

**MEETING**

**PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 4TH SEPTEMBER, 2019**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG**

**TO: MEMBERS OF PLANNING COMMITTEE (Quorum 3)**

Chairman: Councillor Shimon Ryde BSc (Hons)  
Vice Chairman: Councillor Melvin Cohen LLB

Claire Farrier  
Brian Gordon  
Tim Roberts

Eva Greenspan  
Laurie Williams  
Nagus Narenthira

Mark Shooter  
Stephen Sowerby  
Julian Teare

**Substitute Members**

Alison Cornelius  
Gill Sargeant  
Kathy Levine

John Marshall  
Daniel Thomas  
Anne Hutton

Gabriel Rozenberg  
Helene Richman

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Service contact: [mainplanning.committee@barnet.gov.uk](mailto:mainplanning.committee@barnet.gov.uk)

Media Relations contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 10
2.	Absence of Members	
3.	Declarations of Members' disclosable pecuniary interests and non-pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	Phase 7 and 8, Millbrook Park (Former Inglis Barracks) NW7 1PX - 19/3092/RMA	11 - 50
7.	Colesworth House, Crokesley House, Curtlington House, Clare House And Kedyngton House Burnt Oak Broadway - 19/2657/FUL	51 - 80
8.	100 Burnt Oak Broadway Edgware HA8 0BE - 19/1049/FUL	81 - 150
9.	104A Burnt Oak Broadway Edgware HA8 0BE - 19/3906/FUL	151 - 176
10.	Underhill Stadium And Hockey Club, Barnet Lane, Barnet, EN5 2DN - 17/4840/FUL	177 - 182
11.	Any item(s) that the Chairman decides are urgent	

### FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone [mainplanning.committee@barnet.gov.uk](mailto:mainplanning.committee@barnet.gov.uk). People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

### FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed

custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

This page is intentionally left blank

## Decisions of the Planning Committee

24 July 2019

Members Present:-

AGENDA ITEM 1

Councillor Shimon Ryde (Chairman)  
Councillor Melvin Cohen (Vice-Chairman)

Councillor Claire Farrier  
Councillor Eva Greenspan  
Councillor Brian Gordon  
Councillor Nagus Narenthira  
Councillor Tim Roberts  
Councillor Mark Shooter  
Councillor Stephen Sowerby  
Councillor Julian Teare  
Councillor Laurie Williams

### 1. MINUTES OF THE LAST MEETING

**RESOLVED** that the minutes of the meeting held on 24 June 2019, be agreed as a correct record.

### 2. CHAIRMAN INTRODUCTION

The Chairman welcomed everyone to the meeting and explained the running order.

### 3. ABSENCE OF MEMBERS

None.

### 4. DECLARATIONS OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

Councillor	Interest
Eve Greenspan	Councillor Eve Greenspan declared a pecuniary interest in agenda item 8 relating to Westhorpe Gardens and Mills Grove London NW4 2TU. She stated that she once lived next door to the site address and hoped to move into a flat near the location. Councillor Greenspan withdrew from the meeting for the duration of the item and did not take part in the consideration or decision-making process.
Brian Gordon	Councillor Brian Gordon declared a pecuniary interest in agenda item 6 relating to 143 Edgwarebury Lane HA8 8ND. He stated that the item was considered at the Hendon Area Planning Committee and informed Members that he was the Chairman. He stated that because of this he felt that he had predetermined the application. Councillor Gordon withdrew from the meeting for the duration of the item and did not take part in the consideration or decision-making process.
Nagus Narenthira	Councillor Nagus Narenthira declared a pecuniary interest in agenda item 6 relating to Colindale Station And 167 - 173 Colindale Avenue And Flats 1- 6 Agar House, Colindale

	<p>Avenue, NW9 5HJ &amp; 5HR. She stated that she had objected to the application during the consultation process and noted that her comments had been made prior to her becoming a member of the Planning Committee and therefore she confirmed that she had predetermined the item. Councillor Narenthira withdrew from the meeting for the duration of the item and did not take part in the consideration or decision-making process.</p>
--	---

**5. REPORT OF THE MONITORING OFFICER (IF ANY)**

None.

**6. ADDENDUM (IF APPLICABLE)**

Items contained within the agenda would be considered under individual agenda items.

**7. 143 EDGWAREBURY LANE**

Prior to the consideration of the item Councillor Gordon withdrew from the meeting as he had earlier in the meeting made a pecuniary declaration.

Before the item was considered Councillor Shooter and Councillor Greenspan questioned why this application was submitted to the Committee having been determined by the Hendon Area Committee. Mr Jimmy Walsh from Harrow Public Law noted that the Council’s Monitoring Officer ruled that the application be reheard by the Planning Committee for legal and constitutional reasons. Mr Walsh further added that reasons for consideration were highlighted within the Officer’s report.

Mr Fabien Gaudin from the Planning Service, Re introduced the report and the addendum to the report.

A verbal representation was made in objection by substitute speaker Mr Sunny Depala who spoke in objection on behalf on Mr Stephen Davies who was unable to attend the meeting. The applicate made a verbal representation in support of the application.

Members had the opportunity to question all speakers.

Having considered the report the Chairman moved the vote of the officers’ recommendation as illustrated and therefore:

**Resolved**

That the Planning Committee did note agree with the Officers recommendation to refuse the application.

Votes were recorded as follows:

For refusal - 4

Against refusal – 6

The Officers recommendation was lost. The Chairman then moved the following reasons to overturn the Officers recommendation and agree the application contrary to the Officers report, this was seconded by Councillor Eva Greenspan

- No harmful impact on the amenity of the adjoining neighbours.
- No demonstrable impact on the local streetscene and the character and appearance of the area.

The Chairman request that the above reasons for approval be voted on.

Votes were recorded as follows:

For approval with reasons - 6

Against approval – 4

*The Governance officer in attendance requested that a second vote be taken which is captured above as the first vote was not clear.*

#### **Resolved**

- **The Planning Committee Approved the application for the reason's provided above.**
- **That it be noted that this was contrary to the Officers report to refuse the application, therefore the Planning Committee overturned the Officer recommendations as contained in the report.**

## **8. COLINDALE UNDERGROUND STATION**

Prior to the consideration of the item Councillor Narenthira withdrew from the meeting as she had earlier in the meeting made a pecuniary declaration.

Mr Andrew Dillion from the Planning Service, Re introduced the report and the addendum to the report.

A verbal representation was made in objection by Mrs Julie Davies, Mr Aryeh Grosskopf and Ward Member, Councillor Gill Sargent. The applicate made a verbal representation in support of the application.

Members had the opportunity to question all speakers.

Having considered the report the Chairman moved the vote of the officers' recommendation as illustrated and therefore:

#### **Resolved**

- **That the Planning Committee Approved the application subject to conditions and informatives as recommended within the Officers report.**
- **That the Planning Committee Approved the following two additional conditions.**

- 1. No reserved matters application 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.*

- 2. 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 prior to first use. 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.*

Votes were recorded as follows:

For - 7

Against - 3

The Chairman noted that the decision was subject to approval by the Mayor of London.

## **9. WESTHORPE GARDENS AND MILLS GROVE LONDON NW4 2TU**

Prior to the consideration of the item Councillor Greenspan withdrew from the meeting as she had earlier in the meeting made a pecuniary declaration.

Mr Josh Mclean from the Planning Service, Re introduced the report and the addendum to the report.

A verbal representation was made in objection by Mrs Emily Benedek. Mr Dave Adams made a verbal representation in support of the application. The applicant's agent provided a verbal response.

Members had the opportunity to question all speakers.

Having considered the report the Chairman moved the vote of the officers' recommendation as illustrated and therefore:

### **Resolved**

**That the Planning Committee Approved the application subject to conditions and informative as recommended within the Officers report.**

Votes were recorded as follows:

For - 6

Against - 2

Abstain – 2

## **10. RE-DESIGNATION OF MILL HILL NEIGHBOURHOOD PLAN AREA AND FORUM**

Mr Nick Lynch from the Planning Service, Re introduced the report and the addendum to the report.

A verbal representation was made in objection by Mr Jonathan Klaff. The applicant Mr John Gillett made a verbal representation in support of the application.

Members had the opportunity to question all speakers.



Having considered the report the Chairman moved the vote of the officers' recommendation as illustrated and therefore:

The Planning Committee unanimously:

**Resolved:**

- a) Note the responses (as set out in Appendix 4) to the application for the redesignation of the Mill Hill Neighbourhood Plan Area and Forum;
- b) Note the content of the Mill Hill Neighbourhood Forum Constitution;
- c) Refuse the re-designation of the Mill Hill Neighbourhood Plan Area as shown edged black in Appendix 1 for the reason set out in this report;
- d) Refuse the re-designation of the Mill Hill Neighbourhood Plan Forum as set out in Appendix 2 for the reason set out in this report.

## **11. ARTICLE 4 DIRECTION**

Mr Nick Lynch from the Planning Service, Re introduced the report and the addendum to the report.

Having considered the report the Chairman moved to the vote and the Officer's recommendation as illustrated and therefore:

The Planning Committee unanimously:

**Resolved:**

- That Committee noted the responses to the consultation on the non-immediate Article 4 as set out in Appendix 6 Resolved
- That Committee approved confirmation of an Article 4 Direction withdrawing permitted development rights for changes of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) to a use falling within Class C3 (dwellinghouses) at the locations listed in Appendix 1.
- That Committee approved confirmation of an Article 4 Direction withdrawing permitted development rights for changes of use of a building and any land within its curtilage from Class B1(c) (light industrial) to Class C3 (dwellinghouses) at the locations listed in Appendix 2.
- That the Committee will consider reviewing the confirmation of an Article 4 Direction to withdraw permitted development rights for changes of use from storage and distribution (Use Class B8) to residential use (Use Class C3) should this permitted right be reintroduced in the future.

## **12. ANY ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT**

There was no urgent business.

The meeting finished at 21:40

This page is intentionally left blank

**LOCATION:** Phase 7 and 8, Millbrook Park (Former Inglis Barracks) NW7  
1PX

**REFERENCE:** 19/3092/RMA

**Received:** 30 May 2019  
**Accepted:** 30 May 2019  
**Expiry:** 29 August 2019

**WARD(S):** Mill Hill

**APPLICANT:** Poly UK

**PROPOSAL:** Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phases 7 and 8 of the Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 330 units in the form of 130 x 1 bedroom flats, 140 x 2 bedroom flats, 8 x 3 bedroom flats, 18 x 3 bedroom houses, 32 x 4 bedroom houses and 2 x 5 bedroom houses, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 70, 79, 80, 83 and 85

**RECOMMENDATION 1**

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

**RECOMMENDATION 2: Approve Subject to Conditions**

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

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

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

- MBP-AA-ALL-00-DR-A-0100-P1 – Site Location Plan
- MBP-AA-ALL-00-DR-A-0101-P1 – Existing Site Plan / Existing Block Plan
- MBP-AA-ALL-00-DR-A-0102-P1 – Existing Site Sections
- MBP-AA-ALL-00-DR-A-0200-P1 – Site Wide GA Plans Tier 0
- MBP-AA-ALL-01-DR-A-0201-P1 – Site Wide GA Plans Tier 1
- MBP-AA-ALL-02-DR-A-0202-P1 – Site Wide GA Plans Tier 2
- MBP-AA-ALL-03-DR-A-0203-P1 – Site Wide GA Plans Tier 3
- MBP-AA-ALL-04-DR-A-0204-P1 – Site Wide GA Plans Tier 4

MBP-AA-ALL-05-DR-A-0205-P1 – Site Wide GA Plans Tier 5  
MBP-AA-ALL-06-DR-A-0206-P1 – Site Wide GA Plans Tier 6  
MBP-AA-ALL-07-DR-A-0207-P1 – Site Wide GA Plans Tier 7  
MBP-AA-ALL-RP-DR-A-0208-P1 – GA Plans Roof Plan

MBP-AA-BLA-00-DR-A-0220-P1 – GA Plans Block A&B Ground Floor Plan  
MBP-AA-BLA-01-DR-A-0221-P1 – GA Plans Block A&B First Floor Plan  
MBP-AA-BLA-02-DR-A-0222-P1 – GA Plans Block A&B Second Floor Plan  
MBP-AA-BLA-03-DR-A-0223-P1 – GA Plans Block A&B Third Floor Plan  
MBP-AA-BLA-04-DR-A-0224-P1 – GA Plans Block A&B Fourth Floor Plan  
MBP-AA-BLA-05-DR-A-0225-P1 – GA Plans Block A&B Fifth Floor Plan  
MBP-AA-BLA-06-DR-A-0226-P1 – GA Plans Block A&B Sixth Plan  
MBP-AA-BLA-RP-DR-A-0227-P1 – GA Plans Block A&B Roof Plan  
MBP-AA-BLC-ZZ-DR-A-0230-P1 – GA Plans Block C All Floors  
MBP-AA-H3D-ZZ-DR-A-0244-P1 – GA House Type Elevations 3B House  
Type D  
MBP-AA-H3G-ZZ-DR-A-0247-P1 – GA House Type Elevations 3B House  
Type G (Affordable)  
MBP-AA-H3I-ZZ-DR-A-0249-P1 – GA House Type Elevations 3B House  
Type I (Interm.&Afford.)  
MBP-AA-H4C-ZZ-DR-A-0243-P1 – GA House Type Elevations 4B House  
Type C  
MBP-AA-H4H-ZZ-DR-A-0248-P1 – GA House Type Elevations 4B House  
Type H (Affordable)  
MBP-AA-H4J-ZZ-DR-A-0250-P1 – GA House Type Elevations 4B House  
Type J  
MBP-AA-H4K-ZZ-DR-A-0251-P1 – GA House Type Elevations 4B House  
Type K  
MBP-AA-H4L-ZZ-DR-A-0252-P1 – GA House Type Elevations 4B House  
Type L  
MBP-AA-H5F-ZZ-DR-A-0246-P1 – GA House Type Elevations 5B House  
Type F  
MBP-AA-ALL-ZZ-DR-A-0301-P1 – GA Building Sections Site Sections 1-1 to  
5-5  
MBP-AA-ALL-ZZ-DR-A-0302-P1 – GA Building Sections Site Sections 6-6 to  
10-10  
MBP-AA-ALL-ZZ-DR-A-0321-P1 – Ladder Sections / Bay Elevation 1  
MBP-AA-ALL-ZZ-DR-A-0322-P1 – Ladder Sections / Bay Elevation 2 + 3  
MBP-AA-ALL-ZZ-DR-A-0323-P1 – Ladder Sections / Bay Elevation 4  
MBP-AA-ALL-ZZ-DR-A-0411-P1 – GA Building Elevations / Sections  
Building A – Sheet 1  
MBP-AA-ALL-ZZ-DR-A-0412-P1 – GA Building Elevations / Sections  
Building A – Sheet 2  
MBP-AA-ALL-ZZ-DR-A-0413-P1 – GA Building Elevations / Sections  
Building B – Sheet 1  
MBP-AA-ALL-ZZ-DR-A-0414-P1 – GA Building Elevations / Sections  
Building B – Sheet 2  
MBP-AA-ALL-ZZ-DR-A-0421-P1 – GA Building Elevations Block C  
(Affordable)  
MBP-AA-ALL-ZZ-DR-A-0422-P1 – GA Building Elevations/ Sections Block C  
(Affordable)

MBP-AE-ALL-ZZ-DR-L-1000-P1 – Landscape Masterplan  
MBP-AE-ALL-ZZ-DR-L-1001-P1 – GA1 – Sheet 1 of 5  
MBP-AE-ALL-ZZ-DR-L-1002-P1 – GA2 – Sheet 2 of 5  
MBP-AE-ALL-ZZ-DR-L-1003-P1 – GA3 – Sheet 3 of 5  
MBP-AE-ALL-ZZ-DR-L-1004-P1 – GA4 – Sheet 4 of 5  
MBP-AE-ALL-ZZ-DR-L-1005-P1 – GA 5 – Sheet 5 of 5  
A3203 700 – Proposed Area Schedule

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 CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

3. Before the relevant plot of the development hereby permitted is occupied the associated car parking space(s) shown on the plans hereby approved shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

*Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with 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.*

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

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

5. Before the relevant plot of the development hereby permitted is occupied the associated cycle parking and cycle storage facilities shall be installed in accordance with the approved plans and such spaces shall be permanently retained thereafter.

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 and Policy DM17 of Development Management Policies (Adopted) September 2012.

6. No above ground construction shall be undertaken until details of materials to be used for the external surfaces of the buildings and hard surfaced areas, including samples of these materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To safeguard the visual amenities of the locality in accordance with Policies CS5 of the Core Strategy (2012) and DM01 of the Development Management Policies (2012).

7. The development shall accord with the provisions contained within the submitted Construction Environmental Management Plan, dated January 2019, except as otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties 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 polices 5.3, 5.18, 7.14 and 7.15 of the London Plan 2016.

8. A crime prevention strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

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).

