up to 313 residential units (Class C3) together with provision of ancillary refuse, cycling and disabled parking spaces and associated works. Variation to include alteration to station design including reduction in height, internal layout changes and external elevational alterations

### **Application Background and Summary**

Colindale Underground Station currently has up to 7.1 million passenger trips per year and at peak times is used by up to 4.5 thousand people. There has been an 88% growth in use over the last 10 years and this is expected to double by 2041. In addition to capacity issues, the station does not meet requirements for step-free access.

As part of the wider redevelopment of Colindale, substantial investment has been secured by the Council for new and improved infrastructure in the area. This includes a £16million (S106) contribution towards the delivery of the redevelopment of Colindale Underground Station to accommodate increased passenger capacity and step-free access.

Reflecting the Council's commitment to supporting high-quality redevelopment of Colindale a Supplementary Planning Document (SPD) was developed and adopted by the Council setting out the Council's detailed design requirements and scale of development which will be supported for the new station and any associated development.

A planning application was subsequently submitted in February 2019 for the redevelopment of the station site to provide an improved station along with an

associated residential led mixed use development adjoining the station site. The description of this application was as follows.

*'Hybrid planning application for comprehensive redevelopment of the site comprising full planning permission involving demolition of existing buildings to provide a replacement railway station ticket hall building (702 sq.m) with step free access (sui Generis) and including a retail store (Class A1) unit. Outline planning consent for the erection of a mixed use development ranging from 6 to 29 storeys in height comprising of up to 860 sq.m of flexible A1/A2/A3/A4/A5 and B1/D1/D2 uses and up to 313 residential units (Class C3) together with provision of ancillary refuse, cycling and disabled parking spaces and associated works.'*

Barnet's Planning Committee resolved on the 24<sup>th</sup> July 2019 to grant planning permission for the development subject to no objection from the mayor and the completion of a S106. Planning permission was subsequently granted on the 10<sup>th</sup> March 2020.

Following this permission and partly as a result of the impact of the Covid 19 pandemic on the financial position of the applicant Transport for London, the applicant has revised the design and construction of the station in order to ensure that it can be delivered in a cost effective manner while still providing the necessary station improvements and providing an attractive visual appearance.

The proposed changes are predominately aesthetic in nature resulting in a different external appearance to the station element of the proposals along with a marginal reduction in the internal size of the internal retail unit. The proposal does not fundamentally alter the nature of the proposal consented in March 2020 and officers consider that the proposed changes are acceptable and will enable the delivery of this necessary piece of infrastructure to support the development of this opportunity area.

## **RECOMMENDATION**

### **Recommendation 1**

The applicant and any other person having a requisite interest be invited to enter into a Deed of Variation varying the extant section 106 Agreement dated 10 March 2020 pursuant to planning permission 19/0859/OUT in accordance with the amendments proposed under this planning application.

### **Recommendation 2**

That subject to Recommendation 1, the Committee grants delegated authority to the Service Director Planning & 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).

## **Conditions**

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

Colindale DAS Addendum - 260121\_UIP3395-ATK-PRM-N025-RPT-AR-00001  
Site Wide

UIP3395-ATK-PRM-N025-DRG-AR-00001Site\_Masterplan  
UIP3395-ATK-PRM-N025-DRG-AR-00003Site\_Roof Plan  
UIP3395-ATK-PRM-N025-DRG-AR-00004Platform Plan  
UIP3395-ATK-PRM-N025-DRG-AR-00005Concourse Plan  
UIP3395-ATK-PRM-N025-DRG-AR-00006Mezzanine Plan  
UIP3395-ATK-PRM-N025-DRG-AR-00007Roof Plan  
UIP3395-ATK-PRM-N025-DRG-AR-00008Section AA  
UIP3395-ATK-PRM-N025-DRG-AR-00009Section BB  
UIP3395-ATK-PRM-N025-DRG-AR-00010Section CC  
UIP3395-ATK-PRM-N025-DRG-AR-00011Section DD  
UIP3395-ATK-PRM-N025-DRG-AR-00015Elevation North  
UIP3395-ATK-PRM-N025-DRG-AR-00016Elevation South  
UIP3395-ATK-PRM-N025-DRG-AR-00017Elevation East  
UIP3395-ATK-PRM-N025-DRG-AR-00018Elevation West  
UIP3395-ATK-PRM-N025-DRG-AR-00020Detail Section Front  
UIP3395-ATK-PRM-N025-DRG-AR-00021Detail Section Back  
UIP3395-ATK-PRM-N025-DRG-AR-00022Detail Section Cross  
Outline Planning Element  
OPA-A-101 Rev. 02 - Parameter Plan Site Demolition  
OPA-A-102 Rev. 02 - Parameter Plan Site Levels / Access / Landscape  
OPA-A-103 Rev. 02 - Parameter Plan Ground Level / Typical Level Land Use  
Frontages OPA-A-104 Rev. 02 - Parameter Plan Horizontal / Vertical Limits of  
Deviation

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

2 The development hereby permitted shall begin no later than 3 years from the 10<sup>th</sup> March 2020 which was the date of the original permission and, in the case of Outline Planning Element, no later than 2 years from:

- i. the final approval of the last Reserved Matters Application pursuant to Condition 3,
- or
- ii. The final approval of any pre-commencement condition associated with that Development Phase.

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended).

3 Applications for the approval of the reserved matters to the Outline Planning Element (being scale, layout, appearance and landscaping) shall be made to the

Local Planning Authority before the expiration of three years from the date of this permission.

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

4 With the exception of Ground Works and Site Preparation Works, notwithstanding the Illustrative Phasing Plan (OPA-A-105 Rev. 02) the Outline Planning Element shall not commence until a Phasing Plan identifying the Development Phases and associated infrastructure works (including highways works) has been submitted to and approved by the Local Planning Authority.

The Outline Planning Element of the development shall be carried out in accordance with the approved Phasing Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the Outline Planning Element is carried out in appropriate phases and to allow the phasing plan to be amended to reflect changes to the phasing of the development that were not foreseen at the date when the phasing plan was approved.

5 Notwithstanding any additional requirements identified by the LPA, any other authority and the National List and Local List, Reserved Matters Applications to the Outline Planning Element shall be accompanied by the documents listed below unless the LPA considers and confirms in writing that the submission of any of such documents is not necessary.

#### Land uses

- i. A statement setting out the proposed land uses and mix of uses including Class C3 dwelling sizes and tenures
- ii. An explanatory statement demonstrating how the quantum of land uses proposed for the Development Phase are consistent with the parameters set out in the Primary Control Documents

#### Layout

- iii. Siting, design and external appearance of new building[s] and structures including elevations, sections
- iv. Detailed internal layouts including floorplans, sections and supporting details demonstrating compliance with relevant standards and guidance including standards for wheelchair accessible and adaptable units
- v. Private and communal amenity space
- vi. Means of access to new buildings
- vii. A phasing and reconciliation statement demonstrating how development of a phase relates to existing and future Development Phases
- viii. Details of the layout of roads, pedestrian and cycle routes and layout of open spaces and public realm within that Development Phase demonstrating how development is consistent with the Primary Control Documents
- ix. Details of any temporary layout associated with boundary treatments and land and building conditions between Development Phases

- x. A BRE assessment of daylight and sunlight for the proposed residential properties and an overshadowing assessment of private and communal amenity spaces, with the exception of private balconies
- xi. Details of the incorporation of appropriate wind mitigation measures in respect of microclimate.
- xii. Details of compliance with Lifetime Homes Standards and details of the provision of 10% wheelchair housing

#### Scale

- xiii. Finished heights above original and finished ground levels of new buildings and structures
- xiv. Internal finished floor levels of new buildings and structures
- xv. A written statement and plans which explain how the details respond to and conform with the Primary Control Documents in terms of scale

