

Former Peel Centre, Colindale, NW9

in the London Borough of Barnet

planning application no. H/04753/14

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Hybrid planning application comprising up to 2,900 residential units, up to 10,000 sq.m. commercial, leisure and community floorspace (Use Classes A1/2/3/4 and D1/2), a three-form entry primary school and nursery, public open space, and transport infrastructure works, including provision of car parking.

The applicant

The applicant is **Redrow Homes Ltd** and the architects are **Fielden Clegg Bradley** and **Studio Egret West**.

Strategic issues

The principle of a housing-led mixed use development of this site is strongly supported. Amendments have been made and clarification provided to address concerns over **housing** and **urban design**, and consequently the scheme meets strategic policy guidance.

Further information in relation **climate change** and **transport** impact, **conditions** and **S106 contributions** has been provided and the scheme is now in accordance with the London Plan.

The Council's decision

In this instance Barnet Council has resolved to grant permission.

Recommendation

That Barnet Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 22 September 2014 the Mayor of London received documents from Barnet Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:

1A - Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats;

1B - Development which comprises or includes the erection of a building outside Central London and with a total floorspace of more than 15,000 square metres; and

1C - Development which comprises the erection of a building that is more than 30 metres high and is outside the City of London.

3C - Development which is likely to prejudice the use as a playing field of more than two hectares of land which is used as a playing field at the time the relevant application for planning permission is made.

2 On 29 October 2014 the Mayor considered planning report D&P/3362/01, and subsequently advised Barnet Council that whilst generally acceptable in strategic terms, the application did not fully comply with the London Plan, with the reasons and remedies set out in paragraph 110 of the above-mentioned report.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 29 July 2015, Barnet Council decided that it was minded to grant planning permission, and on 18 December 2015 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct the Council under Article 6 to refuse the application or issue a direction to the Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 31 December 2015 to notify the Council of his decision and to issue any direction.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

5 The decision on this case, and the reasons will be made available on the GLA's website www.london.gov.uk.

Update

6 At the consultation stage Barnet Council was advised that the scheme was broadly acceptable in strategic planning terms, but that further information and changes were required in relation to housing, urban design, climate change and transport, to ensure full compliance with the London Plan. Addressing each point in turn:

Primary school delivery

7 At the initial consultation stage, GLA officers requested further discussion about how the primary school will be secured, funded and delivered. It has been confirmed that the primary school land will be available as part of the first stage of development and adequate provisions are including in the S106 agreement to ensure that the land is transferred to the Council or its nominee at nil consideration. The construction of the school will be funded through other means, including CIL. The provision of the school is strongly supporting in accordance with London Plan Policy 3.18.

Health and community facility delivery

8 At the consultation stage, further discussions were requested with regard to securing health and community uses. The S106 agreement includes adequate provision for 510 sq.m. of health centre floorspace, with an additional 590 sq.m. also made available should it be required. The Council has confirmed that this health centre floorspace has been secured following discussions with NHS England in relation to the strategic requirements for new healthcare facilities in the Colindale Area. Provision is also made for a 400 sq.m. nursery, which would be in addition to the nursery provided as part of the primary school. The inclusion of both of these uses is welcomed and they would be located within the neighbourhood centre element of the scheme, close to Colindale Underground Station, which is supported.

Retail impact

9 At the initial consultation stage, a more robust retail impact assessment was requested to ensure that the scale of retail floorspace proposed would be appropriate and would not impact on any of Barnet's town centres. Further work was undertaken by the applicant in the form of a Supplementary Retail Report, which is considered to adequately address retail impact. Amended design documents and parameter plans, which cover aspects such as unit sizes and retail frontages. Overall, given this justification, no strategic concern is raised in respect of the retail floorspace provision.

Affordable housing

10 At Stage I, concern was expressed by GLA officers about the low level of affordable housing, which equated to 15% of the overall unit numbers. As part of the consideration of the application, Barnet Council appointed an independent viability consultant to scrutinise the applicant's viability assessment. This work also took into consideration contributions towards local infrastructure secured through CIL and S106, many of which are discussed later in this report. The outcome of this independent appraisal has resulted in uplift in the overall percentage of affordable housing to 20%, meaning that a total of 580 affordable units would be provided across the scheme. Whilst this would fall short of the strategic target set out in the London Plan and Barnet Local Plan that 40% of all new housing should be affordable, in this instance the applicant has demonstrated that the proposed offer is the maximum reasonable, having regard to the associated costs of delivering the development, as well as the costs of providing the necessary infrastructure to support the scheme. Accordingly, the level of affordable housing accords with strategic planning policy.