### **INFORMATIVE(S):**

1. The applicant is reminded that the conditions and planning controls in the outline permission H/04017/09 for the Mill Hill East Development dated 22/09/2011 are still relevant and must be complied with. There are also conditions that require to be discharged prior to the occupation of the development.

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

3. Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The 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 below.

“An overarching recommendation is to follow *BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations* and that in the interest of Bio- security, 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.”

## **1. BACKGROUND TO THE CURRENT APPLICATION**

### **1.1 The Mill Hill East Area Action Plan**

Mill Hill East is designated as an Area of Intensification in the London Plan (2011) and as a key growth area in the Barnet Core Strategy (2012). The area covered by this designation includes the former Inglis Barracks; Mill Hill East station; International Bible Students Association (IBSA House); the Council Depot and recycling centre; Bittacy Court; the Scout Camp and former Mill Hill Gas Works (the area now centred around Lidbury Square).

The area was first highlighted as an area which could be redeveloped in the London Plan in 2004. This is primarily as a result of Project MoDEL (Ministry of Defence Estates London) which involves the consolidation and sale of surplus MoD properties around London. The activities from Inglis Barracks were transferred to RAF Northolt and the base vacated in 2008 thereby providing an opportunity for redevelopment. The Council recognised that Mill Hill East was an area where more detailed policies were required to guide future development and in 2009 adopted an Area Action Plan (AAP) which covered an area of 48 hectares focused primarily on the former Inglis Barracks site. The aim of the AAP is to seek to ensure that development takes place in a balanced and coordinated manner by setting out a comprehensive framework to guide the delivery of housing, employment, leisure and associated community facilities, infrastructure, transport initiatives and environmental protection and enhancement.

A partnership comprising of a number of the key landowners and developers (the Inglis Consortium) prepared and submitted the outline application in 2009 for the comprehensive redevelopment of most of the area covered by the AAP.

### **1.2 The outline planning permission**

In September 2011 outline planning permission was granted for the redevelopment of Mill Hill East regeneration site (now also known as Millbrook Park). This site covers an area of approximately 33.6 hectares (83 acres) and is located within the Mill Hill ward. The site is bounded to the east by Frith Lane, to the north by Partingdale Lane and to the west by Bittacy Hill (B552). Bittacy Business Park is immediately to the south of the site and Mill Hill East Underground station (Northern Line) lies to the

south west.

The site is divided into a number of Development Land Parcels (DLP) or otherwise known as phases. Following approval of the site wide pre-commencement requirements, reserved matters applications will be brought forward for all detailed elements of the development, which would deal with all matters not fully addressed within the outline consent – the ‘reserved matters’ (layout, design, appearance and landscaping). This is controlled by Condition 5 of the outline permission (ref H/04017/09, dated 22<sup>nd</sup> September 2011).

The current application concerns the development by Poly UK of Phase 7 and 8 of the outline consent, located in the central part of the site within the Central Slopes and Southern Hub character areas. The application site extends to 2.6ha and is north of the central park; south of Phase 5 (Joseph Homes); west of Phase 1 (Countryside); and east of Phase 2 (Linden Homes) and the existing properties on Bray Road.

In addition to the plan drawings submitted, the following information was also submitted in support of the application and forms the supporting information:

- Plot/Development Schedule;
- Affordable Housing Scheme;
- Construction Management Plan;
- Drainage and Foul Sewage Statement;
- Energy Statement;
- Ecological Appraisal;
- Planning Statement;
- Sustainability Statement and Code for Sustainable Homes Pre-Assessment; and
- Design and Access Statement (incl. Landscape Details).

## **2. MATERIAL CONSIDERATIONS**

### **2.1 Key Relevant Planning Policy**

National Planning Policy Guidance / Statements: The National Planning Policy Framework (NPPF) 2019

The 2019 NPPF was adopted in February 2019, replacing the 2018 NPPF. 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 2016 (Jan 2017 fix)

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

The London Plan policies most relevant to the determination of this application are as follows:

2.13 (Opportunity Areas and Intensification Areas), 3.3 (Increasing Housing Supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.7 (Large Residential Development), 3.8 (Housing Choice), 3.9 (Mixed and balanced communities),  
3.12 (Negotiating affordable housing on individual private residential and mixed use schemes), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.11 (Green roofs and development site environs),  
5.12 (Flood risk management), 5.13 (Sustainable drainage), 5.14 (Water quality and wastewater infrastructure), 5.21 (Contaminated land), 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's neighbourhoods and communities), 7.2 (An inclusive environment), 7.3 (Designing out crime), 7.4 (Local character), 7.5 (Public Realm), 7.6 (Architecture), 7.8 (Heritage Assets and Archaeology), 7.15 (Reducing noise and enhancing soundscapes), 7.19 (Biodiversity and Access to Nature), 7.21 (Trees and Woodlands).

## Draft Replacement London Plan 2017

The Draft London Plan (DLP) with minor Suggested Changes published 13 August 2018 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.

Whilst capable of being a material consideration, at this stage some weight should be attached to the Draft London Plan following the examination stage and beyond. However, applications should continue to be determined in accordance with the 2016 London Plan as the current development plan.

## Core Strategy (Adoption version) 2012

### Development Management Policies (Adoption version) 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Relevant Core Strategy Policies: CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development), CS4 (Providing Quality Homes and Housing Choice in Barnet), CS5 (Protecting and Enhancing Barnet's Character to Create High Quality Places), CS7 (Enhancing and Protecting Barnet's Open

Spaces), CS9 (Providing safe, effective and efficient travel), CS12 (Making Barnet a Safer Place), CS13 (Ensuring the Efficient Use of Natural Resources), CS14 (Dealing with Waste).

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Relevant Development Management DPD Policies: DM01 (Protecting Barnet's Character and Amenity), DM02 (Development Standards), DM03 (Accessibility and Inclusive Design), DM04 (Environmental Considerations), DM06 (Barnet's Heritage and Conservation), DM08 (Ensuring a variety of sizes of new homes to meet housing Need), DM16 (Biodiversity), DM17 (Travel Impact and Parking Standards).

#### Mill Hill East Area Action Plan (AAP) 2009

The Mill Hill East Area Action Plan (AAP) was adopted by the Council in 2009 and forms part of Barnet's Local Plan containing policies relevant to the determination of planning applications in the area. The AAP forms a material consideration in the determination of Planning Applications in this area.

The relevant policies for the consideration of this application are: MHE2 (Housing), MHE6, MHE10 (Making the Right Connections), MHE12 (Sustainable Transport), MHE13 (Parking), MHE14 (Creating a Sustainable Development), MHE15 (Design), MHE16 (Delivering Design Quality), MHE17 (Conserving Built Heritage), MHE18 (Delivering the AAP).

#### Approved Design Code

The approved Design Code pursuant to Condition 4 of the outline consent (ref H/04565/11, 21<sup>st</sup> Dec 2011) also sets out the guidelines for how the site, its neighbourhoods, open spaces and key amenities could be designed and built. It informs the formulation of individual reserved matter applications related to specific phases of development. Site-wide or phase related reserved matters must be in compliance with the agreed Design Code unless satisfactorily justified and this will be assessed in detail below.

## 2.2 Relevant Planning History

Application	H/04017/09
Case Officer:	Jo Dowling
Proposal:	Outline application for the comprehensive redevelopment of the site for residential led mixed use development involving the demolition of all existing buildings (excluding the former officers mess) and ground re-profiling works, to provide 2,174 dwellings, a primary school, GP Surgery, 1,100sqm of 'High Street' (A1/2/3/4/5) uses, 3,470sqm of employment (B1) uses, a district energy centre (Sui Generis) and associated open space, means of access, car parking and infrastructure (with all matters reserved other than
Stat Start Date	30/10/2009
Application Type	Outline Application
Decision	Granted
Decision Date	22/09/2011

Application Reference:	H/04655/11
Case Officer:	Colin Leadbeatter
Proposal:	Demolition of existing buildings within the curtilage of the Millbrook Park development (formerly Inglis Barracks) as approved under outline application reference H/04017/09 (Approved September 2011)
Stat Start Date	12/11/2011
Application Type	Prior Notification (Demolition)
Decision	Granted
Decision Date	20/12/2011

Application	H/03548/12
Case Officer:	Thomas Wyld
Proposal:	Reserved matters application seeking approval of Appearance, Landscaping, Layout and Scale in relation to Phase 1a for the erection of 58 houses comprising 39 x 3 bed houses and 19 x 4 bed houses at 'Millbrook Park' (Inglis Barracks) submitted to meet the requirements of Condition 5 of outline planning application H/04017/09 dated 22/10/09
Stat Start Date	17/09/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	31/01/2013

Application	H/03904/12
Case Officer:	Wing Lau
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 2 of Mill Hill East development pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 103 dwellings comprising 3 x one bed flats, 20 x two bed flats, 45 x 3 bed houses, 25 x four bed houses and 10 x five bed houses. Approval of layout and landscaping works to Phase 2 public open space (OS2), together with details to discharge the requirements of: Conditions 12 (relating to Plot L only); 57 (relating to plots within Phase 2 only); and
Stat Start Date	08/10/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	28/03/2013

Application	H/04080/12
Case Officer:	Wing Lau
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 1 of Mill Hill East development (Millbrook Park) pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 133 residential dwellings comprising 31 x one bed flats, 61 x two bed flats, 14 x three bed houses and 27 x four bed houses, including associated infrastructure, access roads, car parking, landscaping and approval of layout and landscaping works to Phase 1 public open space OS5, together with details to discharge the requirements of conditions 9, 12, 22
Stat Start Date	29/10/2012
Application Type	Reserved Matters
Decision	Granted
Decision Date	29/04/2013

Application	H/04386/12
Case Officer:	Kevin Waters
Proposal:	Construction of a three-storey primary school (3 forms of entry) with nursery, community facilities and associated works and landscaping, including staff parking, hard play and sports games area, retaining walls, drainage attenuation measures and provision of a temporary drop
Stat Start Date	10/12/2012
Application Type	Full Planning Application
Decision	Granted
Decision Date	22/04/2013

Application	H/03860/13
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 3 of Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 138 units 7 x 5 bedroom houses, 41 x 4 bedroom houses, 47 x 3 bedroom houses, 26 x 2 bedroom apartments and 17 x 1 bedroom apartments together with details to discharge the requirements of: Conditions 5 (Reserved matter details), 8 (Affordable housing), 12 (Noise Survey along Boundary with IBSA House), 26(Access points), 27 (Details of Estate Roads), 29(Internal access roads), 35 (Petrol/oil interceptors), 48(Open space), 52 (Children's playing space), 57 (Boundary treatment/buffer), 70 (Home standards), 80
Stat Start Date	28/08/2013
Application Type	Reserved Matters
Decision	Granted
Decision Date	12/11/2013

Application	H/00065/14
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 3a of Mill Hill East development involving the erection of 92 dwellings comprising 27 x 1 bed flats, 42 x 2 bed flats, 13 x 3 bed houses and 10 x 4 bed houses to meet the requirements of Condition 5 of outline planning application H/04017/09 dated 22 September 2011.
Stat Start Date	23/01/2014
Application Type	Reserved Matters
Decision	Granted
Decision Date	20/03/2014

Application	15/01546/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4a of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 114 units 6 x 5 bedroom houses, 37 x 4 bedroom houses, 12 x 3 bedroom houses, 50 x 2 bedroom apartments and 9 x 1 bedroom apartments together with details to discharge the requirements of: Conditions 5 (Reserved matter details), 8 (Affordable housing), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 32 (Shared Footways/ Cycleways), 35 (Petrol/oil interceptors), 48 (Open space), 52 (Children's playing space), 69 (Noise
Stat Start Date	20/03/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	25/06/2015

Application	15/03305/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 6a of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated 22/9/11, involving the erection of a three storey B1 light industrial building providing 2,935m2 of gross internal floor area together with associated access, car parking and landscaping together with details to discharge the requirements of: Condition 5 (Reserved matter details), 5b (Advanced infrastructure works), 26 (Access points), 27 (Details of estate roads), 30 (Existing adopted
Stat Start Date	29/05/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	24/09/2015

Application	15/06898/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4c of the Mill Hill East development pursuant to permission reference H/04017/09 dated: 22/9/2011, involving the erection of 89 units consisting of 12 x 1 bedroom apartments, 24 x 2 bedroom apartments, 16 x 3 bedroom houses, 24 x 4 bedroom houses, 13 x 5 bedroom houses together with details to discharge the requirements of: Conditions 5 (Reserved matter details), 8 (Affordable housing), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 32 (Shared Footways/ Cycleways), 35 (Petrol/oil interceptors), 48 (Open space), 52 (Children's playing space), 69 (Noise from Plant), 70 (Homes standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs).
Stat Start Date	11/11/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	10/03/2016

Application	15/06417/OUT
Case Officer:	Andrew Dillon
Proposal:	Outline planning application for up to 66 residential units, 700 sqm of B1 floorspace, 630 sqm energy centre (CHP) and associated car parking and landscaping.
Stat Start Date	19/10/2015
Application Type	Reserved Matters
Decision	Granted
Decision Date	13/05/2016

Application	16/3111/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4b of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 188 units in the form of 80 x 1 bedroom flats, 89 x 2 bedroom flats, 12 x 3 bedroom flats, 3 x 3 bedroom houses and 4 x 4 bedroom houses, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 58,63, 69, 70, 80, 83 and 85
Stat Start Date	3/05/2016
Application Type	Reserved Matters
Decision	Granted
Decision Date	03/08/2016

Application	17/3304/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 5 of the Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 144 units in the form of 38 x 1 bedroom flats, 17 x 3 bedroom flats, x 17 x 3 bedroom houses and 16 x 4 bedroom houses, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 58, 63, 69, 70, 80, 83 and 85.
Stat Start Date	25/05/2017
Application Type	Reserved Matters
Decision	Granted
Decision Date	25/09/2017

Application	17/7662/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phases 9a and 9b of the Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 355 units in the form of 145 x 1 bedroom flats, 191 x 2 bedroom flats, 9 x 3 bedroom flats, 6 x 3 bedroom houses and 4 x 4 bedroom houses, the provision of 400 sq.m of A1 retail space, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 49, 52, 69, 70, 76, 80, 81, 83 and 85
Stat Start Date	4/12/2017
Application Type	Reserved Matters
Decision	Granted
Decision Date	23/02/2018

Application	18/0635/RMA
Case Officer:	Andrew Dillon



Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 4c of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 89 units consisting of 12 x 1 bedroom apartments, 24 x 2 bedroom apartments, 16 x 3 bedroom houses, 24 x 4 bedroom houses, 13 x 5 bedroom houses together with details to discharge the requirements of: Conditions 5 (Reserved matter details), 8 (Affordable housing), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 32 (Shared Footways/ Cycleways), 35 (Petrol/oil interceptors), 48 (Open space), 52 (Children's playing space), 69 (Noise
Stat Start Date	30/01/2018
Application Type	Reserved Matters
Decision	Granted
Decision Date	03/04/2018

Application	18/2891/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 10 of the Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 110 units in the form of 35 x 1 bedroom flats, 59 x 2 bedroom flats and 16 x 3 bedroom houses, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 70, 79, 80, 83 and 85.
Stat Start Date	14/05/2018
Application Type	Reserved Matters
Decision	Granted
Decision Date	02/08/2018

Application	18/6351/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phases 6 and 6b of Millbrook Park (Mill Hill East) pursuant to outline planning permission reference H/04017/09
Stat Start Date	06/11/2018
Application Type	Reserved Matters
Decision	Granted
Decision Date	05/02/2019

Application	18/6351/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phases 6 and 6b of Millbrook Park (Mill Hill East) pursuant to outline planning permission reference H/04017/09
Stat Start Date	06/11/2018
Application Type	Reserved Matters
Decision	Granted
Decision Date	05/02/2019

Application	18/6352/RMA
Case Officer:	Andrew Dillon
Proposal:	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 6 of the Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 310 units in the form of 11 x 1 bedroom flats, 184 x 2 bedroom flats and 15 x 3 bedroom flats, the provision of 700 sq.m of Commercial Space, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 70, 80, 83, and 85.
Stat Start Date	06/11/2018
Application Type	Reserved Matters
Decision	Granted
Decision Date	13/03/2019

Application	18/6640/FUL
Case Officer:	Andrew Dillon
Proposal:	Full Planning Permission for the erection of 2 linked buildings ranging from 5-6 storeys in height comprising 87 residential units (Use Class C3), 700 sqm (GIA) of employment space (Use Class B1), together with associated plant, car parking, cycle parking, refuse stores, servicing areas and associated hard and soft landscaping
Stat Start Date	07/11/2018
Application Type	Full
Decision	Refused
Decision Date	23/07/2019

### **2.3 Consultations and Views Expressed**

## Public Consultation

Neighbours Consulted: 576

Replies: 13

Correspondence has been received from 13 members of the public of which 12 are in objection and 1 is in support.

### **Support**

The letter of support concerns the following:

Support for the plans and the well thought out layout in terms of positioning of flats and houses and with the inclusion of lots of green space and footpaths. The unit make-up and design fits the area nicely and echoes surrounding flats/houses built in existing phases.