#### Materials

- xvi. A materials strategy for that Development Phase
- xvii. Full details (including samples, where appropriate) of the materials to be used on all external surfaces
- xviii. Door, entrances and windows (including glazing specifications) and balconies (including drawings and section showing thresholds to adjacent internal spaces and drawings and sections of privacy screens)
- xix. Building lighting
- xx. Podium details (including hard and soft landscaping, planting species, furniture and play provision)
- xxi. A statement shall be submitted to and approved by the LPA, which demonstrates compliance with the Primary Control Documents in relation to the selection of new construction materials

#### Landscaping

- xxii. Roads, vehicle and cycle parking, cycle and pedestrian routes
- xxiii. Public realm and play space details, including hard and soft landscaping, surface treatments, street furniture, signage, lighting and play provision
- xxiv. Boundary treatments and means of enclosure
- xxv. Existing and finished ground levels of outdoor areas
- xxvi. A written statement and plans which explain how the details respond to and conform with the Primary Control Documents in terms of layout and access

#### Other

- xxvii. Details of any building security measures including CCTV
- Reason: For the avoidance of doubt and to ensure the development accords with the outline permission.

6 Unless otherwise agreed with the Local Planning Authority, no construction works associated with the Outline Planning Element, that would be audible at the site boundary, shall occur outside the following times:

08:00 - 18:00 hours weekdays

08:00 - 13:00 hours Saturdays

The Full Planning Element construction works shall be undertaken in accordance with details setting out appropriate mitigation measures to limit noise and other disturbance to neighbouring residential properties for any works that are to be undertaken outside of the following times:

08:00 - 18:00 hours weekdays

08:00 - 13:00 hours Saturdays

The details shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any Full Planning Element construction works that would be audible at the site boundary.

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.

7 No development shall commence within a Development Phase of the Outline Planning Element (with the exception of Ground Works and Site Preparation Works) until a scheme of Advanced Infrastructure Works associated with that Development Phase is submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. Underground drainage details
- ii. Below ground energy infrastructure
- iii. Below ground services and utilities
- iv. Groundworks, earthworks, contouring and levels
- v. A statement of compliance with the site wide strategies as illustrated in the approved application documents.

Development shall be carried out in accordance with the approved details unless otherwise agreed in writing.

Reason: To ensure appropriate arrangements are made for servicing, utilities and infrastructure and to avoid potential conflicts between impacts upon the development as proposed and its servicing, utilities and infrastructure, in the interests of a sustainable development in accordance with the NPPF.

8 The Outline Planning Element of the development shall provide a total of 10% of units across the site designed to be fully wheelchair accessible or easily adaptable for residents who are wheelchair users unless otherwise agreed in writing by the Local Planning Authority.

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 (2016); and 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.

9 Development of the Full Planning Element or the Outline Planning Element shall not commence (with the exception of Site Preparation Works) until a detailed surface water drainage scheme for that Element based on the approved drainage report has been submitted to and approved in writing by London Borough of Barnet Planning Authority.

The drainage design shall use Flood Estimation Handbook design rainfall (2013).

The details shall incorporate appropriate discharge agreements with Thames Water to discharge to their system as appropriate. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.

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

10 Prior to construction of any building of the Outline Planning Element, a rainwater and greywater feasibility study, investigating the potential for incorporating rainwater or greywater recycling into building across the site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan 2015 policies 5.13, 5.14 and 5.15.

11 All commercial units shall achieve a minimum of BREEAM Very Good. Within three months of first occupation of the building, a copy of the summary score sheet and BREEAM Post Construction Certificate shall be submitted to the Local Planning Authority to demonstrate that this has been achieved.

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 2016.

12 The proposed flexible commercial units of the Outline Planning Element hereby approved shall not be used for a nightclub, music venue, concert venue, bingo hall, or a place of worship or any equivalent uses within Classes D1 and D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification, unless approved in writing by the Local Planning Authority.

Reason: To ensure that occupation of the premises does not prejudice the amenities of future residential occupiers in accordance with policies DM01 and DM13 of the Barnet Local Plan.

13 Prior to occupation of the Full Planning Element or the Outline Planning Element an External Lighting Assessment of lighting proposed in that Element shall be submitted to and approved in writing by the Local Planning Authority. The submitted External Lighting Assessment shall detail the existing average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to residential properties within proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings as well as mitigate any impacts to species including bats. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to occupation of the relevant Element .

Reason: To ensure the development provides adequate amenities of the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan and to mitigate the impact to species including bats in accordance with policies CS7 and DM16.

14 No residential unit within the Outline Planning Element shall be occupied until the access roads and highways works (on and off-site) associated with the block in which that unit is located (as defined by the approved phasing details) are made available for use.

Reason: To ensure there is adequate access available to all residential units.

15 No residential unit within the Outline Planning Element shall be occupied until the private and/or communal amenity space provision, for that unit is available in accordance with the Approved Plans.

Reason: To ensure there is adequate amenity space available for all residential units.

16 Prior to first occupation within the relevant Development Phase of the Outline Planning Element, unless otherwise agreed in writing as part of the approved phasing, the play space provision shall be provided in accordance with the approved details for the Development Phase to which the play space relates and thereafter maintained for the lifetime of the development.

Reason: To ensure there is adequate plays space available for all users in accordance with London Plan 2016 policy 3.6 and Barnet Development Management policy DM02.

17 Prior to first occupation of the Outline Planning Element, a scheme for the provision of communal/centralised satellite and television reception equipment shall be installed on all blocks within that Development Phase unless otherwise agreed in writing by, the Local Planning Authority. The equipment shall thereafter be retained and made available for use by all occupiers of the development.

Reason: To ensure that the development makes appropriate provision for such equipment, so as to not impact adversely on the character of the area, in accordance with policies CS5 and DM01 Barnet Local Plan.

18 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 operations shall not be undertaken in respect of the Outline Planning Element without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved: The installation of any structures or apparatus for purposes relating to telecommunications on any part the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development)

Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies CS5 and DM01 Barnet Local Plan.

19 Notwithstanding the details submitted with the application, prior to the construction of any building within the relevant Development Phase of the Outline Planning Element, the following details for that Development Phase shall be submitted to and approved in writing by the Local Planning Authority:

- i. Enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- ii. satisfactory points of collection; and
- iii. details of the refuse and recycling collection arrangements

The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the development is occupied and the development shall be managed in accordance with the approved details.

Reason: To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Barnet Local Plan.

20 Prior to the first occupation of the Full Planning Element or the Outline Planning Element, a detailed Parking Management Plan for that Element shall be submitted to and approved in writing by the Local Planning Authority.

Unless otherwise agreed, the details shall include:

- i. Location and layout of car parking spaces
- ii. Allocation of car parking spaces (for residential, non-residential users and visitors where applicable)
- iii. On-site parking controls and charges (if any)
- iv. The enforcement details of unauthorised parking in line with the Council's parking regime in Colindale within the development's surrounding area
- v. 'Blue badge' space quantities including provision for ongoing monitoring of demand

and provision of uplift in disabled spaces up to a maximum of 1:1 per wheelchair unit.

- vi. Electric Charging Points: Location and specification. For residential parking spaces,

delivery of the 20% of parking spaces which shall be active and 80% which shall be passive electric charging points. For non-residential spaces, provision at 20% of spaces shall be undertaken with potential provision at a further 10% of spaces.