11 At consultation stage, concern was raised that the applicant had not identified a Registered Provider (RP). In response, the applicant went through a process of selecting a preferred partner and is understood to be in advanced discussions with Viridian Housing Association. It is disappointing that an RP was not appointed sooner in the process, as this could have better informed the provision and delivery of affordable housing. The applicant is strongly encouraged to progress these discussions alongside the Council.

12 At Stage I, the applicant was advised to ensure that the tenure split met the strategic target of 60% social housing and 40% intermediate. The final agreed split is however 50/50. This split is however largely derived from viability discussions and the objective to increase the overall proportion of affordable housing across the scheme. Therefore, whilst the tenure split does not strictly accord with London Plan Policy 3.11, taken in the round the scheme would deliver a higher proportion of affordable housing than original proposed. On balance therefore this split does not raise strategic concern in this instance.

13 At consultation stage, GLA officers requested further discussions concerning how a minimum proportion of affordable housing for each stage of development will be secured. The S106 agreement confirms that 126 units will be provided as part of development stage 1. The Council has agreed an indicative mix and block location for development stages 2 and 3, for the delivery of the remaining 454 units as a minimum. The scheme therefore adequately secures the minimum provision of affordable housing and accords with strategic policy.

14 At initial consultation stage, it was requested that an affordable housing review mechanism be devised and secured through the S106 agreement to ensure that any financial surplus generated by an uplift in sales values be captured as the scheme progresses. The S106 agreement contains a comprehensive review mechanism that will require reappraisal at the start of each development stage. Importantly, this mechanism will enable uplift in the proportion of affordable housing to be provided on site. This is welcomed and the proposal therefore complies with strategic policy.

Housing choice

15 At Stage I, GLA officers raised concerns about the tenure mix and provision of family units, which were not specified in the original submission. The S106 commits to a mix of units to be delivered as part of the affordable housing offer, which includes 88 three bedroom units, the majority or all of which are expected to come forward as affordable rented. This represents 15% of the total affordable offer, which is not a significant increase from the 13% originally proposed. It is noted that this proportion has not been increased further, but it is accepted that this is in part due to the overall viability position and desire to increase the overall proportion of affordable housing. It is also noted that the majority of the family sized units would be provided as affordable rented, which is priority tenure, so on balance the tenure mix is acceptable.

16 At consultation stage, concerns were raised over the proportion of studio units, which make up 10% of the housing mix. The applicant has responded by including additional design measures to ensure that these units would be of a good quality and it is noted that they would all exceed the Mayor's space standards. Overall, given these additional commitments, the proposed studios would be of exemplary design and the overall mix of housing proposed would, on balance, be compliant with the London Plan.

17 At consultation stage, concerns were raised in relation to the management of proposed Private Rented Sector (PRS) housing and its impact on viability. GLA officers note that the PRS units have been removed from the scheme and this therefore no longer raises a concern.

Housing quality

18 GLA officers requested an accommodation schedule and a full play space strategy in order to better assess the quality of housing and accessibility to children's play space. Both of these documents were provided and considered satisfactory, which is welcomed. The Council intend to impose a condition requiring details of play space for each phase to be approved and this is supported.

Urban design

19 At Stage I, a number of concerns were raised in relation to design, including request for details of the Peel Link, concerns about layout of blocks M, L and N and requests for additional controls within the Design Principles Document. Following extensive discussions with GLA and Council officers, all of these matters were satisfactorily addressed through amended plans and control documents. The standard of design across the scheme is very high and the control

documents will ensure that this is carried through to the outline elements of the scheme, which is welcomed.

Inclusive design

20 At consultation stage, GLA officers requested further discussion about how wheelchair units will be split across tenure and unit size, as well as clarification about how these will be secured. The design documents amended during the course of the application give adequate consideration to inclusive design principles and the location and distribution of wheelchair accessible units. The S106 agreement will ensure that 10% of affordable housing units will be either wheelchair accessible or easily adaptable, which is welcomed. Furthermore, the Council intend to impose conditions requiring this, as well as provision of accessible parking spaces. The proposal therefore complies with London Plan policy on inclusive design.