### **Objections**

Objections concern the following reasons:

#### Transport

Vehicles have to park dangerously due to increased population and a lack of off-road parking, and the area is becoming more congested. There is also a lack of visitor parking. Public transport is stretched, basic and irregular and infrastructure needs updating. HGVs cause increased traffic, noise and air pollution. There is a lack of access and capacity in Mill Hill East tube station and services should be more regular.

#### Overdevelopment

The area is becoming overcrowded due to the large volume of new builds, creating noise and air pollution. Overbuilding will negatively impact the quality of life of existing residents and property values. The area is becoming more like central London than Barnet. Additional units will alter the characteristics of the neighbourhood, which is desirable due to the open spaces.

#### Green Space

The site should be used to create green landscape to avoid a concrete jungle effect and the proposed spaces are not scenic. The whole area needs more green spaces to be more in keeping with the area.

#### Views

More buildings will obstruct views of famous monuments.

#### Services

There is only one GP and one supermarket; the local area is not meeting the needs of existing residents not to mention the additional numbers proposed. There are no provisions for facilities for residents such as cafes, shops, leisure facilities or play areas. There is already a shortage of secondary school places.

#### Officer Comment

All comments have been taken into account in the determination of the planning application and are addressed in the officer report below. The application is for

reserved matters approval and the principle of the development including the number of residential units and the quantity of car parking has already been established under the original outline approval. The application includes public open space although this is not required under the outline permission.

## Residents Associations and Amenity Groups

### Mill Hill Preservation Society

**1.0 Introduction:** The committee of the Mill Hill Preservation Society (MHPS) have examined the application on the LBB planning website; we have met the developers design team in committee in December 2018 (details of which are included in the planning documents) and received details of their final submission on CD. In view of the large number of documents to be reviewed in such a relatively short space of time, we have commented based on our general experience with the project and Millbrook Park – rather than on detailed clauses in all the documents.

**2.0 Society Comments December 2018:** Generally our committee received the scheme well when it was reviewed in committee but with some reservations. The effectiveness of the swales along the western boundary was questioned given the level changes, and whether they would hold water for any length of time. The choice of materials was generally supported but the Society did not like the choice of large areas with a dark brick. The integration of green spaces and walkways was encouraged so that circulation spaces could be linked by ‘green corridors’ - but there was concern about the lack of a ‘green’ route up to Panoramic Park on the eastern boundary.

**3.0 Density, Building Heights & Car Parking:** It is clear from examining the submission that the Design Guide for the phases has been followed and developed - with the benefit of the two phases being considered as one. The density, building heights and car parking standards set down in the brief generally have been met. Furthermore the points the Society raised seem to have been addressed with the exception of the lack of a ‘green’ route up to Panoramic Park on the eastern boundary.

On this point we would suggest the scheme is not ‘gated’ and that public access is available up to the ‘village green’. We see a real opportunity to link Central Community Park, through the development to the new ‘village green’ and then on via a new green walkway at the eastern boundary leading up to Panoramic Park. There is a small walkway shown up through the housing that comes out opposite the corner of phase five, but this is not a wide landscaped walk. It is a missed opportunity.

The Design Guide shows various ‘Landmark Buildings’ that are meant to give modulation to the built form. These seem to have been ignored and the resulting design suffers from the omission, being somewhat monotonous without subtle emphasis. This is especially so in the north-west corner.

The Society commented originally on the extensive use of a dark brick on the lower density housing units. On the current scheme the use of dark brick is much more controlled and is more acceptable than that first proposed.

**In conclusion:** The Society concludes that this is a reasonable proposal and will contribute to the Millbrook Park development. We would, of course, appreciate it if our comments could be taken into consideration and the design changed accordingly. We trust the planning officer, when preparing his report for the Council Planning Committee, will include our observations. We do not object to the overall proposal.

#### Internal /external and Other Consultations:

##### Transport for London

Thanks for consulting TfL, TfL is beneficiary under s106 for improvements for Mill Hill East station, as well funding for buses. Can you provide TfL a update on this aspect?

I note as part of this phases, the applicant is proposing 490 cycle spaces in accord with s106. TfL requests the applicant is asked if they are willing to meet current draft London Plan, which would be 595 long stay, and 9 short stay spaces.

We note that as part of s106, provision of 370 space would be required but the applicant is proposing 386.

Applying current draft London Plan Car parking (PTAL 3, Outer London) the maximum provision would be 165 spaces. In Barnet's evidence to London Plan Examination in Public you supported applying this standard in areas of PTAL 3 up to 3 bed. Therefore, TfL would recommend applying 0.75 standard to the flats.

The reason TfL is asking for car parking constraint is to both ensure this development is closer aligned to emerging car parking, as well to help support the Mayor's Transport Strategy which seeks mode shift from car use to public transport and active travel modes.

TfL would recommend the applicant reviews the design against Healthy Streets indicators: <https://tfl.gov.uk/corporate/about-tfl/how-we-work/planning-for-the-future/healthy-streets>

Subject to clarification on all of the above, TfL has no objection to this application.

##### Officer Comment

The level of car parking was established at the outline consent and it is unreasonable to restrict car parking levels to draft London Plan Standards.

##### Transport for London Infrastructure protection

No objections.

##### Thames Water

###### 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 have contacted the developer in an attempt to agree a

position for foul water networks but have been unable to do so in the time available and as such 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](http://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.

#### 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.

#### English Heritage Archaeology

No objections

#### Drainage

No comments on proposals.

#### Highways

No comments received.

#### Tree Officer

No Objections subject to appropriate landscaping conditions.

#### Scientific Services

No Objections.

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

#### **3.1 Site Description and Surroundings**

Site in relation to the outline consent:

The current application concerns the development by Poly UK of Phase 7 and 8 of the outline consent, located in the central part of the site within the Central Slopes and Southern Hub character areas. The application site extends to 2.6ha and is north of the central park; south of Phase 5 (Joseph Homes); west of Phase 1 (Countryside); and east of Phase 2 (Linden Homes) and the existing properties on Bray Road.

The Design Code advises that with the Central Slope and Southern Hub Zones should be the character areas for higher density housing with heights ranging from 4 to 6 storeys.

### **3.2 Description of Proposal**

The proposal is to seek approval of matters reserved under outline planning consent ref H/04017/09 (layout, scale, appearance and landscaping) to redevelop the site for residential development comprising of the following:

The proposals would be for a mix of 1, 2 and 3 bedroom flats and 3, 4 and 5 bedroom houses providing a total of 330 dwellings as follows:

	Private	Intermediate	Rent	Total
1 bed flat	118	6	6	130
2 bed flat	113	12	15	140
3 bed flat	0	0	8	8
3 bed house	10	0	8	18
4 bed house	30	0	2	32
5 Bed House	2	0	0	2
<b>Total</b>	<b>271</b>	<b>20</b>	<b>39</b>	<b>330</b>

The proposed properties are in the form of apartments (Plot V) in Phase 8 to the south, ranging from 3-6 storeys; and apartments and houses (Plot S2) and Houses (Plot T) ranging from 2-4 storeys in Phase 7.

#### Discharging of conditions:

This application also involves the partial discharging of a number of planning conditions attached to the outline consent that require information to be submitted for each phase of the development. Those conditions that are to be approved in relation to Phases 7 & 8 are as follows:

- 5 – Reserved Matters Details

Sets out the submission requirements for submission accompanying each reserved matter application.

- 8 – Housing Mix and Location of Affordable Housing Units

This requires prior to commencement of the development details of the proposed amount and mix of relevant residential development within that Phase and the proposed Affordable Housing Scheme to be submitted and approved.

- Condition 26 – Pedestrian and Vehicular Access Points

This requires details of access points, estate roads and footways to be submitted and approved.

- Condition 27 – Details of Estate Roads

This requires details of lighting, pedestrian facilities, crossing points, cycle facilities, signing, bus stops/shelters, bus standing/layover facility, bus driver facilities, highway improvements and estate road layout and gradient.

- Condition 29 – Internal Access Roads



This requires the construction of the highway intended to serve that dwelling before any dwelling is occupied within any phase of development (scheme to be approved by the LPA).

- Condition 32 – Shared Footways/ Cycleways

This requires the construction of the highway intended to serve that dwelling before any dwelling is occupied within any phase of development (scheme to be approved by the LPA).

- Condition 35 – Petrol/ oil interceptors

This requires details of petrol/ oil interceptors or justification concerning why this is not required.

- Condition 48 – Design of Open Space

This requires details on the construction of any communal open space and should be in accordance with the principles and parameters contained within Parameter Plan 2, Landscape (A6157/2.1/04) and the Revised Public Realm and Open Space Strategy (MHE/OPA/5.1).

- Condition 52 – Children’s Play Space

This requires details of children’s play areas to be submitted and approved and shall be provided within 12 months of the first occupation of any dwelling located within that phase.

- Condition 70 – Design to Lifetime Homes Standards & Wheelchair Standards

This condition requires all residential units to be built in accordance with Lifetime Homes Standards. Furthermore 10% of the units shall be designed to be fully wheelchair accessible.

- Condition 80 – Code for Sustainable Homes

A statement to be submitted to demonstrate measures incorporated to achieve a minimum standard of Code for Sustainable Homes Level 4 (with a minimum level of Code Level 6) by 2016.

- Condition 83 – Greywater/Rainwater Recycling Provision

This requires details demonstrating the incorporation of either rainwater or grey water recycling facilities into each of the buildings to be submitted and approved.

- Condition 85 – Green/Brown Roofs Provision

This requires details to demonstrate the provision of Green or Brown roofs into each of the buildings to be submitted. Details shall also include a reconciliation plan or table showing how the proposed provision complies with the 10% target fixed by condition 84.

#### **4. PLANNING CONSIDERATIONS**

##### **4.1 The Principle of Development**

The principle of constructing 330 residential is established by the outline planning consent. Condition 5 (Reserved Matters Details) seeks details (layout, scale, landscaping and appearance) to be submitted to and approved by the Local Planning Authority (LPA) prior to the commencement of development.

The reserved matters currently under consideration are:

**Scale** – the height, width and length of each building proposed in relation to its surroundings.

**Layout** – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.

**Appearance** – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.

**Landscaping** – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

**Access** – The internal road layout was established at outline stage. This current application shows roads in the same location in compliance with the outline parameters for access, although the road through the middle of phases 9a & 9b has been altered to a pedestrian route only and will not be accessible to motor vehicles.

The outline planning permission consists of a series of parameter plans which establish a series of parameters and principles to create a clear framework of planning control and fix the quantum of development, land uses, levels and access arrangements.

The key parameter plans of relevance to the consideration of this application are:

- **Parameter Plan 1: Access and Movement**  
Establishes the main vehicular and pedestrian access points and vehicular movement hierarchy.
- **Parameter Plan 2: Landscape**  
Establishes the location and extent of areas of public open space.
- **Parameter Plan 3: Land use**  
Establishes the location and distribution of land uses and open spaces.
- **Parameter Plan 4: Scale**  
Establishes the maximum height permissible across the whole Millbrook Park site.
- **Parameter Plan 5: Character Areas**  
Establishes the extent and disposition of the strategic character areas.
- **Parameter Plan 6: Levels Strategy**  
Establishes the proposed spot levels at street junctions and maximum permissible gradients along each of the streets.

In order to support the detail contained within the parameter plans the outline consent has a number of additional documents that form a 'strategic development framework' in accordance with the requirements of Policy MHE18 of the AAP. The 'framework' establishes a series of development principles that will be used to guide detailed elements and the preparation of reserved matter applications. Of relevance to the consideration of this application are the following documents:

- Design Principles Document;
- Phasing and Delivery Strategy
- Technical/Infrastructure Strategy
- Revised Public Realm and Open Space Strategy
- Technical and Infrastructure Strategy
- Revised Phasing and Delivery Strategy

### Design Code

In addition to the above a site wide design code has been approved in the clearance of condition 4 of the outline application and forms the guide to the assessment of reserved matters applications. This reserved matters application for Phases 7 & 8 is therefore considered within the framework of established broad development principles, Parameter Plans, and a detailed design code.

The applicant has submitted a statement of compliance with this application to describe the proposed development and demonstrates general compliance with the outline planning permission. There are some areas where the application does not conform and the applicant has provided justification for any deviations. These are explained in the sections below.

## **4.2 Amount of Development**

### Housing

The amount and mix of development for 330 dwellings in Phases 7 & 8 is in line with the outline consent, the latest approved phasing plan and the s.106 schedule of accommodation. 59 units are to be affordable dwellings consisting of 39 properties for social rent (6 x 1 bed flats, 15 x 2 bed flats, 8 x 3 bed flats, 8 x 3 bed houses and 2 x 4 bed houses) and 20 intermediate properties (6 x 1 bed flats, 12 x 2 bed flats and 2 x 2 bed houses) with the rest of the development to be private sale properties.

The proposal accords with the baseline tenure mix required under the S106 and accords with the latest agreed site wide phasing plan. Condition 8 (Housing Mix and Location of Affordable Housing Units) of the outline consent requires the submission of details of affordable housing, and the proposed submission is considered to accord with this requirement.

The proposed distribution of units within the phase (at a plot-by-plot level) does vary from the approved site wide unit mix a set out in Table A61557.1v14. These changes are as follows:

Plot		1BF	2BF	3BF	3BH	4BH	5BH	Total
Plot S2	Approved	31	34	0	5	12	1	83
	Proposed	6	15	8	0	0	0	29
Plot T	Approved	31	34	0	5	12	1	83
	Proposed	0	0	0	18	32	2	52
Plot V	Approved	68	72	8	8	8	0	164
	Proposed	124	125	0	0	0	0	249
Total	Approved	130	140	8	18	32	2	330
	Proposed	130	140	8	18	32	2	330

The above redistribution does not alter the total number of units either private or affordable proposed in this phase. Similar redistributions have occurred in the majority of other phases and in principle are considered acceptable subject to design and neighbouring amenity issues discussed below.

### 4.3 Scale

Parameter Plan 4 (Scale) sets out the maximum permissible dimensional height and maximum level of storeys throughout the wider Millbrook Park Development. In relation to Phases 7 & 8 the approved storey heights range between 4 and 6 storeys.

Plot	Approved Building Dimensions (Minimum-Maximum)			Approved Maximum Building Height (storeys)
	Width	Length	Height (to ridge)	
Plot S2	6-15m	5-85m	7-19m	4
Plot T	6-15m	5-85m	7-19m	4
Plot V	6-17m	25-150m	9-20m	4 storeys on the north, eastern and western boundaries and 6 storeys on the south.

## Height

As a result of changes in levels, all the buildings have been designed to minimise breaches to maximum building heights, as specified above. It is noted that whilst the maximum storey height is 6 storeys in Phase 8 there are instances of 3 and 4 storey buildings. Similarly with Phase 7 the maximum storey height is 4 storeys, but the scheme has a significant proportion of 2 and 3 storey buildings. A designed approach has been taken to the distribution of height across the Phases. As such, the scheme includes the following minor breaches to height to Phase 8 only:

- Plot V (Phase 8) allows for Part 4 storeys (north)/part 6 storeys (south) or Block V (Phase 8). The proposed scheme seeks a minor deviation with the inclusion of a 6 storey element and three 5 storey elements within the northern part of the Phase.

No heights exceed the maximum six storeys identified by the Parameter Plans.

All buildings within Plot V (Phase 8) remain within the 20m height parameter.

Plot S2 and T (Phase 7) allows for a maximum of 4 storeys (19m in height). The proposed scheme is compliant with these parameters.

This minor breach in storey height on Phase 8 is due to a re-distribution of the mass to allow for a lower mass in Phase 7 along with the incorporation of a new public open space. It is noted that this public open space is not a requirement of the reserved matters application and therefore is a significant benefit to the scheme as a result of the distribution of the mass. Therefore, these minor deviations are non-material in the context of the overall development.

The Planning Authority is able to use its discretion to approve minor breaches to approved parameter plans where justified, in this particular instance the changes to

Plot V do not raise any significant planning issues due to their location. As such it is not considered that this departure would result in any significant increased impact over and above the approved parameters. Therefore in principle this is acceptable.

### Width

The Parameter Plans makes allowances for building widths of between 6-15m in Phase 7 and 6-17m in Phase 8.

Whilst the width parameters have been followed for most of the buildings, some deviations should be noted. This is predominantly due to the layout of the blocks that have been adopted (i.e. pavilions rather than long buildings). The proposed buildings (Blocks A and B) range between 17-20m wide on Phase 8, and the apartment Block (Block C) is 17m wide on Phase 7. This represents a minor deviation of 2-3m which is the outcome of an extensive and iterative design process to provide both visual permeability through the site, and a higher quality of accommodation.

Again similar to the heights parameters the reason for the breach is to allow for the distribution of mass to provide a new public open space. Therefore, this benefit is considered to outweigh these minor deviations which are considered immaterial in the context of the wider development.

The approved design code allows departures from the approved parameters where such departures are justified in planning terms and will result in the delivery of a better-quality scheme. The Local Planning Authority is therefore able to use its discretion to approve minor breaches to approved parameter plans, where justified.