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The Car Parking Management Plan and the abovementioned provisions shall be

implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

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 (2016) and also, to ensure that the development does not over-provide car parking spaces and to encourage sustainable travel in accordance with Barnet Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

21 Before the Full Planning Element or the Outline Element of the development is occupied; details of cycle parking, number of cycle spaces and cycle storage facilities in accordance with the London Plan for that Element should be submitted to and approved by the Local Planning Authority

The spaces for the Full Planning Element shall be provided as temporary until such time that they can be provided within the Outline Element as agreed by the Council, following which the spaces shall be permanently retained thereafter. Minimum aisle widths, as set out in London Cycling Design Standards, must be met and 5% of space should be provided for the storage of non-standard cycles.

Reason: 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and the London Cycling Design Standards 2016.

22 Before the Full Planning Element or the Outline Planning Element hereby approved are occupied; details showing a plan, entry and egress arrangements for pedestrian walkways and cycle linkages for that Element are to be submitted to and approved in writing by the Local Planning Authority.

The Elements shall thereafter be implemented in full in accordance with the approved details of the above to be provided in writing by the Local Highway Authority following submission.

Reason: To ensure that the access is satisfactory in terms of highway safety 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.

23 No site works or works including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority in respect of the:

- i) Full Planning Element; and
- ii) Outline Planning Element.

No site works or works including demolition or construction work for the Full Planning Element or the Outline Planning Element shall commence until a Demolition and Construction Management and Logistics Plan for that Element has been submitted to and approved in writing by the Local Planning Authority

The development shall thereafter be implemented in full accordance with the details approved

The Demolition and 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 of 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.

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 2016.

24 The commercial units within the Full Planning Element or the Outline Planning Element shall not be occupied until an Operational Waste Management Plan for that Element, setting out the measures for the management of operational waste across the site, has been submitted to and approved in writing by the Local Planning Authority This development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan 2015 policy 5.3, and to ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Barnet Local Plan.

25 The commercial units within the Full Planning Element or the Outline Planning Element shall not be occupied until a Delivery and Servicing Management Plan for that Element has been submitted to and approved in writing by the Local Planning Authority

The development shall be carried out in accordance with the relevant approved Full Planning Element or Outline Planning Element Delivery and Service Management Strategy unless otherwise agreed in writing with 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.

26 A crime prevention strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the Outline Planning Element. The strategy shall demonstrate how the development meets 'Secured by Design' standards. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that satisfactory attention is given to security and community safety in accordance with policy DM02 of the Development Management Policies (2012).

27 Prior to Ground Works and Site Preparation Works being undertaken for the Full Planning Element or the Outline Planning Element, details of all highways to be stopped-up under Section 247 of the Town and Country Planning Act 1990 for that Element shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure that adequate public access is provided throughout the development.

28 No residential or commercial units within the Outline Planning Element shall be occupied until the access roads and highways works (on and off-site) associated with the block in which that unit is located are made available for use.

Reason: To ensure there is adequate access available to all residential units and commercial units.

29 Prior to the commencement of the Outline Planning Element or any Full Planning Element that would affect existing trees the following details for that Element shall be submitted to and approval in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details, that is:

- a) a plan showing the location of, and allocating a reference number to, each existing tree on the site, showing which trees are to be retained and the crown spread of each retained tree;
- b) details of the species, diameter (measured in accordance with paragraph a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs c) and d) below apply;
- c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree, or any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];

e) details of the specification and position of fencing [and of any measures to be taken] for the protection of any retained tree from damage before or during the course of development.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.

30 a) No site works or development (including any temporary enabling works, site clearance and demolition) associated with the Outline Planning Element or any Full Planning Element that would affect existing trees shall take place until a dimensioned tree protection plan for that Element in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development associated with the Outline Planning Element or any Full Planning Element that would affect existing trees shall take place until the temporary tree protection shown on the tree protection plan for that Element approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works for that Element are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

31 a) No site works or development (including any temporary enabling works, site clearance and demolition) associated with the Outline Planning Element or any Full Planning Element that affects existing trees shall commence on site until a detailed tree felling / pruning specification for that Element has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

32 Prior to the commencement of the development hereby approved within a Development Phase of the Outline Planning Element or any Full Planning Element that affects existing trees, details for that Element of the location, extent and depth of all excavations for drainage and other services in relation to trees to be retained, or trees on adjacent sites, shall be submitted to and approved in writing by the Local Planning Authority for that Development Phase. The development shall be carried out in accordance with such approval.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.

33 a) Prior to the occupation of the Full Planning Element or the Outline Element a scheme of hard and soft landscaping for that Element, 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.

Tree and shrub species selected for landscaping/replacement planting must provide long term resilience to pest, diseases and climate change. A diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines immediately below. An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of biosecurity, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine.

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.

34 No part of the Full Planning Element or the Outline Planning Element shall be occupied until a Landscape Management Plan for that Element has been submitted

to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details and maintained in accordance thereafter.

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 2016.

35 a) No site works (including any temporary enabling works, site clearance and demolition or any investigative works referred in any other conditions, or development) associated with the Full Planning Element or the Outline Planning Element shall be commenced until the ecological surveys recommended in the submitted Ecological Assessment for that Element have been undertaken including the recommended dawn to dusk bat emergence surveys in respect of the Outline Planning Element:

The Outline Planning Element should include detailed external and internal assessment of the existing houses for existing bat roosting sites. Subject to the findings of these surveys appropriate mitigation and demonstration of any necessary licensing from Natural England for the translocation of any bats or other protected species shall be submitted to and approved in writing by the Local Planning Authority.

b) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

36 The Full Planning Element or the Outline Planning Element shall not be occupied until details comprising a scheme of measures to enhance and promote biodiversity for that Element shall be submitted the Local Planning Authority and approved in writing. The scheme submitted shall include (but not be limited to) details of biodiversity enhancement measures including specifically to bats and birds. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation.

Reason: To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan 2016.

37 Any clearance of existing vegetation (with the potential to support nesting birds) that is undertaken during the nesting season (1 March to 31 August) may only occur following a check by a qualified ecologist within 48 hours of these works being undertaken. If any active nests of birds are found, works must cease, the area left in situ and an appropriate buffer zone established until such time as a qualified ecologist confirms that the nest is no longer in active use.

Reason: To avoid the potential for an offence under the Wildlife and Countryside Act 1981, as amended.

38 a) The Detailed Planning Element and the Outline Planning Element shall not be brought into use or first occupied until details of the means of enclosure for that Element, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) Each Element of the development shall be implemented in accordance with the details approved as part of this condition before first occupation of that Element and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

#### 39 Part 1

Before development commences other than for investigative work:

a) Where the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

b) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

#### Part 2

c) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out for each Development Phase 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 of each phase is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS

NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2016.

40 The mitigation scheme as detailed within the approved Air Quality Neutral Assessment shall be implemented in its entirety before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the development does not have an adverse impact on air quality in the vicinity, in line with the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

41 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: In the interests of good air quality with regard to London Plan policies 5.3 and 7.14. In accordance with the Council's Sustainable Design and Construction SPD (adopted October 2016)

42 In respect of the Full Planning Element and the Outline Planning Element:

a) No development of either Element other than demolition works shall take place on site until a noise assessment for that Element, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development in relation to construction activity and in relation to neighbouring residential properties including Pasteur Close 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 each Element 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 policies DM04 of the Development Management Policies DPD (adopted September

2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

43 The level of noise emitted from any 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 2016.

44 a) No ventilation or extraction plant shall be installed in either the Full Planning Element or the Outline Planning Element until a report has been carried out by a competent acoustic consultant for that Element that assesses the likely noise impacts from the residential and/or commercial ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and 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 Outline Planning Element and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016.

45 No reserved matters application for the Outline Planning Element required by condition 5 shall be submitted until a material start has taken place in connection with the construction of the new underground station. No residential unit shall be occupied until the new station is fully operational.