Sustainable development

21 At initial consultation stage, there were some matters of clarification and further information sought in relation to climate change adaptation and energy.

22 Regarding climate change adaptation measures, the applicant was requested to commit to the measures set out in the application, both at detailed and outline stage. The Development Principles Document has been amended to include specific reference to a range of features, which is welcomed. The application documents and conditions attached to the permission will therefore ensure that these measures are implemented.

23 Regarding the energy strategy, further information has been provided in relation to overheating, connection to future district heating networks and the design of the CHP and site heat network. A condition is proposed requiring the scheme to be carried out in accordance with the energy strategy and enable connection to a Colindale-wide network, should this come forward. A condition is also proposed to deal with potential overheating and allow for potential additional mitigation. The wording of both conditions is in line with that suggested by the GLA Energy Team. This is welcomed, and this will ensure that the development complies with London Plan energy policy.

Transport

24 Since the consultation stage, TfL has worked with the applicant to understand the impact of the development on the transport network in order to determine the necessary package of mitigation. Following on from this work, TfL has concluded that the development would generate around 535 additional peak hour underground trips which when taken with recent and planned growth in the Colindale area, would present capacity constraints at Colindale Underground Station. The applicant has therefore committed to a section 106 contribution of £11.25 million towards a new station. The contribution will be provided in three tranches with trigger dates aligned with the station project programme and payment dependent on the committed funding package from both TfL and Barnet Council. TfL not only supports the scale but the timing of this contribution as it will enable the station upgrades to be implemented by 2021 in order to address demand in this Opportunity Area. To this end TfL has created a steering group with Barnet Council to help deliver this project.

25 The applicant has also undertaken further assessment of the impact on the bus network. TfL therefore welcomes that a contribution of £250,000, triggered in stage 2 of the development will be provided to mitigate the impact of those trips in this area.

26 Although TfL initially urged the applicant to consider reducing their parking ratio, it remains at 0.7 spaces per dwelling which is in line with the Colindale AAP and lower than that usually permitted in Barnet. This is considered reasonable given the level of public transport accessibility in this area and the satisfactory outcome of local junction modelling. Furthermore all parking will be controlled through a site wide car parking management strategy and a phasing strategy to ensure that demand and take up can be reviewed as the development rolls out. The Council have secured extensions and monitoring to existing controlled parking zones (CPZs). Cycle parking will be in line with the London Plan with 1568 residential spaces in the detailed stage 1 with the appropriate levels secured through the reserved matters for the latter phases. Similarly commercial spaces will be London Plan compliant with 88 spaces for the 3,500 sq.m. of retail space, which is welcomed.

27 TfL welcomes the various improvements to the pedestrian and cycle network in the area that will help to encourage a shift towards sustainable modes. They include the Peel Link, to be located beneath the northern line viaduct, linking the site to Colindeep Lane to the south. The creation of this link, including all necessary consents and maintenance is secured through the section 106 agreement. The development also provides for public realm and highway improvements on Aerodrome Road; phased with the development, £1,588,492 for works to Colindale Avenue as well as a new network of street and cycle routes through the site itself.

28 The development will be supported by a site wide travel plan, residential, commercial and school travel plans, a construction logistics plan and a delivery and service plan.

29 TfL is therefore satisfied that the package of mitigation secured through section 106 and planning conditions will ensure that this development can be sustainable in transport terms. The scheme is therefore now compliant with London Plan policy on transport grounds.

Response to consultation

Local neighbourhood consultation

30 The application was advertised by site and press notices, and with consultation letters sent to 6,702 neighbouring properties. A re-consultation exercise was undertaken in relation to amendments to the scheme. 53 responses were received, two of which support the scheme in principle with comments, the rest in objection. Concerns raised by the objectors relate to the following material planning issues:

- *Principle*: Insufficient local school capacity, cumulative overdevelopment of the area, excessive density and height, insufficient affordable housing, loss of sports facilities, query job creation and loss of employment, possible negative impact from supermarket, query necessity of housing and whether it meets local need, shortfall in open space, impact on healthcare.
- *Housing*: Should have more family homes and fewer flats, some amenity space is unusable, concern that the choice of housing will not accommodate changing or future needs.
- *Design*: Impact on significance of relocated listed structures, visual impact of tall buildings, concern about maintenance and disrepair, concern about quality of CGIs.
- *Amenity*: Noise and disturbance, impact of construction, loss of light, overlooking, existing graffiti and anti-social behaviour problems, increased enclosure from tall buildings, wind impact.