The proposed departures are considered acceptable for the reasons listed above which are discussed below under the design section of this report.

### Density

The amount of development and minimum/maximum building dimensions have already been approved at the outline stage and therefore the target residential density is also established with the development providing 330 dwellings at a density of 124 dwellings per hectare or 483 habitable rooms per hectare.

## **4.4 Layout**

Policies CS5 and DM01 require development to be of a high-quality design and should ensure attractive, safe and vibrant streets which provide visual interest. Proposal should also create safe and secure environments, reduce opportunities for crime and minimise fear of crime.

The approved Parameter Plans define 'development zones' within which new buildings can be built, which in turn frame 'corridors' within which new access roads can be laid out and 'spaces' for public open space provided.

The proposed layout accords with these parameters in terms of the general

positioning and spatial extent of streets, development zones, access points and areas of open space.

This detailed layout follows extensive design discussions with the LPA and is considered to provide a legible layout in broad accordance with the Illustrative Masterplan and the Access and Movement Parameter Plan with the exception of the afore mentioned changes.

### Access

The Design Code has been approved to enable the delivery of a permeable and legible new neighbourhood

The proposed layout accords with these parameters in terms of the general positioning and spatial extent of streets, development zones, access points and areas of open space. In relation to the development the primary access routes that run along the northern, southern, western and eastern boundaries of Phases 7 & 8 which have already been granted consent under previous Advanced Infrastructure Works applications. The submitted plans also show a tertiary route running between the two Phases as planned for on the parameter plans with pedestrian access from the north/south of both phases.

### Open space

The approved 'Revised Public Realm and Open Space Strategy' and the Design Code establishes the design principles for the landscape works.

A total of 5.95ha must be provided in the form of a number of separate spaces across Millbrook Park. A total of 5.99ha has already been provided at Millbrook Park. There is no requirement for open space to be delivered within Phase 7 and 8 as the required quantum has already been exceeded through the approved phases. Notwithstanding this the scheme is centred around a large central village green in Phase 7 comprising approximately 0.15ha of space providing visual amenity and open space for all residents. A detailed landscaping scheme including clusters of trees create privacy to the neighbouring blocks. This additional space will take the overall quantum to 6.14ha.

### Crime

The proposed layout follows a perimeter block approach, which ensures that all street and public open spaces benefit from being overlooked by active frontages, including the central public open space which benefits from natural surveillance within the site. Secure access will also be provided to the proposed underground car park. Nevertheless, it is considered that a condition should be attached requiring the development to provide a crime prevention strategy to demonstrate how the development meets Secured by Design standards.

### Levels

Parameter Plan 6 (Levels Strategy) approved under the outline consent sets out the existing contours of the site and proposed spot levels at street junctions as well

as the maximum permissible gradients.

In relation to Phases 7 & 8 there is a site level change of approximately 5 storeys. All Blocks have been designed in compliance with the levels Parameter Plan.

#### **4.5 Appearance**

The National Planning Policy Framework 2019 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.1 of the London Plan further emphasises the need for a good quality environment, with the design of new buildings supporting character and legibility of a neighbourhood. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment. Architectural design criteria are set out at Policy 7.6.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard Policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high-quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments.

The approved design code for Millbrook Park also proposed detailed design guidance for development within this development. The approved design code breaks down the site into three separate character areas, 'Green Belt Edge', 'Central



Slopes' and the 'Southern Hub'. Phase 7 & 8 is located within the Central Slopes and Southern Hub character zones which is expected to be of the mid to highest density (in relation to levels across the wider Millbrook Park site) and envisages designs of an 'Urban Court' layout, with apartment buildings ranging between 4-6 storeys set around a landscaped courtyard.

#### Scale, massing and detailed design

The proposal follows the general design principles set out in the approved Millbrook Park Design Code, and with the exception of minor breaches described above accords with the principles of the original outline approval. The broad structure of 4-6 storey blocks with basement car parking and podium deck gardens in Phase 8, is similar to other developments approved within the southern hub character area and relates satisfactorily in scale to its surrounds.

Similarly, Phase 7 incorporates pitched roofs over the apartment buildings providing a more traditional appearance with a contemporary style reflecting the approved developments in the central slopes area where there are a mix of flats and houses.

In relation to the detailed design of the proposals, the development has been designed to allow for active frontages to all roads, providing activity and surveillance to the new public open space, with private defensible space at ground floor and projecting balconies in some instances roof terraces help to provide visual interest to the street scene.

In relation to materials the application proposes a simple material palette consisting of pale buff bricks and dark brown bricks with a mix of dark and light mortars; stone effect feature banding, with a bronze fascia and failings to the apartments and dark grey metal to windows and railings for the houses. While the final details will be secured by condition the overall material approach is considered acceptable, in keeping with the character of Millbrook Park, while providing suitable variety between phases.

#### Conclusion for External Appearance

Overall, the proposal successfully incorporates various architectural elements within a coherent design and is considered acceptable in principle resulting in a high-quality development in accordance with the requirements detailed within the Design Code and Policies CS5 and DM01.

#### **4.6 Landscaping**

The 'Revised Public Realm and Open Space Strategy' approved at outline stage sets out the principles for a landscape and open space strategy for Millbrook Park and provides detailed design guidance for reserved matters applications. The approved Design Code adds another layer of detail and requires a number of landscaping features in Phases 7 & 8.

The current site is currently cleared and does not include any trees. In relation to the proposed landscaping, the application proposes a number of high quality levels of green space and related activities for all ages. From a design perspective the landscape proposal is well rounded and provides accessible spaces for future residents in the form of private amenity spaces in addition to the additional open space proposed in Phase 7.

### Play space

Policy 3.6 of the London Plan states that housing development proposals should make a provision for play and informal recreation for children and young people. According to Housing SPG standard 1.2.2, the development is required to make appropriate play provisions in accordance with a GLA formula and calculation tool, whereby 10 m<sup>2</sup> of play space should be provided per child, with under-5 child play space provided on-site as a minimum, in accordance with the London Plan 'Shaping Neighbourhoods: Play & Informal Recreation SPG and 'Providing for Children and Young People's Play and Informal Recreation' SPG'.

Under 5 play is the primary requirement and is envisaged to include natural play elements, such as boulders and timber stepping logs will be provided for climbing and balancing, lawn areas, mounds and sensory areas. These will be combined with more traditional equipped play within the courtyards and the Village Green. Seating areas will be located near the play areas enabling carers to be near whilst the children play.

The play for 5-11 year olds will also be incorporated within the courtyards and includes lawn areas. Play equipment such as larger climbing boulders, trim trails and balancing beams and climbing elements will be provided where children can challenge themselves.

The total provision where young children can play is 530 m<sup>2</sup> for 0-5 year olds and 135 m<sup>2</sup> for ages of 5 and up, which is compliant with Policy.

### Conclusion for Landscaping

The landscaping approach is considered to be in accordance with design principles set in the Design Code and parameter plans. It will help to introduce a human scale to the frontages of the proposed buildings and will frame and complement the architectural approach whilst increasing the overall biodiversity of the site's environment and safeguards the interface with the scout camp. It complies with Policies CS5 and DM16.

## **4.7 Amenities of Future Occupants**

### Dwelling outlook and daylighting

Development plan policy requires that new dwellings are provided with adequate outlook. The layout proposed for Phases 7 & 8 avoids any single aspect north facing

units through orientating the development on an east-west axis. The majority of units in all blocks are dual aspect, with single aspect units limited where possible. All apartments are designed with generous floor to ceiling windows in order to maximise the amount of light entering rooms.

### Privacy

The layout of the development has been designed to ensure the protection of residential privacy and the avoidance of overlooking between units, with good separation between elevations and use of level changes and landscaping. Staggered window placement and utilising level changes and landscaping to maximise privacy and to ensure an appropriate level of privacy for new residential units.

Buildings have been laid out with generous separation between them:

- 19m between pavilions, with buildings offset to minimise direct overlooking
- Over 32m between the apartment buildings and the houses to maximise aspect
- 22m across the mews between each crescent of houses.

### Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. The Mayor's Housing SPG November 2012 includes a wider ranging Minimum Floorspace Table based upon the same standards.

All of the units proposed would have a gross internal floor area which would exceed the requirements of the London Plan for a dwelling of that type. The proposal is therefore considered to be acceptable in this regard.

### Amenity space

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance as well as the Millbrook Park Design Code requires the provision of 5 sq.m of amenity space for each habitable room for flats, and between 40 and 85 sq.m for houses depending on the number of habitable rooms.

Every dwelling has access to some form of private amenity space in the form of balconies with access to the shared communal gardens proposed in the centre of the blocks. All of the proposed units meet or exceed the minimum standards outlined in the as stated and the proposal is acceptable on grounds of private and communal amenity space provision.

## **4.8 Impacts on amenities of neighbouring and surrounding occupiers and users**

The periphery of the site is delineated by the consented Phase 5 development to the north which is under construction, the existing properties on Bray Road to the west,

the existing Phase 1 (Cala) development to the east and the Central Park and Phase 4b (Eco World) beyond. In relation to the adjoining phases the buildings are located over 21m from the windowed elevations of these properties across public highways and as such it is not considered that the proposal would result in any significant material impact on the amenities of these properties in terms of daylight, sunlight or privacy.

**4.9 Transport, parking and highways matters:**

Access

The Design Code has been approved to enable the delivery of a permeable and legible new neighbourhood. In relation to the development the primary access routes that run along the northern, western, southern and eastern boundaries of Phases 7 & 8 which have already been granted consent under previous Advanced Infrastructure Works applications. The scheme proposes a new access road between the two Phases which is planned for by Parameter Plan 1.

Pedestrian Facilities

Access and movements for pedestrians were established as part of the outline application, with access available to the sides of this phase. The scheme proposes additional pedestrian access through the site and to the new open space. It is considered that the proposal would provide a satisfactory pedestrian environment in accordance with the aims of the design code.

Parking

Parking Standards set out in the Local Plan Policy DM17 is as follows: Maximum Standards will be:

- (i) 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms)
- (ii) 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms) and
- (iii) 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)

Condition 23 of the outline consent limits the number of residential parking spaces to 2,522 (plus limited visitor parking) across the whole site.

The table below shows the typical parking requirement as set out in the Design Code and that set out in the outline planning permission for the proposed development.

No. of units	Parking Ratio TA	Parking Ratio Design	Parking Req.

1 Bed (130)	1	1	130
2 Bed (140)	1	1	140
3 Bed (26)	1.2	1.5/2	31.2-52
4/5 Bed (34)	2	2	68
Total (330)	-	-	370-390

The application proposes the provision of 386 car parking spaces in addition to two dedicated visitor parking spaces. This is within the maximum provision identified by the design code. Spaces will be allocated at the ratio of 1 space for each 1 and 2 bed units, 1.5 spaces per 3 bed flats and 2 spaces for the proposed houses. 10% of parking will be for disabled persons, 20% of parking spaces are to be provided with electric charging points and a further 20% for future provision and is in accordance with the London Plan.

The majority of the spaces are provided in the form of a secure basement car park in Phase 8 (237 spaces) with 44 in garages and 105 on in surface parking either on plot for apartments or within a shared parking court for apartments.

Condition 23 attached to the outline consent (as amended under application (ref. H/02977/12) limits the amount of car parking on the site to 2,522 spaces for residential uses, 54 for non-residential uses, plus limited visitor spaces.

The design proposes to provide the upper limit of the design code to ensure that the larger house units are provided with two car parking spaces. As this is the final Phase of the Millbrook Park development, a non-material (s.96a) application has been submitted alongside this application to amend the wording of Condition 23 to increase the maximum number of residential car parking spaces by 9 spaces to 2,531 spaces. This represents a 0.3% increase in parking spaces which is considered non-material in the context of the total number of spaces approved across the wider Millbrook Park site. Therefore, the proposals are in accordance with the site wide maximum.

A Parking Management Strategy has also been submitted as part of the supporting documents the content of which is considered acceptable.

### Accessibility and Inclusivity

33 properties within Phases 7 & 8 are required to be wheelchair adaptable, which equates to 10% in compliance with Condition 70 (Design to Lifetime Homes Standards and Wheelchair Standards) of the outline consent.

All of the proposed dwellings are designed to comply with the design criteria necessary to meet Lifetime Homes standards and it is considered satisfactory to meet Condition 70. The scheme has followed principles of inclusivity and accessibility.

### Cycle Parking

Cycle Parking is also proposed within the development within communal cycle stores for the apartments and within private dedicated spaces for the houses at the rate of 1 space for 1 and 2 bed units and 2 spaces for 3 bed units and above. In total 403 cycle parking spaces along with 33 short term cycle parking spaces are provided for visitors.

### Waste Management

The application supporting documents propose communal basement refuse and recycling storage areas used by all properties which will be moved to collection points adjacent to the public highway on collection days. This is considered acceptable and accords with Barnet standards.

### Conclusion for Transport, Parking and Highways

In summary, the application provides for adequate parking without harming the local highway network and promotes sustainable modes of travel and complies with Policies CS9 and DM17. The proposed parking levels are in accordance with the parameters of the Outline Consent and as such have already been agreed in principle by earlier approvals.

## **4.10 Environmental issues**

### Construction management

A Construction Management Plan for the whole of Millbrook Park was approved pursuant to Condition 17 of the outline consent (ref H/04183/11). The document incorporates the view that succinct method statements will be required for each reserved matter application. A Construction Management Plan dated January 2019 has also been submitted with the current application which accords with the site wide policy and is considered acceptable.

### Contamination

A contamination strategy for the whole site has been dealt with under Condition 63 of the outline consent (ref H/00643/12, approved April 2012). This condition is split into 4 parts and parts i) and ii) which includes desk top studies and site investigation have been approved. Parts iii) of the condition requires the approval of a remediation strategy and part iv) requires a verification to be submitted for each phase.

The details of remediation within this phase have been separately discharged under previous discharge of condition and advanced infrastructure approvals.

## **4.11 Energy, climate change, biodiversity and sustainable construction matters:**

### Sustainable design and construction

An overarching energy strategy for the whole of Millbrook Park was submitted to and approved pursuant to Condition 79 of the outline consent (ref H/00560/12). The approved strategy outlines how a centralised energy supply to the south of the site will be delivered, and a decentralised supply to the north. The south of the site will be served by a District Heating Network provided by a single Energy Centre while the north of the site is expected to adhere to the Mayor's Energy Hierarchy by utilising an energy efficient building fabric and where applicable photovoltaic panels (PV). The Mayor's Energy Hierarchy sets out three methods for achieving reductions in carbon emissions:

- 1 Be lean: use less energy (fabric efficiency standards)
- 2 Be clean: supply energy efficiently
- 3 Be green: use renewable energy

The application is accompanied by an Energy Strategy and Code for Sustainable Homes Pre-Assessment which demonstrates that the proposal would reach the equivalent of Code for Sustainable Homes Level 4 as well as achieving a 47% reduction in CO<sub>2</sub> emissions through a mixture of fabric first as well as connecting to the District Heating network. The proposal would therefore be in accordance with Conditions 79 and 80 of the outline consent.

#### Water resources, Drainage and SUDs Infrastructure

The Drainage plan submitted with the application provides details of surface water and foul water drainage.

The applicant has submitted a drainage strategy in support of the application. The drainage strategy incorporates various measures including the use of swales and underground attenuation tanks to ensure that runoff does not exceed 49.6 l/s to the Thames Water surface water outlet in Bittacy Hill as required by the approved site wide drainage strategy. Discharges of foul water drainage will discharge to the existing Thames Water sewer also located in Bittacy Hill. Overall the proposed drainage strategy is considered acceptable and consistent with the site-wide drainage strategy approved under discharged Conditions 43, 44 and 46 (permission ref: H/04340/12) attached to the OPP.

While the comments received from Thames Water are noted, as the application is for reserved matters approval and provides an identical number of units to that authorised under the outline approval it is not considered that it is reasonable to impose a Grampian condition requiring additional off site drainage works. It is noted that similar comments have been received in relation to earlier phases, and Thames Water have previously withdrawn such objections following clarification.

#### Biodiversity and Ecology

The AAP encourages the planting of native species to encourage biodiversity. The Environmental Statement at outline stage concluded that there are no overriding concerns with respect to ecology and nature conservation preventing redevelopment taking place.

A site wide Ecological Mitigation and Management Plan (EMMP) was submitted and approved (H/04184/11, November 2011) pursuant to Condition 60 of the outline consent. It was considered that the document as approved demonstrated a comprehensive overall management plan for ecological assets on the wider Millbrook Park application site. Additional ecological enhancement is proposed in the form of landscaping within the amenity and open space areas.

#### Green/ Brown Roofs

Condition 84 (Green/Brown Roofs Target) of the outline consent requires a minimum of 10% of green or brown roofs across the whole of Millbrook Park site. Condition 85 (Green/Brown Roofs Provision) requires details to be submitted and approved demonstrating this provision across the whole site including a reconciliation plan or table showing how it meets the 10% target fixed by Condition 84.