Reason: To ensure that sufficient public transport capacity improvements are delivered and in place to support the development and the surrounding Colindale opportunity area and to ensure the development accords with the outline permission in accordance with policies 6.1, 6.2, 6.3 & 6.4 of the London Plan 2016 and policies CS9 and DM17 of Barnet's adopted Local Plan.

46 Prior to the first use of the new station, details of public art features shall be submitted to and approved by the Local Planning Authority. Any artwork shall be installed in accordance with the approved details.

Reason: To ensure that the development represent high quality design and meets the objectives of development plan policy in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

47 Notwithstanding the submitted energy strategy, above-ground works on elements of the scheme approved in outline form must not commence until a finalised energy strategy prepared in accordance with current guidance, has been submitted to and approved in writing by the Local Planning Authority. The development must be implemented in accordance with the approved details.

Reason: To maximise on-site energy savings.

### **Informative(s):**

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

### **2 D2 Definitions**

Definitions adopted for the purpose of the planning conditions are as follows:

#### **'Hybrid Planning Permission'**

The comprehensive redevelopment of the site comprising both the full planning permission for the demolition of existing buildings to provide a replacement railway station ticket hall building (up to 702 sq.m) with step-free access (sui Generis) and alterations at platform level, and including a retail store (Class A1) unit; and Outline planning permission for the erection of a mixed use development ranging from 6 to 29 storeys in height comprising of up to 860 sq.m of flexible A1/A2/A3/A4/A5 and B1/D1/D2 uses and up to 313 residential units (Class C3) together with provision of ancillary refuse, cycling and disabled parking spaces and associated works.

#### **'Full Planning Element'**

Development of a replacement railway station ticket hall building (up to 702 sq.m) with stepfree access (sui Generis) and including a retail store (Class A1) unit and associated works to which full planning permission applies within the land edged in green as detailed on approved Drawing CSR2343-BDP-MAC-N025-DRG-A-00101.

#### **'Outline Planning Element'**

Development comprising the erection of a mixed use development ranging from 6 to 29 storeys in height comprising of up to 860 sq.m of flexible A1/A2/A3/A4/A5 and B1/D1/D2 uses and up to 313 residential units (Class C3) together with provision of ancillary refuse, cycling and disabled parking spaces and associated works, the detail of which will be the subject of reserved matters within the land edged in red, but excluding the land edged in green as detailed on approved Drawing CSR2343-BDPMAC-

N025-DRG-A-00101.

#### **'Commercial Units'**

Any unit falling within Use Class A1, A2, A3, A4, A5, B1, D1 and/or D2.

Development Phase'

A development component or components (which may include Ground Works and Site

Preparation Works, Advanced Infrastructure Works, Surface Infrastructure Works, and

construction of buildings) as identified in the illustrative Phasing Plan (OPA-A-105 Rev.

02) or as otherwise subsequently amended.

'Ground Works and Site Preparation Works'

Include the following works:

- Demolition of existing structures including removal of asbestos, the stripping out of buildings, disconnecting services and grubbing up foundations.
- Removal of existing and surplus rubble from the site.
- Removal and / or relocation of services on the site including service trenches.
- Carrying out CAT scans on the site to confirm all existing services are clear.
- The erection or re-establishment of a hoarding line for the construction site.
- Providing piling matting.
- Providing clear health and safety information on the site.
- Piling works.
- Substructure and underground drainage works.

'Advanced Infrastructure Works'

Infrastructure required to serve the site as a whole, including:

- Installation of services and utilities.
- Installation of energy infrastructure.
- Ground levelling works.

'Surface Infrastructure Works'

Above ground infrastructure required to serve the site as a whole, including:

- Highways works.
- Surface landscaping works to implement public routes/realm.
- Surface landscaping works to implement public spaces.

'Construction'

- Superstructure works above the ground floor slab.

'Ticket Hall'

- Operational Station Ticket Hall Building

'Railway Station'

- Operational Railway Station

otherwise subsequently amended.

'Ground Works and Site Preparation Works'

Include the following works:

- Demolition of existing structures including removal of asbestos, the stripping out of buildings, disconnecting services and grubbing up foundations.
- Removal of existing and surplus rubble from the site.
- Removal and / or relocation of services on the site including service trenches.
- Carrying out CAT scans on the site to confirm all existing services are clear.
- The erection or re-establishment of a hoarding line for the construction site.
- Providing piling matting.
- Providing clear health and safety information on the site.
- Piling works.
- Substructure and underground drainage works.

'Advanced Infrastructure Works'

Infrastructure required to serve the site as a whole, including:

- Installation of services and utilities.
- Installation of energy infrastructure.
- Ground levelling works.

'Surface Infrastructure Works'

Above ground infrastructure required to serve the site as a whole, including:

- Highways works.
- Surface landscaping works to implement public routes/realm.
- Surface landscaping works to implement public spaces.

'Construction'

- Superstructure works above the ground floor slab.

'Ticket Hall'

- Operational Station Ticket Hall Building

'Railway Station'

- Operational Railway Station

3 The applicant is advised that the submitted Construction Method Statement shall include as a minimum details of:

Site hoarding

Wheel washing

Dust suppression methods and kit to be used

Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.

For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website

Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.

For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.

Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model

Procedures for the Management of Land Contamination');

2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);

3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;

4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;

- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

5 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location. In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO).

This needs to be considered in the context of room ventilation requirements. The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

## 6 CONSTRUCTION ADJACENT TO PUBLIC HIGHWAY

For construction works adjacent to the public highways, the applicant must contact the council's First Contact on 0208 359 2000 for any necessary Highways Licenses.

## 7 HIGHWAYS REPAIR

The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site

should the highway be damaged as a result of construction traffic movements. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works. The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

#### 8 RELOCATION OF STREET FURNITURE

The applicant is advised that any street furniture or lighting column affected by the proposed works would be relocated under a rechargeable works agreement by the Council's term contractor for Highway Works. You may obtain an estimate for this work from Development & Regulatory Services, Barnet House, 1255 High Road, Whetstone, N20 0EJ.

#### 9 ALTERATION TO ON-STREET WAITING AND LOADING RESTRICTIONS

The applicant is advised that the proposed development may involve alterations to the existing on-street waiting and loading restrictions. Alterations to on-street waiting and loading restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

#### 10 S38 WORKS

The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 38 Agreement under the Highways Act 1980.

#### 11 S278 WORKS

The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.

#### 12 Adoption of Proposed Road Layout

Should the scheme be adopted, a commuted sum may be required. This will only be estimated once an application for a S278/S38 is made.

13 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 £202,230 payment under Mayoral CIL.

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 therefore been assessed at this time as liable for a £315,360 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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 CIL 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 at: [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 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 at [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 Extensions: 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://www.legislation.gov.uk)

Please visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/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 and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

#### National Planning Policy Framework (February 2019)

The 2019 NPPF was adopted in February 2019 replacing the 2012 NPPF and includes minor clarifications to the revised version published in July 2018. The NPPF sets out the Government's planning policies for England and how these should be applied<sup>1</sup>. It provides a framework within which locally-prepared plans for housing and other development can be produced.

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 also 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', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

#### The Mayor's London Plan 2021

The London Plan (2021) published 2<sup>nd</sup> March 2021 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. This document replaced the London Plan 2016.