- *Transport*: Insufficient and unmanaged car parking, traffic impact on nearby roads and junctions, cumulative impact with other developments, insufficient capacity of tube station, insufficient bus stops and capacity, Peel Link will need improved illumination, surfacing and maintenance, query what cycle measures are proposed, impact of the school, increase risk of accidents.
- *Energy, sustainability and environment*: Air pollution, query what renewables are proposed, tree loss, query tree protection measures.
- *Other*: Concern about recreating 1960s model of development, impact on utilities, query errors in documents and factual queries.

31 Ward councillor, Cllr Nagus Narenthira, responded raising the following concerns:

- Visual impact of the tall buildings, which are out of character.
- Overdevelopment.
- Insufficient affordable housing at the expense of the community and concern about viability.
- Impact on transport facilities and increase propensity for car use resulting in congestion.
- Insufficient car parking provision.
- The 3-form entry primary school is essential.
- Sports facilities needed.

32 Andrew Dismore, London Assembly Member, responded with the following concerns:

- Overdevelopment in the Colindale area, in addition to development in nearby LB Brent.
- 21 storey buildings not in keeping with the area.
- Population growth in Colindale in last 9 years.
- Impact on roads.
- Impact on NHS, GPs and hospitals.
- Impact on tube, concern that new station won't be delivered.
- Impact on utilities and surface water flooding.
- Concern that viability document has not been published, scheme should achieve 40% affordable.
- Inadequate parking, with reference to other nearby developments.
- Cumulative traffic impacts.
- Suggest cost of parking spaces is capped.
- No consideration of secondary school provision.
- Scheme should provide jobs in light industrial and high tech sectors.

Statutory consultees and local bodies

33 Other statutory consultees responded as follows:

- **Natural England:** Satisfied that there would be no unacceptable impact on SSSIs, support approach to green infrastructure and SUDs, recommendations made to protect local wildlife sites, biodiversity enhancements and external lighting.
- **Sport England:** Objects on the grounds of the significant loss of a playing field.
- **Environment Agency:** No objection. Recommend biodiversity and landscape enhancements are incorporated into the scheme.
- **Historic England (buildings):** The application should be determined on the basis of local conservation advice.
- **Historic England (archaeology):** The application is not in an archaeological priority area and is unlikely to have a significant effect on assets of archaeological interest.
- **Thames Water:** Developer should make provision for surface water drainage. There is insufficient capacity in the existing infrastructure to accommodate waste water, condition recommended.
- **Affinity Water:** The construction of the development should be in accordance with best practice measures to reduce the risk of groundwater pollution.
- **Metropolitan Police Secured by Design Advisor:** Concerns raised over the excessive permeability of the scheme layout.
- **London Borough of Brent (neighbouring borough):** Objection. Impact of retail on Colindale and Burnt Oak town centres, inadequate open space, traffic impact on Brent highway network, scheme needs to meet social infrastructure needs

34 In relation to the objections and points raised, these have been addressed in the Council report and strategic matters about sports facilities, education, social infrastructure, retail, housing, density, car parking, transport and scale of development/tall buildings in particular, have been addressed in this report and the initial consultation. Overall, the scheme has been found to be acceptable, in accordance with local and strategic policy and guidance.

Article 7: Direction that the Mayor is to be the local planning authority

35 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at Stage I, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

36 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to

direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

37 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

38 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

39 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

40 Having regard to the details of the application, the matters set out in Barnet Council's committee report, and its draft decision notice, this housing-led mixed use development in Colindale and Burnt Oak Opportunity Area is acceptable in strategic planning terms. The scheme would provide an appropriate mix of uses, including a new primary school, and would contribute towards the regeneration of the area. Further information and amendments have been provided, which together with conditions and section 106 obligations imposed by the Council address all strategic issues that were raised at Stage I. On this basis, there are no sound reasons for the Mayor to intervene in this particular case

for further information, contact GLA Planning Unit (Development & Projects Team):

Colin Wilson, Senior Manager – Development & Projects

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk

Nick Ray, Case Officer

020 7983 4178 email nick.ray@london.gov.uk