The scheme meets this requirement through the use of podium deck gardens, inclusion of podium decks has been previously included in brown/ green roof calculations as well as the provision of sedum roofs on some of the roof slopes. As such the development would in itself comply with the requirements of Condition 84 and contribute to the overall provision within the Millbrook Park Development.

## **5. EQUALITIES AND DIVERSITY ISSUES**

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

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

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

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

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

## **6. CONCLUSION**



The proposal accords with the relevant development plan policies, conforms to the design principles and the parameters established in both the approved outline application (H/04017/09) for the former Inglis Barracks site and the Design Code. In those cases where the application departs from the approved Parameter Plans, namely in relation to the changes in the approved height parameters, these changes are justified by design benefits and are considered acceptable.

The proposal is acceptable on visual amenity, access, highways, biodiversity, and drainage grounds. The proposal would not significantly affect the amenities of neighbouring residential properties. It would provide for much needed quality housing, including affordable housing, which would have a good standard of accommodation including outlook, privacy and access to daylight.

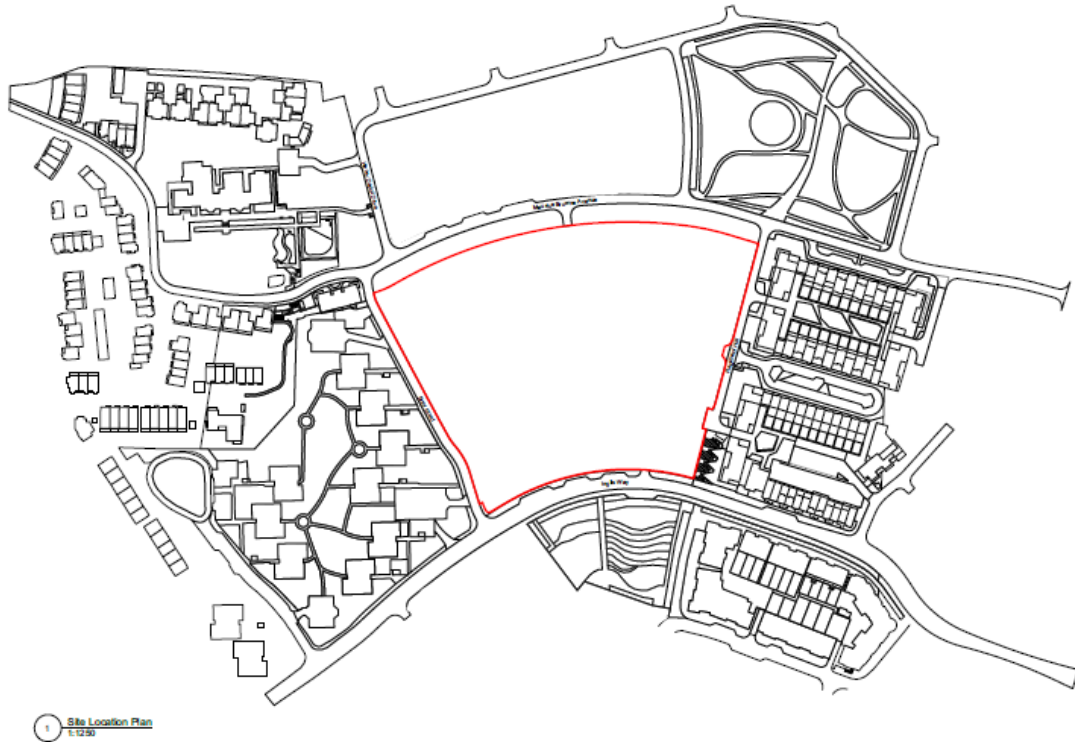
The design of the development is appropriate for the Southern Hub Character area, which also provides for variety and legibility. The materials and form relates well to the surrounding development. The layout of the development provides permeability around the site as well as to the wider Millbrook Park site.

The application also satisfies the requirements of Conditions 5, 8, 26, 27, 29, 32, 35, 48, 49, 52, 69, 70, 76, 80, 81, 83 and 85 of the outline consent.

It is recommended that the application be **Approved** subject to conditions as set out above under the recommendations section.

**SITE LOCATION PLAN:** Phase 7 and 8, Millbrook Park (Former Inglis Barracks)  
NW7 1PX

**REFERENCE:** 19/3092/RMA



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2013. All rights reserved. Ordnance Survey Licence number LA100017674.



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

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

5428-1015 A, 5428-1016 A, 5428-1017 A, 5428-1018 A, 5428-1019 A, 5428-1050, 5428-1000 B, 5428-1800 D, 4138/P01 A, 4138/P02 A, 4138/P03 A, 5428-1603 C, 5428-1600 C, 5428-1601 C, 5428-1602 C, 5428-1604 C, 5428-1450 C, 5428-1451 C, 5428-1426 E, 5428-1427 E, 5428-1420 E, 5428-1421 E, 5428-1422 E, 5428-1423 E, 5428-1424 D, 5428-1425 E, 5428-1005 A, Biodiversity Survey Report (Rev 1) by foa ecology dated April 2019, Daylight and Sunlight Assessment, Planning Report by elementa dated 18.03.2019, Energy Strategy Report by elementa dated 18.03.2019, Schedule of Materials

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

2 This development must be begun within three years from the date of this permission.

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

3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

4 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 38 cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in

accordance with 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.

5 No site 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. The development shall thereafter be implemented in full accordance with the details approved under this plan. 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 to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractor's 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.
- xi. Provision of a competent banksman.

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 polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

6 Within 3 months of occupation, Residential Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance , currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car modes of transport such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

7 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

8 No development shall commence until a highway condition survey 50 metres on either side of the development access has been carried out, and the details have been submitted to and approved in writing by the Local Planning Authority.

Reason: Details are required to be submitted prior to the commencement of development to provide a record baseline assessment of the condition of the highway in the interest of highway safety.

9 Prior to occupation of the development full details of the electric vehicle charging points consisting 1 active and 1 passive shall be submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 20% passive electrical charging facility. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

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

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the

Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

11 Prior to the first occupation of the new development a 'Secured by Design' accreditation shall be obtained for the new residential units.

c) The development shall only be carried out in accordance with the approved details and retained as such thereafter.

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

12 Development shall not begin until a surface water drainage strategy for the development has been submitted and approved in writing by the Local Authority.

Reason: to should demonstrate that the development is in compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run off in accordance with Policy DM04 of the Development Management Policies DPD (2012) and London Plan (2015).

13 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

14 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan 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 shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works 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.

15 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

16 Prior to occupation of the development of the development details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to be designed in accordance with the Council's adoptable standards. The applicant will be expected to sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council vehicle from the premises.

Reason To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

17 The recommendations set out Biodiversity Survey Report (Rev 1) prepared by foa ecology dated April 2019 approved under Condition 1 of this consent, shall be implemented in full and adhered to throughout the site preparation, demolition and construction process.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy 7.19.

18 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based



approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

19 a) Before development commences, an air quality assessment report written in accordance with the relevant current guidance shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of the air quality impacts of the demolition, construction and operational phases of the development.

The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016 ) and Policies 3.2, 5.3 and 7.14 of the London Plan (2016).

### RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 06.11.2019, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the London Plan (2016), Policy CS13 of Barnet's Local Plan Core Strategy (2012) and Policy DM04 of the Barnet's Adopted Development Management Policies Document DPD (2012).

The development fails to provide a legal undertaking to enable a contribution towards the associated costs to improve predestiran accessibility and highway safety, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

## **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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 the construction traffic. 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.
- 3 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 4 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, 4-6 weeks before the start of works on the public highways.
- 5 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall

be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 6 Surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 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.

- 8 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o 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.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o 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.
  - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  
  - o 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.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 9 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The 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 below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, 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."

- 10 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 2019 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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..

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://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

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

## **Officer's Assessment**

### **1. Site Description**

The application site is made up of five separate residential blocks over three storeys along Burnt Oak Broadway. The buildings are owned and managed by Barnet Homes. From south to north along Burnt Oak Broadway the buildings are as follows; Kedyngton House, Clare House, Curtlington House, Crokesley House and Colesworth house. Due to the topography along Burnt Oak Broadway the base of each building sits at a slightly higher level than the previous as the street inclines to the north. At the southern end, the site is enclosed by Montrose Avenue and at the northern end, by Stag House which is subject of a redevelopment to form a six storey building incorporating an extra care facility.

The apartment blocks have a flat roof form with associated chimneys and are constructed in light yellow bricks. Onsite car parking, cycle parking and buggy storage is located to the rear, with single-storey storage units located between each block. To the front of the site is a large strip of green defensible space which is sporadically occupied by trees. This area whilst functional in its provision of defensible space from the adjacent main road, has limited visual amenity value.

The application site is not located within a conservation area although adjoins the Watling Estate Conservation Area to the rear. No buildings within the application site are either statutory or locally listed buildings. There are no trees subject to a Tree Preservation Order within the curtilage of the application site. The site resides within Flood Zone 1.

### **2. Site History**

Reference: W00372B/06

Address: Clare House, Burnt Oak Broadway, Edgware, HA8 0BW

Decision: Approved subject to conditions

Decision Date: 16 November 2006

Description: Replacement of existing windows with new PVCU windows.

Reference: 17/8140/FUL

Address: Stag House, 94 Burnt Oak Broadway, Edgware, HA8 0BE.

Decision: Approved subject to a legal agreement.

Decision Date: 24 January 2019

Description: Demolition of the existing building. Erection of a four, five and six-storey building to facilitate 51 no (assisted living C2 use) self-contained units with associated communal facilities, landscaping, parking, buggy/cycle storage and refuse and recycling storage

### **3. Proposal**

The application proposes roof extensions to the five purpose-built apartment blocks of Burnt Oak Broadway Estate to create 18 new 1 and 2 bedroom flats with their own private amenity space. Each unit would be delivered by Open Door Homes, the Arms Length Affordable Housing Provider within Barnet and would be delivered as an affordable rent product.

The extensions to each building and the units created would be as follows;

Kedyngton House

Kedyngton House has a maximum height of 14 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 9 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 4 metres stepped along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 3 units, Flat P, Q and R which would be as follows;

Flat P - 1 Bedroom 2 Person - 61sqm (GIA:50sqm)  
Flat Q - 2 Bedroom 3 person - 84sqm (GIA: 61sqm)  
Flat R - 1 bedroom 2 person - 58sqm (GIA 50sqm)

#### Clare house

Clare House has a maximum height of 14.6 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 10.5 metres to the top of the flat roof. The height of the extension ranges from 3.20 to 3.25 metres along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 3 units, Flat P, Q and R which would be as follows;

Flat M - 1 Bedroom 2 Person - 65sqm (GIA:50sqm)  
Flat N - 2 Bedroom 3 person - 75sqm (GIA: 61sqm)  
Flat O - 1 bedroom 2 person - 57sqm (GIA 50sqm)

#### Curtlington House

Curtlington House has a maximum height of 14.3 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 10.2 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 3.3 metres stepped along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 4 units, Flat I, J, K and L which would be as follows;

Flat I - 2 Bedroom 3 Person - 72sqm (GIA:61sqm)  
Flat J - 1 Bedroom 2 person - 67sqm (GIA: 50sqm)  
Flat K - 2 bedroom 3 person - 73sqm (GIA 61sqm)  
Flat L - 2 bedroom 3 person - 63sqm (GIA 61sqm)

#### Crokesley House

Crokesley House has a maximum height of 13.9 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 9.6 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 3.4 metres along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.



The extension would result in the formation of 3 units, Flat P, Q and R which would be as follows;

Flat E - 2 Bedroom 4 Person - 82.6sqm (GIA:70sqm)  
Flat F - 1 Bedroom 2 person - 70sqm (GIA: 61sqm)  
Flat G - 1 bedroom 2 person - 73.2sqm (GIA 50sqm)  
Flat H- 2 bedroom 3 person - 80.5sqm (GIA 70sqm)

#### Colesworth House

Colesworth House has a maximum height of 13.8 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 9.8 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 3.45 metres along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 4 units, Flats A, B, C and D which would be as follows;

Flat A - 2 Bedroom 4 Person - 81.7sqm (GIA:70sqm)  
Flat B - 2 Bedroom 3 person - 75.3sqm (GIA: 61sqm)  
Flat C - 2 bedroom 3 person - 73.3sqm (GIA 61sqm)  
Flat D - 2 bedroom 3 person - 72sqm (GIA 61sqm)

There would also be associated works resulting in alterations and works to landscaping, parking areas, refuse areas, fencing and cycle storage

## 4. Public Consultation

A site notice was erected 13 June 2019.

Consultation letters were sent to 301 neighbouring properties.

9 responses have been received, comprising 9 letters of objection.

The objections received can be summarised as follows:

- Concerns regarding the existing structural state of the buildings with requirement for building improvements for structural cracks, mould issues and drainage. Concerns regarding potential development resulting in additional damage.
- Concerns regarding impact on existing parking stress by increased residents
- Concerns regarding impact on privacy and light from neighbouring occupier.
- Concerns regarding intensification of the site and subsequent impact on surrounding area in terms of crime and cleanliness.

## 5. Planning Considerations

### 5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2016

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

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

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS5, CS9
- Relevant Development Management Policies: DM01, DM02, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of development is acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the amenity of future occupiers;
- Whether harm would be caused to highways parking;
- Whether harm would be caused to trees;
- Any other material considerations

## **5.3 Assessment of proposals**

Principle of development:

Paragraph 117 of the National Planning Policy Framework (NPPF) (2019) states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 118 of the NPPF (2019) states that amongst other things, planning policies and decisions should, in point (e): "support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including

complying with any local design policies and standards), and can maintain safe access and egress for occupiers."

The proposal uses airspace above existing residential development to deliver new homes. It is therefore supportable in principle in accordance with the NPPF (2018).

For areas such as the application site policies CS1 and CS3 of the Barnet's Core Strategy DPD (2012) expects new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. The land is located within walking distance of a number of bus stops, is close to local amenities and utilises existing access.

The proposed development would be delivered as a 100% affordable rent development which would meet and exceed the requirements of policy DM10 which seeks to achieve at least 40% affordable housing units across the Borough through the plan period. The ability of this scheme to provide above-threshold affordable housing on site is a compelling material consideration in the planning balance. This provision is to be secured through a legal agreement.

In addition, the further increase in development density close to a town centre, along a key linear route and at a high PTAL location accords with development principles set out in the London Plan.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the development of an additional storey in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of an additional storey is deemed acceptable.

Impact on character and appearance of main building, street scene and surrounding area:

Paragraph 124 of National Planning Policy Framework (2019) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy CS5 of Barnet's Core Strategy (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The application site is made up of five separate residential blocks of 3 storeys along Burnt Oak Broadway. The buildings are owned and managed by Barnet Homes. From south to north along burnt Oak Broadway the the buildings are as follows; Kedyngton House, Clare House, Curtlington House, Crokesley House and Colesworth house. Due to the topography

along Burnt Oak Broadway the base of each building sits at a slightly higher level than the previous as the street inclines to the north.

The apartment blocks have a flat roof form with associated chimneys and are clad in light yellow bricks. Onsite car parking, cycle parking and buggy storage is located to the rear, with single-storey storage units located between each block. To the front of the site is a large strip of green defensible space which is sporadically occupied by trees. This area whilst functional in its provision of defensible space from the adjacent main road, has limited visual amenity value.

The application site is not located within a conservation area although adjoins the Watling Estate Conservation Area to the rear. No buildings within the application site are either statutory or locally listed buildings. There are no trees subject to a Tree Preservation Order within the curtilage of the application site. The site resides within Flood Zone 1.

The surrounding character is mixed, with residential to the rear located within the Watling Estate Conservation Area and residential, retail and leisure uses opposite. There is no consistent architectural form or scale opposite the application site along Burnt Oak Broadway, with examples of this variance including a two-storey pitched roofed shopping parade, and a six-storey flat roofed building comprising residential and leisure uses.

The proposed extensions and proposed units for each building will be outlined below, before an assessment of the character amenity and other matters will be assessed collectively afterwards.

#### Kedyngton House

Kedyngton House has a maximum height of 14 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 9 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 4 metres stepped along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 3 units, Flat P, Q and R which would be as follows;

Flat P - 1 Bedroom 2 Person - 61sqm (GIA:50sqm)

Flat Q - 2 Bedroom 3 person - 84sqm (GIA: 61sqm)

Flat R - 1 bedroom 2 person - 58sqm (GIA 50sqm)

The Sustainable Design and Construction SPD highlights that the principle bedroom of each unit should be a minimum 12.5sqm. Each unit falls slight under this with a maximum shortfall of 0.6sqm. however, each bedroom has incorporated a built-in storage unit of 0.8sqm which is not included in the bedroom measurements in addition to a separate store located in each unit's hallway which meets the requirements for internal storage for each unit. As such taking into consideration the separate storage located in each unit and the fact that each unit is considerably over the minimum requirements set out within the London Plan the minor shortfall in bedroom size is considered acceptable.