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

## Chapter 1

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG4 Delivering the homes Londoners need

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

## Chapter 2

Policy SD3 Growth locations in the Wider South East and beyond

Policy SD10 Strategic and local regeneration

## Chapter 3

Policy D1 London's form, character and capacity for growth

Policy D2 Infrastructure requirements for sustainable densities

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D6 Housing quality and standards

Policy D7 Accessible housing

Policy D8 Public realm

Policy D9 Tall Buildings

Policy D11 Safety, Security and resilience to emergency

Policy D12 Fire safety

Policy D14 Noise

## Chapter 4

Policy H1 Increasing housing supply

Policy H2 Small sites

Policy H3 Meanwhile use as housing

Policy H4 Delivering affordable housing

Policy H5 Threshold approach to applications

Policy H6 Affordable housing tenure

Policy H7 Monitoring of affordable housing

Policy H8 Loss of existing housing and estate redevelopment

Policy H10 Housing size mix

Policy H11 Build to Rent

## Chapter 5

Policy S4 Play and informal recreation

Policy S5 Sports and recreation facilities

## Chapter 6

Policy E1 Offices

Policy E2 Providing suitable business space

Policy E3 Affordable workspace

## Chapter 7

Policy HC3 Strategic and Local Views  
Policy HC4 London View Management Framework

Chapter 8  
Policy G1 Green infrastructure

Policy G4 Open space  
Policy G5 Urban greening  
Policy G6 Biodiversity and access to nature  
Policy G7 Trees and woodlands

Chapter 9  
Policy SI 1 Improving air quality  
Policy SI 2 Minimising greenhouse gas emissions  
Policy SI 3 Energy infrastructure  
Policy SI 4 Managing heat risk  
Policy SI 5 Water infrastructure  
Policy SI 6 Digital connectivity infrastructure  
Policy SI 7 Reducing waste and supporting the circular economy  
Policy SI 8 Waste capacity and net waste self-sufficiency  
Policy SI 12 Flood risk management  
Policy SI 13 Sustainable drainage  
Policy SI 17 Protecting and enhancing London's waterways

Chapter 10  
Policy T1 Strategic approach to transport  
Policy T2 Healthy Streets  
Policy T3 Transport capacity, connectivity and safeguarding  
Policy T4 Assessing and mitigating transport impacts  
Policy T5 Cycling  
Policy T6 Car parking  
Policy T6.1 Residential parking  
Policy T6.2 Office parking  
Policy T9 Funding transport infrastructure through planning

Chapter 11  
Policy DF1 Delivery of the Plan and Planning Obligations

### Mayoral Supplementary Guidance

#### **Sustainable Design and Construction (April 2014)**

The Sustainable Design and Construction (SPG) seeks to design and construct new development in ways that contribute to sustainable development.

#### **Accessible London: Achieving an Inclusive Environment (October 2014)**

The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.

#### **Planning for Equality and Diversity in London (October 2007)**

This guidance sets out some of the overarching principles that should guide planning for equality in the London context.

#### **All London Green Grid (March 2012)**

This strategy provides guidance for designing and managing green and open spaces to bring about previously unrealised benefits. In doing so, we aim to encourage boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.

#### **The control of dust and emissions during construction and demolition (July 2014)**

The aim of this supplementary planning guidance (SPG) is to reduce emissions of dust, PM<sub>10</sub> and PM<sub>2.5</sub> from construction and demolition activities in London.

#### **Play and Informal Recreation (September 2012)**

Provides guidance to Local Authorities and development to estimate the potential child yield from a development, and the resulting requirements for play space provision.

#### **Housing (March 2016)**

The housing SPG provides revised guidance on how to implement the housing policies in the London Plan.

#### **Affordable Housing and Viability (August 2017)**

Set's out the Mayor's policies for assessing and delivering affordable housing and estate renewal.

#### **Mayor's Transport Strategy (2018)**

This Strategy outlines some of the key transport challenges in London such as poor quality public transport and high volumes of cars on some roads. 3.5.2 The Strategy places an emphasis on reducing car dependency and encouraging an increased use of walking, cycling and public transport use. To help encourage this modal shift, the Strategy has adopted the Healthy Streets Approach, which aims to improve and enhance the overall street environment. 3.5.3 In outer London, it is highlighted that streets are often dominated with cars and that significant transport improvements will be required to reduce this dependency. It encourages a more integrated approach to planning transport and housing. Within Outer London, new or enhanced bus services will be introduced to reduce car dependency and support growth, particularly around Elizabeth line stations and in areas where housing growth is expected, including Colindale. 3.5.4 In addition, the strategy also focuses on delivering new homes and jobs on transport land and by 2020/21 aims to start on working on property development sites that will deliver 10,000 new homes.

#### **Relevant Local Plan (2012) Policies**

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD which were both adopted on 11 September 2012. The Local Plan development plan policies of most relevant 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)

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

CS7 (Enhancing and Protecting Barnet's Open Spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive integrated community facilities and uses+)

CS11 (Improving health and wellbeing in Barnet)

CS13 (Ensuring the efficient use of natural resources)

CS15 (Delivering the Core Strategy)

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

DM01 (Protecting Barnet's character and amenity)

DM04 (Environmental considerations for development)

DM05 (Tall Buildings)

DM14 (New and existing employment space)

DM13 (Community and education uses)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

### Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6<sup>th</sup> January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

### Supplementary Planning Documents and Guidance

The Council has a number of adopted Supplementary Planning Documents (SPDs) which provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards. They are material considerations for the determination of planning applications:

### Colindale Area Action Plan 2010

The Colindale Area Action Plan sets out the Council's comprehensive but flexible long term strategy to manage change and deliver high quality sustainable development in Colindale.

### Colindale Underground Station Supplementary Planning Document February 2019

The Grahame Park SPD provided site specific advice for the development of the Colindale Underground Site.

Local Supplementary Planning Documents:  
Sustainable Design and Construction (April 2013)  
Planning Obligations (April 2013)

## **1.2 Key Relevant Planning History**

Rear Of Colindale Station Plaza Comprising Land Of Former Station House And Part Of Former Colindale Hospital Site, Colindale Avenue, London, NW9 5HG

H/01110/13 dated 3 April 2014

Planning permission was granted on 3rd April 2014 for the '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'.

H/03131/14 dated 27.08.2014

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.

19/0859/OUT dated 10.03.2020

Hybrid planning application for comprehensive redevelopment of the site comprising full planning permission involving demolition of existing buildings to provide a replacement railway station ticket hall building (702 sq.m) with step free access (sui Generis) and including a retail store (Class A1) unit. Outline planning consent for the erection of a mixed use development ranging from 6 to 29 storeys in height comprising of up to 860 sq.m of flexible A1/A2/A3/A4/A5 and B1/D1/D2 uses and up to 313 residential units (Class C3) together with provision of ancillary refuse, cycling and disabled parking spaces and associated works.

20/5018/NMA dated 12.11.2020

Non material amendment to planning permission 19/0859/OUT dated 10/03/2020 for 'Hybrid planning application for comprehensive redevelopment of the site comprising full planning permission involving demolition of existing buildings to provide a replacement railway station ticket hall building (702 sq.m) with step free access (sui Generis) and including a retail store (Class A1) unit. Outline planning consent for the erection of a mixed use development ranging from 6 to 29 storeys in

height comprising of up to 860 sq.m of flexible A1/A2/A3/A4/A5 and B1/D1/D2 uses and up to 313 residential units (Class C3) together with provision of ancillary refuse, cycling and disabled parking spaces and associated works. (SUBJECT TO LEGAL AGREEMENT DATED 6 MARCH 2020) Amendments to wording  
In the phrase "replacement railway station ticket hall building (702 sq.m) " we wish to insert "up to" before "702sqm".

### **1.3 Public Consultations by the Council and Views Expressed**

#### Public Consultation

**2449** local residents were consulted on the planning application by letter on 24.02.2021. The application was advertised in the local press on 4 March 2021 and site notices were put up on site on 4 March 2021. The consultation process carried out for this application is considered to be appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and the Council's own adopted policy.

#### Public Representations

As a result of the consultation, a total of 20 responses have been received with 19 objections and 1 letter neither supporting or opposing the application.

The comments received from members of the public have been summarised as follows:

#### Summary of main points raised by members of the public in objecting to the scheme.

Object to the development of more high rise flats in Colindale.  
Existing roads unable to cope with new development and tubes and buses are also overcrowded. Development would add to congestion on these.  
Impact on other local services i.e. schools/ Health services, leisure services etc.  
Proposed height at 29 storeys out of keeping with surrounding development  
Colindale already overcrowded and does not need more residential development.  
Proposed high rise buildings will cause a loss of light to surrounding properties.  
Proposed density of residential population in this area would result in mental health issues and conflict between residents, workers and visitors.  
Development should be paused in Colindale until the full cumulative impact of development on services and the local transport network have been fully assessed and mitigated for.  
Along with improvements to capacity at Colindale provision should be made for an additional tube station in the area between Colindale and Hendon Central.  
Proposed flats do not take account of the lessons of Covid and need for lower densities and more open space.  
Proposed heights of residential development should be limited to height of residential accommodation at the rear of the site.

Letters of Representation neither supporting or opposing application

Station proposals alone supported particularly step free access, surrounding residential development opposed;

Officer Comment

All of the above representations have been taken into account in the officer assessment, which form part of the officer assessment below. It is noted that the only elements of change which are being altered under this S73 application concern alterations to the station building. No changes are proposed to the residential element of the scheme which are the same as approved in the extant planning permission 19/0859/OUT dated 10/03/2020.

**Elected Representatives.**

Andrew Dismore London Assembly Member for Barnet & Camden (Former)

I am writing to object to the above application in my capacity as London Assembly Member for Barnet and Camden.

Whilst I support the improvements to the station, especially the provision of step-free access, the overall scheme and plan for the site is likely to create a number of new problems, as well as exacerbate many existing local problems.

Firstly, Colindale Avenue is already extremely congested and far too narrow for the sheer volume of traffic passing through it. It is not possible to increase capacity through introducing cycle lanes etc, so new residents will create new traffic.

Although this development is near a station and bus routes, there is insufficient parking for residential needs, and the car park for the station is being removed. This places pressure on already over-used local roads.

The proposed developments are still too high, with the tallest reaching 29 storeys. This is by far the tallest building in an area that has too many tall buildings. Putting so many people cheek by jowl is unhealthy and leads to a poor quality of life. We have seen during the Covid Pandemic how problematic high density living is, and the impact a lack of local amenities, such as green space can be on mental and physical wellbeing.

Finally, the impact of this development, with a substantial increase in population and demand for local services will be unmet. There has never been properly planning for Colindale and the health and education provision needed. This will only make a bad situation worse.

**Consultation responses from neighbouring associations other non-statutory bodies.**

No comments received from these bodies.

## **Consultation Responses from Statutory Consultees**

### **Greater London Authority (GLA)**

The applicant proposes: Variation of condition 1 (Approved Plans) of planning reference 19/0859/OUT, dated 10/03/20 for ' Hybrid planning application for comprehensive redevelopment of the site comprising full planning permission involving demolition of existing buildings to provide a replacement railway station ticket hall building (702 sq.m) with step free access (Sui Generis) and including a retail store (Class A1) unit. Outline planning consent for the erection of a mixed use development ranging from 6 to 29 storeys in height comprising of up to 860 sq.m of flexible A1/A2/A3/A4/A5 and B1/D1/D2 uses and up to 313 residential units (Class C3) together with provision of ancillary refuse, cycling and disabled parking spaces and associated works.

Variation to include alteration to station design including reduction in height, internal layout changes and external elevational alterations.

I have assessed the details of the application and, given the scale and nature of the proposals, conclude that the amendments to the station design do not give rise to any new strategic planning issues. The applicant should continue to engage with Transport for London as part of the local consultation process.

Therefore, under article 5(2) of the above Order the Mayor of London does not need to be consulted further on this application. Your Council may, therefore, proceed to determine the application without further reference to the GLA. I will be grateful, however, if you would send me a copy of any decision notice and section 106 agreement.

### **Transport for London (TfL)**

TfL have no objections to this application.

### **Thames Water (TW)**

#### **Waste Comments**

Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents." The developer can request information to support the discharge of this condition by visiting the Thames Water website at

thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### **Metropolitan Police Crime Prevention Design Advisor**

Detailed advise provided in relation to the proposal and request that commercial and residential buildings should achieve Secured by Design accreditation.

#### **London Fire Brigade**

No Objections

#### Internal Consultation responses

#### **Urban Design**

No objections raised detailed comments incorporated in officer report below.

#### **Transport and Regeneration**

No in principle objections raised.

#### **Environmental Health**

No Objections raised subject to the attachment of appropriate conditions. Further information requested in relation to air quality.

#### **Drainage**

No Objections raised subject to conditions and following clarifications

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

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

The Application Site measures 0.76 ha in site area and extends from Colindale Station to Pasteur Close. As well as the station with associated retail unit and public car-park (23 pay and display spaces), the area includes 167-173 Colindale Avenue a line of two storey residential properties. The red line boundary also extends to the opposite side of Colindale Avenue encompassing the bridge widening works and public realm improvements.

The site is located within the Colindale opportunity area and the surrounding area is characterised by several large scale residential developments including the completed Fairview Homes schemes (British Newspaper library and Colindale Hospital sites) to the west of the railway line and the under construction Redrow development (Colindale Gardens) to the east of the site on the opposite side of Colindale Avenue. Other major developments in the surrounding area include the St Georges development at Beaufort Park a short distance to the north east. In contrast to these more recent developments the housing located to the north and north east behind the station is lower in scale comprising of 2 storey houses and 3 storey apartment blocks in Pasteur Close and along Colindale Avenue.

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

### **Background**

On 10<sup>th</sup> March 2020, the London Borough of Barnet granted planning permission (ref: 19/0859/OUT) at Colindale And 167 - 173 Colindale Avenue And Flats 1- 6 Agar House, Colindale Avenue, NW9 5HJ for:

*“Hybrid planning application for comprehensive redevelopment of the site comprising full planning permission involving demolition of existing buildings to provide a replacement railway station ticket hall building (702 sq.m) with step free access (sui Generis) and including a retail store (Class A1) unit. Outline planning consent for the erection of a mixed use development ranging from 6 to 29 storeys in height comprising of up to 860 sq.m of flexible A1/A2/A3/A4/A5 and B1/D1/D2 uses and up to 313 residential units (Class C3) together with provision of ancillary refuse, cycling and disabled parking spaces and associated works.”*

### **The Section 73 Application**

The current application is made under Section 73 of the Town and Country Planning Act 1990 which seeks planning permission to vary the wording of condition 1 (Approved Plans) pursuant to planning permission ref. 19/0859/OUT dated 10/03/2020 to make the following amendments to the approved plans.