#### Clare house

Clare House has a maximum height of 14.6 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 10.5 metres to the top of the

flat roof. The height of the extension ranges from 3.20 to 3.25 metres along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 3 units, Flat P, Q and R which would be as follows;

Flat M - 1 Bedroom 2 Person - 65sqm (GIA:50sqm)  
Flat N - 2 Bedroom 3 person - 75sqm (GIA: 61sqm)  
Flat O - 1 bedroom 2 person - 57sqm (GIA 50sqm)

The Sustainable Design and Construction SPD highlights that the principle bedroom of each unit should be a minimum 12.5sqm. Unit M and O fall slightly under this with a maximum shortfall of 0.5sqm. However, each bedroom has incorporated a built-in storage unit of 0.8sqm which is not included in the bedroom measurements in addition to a separate store located in each unit's hallway which meets the requirements for internal storage for each unit. As such taking into consideration the separate storage located in each unit and the fact that each unit is considerably over the minimum requirements set out within the London Plan the minor shortfall in bedroom size is considered acceptable.

#### Curtlington House

Curtlington House has a maximum height of 14.3 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 10.2 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 3.3 metres stepped along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 4 units, Flat I, J, K and L which would be as follows;

Flat I - 2 Bedroom 3 Person - 72sqm (GIA:61sqm)  
Flat J - 1 Bedroom 2 person - 67sqm (GIA: 50sqm)  
Flat K - 2 bedroom 3 person - 73sqm (GIA 61sqm)  
Flat L - 2 bedroom 3 person - 63sqm (GIA 61sqm)

The Sustainable Design and Construction SPD highlights that the principle bedroom of each unit should be a minimum 12.5sqm. Flat I, J and L falls slightly under this with a maximum shortfall of 0.5sqm. However, each unit is considerably over the London Plan Requirements and does have provision of storage space within each unit's hallway. As such taking into consideration the separate storage located in each unit and the fact that each unit is considerably over the minimum requirements set out within the London Plan the minor shortfall in bedroom size is considered acceptable.

#### Crokesley House

Crokesley House has a maximum height of 13.9 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 9.6 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 3.4 metres along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 3 units, Flat P, Q and R which would be as follows;

Flat E - 2 Bedroom 4 Person - 82.6sqm (GIA:70sqm)  
Flat F - 1 Bedroom 2 person - 70sqm (GIA: 61sqm)  
Flat G - 1 bedroom 2 person - 73.2sqm (GIA 50sqm)  
Flat H- 2 bedroom 3 person - 80.5sqm (GIA 70sqm)

The Sustainable Design and Construction SPD highlights that the principle bedroom of each unit should be a minimum 12.5sqm. All units meet the required internal bedroom sized and London Plan space requirements.

#### Colesworth House

Colesworth House has a maximum height of 13.8 metres to the top of the existing chimney measured at the lowest ground level, with an existing height of 9.8 metres to the top of the flat roof. The height of the extension ranges from 3.2 to 3.45 metres along the existing roof of the building. The existing chimneys will be incorporated into the design of extension and will still stand at the highest point.

The extension would result in the formation of 4 units, Flats A, B, C and D which would be as follows;

Flat A - 2 Bedroom 4 Person - 81.7sqm (GIA:70sqm)  
Flat B - 2 Bedroom 3 person - 75.3sqm (GIA: 61sqm)  
Flat C - 2 bedroom 3 person - 73.3sqm (GIA 61sqm)  
Flat D - 2 bedroom 3 person - 72sqm (GIA 61sqm)

The Sustainable Design and Construction SPD highlights that the principle bedroom of each unit should be a minimum 12.5sqm. Flat D under this with a shortfall of 0.3sqm. However, each unit is considerably over the London Plan Requirements and does have provision of storage space within each unit's hallway. As such taking into consideration the separate storage located in each unit and the fact that each unit is considerably over the minimum requirements set out within the London Plan the minor shortfall in bedroom size is considered acceptable.

The proposed extension would introduce an architecturally modern element the top of each block which is considered to improve the visual interest of each property. The proposed extensions would have a standing seam metal finish with the fenestration framed in dark composite material. The proposed modern additions to the buildings have been informed by the existing architectural details of the property and incorporate the existing chimney stacks into the design. It is considered that the overall design of the extensions would complement the architectural detail of the blocks and would be an appropriate addition to the street scene given the varied architectural styles, design and size of the buildings located along this part of Burnt Oak Broadway.

The proposed size, scale and mass of the proposed extensions would be considered acceptable given they will still be below the maximum height of the existing buildings will not protrude past the existing elevations of the buildings. Given that the scale, mass and size is appropriate and the aforementioned design aspects improving the architectural interest and visual aesthetics of the buildings the proposal is considered to have an acceptable impact on the character of the buildings, street scene and wider locality.

The application has been submitted within a schedule of materials however details of all materials, particularly those proposed with the landscaping have not all been provided. The indicative materials suggested in the schedule and are considered to seem acceptable however specific details of each material including manufacturer/type will be secured by way of condition for provision of materials and samples to be submitted and approved to the local authority prior to construction of the development.

Impact on amenity of neighbouring occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces. Screening can reduce overlooking in these instances. Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed).

The amenity impacts to be assessed are those to the East of the site with particular consideration to the rear of the closest residential neighbours along Millfield Road. The neighbouring windows to the rear of these properties along Millfield are approximately 25 metres away from any of the blocks of flats located along Burnt Oak Broadway. The proposed outdoor amenity spaces to the units would be facing onto Burnt Oak Broadway in order to reduce any privacy or overlooking issues. It is considered that the additional mass on the buildings and height of approximately 3 metres would not result in any unacceptable levels of harm to the amenity of the neighbouring occupiers given the significant setback of any rear facing windows

To the north of the site, the closest building Colesworth House is adjacent to The Father's house International Church which does not benefit from limited fenestration to the side elevation adjacent to the application site. As such the additional mass and height is not considered to result in any unacceptable harm. This site is to be redeveloped into an extra care facility also delivered by Open Door Homes.

To the south of the site the southernmost building Kedyngton house is adjacent to a three-storey purpose built block of flats, Montrose Court. The proposal would be set back significantly due to Montrose Avenue running between the flank elevations of each building as well as a significant amount of vegetative screening to both the boundary of the application site and Montrose Court. As such, it is not considered the proposal would result in any unacceptable levels of harm to the amenity of neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD.

In summary, it is considered that the development proposals would allow for adequate daylight, sunlight, privacy and outlook in accordance with Policy DM01 of Barnet's Development Management Policies Document DPD (2012).

Amenity of future occupiers

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees



and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

18 self contained units will be created.

The units are as follows:

Flat A - 2 Bedroom 4 Person - 81.7sqm (GIA:70sqm)  
Flat B - 2 Bedroom 3 person - 75.3sqm (GIA: 61sqm)  
Flat C - 2 bedroom 3 person - 73.3sqm (GIA 61sqm)  
Flat D - 2 bedroom 3 person - 72sqm (GIA 61sqm)  
Flat E - 2 Bedroom 4 Person - 82.6sqm (GIA:70sqm)  
Flat F - 1 Bedroom 2 person - 70sqm (GIA: 61sqm)  
Flat G - 1 bedroom 2 person - 73.2sqm (GIA 50sqm)  
Flat H - 2 bedroom 3 person - 80.5sqm (GIA 70sqm)  
Flat I - 2 Bedroom 3 Person - 72sqm (GIA:61sqm)  
Flat J - 1 Bedroom 2 person - 67sqm (GIA: 50sqm)  
Flat K - 2 bedroom 3 person - 73sqm (GIA 61sqm)  
Flat L - 2 bedroom 3 person - 63sqm (GIA 61sqm)  
Flat M - 1 Bedroom 2 Person - 65sqm (GIA:50sqm)  
Flat N - 2 Bedroom 3 person - 75sqm (GIA: 61sqm)  
Flat O - 1 bedroom 2 person - 57sqm (GIA 50sqm)  
Flat P - 1 Bedroom 2 Person - 61sqm (GIA:50sqm)  
Flat Q - 2 Bedroom 3 person - 84sqm (GIA: 61sqm)  
Flat R - 1 bedroom 2 person - 58sqm (GIA 50sqm)

Table 3.3 of the London Plan (2016 MALP) and Barnet's policies and table 2.1 of Barnet's Sustainable Design SPD (Oct 2016) set out the minimum residential space standard requirements for new residential units. The required GIA for units is as follows:

- 1 bed 2 person on one floor requires 50sqm
- 2 bedroom 4 person on one floor requires 70sqm.
- 2 bedroom unit 3 person requires 61 sqm.

The proposed dwellings meet and exceeds the min. GIA requirements.

## Lighting

Barnet Councils Sustainable Design and Construction SPD under section 2.4 'Daylight, Privacy (minimum distance), Outlook and Light Pollution' highlights the need for development proposals to ensure that the availability of daylight/sunlight for new developments is adequate and contributes significantly to the quality of life of future occupiers.

Within the design principles section, the SPD highlights that all glazing to habitable rooms should normally not be less than 20% of the internal floor area of the room. All rooms are considered to meet and exceed the required glazing levels and would provide a good level of light.

#### Floor to Ceiling Height

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling, although a floor to ceiling height of 2.5 metres is preferred.

The proposed dwellings meet and exceed the requirement

#### Amenity Space

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable design and construction SPD advises that 5m<sup>2</sup> should be provide per habitable room for flats.

Outdoor amenity space for each unit is provided through winter gardens facing towards Burnt oak Broadway. These amenity space provided varies for each unit as is as follows;

Flat A - 2 Bedroom 4 Person - 7sqm  
Flat B - 2 Bedroom 3 person - 6.4sqm  
Flat C - 2 bedroom 3 person - 6.5sqm  
Flat D - 2 bedroom 3 person - 6.3 sqm  
Flat E - 2 Bedroom 4 Person - 7sqm sqm  
Flat F - 1 Bedroom 2 person - 5.9sqm  
Flat G - 1 bedroom 2 person - 5.8sqm  
Flat H- 2 bedroom 3 person - 7.0sqm  
Flat I - 2 Bedroom 3 Person - 6sqm  
Flat J - 1 Bedroom 2 person - 7.4sqm  
Flat K - 2 bedroom 3 person - 7.4sqm  
Flat L - 2 bedroom 3 person - 6sqm  
Flat M - 1 Bedroom 2 Person - 5.9sqm  
Flat N - 2 Bedroom 3 person - 7.3sqm  
Flat O - 1 bedroom 2 person - 4.8sqm  
Flat P - 1 Bedroom 2 Person - 6.2sqm  
Flat Q - 2 Bedroom 3 person - 8.2sqm  
Flat R - 1 bedroom 2 person - 5.1sqm

It is noted that the existing units within the five buildings benefit from similar small private outdoor amenity space. The amenity space provide for each unit is under the requirement for the amount of bedrooms and habitable room proposed. However, the site lies within PTAL 4/5 within closing close proximity of several bus routes, Burnt Oak Underground Station and is within close vicinity of Silk stream park within a 5-minute walk. Considering the existing site constraints with limited opportunity to provide any additional outdoor amenity space on the existing site, the PTAL of 4/5 and close vicinity of local parks the shortfall of amenity space is considered acceptable.

Trees:

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

Trees make an important contribution to the character and appearance of the borough. Trees which are healthy and are of high amenity value can be protected by the making of a Tree Preservation Order (TPO) under the Town and Country Planning Act 1990. Tree Preservation Orders can help to protect trees from inappropriate treatment and prevent their removal, as permission must first be sought from the council to carry out most types of tree surgery.

Appropriate protection of TPO trees and those identified for retention will be expected in line with good practice during construction of a development.

The local authorities Landscape Consultant has been consulted on the application. The officer is satisfied the proposals will not harm any of the existing trees on site. It has been acknowledged that there is scope for additional planning and high-quality landscaping on the site as well as the green roofs to the new developments, details to be approved by the local authority prior to occupation of the development will be secured via condition. Furthermore, the proposed Green Roofs are strongly supported, however details on the type and level of planting required will be requested via condition to be agreed prior to occupation of the units.

Parking and highways:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

A private road to the rear of the site provides 68 standard parking spaces for the Estate including 5 disabled parking spaces, with access from Montrose Avenue to the south and egress on Burnt Oak Broadway to the north. The northern access from Burnt Oak Broadway is shared with a car showroom, which is located to the northeast of the site. There is a barrier fixed open at the junction with Burnt Oak Broadway and an additional barrier at the entrance to the Estate.

Approximately 650 metres to the north of the site is Burnt Oak Station which provides frequent underground services into Central London. The closest southbound bus stops are located adjacent to Colesworth House and Kedyngton House on Burnt Oak Broadway. Northbound bus stops are located within 50 metres to the north and south of the site boundary respectively. To the north- The PTAL rating of the site is 3/4 (good). There are 7 bus routes within 5 minutes walking distance of the site providing access to destinations such as Ruislip, Brent Cross and Edgware.

In the vicinity of the site, Burnt Oak Broadway is restricted by single and double yellow lines and designated loading bays. The single yellow lines on the east side of the street restricts loading between Monday - Friday, 8am - 6.30pm. The site is just outside a CPZ but there is unrestricted parking in close vicinity.

There is a pedestrian route along the Estate road within the site boundary, which connects to the footway on Burnt Oak Broadway. The footways on Burnt Oak Broadway is in excess of 7.5m in width. Footways are well maintained and raised tables with tactile paving are provided at junctions with side roads. There is a pedestrian refuge island located on Burnt Oak Broadway at the southern extent of the site. A short distance (60 metres south of the site) on Burnt Oak Broadway is a pedestrian refuge island and Zebra crossing. The Watling Avenue / Burnt Oak Broadway junction, (170 metres north of the site) provides signal-controlled pedestrian crossing facilities. There are also 2 signal-controlled pedestrian crossings along Watling Avenue which are located along the desire line to Burnt Oak Broadway Underground Station. All other side roads rely on dropped kerbs and tactile paving along the route. It is considered that the access between the site and local facilities does not present a barrier to those with disabilities

Montrose Avenue and Watling Street are designated by TfL "as quieter roads that have been recommended by other cyclists. Also, to the north east of the site, a greenway for cyclists runs through Silkstream Park.

The nearest car club location is approximately 1km (12 - 13 minutes' walk) to the south of the site on Colindeep Lane, within a development known as Zenith House. There is also a car club at the Pulse Development on Joslin Avenue a short distance from Colindale Station, approximately 1.3km (16 - 17 minutes' walk) to the south east of the site.

The applicant proposes 5 parking spaces for the 20 units which equates to a parking ratio of 0.25 spaces per dwelling. However, the existing development has 78 flats with 64 spaces so in total, there will be 98 units with a parking provision of 70 spaces which equates to a ratio of just over 0.70 spaces per dwelling.

2011 census suggest that car ownership ratio for the ward in which the site is located is 0.56 spaces per dwelling. Going by level of average car ownership indicated for this super output area, a total 98 units will generate approximately 55 cars. The site is easily accessible by public transport and has a PTAL of 4/5 (good). It is therefore considered that the level of parking provision on site with a ratio of 0.7 spaces per dwelling is acceptable.

### Cycle Parking

Based on London Plan standards, a total of 38 long-stay cycle parking spaces should be provided. The application form indicate that 20 cycle parking spaces are proposed and this does not meet the minimum standards set out in the London Plan. The current proposal has a short fall of 18 cycle spaces. After the benefit of a site visit it is considered that there is space to provide the additional required cycling spaces on site. These details shall be secured by way of condition prior to occupation of the units. The long stay cycle parking spaces must be provided in a covered, sheltered, lockable and enclosed compound.

### Road Safety

The Highways Officer has states that records show that there has been 14 reported personal injury accidents in the section of Burnt Oak Broadway between Stag Lane and Montrose Avenue vicinity on the five year period ending 2018. 11 were slight, 2 were serious and 1 was fatal with 6 of the accidents involved pedestrians.

The two serious accidents occurred on Montrose Avenue and at the junction with Stag Lane. The one fatal accident occurred on Montrose Avenue near St Alphage Walk.

This suggest that there is a safety problem on roads surrounding the site. The site will generate nearly around 90 person trips daily and residents of the development will use this accident hotspot. A contribution of £20,000 is therefore sought towards a proposed junction improvement scheme at this location estimated at approximately £650,000 which is shared with the London Borough of Harrow across on the other side of Burnt Oak Broadway who are seeking similar funding for any new redevelopment taking place around this junction. A feasibility design has been completed and the scheme would be implemented when funding becomes available. This money would be secured via S106 agreement, however if the funding across various projects does not materialise over time and the junction improvement works do not happen at all or within a nominal five year period the money secured through the S106 agreement would be refunded back to Barnet Homes.

### Refuse and recycling:

The existing refuse arrangements on site are to be demolished and moved towards the rear of the site adjacent to the existing car parking spaces. The proposed bin stores will be obscured by louvre screens. The applicant this stated there will be several additional bins however specific sizes of these has not been provided nor has elevational details of the proposed bin store and screening facilities. Some of the refuse stores are also more than 10m away from the nearest highway, as such a collection point will need to be designated and a management plan for refuse collection created. A condition will be attached requiring these details to be approve d by the local authority prior to occupation of the development.