Add the following document to the approved list:

Colindale DAS Addendum - 260121\_UIP3395-ATK-PRM-N025-RPT-AR-00001  
(contains the revised drawings listed below)

Remove the following drawings from the approved list:

CSR2343BDPMACN025DRGA00101 Masterplan  
CSR2343BDPMACN025DRGA20001 Site Ground Floor Plan  
CSR2343BDPMACN025DRGA20003 Site Roof Plan  
CSR2343BDPMACN025DRGA20100 GA Plan Platform Plan  
CSR2343BDPMACN025DRGA20101 GA Plan Ground Floor Plan

CSR2343BDPMACN025DRGA20102GA Plan Mezzanine Plan  
CSR2343BDPMACN025DRGA20103GA Plan Roof Plan  
CSR2343BDPMACN025DRGA20201GA Section East Section  
CSR2343BDPMACN025DRGA20202GA Section North Section  
CSR2343BDPMACN025DRGA20203GA Section South Section  
CSR2343BDPMACN025DRGA20204GA Section West Section  
CSR2343BDPMACN025DRGA20210Detail Section East  
CSR2343BDPMACN025DRGA20211Detail Section West  
CSR2343BDPMACN025DRGA20212Detail Section South  
CSR2343BDPMACN025DRGA20301GA Elevation North Elevation  
CSR2343BDPMACN025DRGA20302GA Elevation South Elevation  
CSR2343BDPMACN025DRGA20303GA Elevation West Elevation  
CSR2343BDPMACN025DRGA20304GA Elevation East Elevation  
CSR2343BDPMACN025DRGA20311GA Internal Elevations Page 1  
CSR2343BDPMACN025DRGA20312GA Internal Elevations Page 2

And replace with:

UIP3395-ATK-PRM-N025-DRG-AR-00001Site\_Masterplan  
UIP3395-ATK-PRM-N025-DRG-AR-00003Site\_Roof Plan  
UIP3395-ATK-PRM-N025-DRG-AR-00004Platform Plan  
UIP3395-ATK-PRM-N025-DRG-AR-00005Concourse Plan  
UIP3395-ATK-PRM-N025-DRG-AR-00006Mezzanine Plan  
UIP3395-ATK-PRM-N025-DRG-AR-00007Roof Plan  
UIP3395-ATK-PRM-N025-DRG-AR-00008Section AA  
UIP3395-ATK-PRM-N025-DRG-AR-00009Section BB  
UIP3395-ATK-PRM-N025-DRG-AR-00010Section CC  
UIP3395-ATK-PRM-N025-DRG-AR-00011Section DD  
UIP3395-ATK-PRM-N025-DRG-AR-00015Elevation North  
UIP3395-ATK-PRM-N025-DRG-AR-00016Elevation South  
UIP3395-ATK-PRM-N025-DRG-AR-00017Elevation East  
UIP3395-ATK-PRM-N025-DRG-AR-00018Elevation West  
UIP3395-ATK-PRM-N025-DRG-AR-00020Detail Section Front  
UIP3395-ATK-PRM-N025-DRG-AR-00021Detail Section Back  
UIP3395-ATK-PRM-N025-DRG-AR-00022Detail Section Cross

These plan changes are to facilitate the following design changes to the scheme:

1. Building height reduction;
2. Alteration to layout in ticket hall and removal of mezzanine level;
3. Building length reduction;
4. Glued laminated timber (glulam) timber arch change and removal of columns at platform and ticket hall levels;
5. Blue roof installation and change to roof profile;
6. Removal of street elevation canopy vertical elements;
7. Replacement of shallow vertical fins on north and south façades with projecting mullions;
8. Replacement of columns at track level with continuous RC wall;
9. Internal cladding amendment;
10. Platform canopy;
11. Retail unit internal height increase;

12. Retail glazing amendments.

### **3. PLANNING CONSIDERATIONS**

#### **3.1 Principle of Development**

##### **3.1 Principle of Development**

The National Planning Practice Guidance (NPPG) advises that a minor material amendment *“is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.”*

Pre-application discussions were undertaken with the Applicant and consideration has been given as to the effect of the amendments to the approved development, including whether it would:

- Result in a change that is minor in terms of its scale;
- Result in a change that is minor in terms of its impact on amenity and visual impact;
- Would comply with material planning considerations.

It was judged that the proposed amendments were minor material and the submission of a Section 73 application was the appropriate route for this application.

#### **Baseline Position**

As stated above, planning permission 19/0859/OUT approved the principle of the Colindale underground Station redevelopment and associated residential redevelopment. In this context, and in accordance with the NPPG, the key considerations in the determination of the application are:

1. Whether planning policies (and other material considerations) have changed since the hybrid permission was granted; and
2. Whether the proposed amendments are acceptable (having regard to the Development Plan and other material considerations).

#### **Changes to Planning Policy and Other Material Considerations**

As mention above, since planning permission 19/0859/OUT was granted, while there has been some changes to the wording of the NPPF, there are no implications from this revised document which would materially affect the current application. The latest version of the London Plan was adopted post approval of this application, however again there are no implications from this revised document which would materially affect the current application.

#### **Assessment of Proposed Amendments**

The proposed amendments concern amendments to the full station part of the proposal only and do not alter any of the plans pursuant to the outline element of the proposal i.e. the residential led mixed use development, and as such matters

raised as part of the public consultation in relation to this part of the proposal are not material to the consideration of this S73 application.

The main issues arising out of the changes are considered to be the following:

Design;  
Neighbouring Amenity;  
Public Transport Capacity.

### **3.2 Design**

High quality design underpins the sustainable development imperative of the NPPF 2019, as well as London Plan (2021) chapter 3 'Design', in particular policies D4 'Delivering good Design', D8 'Public Realm' and D9 'Tall. In addition, Barnet Core Strategy DPD (2012) policies CS NPPF, CS1 and CS5 as well as Development Management Policies DPD (2012) DM01, DM02, DM03, DM05.

#### **Design background Colindale SPD**

The Colindale SPD was developed in order to provide a clear framework for the development of a planning application, which would accord with Council policies and meet the aims and aspirations of the Council for the development of this important site.

The stated aim of the SPD was to help inform the preparation of future planning applications associated with:

- Redevelopment of Colindale Underground Station
- Development in the area immediately adjoining the Station, including around the rail tracks, the existing station car-park, the embankment to the north-east of the Station, 167-173 Colindale Avenue and Agar House (1-6) Colindale Avenue; and
- Delivery of highway, public realm and bridge improvements on Colindale Avenue immediately adjacent to the Underground Station

#### **Background Hybrid Planning Approval.**

A planning application was subsequently submitted in February 2019 for the redevelopment of the station site to provide an improved station along with an associated residential led mixed use development adjoining the station site. The description of this application was as follows.

*'Hybrid planning application for comprehensive redevelopment of the site comprising full planning permission involving demolition of existing buildings to provide a replacement railway station ticket hall building (702 sq.m) with step free access (sui Generis) and including a retail store (Class A1) unit. Outline planning consent for the erection of a mixed use development ranging from 6 to 29 storeys in height comprising of up to 860 sq.m of flexible A1/A2/A3/A4/A5 and B1/D1/D2 uses and up to 313 residential units (Class C3) together with provision of ancillary refuse, cycling and disabled parking spaces and associated works.'*

Barnet's Planning Committee resolved on the 24<sup>th</sup> July 2019 to grant planning permission for the development subject to no objection from the mayor and the completion of a S106. Planning permission was subsequently granted on the 10<sup>th</sup> March 2020.

### **Layout**

The proposed layout is broadly identical to the extant approval with the ticket hall being located over the railway lines with a new enlarged area of public pavement providing an improved access over the current station. The residential elements within the outline element of the proposal are unchanged.

### **Height, bulk, scale and massing**

The extant planning permission provided for a new station in the centre of the site, along with three residential towers adjacent to the site the tallest of which was 29 storeys in height.

The proposed amendments do not make any changes to the residential elements of the proposal and concern changes to the station building only. This is predominately of a similar form but is 1m lower than the extant approval and the length of the building is also slightly reduced. In addition to this the rear portion of the roof is cut away to provide an intensively landscaped 'blue roof' to add to biodiversity and to accommodate rainwater fall.

The proposed changes to the massing are minor in nature and would not significantly alter the visual appearance of the station when viewed from Colindale Avenue. The reduction of mass at the rear would represent a minor improvement when viewed from neighbouring residential gardens although this in itself is insignificant in the context of the proposed residential elements of the wider scheme which are not being altered under this application.