### Ecology/biodiversity:

London Plan Policy 7.19 states that development proposal should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity. Point c states that proposals should not adversely affect the integrity of European sites and be resisted where they have significant adverse impact on European or nationally designated sites or on the population or conservation status of a protected species or a priority species or habitat identified. Policy DM16 of Barnet's Development Management Policies Document DPD (2012) provides similar protection for biodiversity and identified/designated sites.

The application site is not in a Site of Special Scientific Interest nor is it in a Site of Importance for Nature Conservation. It is not a European site.

The application site has been the subject of a Preliminary ('Phase 1') Ecological Appraisal to establish whether it provides a habitat for protected species. The site was considered to provide negligible potential for reptiles, newts, badger, dormice and water vole. The Appraisal states that 'no evidence of bats was found'. The Appraisal does state that as a precautionary measure, a single bat emergence survey is recommended. The document also makes recommendations to avoid having an adverse impact on breeding birds and recommendations for habitat enhancements. A condition will be attached to ensure these recommendations are adhered to, and implemented.

#### Accessibility and Sustainability:

Table 2.6 of Barnet's Sustainable Design and Construction SPD (2016) states that 90% of new dwellings should comply with building regulation M4 (2) "accessible and adaptable dwellings". This is also included in London Plan Policy 3.8.

The Mayors Housing SPD (March 2016) states in Paragraph 2.3.10: "...in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents." It continues: "This may bear particularly on the following types of schemes...new units as a result of upward extensions to existing residential homes and flats".

This is the case in this instance. The applicant has stated within their planning statement justification for why the inclusion of a lift would not be viable as it would have a detrimental impact on the layout of the existing units including the loss of some units existing outdoor amenity space. It would therefore be unviable as it would not receive permission from the local planning authority. The Local Planning Authority will therefore apply the policy flexibly. All other standards have been applied and the proposal is found compliant in all other respects.

London Plan Policies 5.2 and 5.3, and the GLA's Energy Assessment Guidance require that all new residential dwellings must be carbon neutral, with at least a 35% reduction beyond the 2013 Building Regulations being provided on-site. Non-domestic development must achieve a 35% reduction on site beyond the 2013 Building Regulations. The application submission includes an Energy Assessment which demonstrates that these requirements can be satisfied, which will be offset by a developer's contribution in order for the project to comply with the 'Zero Carbon' requirement. This will be secured by way of S106 agreement for £14,403 made payable to Barnet council. To offset the residual unmet regulated carbon emissions.

Table 2.11 of Barnet's Sustainable Design and Construction SPD (2016) states that new dwellings should be designed to ensure that a maximum of 105 litres of water is consumed per person per day. A condition has been attached accordingly.

#### **5.4 Response to Public Consultation**

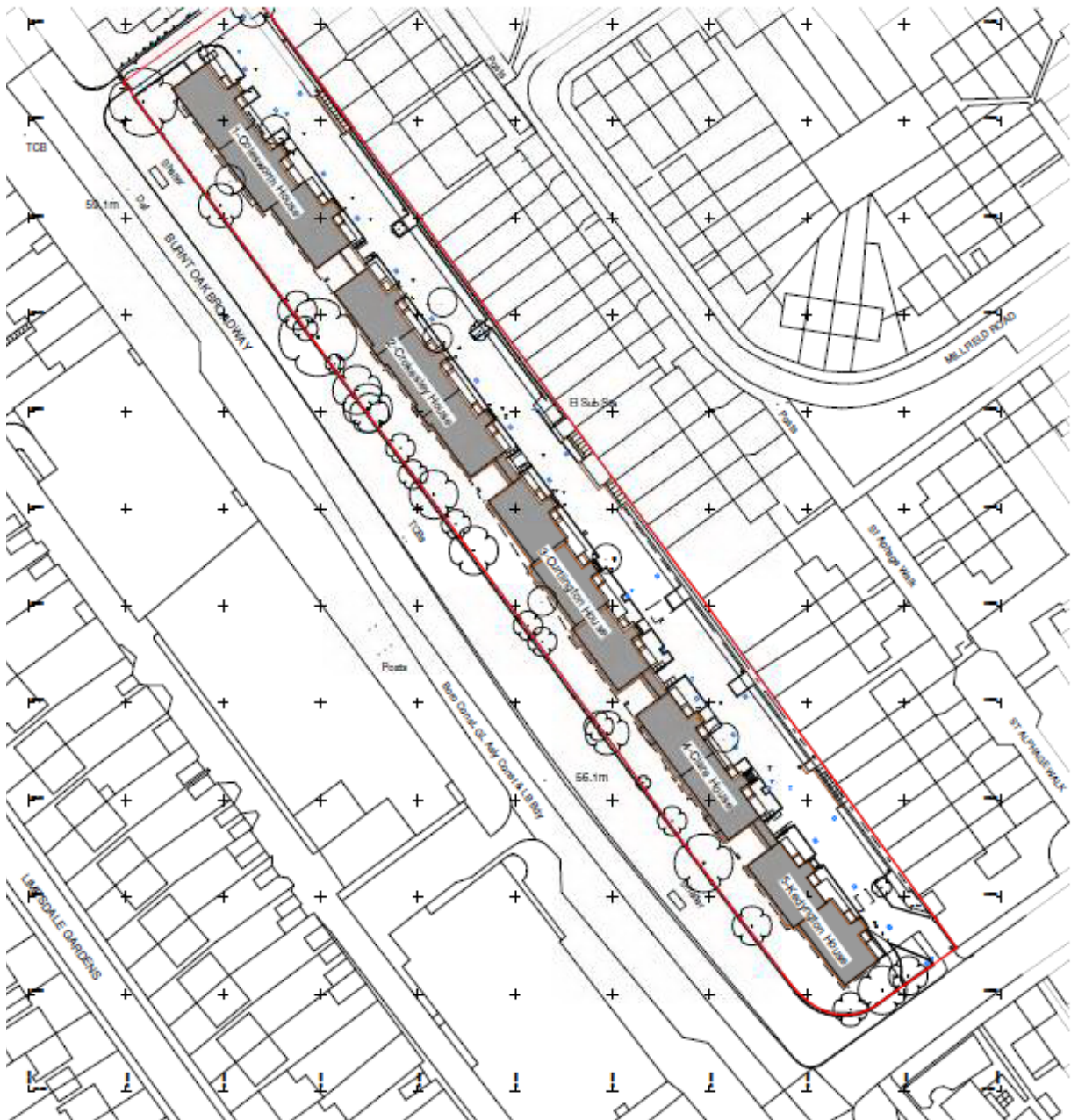
- Concerns regarding the existing structural state of the buildings with requirement for building improvements for structural cracks, mould issues and drainage. Concerns regarding potential development resulting in additional damage; this is not a material planning consideration however discussions were had with Barnet Homes who explained that the issues raised and the necessary remedial works would be included within the development of the additional storeys.
- Concerns regarding impact on existing parking stress by increased residents; t this has been addressed within the main assessment of proposals section.
- Concerns regarding impact on privacy and light from neighbouring occupier; this has been addressed within the main assessment of proposals section.
- Concerns regarding intensification of the site and subsequent impact on surrounding area in terms of crime and cleanliness; this is not a material planning consideration.
- 

#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the wider locality. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. The application is deemed acceptable on highways and parking grounds. The proposals are acceptable in terms of impact on trees and landscaping. This application is therefore recommended for approval.







4. The applicant would be required to enter into a Local Employment Agreement with the Council;

Alternatively, the applicant may wish to make a financial contribution in lieu of the employment outcomes outlined above. Such a contribution would be commensurate with the number of outcomes secured and in line with SPD guidance.

5. Contribution of £2,072.55 to amend traffic order to restrict future occupiers from obtaining parking permits;

6. Contribution of £5,000 towards monitoring of Travel Plan;

7. Financial contribution towards CPZ monitoring, consultation and implementation, if required, up to £20,000;

8. All necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development in agreement with the Local Highways Authority;

9. All necessary works under section 278 resulting from the location and works identified in the PERS Audit;

10. Financial contribution towards a local cycling feasibility study and associated necessary and reasonable improvement works in accordance with TfL's Healthy Streets and Vision Zero;

11. Details of Car Club Scheme, including membership, user incentives and location of car and associated infrastructure;

12. Restriction on use of stopped-up footway for storage/supermarket trolleys;

13. A contribution of £12,000 towards tree planting in Burnt Oak Town Centre and along Burnt Oak Broadway;

14. A carbon offset contribution of £65,962;

15. Prior to the Occupation of any residential units of the No. 100 Development, the building known as No.104A Burnt Oak Broadway shall be demolished to ground floor, i.e. to the adjacent highway pavement level;

16. A contribution of £3,000 towards the monitoring of the S106 agreement.

#### RECOMMENDATION III:

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

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

- Site Plan Existing 426-dRMM-ZZ-ZZ-SIT-A-1000\_P01
- Site Plan Proposed (Illustrative) 426-dRMM-ZZ-ZZ-SIT-A-1001\_P01
- Site Plan Demolition 426-dRMM-ZZ-ZZ-SIT-A-1002\_P01
- Site Location Plan 426-dRMM-ZZ-ZZ-SIT-A-1003\_P01
- Existing Elevations 426-dRMM-ZZ-ZZ-ELE-A-1100\_P01
- South West GA Elevation 426-dRMM-ZZ-ZZ-ELE-A-4000\_P01
- South East GA Elevation 426-dRMM-ZZ-ZZ-ELE-A-4001\_P01
- North East GA Elevation 426-dRMM-ZZ-ZZ-ELE-A-4002\_P01
- North West GA Elevation 426-dRMM-ZZ-ZZ-ELE-A-4003\_P01
- South East GA Elevation Internal 426-dRMM-ZZ-ZZ-ELE-A-4004\_P01
- North East GA Elevation Internal 426-dRMM-ZZ-ZZ-ELE-A-4005\_P01
- North West GA Elevation Internal 426-dRMM-ZZ-ZZ-ELE-A-4006\_P01
- South West Elevation Internal 426-dRMM-ZZ-ZZ-ELE-A-4007\_P01
- Lower Ground Floor Block Plan 426-dRMM-ZZ-LG-PLA-A-2000\_P02
- Ground Floor Block Plan 426-dRMM-ZZ-00-PLA-A-2001\_P01
- First Floor Block Plan 426-dRMM-ZZ-01-PLA-A-2002\_P01
- Second Floor Block Plan 426-dRMM-ZZ-02-PLA-A-2003\_P01
- Third Floor Block Plan 426-dRMM-ZZ-03-PLA-A-2004\_P01
- Fourth Floor Block Plan 426-dRMM-ZZ-04-PLA-A-2005\_P01
- Fifth Floor Block Plan 426-dRMM-ZZ-05-PLA-A-2006\_P01
- Sixth Floor Block Plan 426-dRMM-ZZ-06-PLA-A-2007\_P01
- Seventh Floor Block Plan 426-dRMM-ZZ-07-PLA-A-2008\_P01
- Eighth Floor Block Plan 426-dRMM-ZZ-08-PLA-A-2009\_P01
- Ninth Floor Block Plan 426-dRMM-ZZ-09-PLA-A-2010\_P01
- Tenth Floor Block Plan 426-dRMM-ZZ-10-PLA-A-2011\_P01
- Eleventh Floor Block Plan 426-dRMM-ZZ-11-PLA-A-2012\_P01
- Roof Floor Plan 426-dRMM-ZZ-RF-PLA-A-2013\_P02
- Lower Ground Floor GA Plan 426-dRMM-ZZ-LG-PLA-A-2100\_P02
- Ground Floor GA Plan 426-dRMM-ZZ-00-PLA-A-2101\_P01
- First Floor GA Plan 426-dRMM-ZZ-01-PLA-A-2102\_P01
- Second Floor GA Plan 426-dRMM-ZZ-02-PLA-A-2103\_P01
- Third Floor GA Plan 426-dRMM-ZZ-03-PLA-A-2104\_P02
- Fourth Floor GA Plan 426-dRMM-ZZ-04-PLA-A-2105\_P01
- Fifth Floor GA Plan 426-dRMM-ZZ-05-PLA-A-2106\_P01
- Sixth Floor GA Plan 426-dRMM-ZZ-06-PLA-A-2107\_P01
- Seventh Floor GA Plan 426-dRMM-ZZ-07-PLA-A-2108\_P02
- Eighth Floor GA Plan 426-dRMM-ZZ-08-PLA-A-2109\_P01
- Ninth Floor GA Plan 426-dRMM-ZZ-09-PLA-A-2110\_P01
- Tenth Floor GA Plan 426-dRMM-ZZ-10-PLA-A-2111\_P01
- Eleventh Floor GA Plan 426-dRMM-ZZ-11-PLA-A-2112\_P01
- Roof GA Plan 426-dRMM-ZZ-RF-PLA-A-2113\_P02
- 426-dRMM-ZZ-ZZ-SC-A-0200\_P01 Area Schedule
- Play Space Calculation (received 18th June 2019)
  
- Air Quality Assessment (RPS, 04/02/2019, JAP10587)
- Air Quality Neutral Calculation (RPS, 04/02/2019, JAP10587)
- Arboricultural Impact Assessment (agb Environmental, 29 November 2018, P3095.1.0)
- Bat Survey Report (Aven Ecology, January 2019)
- BREEAM Pre-Assessment Report (Hilsdon Holmes Limited, Energy & Environmental Consultants, 04/02/2019)

- Daylight and Sunlight Report (Point 2 Surveyors, July 2019, Version 1 R9, P1737)- Energy Assessment (Webb Yates Engineers - J3543-M-RP-0001, Rev. 02, Status S9)
- General Approach - Webb Yates Engineers - Ref: J3543-X-RP-0001, Rev. 01, Status S9)
- Heritage, Townscape and Visual Impact Assessment (Built Heritage Consultancy, January 2019)
- Parking Stress Study (Markides Associates, 26th July 2019)
- Preliminary Ecological Appraisal (Aven Ecology, January 2019)
- Scheme Internal Daylight Report (Point Surveyors, November 2018, Version 1, Project P1737)
- Structural Design Report (Webb Yates Engineers, Ref: J3543-S-BD-0002, Rev. 02, Status S9)
- Sustainability Assessment (Webb Yates Engineers, Ref: J3543-M-RP-0002, Rev. 01, Status S9)
- Transport Assessment (Markides Associates, February 2018, 18037-01)
- Travel Plan (Markides Associates, February 2018, 18037-01)
- Underground Utilities Search Report (Cornerstone Projects Ltd, Ref No 1: 918084)
  
- Addendum to Air Quality Assessment and Air Quality Neutral Calculation (RPS, 19th July 2019, JAP10587)
- Addendum to Arboricultural Impact Assessment (AGB Environmental, 19th July 2019)
- Addendum to Bat Survey Report (Aven Ecology, July 2019)
- Addendum to Heritage Assessment (MRPP, 22nd July 2019)
- Addendum on Internal Daylight/Sunlight (Point 2 Surveyors, 17th July 2019)
- Addendum to Planning Statement (MRPP, July 2019)
- Addendum to Preliminary Ecological Appraisal (Aven Ecology, 19th July 2019, 0227)
- Addendum to Transport Assessment and Travel Plan (Markides, July 2019, Project Number: 18037-01)

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

- 2 This development must be begun within three years from the date of this permission.

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

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 4 No development shall take place within the area proposed for further basement excavation shown on drawing 426-dRMM-ZZ-LG-PLA-A-2100 P02, until a programme of archaeological work in accordance with a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

- 5 No site works or works on this development 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. The development shall thereafter be implemented in full accordance with the details approved under this plan. 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 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.

- 6 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the highway authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses, consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority 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.

- 7 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the tree protection fencing has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. Furthermore, the tree works and mitigation measures outlined within Arboricultural Impact Assessment (agb Environmental - 29 November 2018 - P3095.1.0) must be fully implemented and adhered to throughout the development.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 8 Prior to commencement of the development (excluding demolition, site clearance and ground works) a Condition Survey of the existing public highway immediately in front of the development and along Stockwell Close, shall be undertaken and the result submitted to the Local Planning Authority. Within one month of the construction work ceasing a second road condition work shall be undertaken and the results submitted to the Local Planning Authority. Thereafter, any damage to the public highway identified by the two condition surveys shall be rectified by the applicant in agreement with the Highway Authority within one year of the development being constructed.

Reason: In the interests of safeguarding the existing road corridor.

- 9 No development other than demolition, site clearance and temporary enabling works, shall be commenced until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the local planning authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- 10 a) No development other than demolition, site clearance and temporary enabling works, shall commence until a Drainage Strategy detailing all drainage works to be

carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme have been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

11 a) No development other than demolition, site clearance and temporary enabling works, shall commence until details and samples of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

12 a) Prior to the commencement of above ground works of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that it can achieve full 'Secured by Design' Accreditation.

b) Prior to the first occupation of the residential building a 'Secured by Design' accreditation shall be obtained for the building.

c) The development shall only be carried out in accordance with the approved details and retained as such thereafter.