### **Detailed Design and Appearance**

As mentioned above the only aspect of the proposed for which changes are proposed and indeed the only matter for which detailed consent has been granted concern the station building.

The consented station proposed a large single storey structure with a curved cantilevered metal seam canopy utilising bronze and timber supports extending to ground level. Internally the scheme proposed a glued laminated roof support along with bronze and timber finishing to reflect early aeronautical materiality.

The current application proposes changes to this extant approval both internally and externally. Externally the main changes are from a visual perspective. While the proposal still has a metal seemed roof, the side returns which previously extended to pavement level have been removed to avoid interference with pedestrian flow, to reduce wind loading and to reduce the load of the structure. The proposal also proposes changes to the external face of the front and rear façades replacing the consented shallow vertical fins with projecting mullions. The proposed frontage is

still predominately glazed behind the fins and the glazing to the retail unit at ground floor level is slightly increased. Overall while the proposed external appearance of the station is clearly different than the extant scheme it would still represent a high quality of design which would project a sense of presence representing an appropriate landmark entrance into Colindale.

External but internally to the station alterations are also proposed at platform level with the replacement of columns with a continuous rain cladding, enabling the incorporation of public art showing the history of the area. The canopy over the north stair (which provides the primary access from concourse to platform) has been altered and extended in length to ensure that passengers are protected from the weather and to prevent the stairs becoming slippery.

Internally the internal layout of the station is altered with the previously proposed mezzanine being removed and the plant room and station office being reduced in size increasing the size of the internal concourse improving passenger flow. Changes are also proposed to internal roof structure of the station with the proposed plate beams being replaced with a gulam arched structure. The resultant appearance while different from the extant scheme is arguable more open in appearance and along with the reduction in height at the rear of the station help create a more naturally lit and open station concourse.

Overall in design terms the proposed alterations both internal and external are considered acceptable do not fundamentally alter the nature of the original permission and represent an appropriate design quality which would enhance the Colindale area.

#### Safety, security and crime mitigation

Pursuant to London Plan policy D11 and Barnet Core Strategy Policy CS12, the metropolitan police were consulted in regards to the scheme. Advice has been received raising no objections to the scheme subject to the future residential accommodation achieving secured by design accreditation. Detailed advice also provided regarding preventing moped crime, anti social behaviour, vehicular terrorist attacks and the expected standards of doors and windows. It is considered that these matters will be safeguarded through the proposed highway works and future reserved matters applications. It is noted that the proposed public realm outside the station is unchanged as a result of these proposals.

### **3.3 Amenities of Neighbouring and Future Residents**

Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment (para 9). Amenity is a consideration of London Plan 2021 Chapter 3 'Design. In addition Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

The proposed application does not alter the larger residential elements of the proposal contained within the outline element of the proposal, which included 3

residential towers up to 29 storeys in height. It was this outline element rather than the station which caused the most impact to neighbouring residential properties rather than the station element.

In an event the proposed amendments reduce rather than increase the massing of the station building in relation to neighbouring residential properties although given that the new station building in any event resulted in minimal impact this is not considered either a positive or negative aspect of the application.

### **3.4 Transport, highways and parking**

The Colindale station is based on the latest cumulative demand forecast for the station taken from TfL's strategic forecasting models that include planned and committed development in the area. This forecast demand is increased by 30% for station design purposes to ensure that sufficient capacity is provided that allows for uncertainty in future forecast demand and thereby future-proofs the design. In addition, the design of the station will have been based on demand during the identified peak hour (whatever time period this covers) within the morning and evening peak periods.

The proposed amendments do not add any new traffic generating uses and as such would not affect traffic or pedestrian flows over the extant approval or affect the position or quantity of vehicular spaces over the extant approval.

Colindale underground station provides access to the Northern Line, allowing passengers to travel northwards to Edgware Road and southwards to Central London and Morden. The AM peak service frequency is approximately 1 train every 3 minutes.

The design of the extant proposals for Colindale station was and is based on the latest cumulative demand forecast for the station taken from TfL's strategic forecasting models that include planned and committed development in the area. This forecast demand is increased by 30% for station design purposes to ensure that sufficient capacity is provided that allows for other unaccounted for developments in the surrounding area.

The proposed internal changes proposed as part of this S73 application would as previously mentioned marginal improve pedestrian flow within the station and then would if anything have a positive impact in terms of enabling the new station to accommodate increased passenger flows as a result of development in the Colindale area. The comment raised as part of the public consultation regarding their suggestion that another tube station should also be built between Colindale and Hendon falls outside the remit of this S73 application.

### **3.5 Viability, Planning Obligations & CIL**

#### *S106 obligations & viability*

Policy CS15 of the Barnet 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.

The extant approval provided for the provision of **50%** affordable housing by habitable room along with other contributions such as carbon offset payments along with the highway works to address the improvement works to Colindale Avenue. Other obligations included a late stage viability review, travel plan requirements and a restriction preventing future residents applying for parking permits.

This agreement will be carried over to this planning permission sought via means of a deed of modification. We have reviewed the agreement and consider there to be no need to amend the content of the agreement on the following grounds:

- The application proposals will allow a revised scheme to be delivered, but one which is not substantively different to that already approved under the previous planning permission meaning the amendments will not give rise to any different impacts which would necessitate any new planning obligations.
- There has been no change to policy to warrant changes to the scope of planning obligations necessary to make the proposed development acceptable.
- The proposed amendments maintain compliance with all of the obligations applicable within the existing Section 106 Agreement.

#### LB Barnet CIL

As noted in SPD para 2.2.11, the purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough.

Pursuant to the LB Barnet Planning Obligations SPD, the CIL charging rate is £135 per sqm. In the case of Barnet's CIL, ancillary car parking space is not chargeable (SPD Para 2.2.14).

#### Mayoral CIL

Pursuant to the Table 3: Mayoral CIL Charging Rates of the Mayor's April 2013 SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', a flat rate charge of £35 applies to the application, this

In total approximately the applicant's supporting documents indicate that £8,524,820 will be payable under both Barnet and Mayoral CIL before affordable housing relief is taken into account.

#### **4. EQUALITY AND DIVERSITY ISSUES**

Section 149 of the Equality Act 2010, which came into force on 5th 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; and
- 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.

The changes involved in the S73 would not conflict with any of the above objectives. It is noted that the main permission pursuant to planning application included provision for the introduction of step free access to Colindale Station opening up the use of the public transport facility to disabled and less ambulant passengers which is maintained in this application.

The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

## **5. RESPONSE TO OBJECTORS**

The majority of comments outlined in public comments relate to the outline residential elements of the proposal which are not proposed to be altered under this S73 application and therefore are not material to the determination of this S73 application. Other comments have been addressed where appropriate in the report.

## **6. CONCLUSION**

The current application is made under Section 73 of the Town and Country Planning Act 1990 which seeks planning permission to vary the wording of condition 1 (Approved Plans) pursuant to planning permission ref. 19/0859/OUT dated 10/03/2020.

National Planning Practice Guidance (NPPG) advises that a minor material amendment *“is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has*

*been approved.*” In this case, it is not considered that the changes proposed would result in any significant change to the approved scheme.

The amendments proposed do not alter the fundamental nature of the permission and an assessment of the implications of the amendments particularly design has been taken into account and is considered acceptable. The proposed amendments generally and taken overall accord with the relevant development plan policies.

Accordingly, subject to the conditions set out in the recommendations section at the beginning of this report, the application is recommended for **Approval**.

**SITE LOCATION PLAN: Colindale Underground Station NW9 5HJ**

**REFERENCE: 21/0909/S73**