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

13 Prior to the first occupation of the development hereby approved, it shall have been constructed in strict accordance with the carbon dioxide emission reduction measures outlined within the Webb Yates Engineers - Energy Assessment - Ref: J3543-M-RP-0001 - Revision: 02 - Status: S9, to achieve energy efficiency measures equating to a 46% decrease in CO2 emissions over the Part L 2013 baseline or 63 tonnes CO2/year savings (SAP 10).

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

14 a) The non-residential parts of the development hereby approved, are required to meet the BREEAM Very Good level at post construction stage.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

15 No development other than demolition, site clearance and temporary enabling works, shall commence until details of Photovoltaic Panels and the Air Source Heat Pump (ASHP) system have been submitted to and approved in writing by the Local Planning Authority, including their final layout, external appearance and contribution to the energy efficiency savings of the development hereby approved.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

16 a) No development other than demolition, site clearance and temporary enabling works, shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development, how the development will be constructed /adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority.

Sound insulation shall ensure that the levels of noise generated by the A1 and D2 uses as measured within habitable rooms of the development, shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

17 Prior to the first occupation of the development hereby approved, the development shall have been implemented in accordance with the methodology and calculations to achieve the mitigation measures outlined within the Air Quality Assessment (RPS



- 04/02/19 - JAP10587), Air Quality Neutral Calculation (RPS - 04/02/2019 - JAP10587) and Addendum to Air Quality Assessment and Air Quality Neutral Calculation - RPS - 19/07/2019 - JAP10587).

Reason: To ensure that the amenities of occupiers are not prejudiced by road traffic and 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.

- 18 a) Prior to the first occupation of the Class A use hereby approved, a detailed assessment for any kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 19 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/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 20 The level of noise emitted from plant shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any habitable 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 habitable room of a neighbouring residential property.

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

- 21 Should contamination on site be discovered during excavation works in the area marked in blue on plan 426-dRMM-ZZ-LG-PLA-A-2100 P02 hereby approved, a method statement outlining the remediation works to be carried out shall be submitted to and approved in writing by the Local Planning Authority before any above ground works are commenced.

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 October 2016) and 5.21 of the London Plan 2016.

- 22 a) Notwithstanding the details submitted with the application and otherwise hereby approved, respective components (A1, D2 and C3) of the development shall not be occupied until details of their (i) Refuse and Recycling Collection Strategy, which includes details of their collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing their satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 24 Notwithstanding the plans submitted, the disabled parking spaces shown on approved drawing 426-dRMM-ZZ-LG-PLA-A-2100 P02 shall be provided and clearly marked with a British Standard disabled symbol and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons to the approved building 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.

- 25 a) Prior to the first occupation of the development hereby approved, details of disabled parking for retail uses on Stockwell Close, shall be submitted and approved in writing by the Local Planning Authority.

b) The details approved in this condition shall be fully implemented and retained as such thereafter.

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) Before the development hereby permitted is first occupied, full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for each disabled space.

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

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

- 27 a) Prior to the first occupation of the C3 use hereby approved, a Car Park Management Plan detailing the allocation of disabled car parking spaces and all on-site parking controls, charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority.

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

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.

- 28 Prior to the first occupation of the development hereby approved, a Road Safety Audit of the immediately surrounding highway network shall be conducted along with a design and implementation response that provides forms of mitigation

against issues raised by the road safety auditor. This shall be submitted to and approved in writing by the Local Planning Authority, with the approved outcomes fully implemented and retained as such thereafter.

Reason: To ensure the surround highway networks road safety conditions re fully assessed and mitigated 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.

- 29 a) Prior to the first occupation of the Class A1 and D2 uses hereby approved, a Delivery and Servicing Plan (DSP) shall be submitted to and agreed in writing by the Local Planning Authority.

b) The details approved in this condition shall be fully implemented and retained as such thereafter.

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.

- 30 a) Notwithstanding the plans hereby approved, before the development hereby permitted is first occupied, details of cycle parking including the type of stands, gaps between stands, location and type of cycle store shall be submitted to and approved in writing by the Local Authority. The location of both residential and retail / commercial short and long-stay cycle parking shall be provided and clearly marked.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 31 a) Prior to their first instalment, details of all privacy screens and balustrades to be installed, including dimensions and material finish shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

32 a) Prior to the first occupation of the development hereby approved, details of the means of enclosure, including boundary treatments and residential access points, shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced 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 proposed and 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).

33 a) Prior to the first occupation of the development hereby approved, details and specifications of all external lighting to be installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. All exterior lighting should follow the guidance of the Bat Conservation Trust.

b) The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be maintained as such.

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 and DM16 of the Barnet Local Plan and 5.3 of the London Plan.

34 a) Prior to the first occupation of the development hereby approved, details of the proposed green roof shall have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

35 a) Prior to the first occupation of the development hereby approved, a site wide soft landscaping plan, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall have been submitted to and agreed in writing by the Local Planning Authority. This should include soft landscaping to communal amenity spaces and the area along the rear boundary adjacent to Gaskarth Road.

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.

36 a) Before the C3 part of the development hereby permitted is first occupied, a scheme detailing the location, layout and play equipment to be installed in the children's play space, shall be submitted to and approved in writing by the Local Planning Authority. Details should also include safety measures, areas of protective flooring and how the play equipment proposed addresses different levels of challenge.

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

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.

37 The Class A1 and D2 Uses hereby approved shall only be open to customers between the hours of 06:00 and 23:00 on any day or as otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

38 The area of the lower ground floor plan hereby approved, marked 'A1 Retail Use / D2 Leisure Use' shall be used as A1 and D2 including related ancillary uses only and for no other purpose (including any other purpose in Class A or Class D of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

The area of the ground floor plan hereby approved, marked 'A1 Retail Use' shall be used as A1 including related ancillary uses only and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The area marked 'A1 Retail Use / D2 Entrance' shall be used as

access to the lower ground floor 'A1 Retail Use / D2 Leisure Use' only and for no other purpose.

The area on the first-floor plan hereby approved, marked 'A1 Retail Use' shall be used as A1 including related ancillary uses only and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 39 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 40 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 41 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00 pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

RECOMMENDATION IV:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 01 February 2020, unless otherwise agreed in writing, the Service Director – Planning and Building Control or Head of Strategic Planning REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not provide a legal agreement to mitigate against the impacts of the development in respect of its car-free nature and required highways works. It is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision, contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.

2. The proposed development does not include a formal undertaking to provide onsite affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy DM10 of Barnet's Development Management Policies (2012) and Policy 3.13 of the London Plan (2016).

3. The proposed development does not include a formal undertaking to enter into a Local Employment Agreement. The proposal would therefore not address the impacts of the development, contrary to Policy CS8 of Barnet's Local Plan (2012) and the Delivery Skills, Employment, Enterprise and Training from Development through S106 SPD (October 2014).

4. The proposed development does not include a formal undertaking to provide tree planting within Burnt Oak Town Centre and along Burnt Oak Broadway. The proposal would therefore not address the impacts of the development, contrary to Policy DM01 of Barnet's Development Management Policies (2012) and Policy 7.4 of the London Plan (2016).

5. The proposed development does not provide a legal agreement to ensure sufficient safeguarding measures are in place against the storage of supermarket trolleys to the front of the application site. The proposal would therefore not address the impacts of the development on the adjacent public footpath and the free flow of pedestrian movement. This would be contrary to Policy DM17 of Barnet's Development Management Policies (2012).

6. The proposed development does not provide a legal agreement to ensure it comes forward together with no. 104A Burnt Oak Broadway (19/3906/FUL) in a timely manner. This proposal would therefore cause harm to the character and appearance of Burnt Oak Broadway and viability of Burnt Oak Town Centre. This would be contrary to Policies DM01 and DM11 of Barnet's Development Management Policies (2012).

7. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the London Plan (2016), Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM04 of the Adopted Development Management Policies DPD.

8. The applicant has failed to pay a monitoring fee to ensure the s.106 agreements are fully implemented. This would be contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).



## Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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 £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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.

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://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 6 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.
- 7 The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.
- 8 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 9 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 35dB(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.

- 10 Tree and shrub species selected for landscaping planting provide long term resilience to pest, diseases and climate change. The 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 below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, 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."

## Officer's Assessment

### MATERIAL CONSIDERATIONS

#### Key Relevant Planning Policy

##### Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals 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.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

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.

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

##### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area.

The National Planning Policy Framework (NPPF) was revised in February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, as well as promoting sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

##### The London Plan

The London Plan (2016) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

##### Context and Strategy:

(Delivering the Strategic Vision and Objectives for London)

#### London's Places:

2.6 (Outer London: Vision and strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: transport); 2.15 (Town Centres).

#### London's People:

3.1 (Ensuring equal life chances for all); 3.2 (Improving health and addressing health inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); 3.14 (Existing Housing).

#### London's Economy:

4.1 (Developing London's Economy); Policy 4.7 (Retail and town centre development); Policy 4.8 (Supporting a successful and diverse retail sector and related facilities and services); Policy 4.12 (Improving Opportunities for all).

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

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity).

#### London's Transport:

6.1 (Strategic Approach); 6.3 (Assessing Effects of Development on Transport Capacity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); 6.13 (Parking).

#### London's Living Spaces and Places

7.1 (Lifetime Neighbourhoods); 7.2 (An inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location and Design of Tall and Large Buildings); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes); 7.19 (Biodiversity and Access to Nature); 7.21 (Trees and Woodland).

#### Implementation and Monitoring Review:

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

#### Draft New London Plan

The London Plan is currently under review and is also a material consideration.

#### Core Strategy (Adopted 2012):

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

CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)  
CS3 (Distribution of growth in meeting housing aspirations)  
CS4 (Providing quality homes and housing choice in Barnet)  
CS5 (Protecting and enhancing Barnet's character to create high quality places)  
CS7 (Enhancing and protecting Barnet's open spaces)  
CS9 (Providing safe, effective and efficient travel)  
CS12 (Making Barnet a safer place)  
CS14 (Dealing with our waste)  
CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)  
DM02 (Development standards)  
DM03 (Accessibility and inclusive design)  
DM04 (Environmental considerations for development)  
DM05 (Tall Buildings)  
DM06 (Barnet's heritage and conservation)  
DM08 (Ensuring a variety of sizes of new homes to meet housing need)  
DM10 (Affordable housing contributions)  
DM11 (Development principles for Barnet's town centres)  
DM16 (Biodiversity)  
DM17 (Travel impact and parking standards)

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

Local Supplementary Planning Documents:

Watling Estate Conservation Area Character Appraisal (July 2007)  
Planning Obligations (April 2013)  
Residential Design Guidance (April 2013)  
Sustainable Design and Construction (April 2013)  
Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)

Strategic Supplementary Planning Documents and Guidance:

Barnet Housing Strategy 2015-2025  
Accessible London: Achieving an Inclusive Environment (April 2004)  
Sustainable Design and Construction (May 2006)  
Wheelchair Accessible Housing (September 2007)  
Planning for Equality and Diversity in London (October 2007)  
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)  
Housing (2016)  
Affordable Housing and Viability (2017)

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development.

## PLANNING ASSESSMENT

### Site Description

The application site comprises of a two-storey building (plus basement level) fronting the A5 (known as Burnt Oak Broadway). The site forms part of the southern-end of the Primary Shopping Frontage of Burnt Oak Town Centre, a District Centre as identified within the London Plan (2016). The site was last in use as a Tesco supermarket but has remained vacant since 2017. The building at the application site has a dated brick, render and part glazing façade of no particular architectural merit. The building extends to the rear of the site and is separated from the gardens of residential dwellings on Gaskarth Road by Stockwell Close and by a row of mature trees. Stockwell Close wraps around the south to the south-east and north-east of the application site, providing access to a car park to the rear of the Bald-Faced Stag public house and a servicing area associated with the previous Tesco supermarket use. The application site sits on higher ground than Watling Avenue and the Watling Estate to the east.

Whilst the application site sits within the London Borough of Barnet, the London Borough of Brent is located directly opposite across the A5 and the London Borough of Harrow is slightly further north along the A5.

The area immediately surrounding the application site on Burnt Oak Broadway is varied in its architectural form. It includes two and three-storey pitched roofed, brick clad inter-war parades, three-storey post-war flat-roofed render and brick clad commercial and residential buildings and a prominent five-storey stone clad building on the corner of Burnt Oak Broadway and Stag Lane. Adjacent to the application site to the north is no.104A Burnt Oak Broadway which currently comprises of a two-storey pitched roofed building operating as a bed shop. This site is currently subject to a planning application (ref: 19/3906/FUL) for a two-storey (plus basement level) Class A1/A3 building of a similar materiality to the proposed development. Adjacent to 104A Burnt Oak Broadway to the north is the Bald-Faced Stag public house which is currently being redevelopment into a mixed-use building with eight flats and ground floor retail space (ref: H/01765/14). Adjacent to the application site to the south is a three-storey flat roofed building at Stag House which was recently granted permission to extend up to six-storeys fronting Burnt Oak Broadway and 3.5 storeys to the rear (ref: 17/8140/FUL). The predominant building height of buildings immediately adjacent to the application site is two to five-storeys. As noted above, a six-storey building has been granted permission at Stag House, but it does not appear that this has yet been implemented.

The wider character along the A5, particularly to the south of the application site is mixed, with different architectural forms, materiality and building heights evident. Tall buildings form part of the wider character of the A5. Indeed, the TNQ building 600m to the south of the application site is currently under construction and will have a building height of nineteen storeys when complete. This building is located within the London Borough of Brent and an area designated within their Local Plan as the Burnt Oak / Colindale Growth Area (CP11). The support for taller buildings along certain sections of the A5 is largely driven by its strategic importance in the delivery of higher density development. This is evidenced by the fact the A5 to the south of the site is located within the Colindale Area Action Plan area and Burnt Oak / Colindale Opportunity Area, both areas where taller, high-density development is broadly supported.

The application site is located immediately adjacent to the Watling Estate Conservation Area which runs along Watling Avenue (including part of the junction with Burnt Oak



Broadway) and the area to the rear of the site (north-east / east). The conservation area was built in the inter-war years as a housing estate for soldiers and their families following World War I. Watling Avenue to the north of the application site is characterised by largely uniform traditional two-storey (plus habitable rooms at roof level) pitched roofed parades. These are located between Burnt Oak Tube Station and the junction between Watling Avenue and Burnt Oak Broadway.

The area to the rear of the application site (located within the Watling Estate Conservation Area) along Gaskarth Road, is characterised by two-storey pitched roofed residential dwellings with a mixture of elevational cladding varying from brick, timber and rendered pebble dash. The application site backs onto the rear gardens of properties on Gaskarth Road.

The application site is located within Flood Zone 1, contains no statutory or locally listed buildings and has no trees subject to a Tree Preservation Order (TPO) located within its curtilage.

### Proposed Development

The proposed development seeks to demolish the existing two-storey building on site (previously accommodating a Tesco supermarket), to replace it with a mixed-use building that ranges from part four and part five-storeys to the rear, up to twelve-storeys fronting Burnt Oak Broadway. A simple material palette of smooth and textured concrete, sinusoidal and flat metal cassette and sheet cladding in anodised aluminium and glazing form the proposed building's main external materiality.

As shown on the Site Location Plan submitted as part of this application, part of the balconies proposed on the north-western elevation will oversail the adjacent site at no.104A Burnt Oak Broadway. The adjacent site as highlighted in the relevant planning history section below, is also subject to a planning application (ref: 19/3906/FUL) to demolish the existing bed-shop and replace it with a two-storey (plus basement level) flexible A1/A3 scheme. This scheme has been designed to complement the proposed development in materiality and layout. Should permission be granted, both schemes will be linked through a legal agreement to ensure that the no.104A scheme is constructed before no.100 is fully occupied. This is to protect the design integrity and viability of the Burnt Oak Town Centre Primary Shopping Frontage. Therefore, if granted the proposed oversailing balconies will form part of a wider coherent site plan and design.

The proposed mixed-use scheme will comprise of 100 self-contained flats across ground to eleventh-floor level and 1718.9m<sup>2</sup> of Class A1 / D2 floor space across lower ground, ground and first-floor level. The Class D2 floor space is split over the ground and lower ground floor levels, albeit the Class D2 use at ground floor level is for access to the lower ground floor only.

Of the proposed 100 residential units, 37 will be affordable homes (16 London Affordable Rent and 21 London Shared Ownership). This represents an onsite Affordable Housing provision of 37% by unit and 35.1% by habitable rooms.

The proposed development provides private amenity for each flat, along with 538m<sup>2</sup> of communal amenity space (including 205m<sup>2</sup> of children's play space) across a ground floor courtyard and a first-floor terrace.

Aside from 4.no disabled parking spaces at lower ground floor level (with space for an additional 6 as needed), the proposed development would be car-free.

Short (10) and long-stay (178) cycle parking for both commercial and residential uses are located at ground and lower ground floor levels.

The proposed development will incorporate green roofs, photovoltaic panels and an air source heat pump (ASHP) system within the building design.

No trees along the rear boundary of the site will be removed, with ecology / biodiversity mitigation and enhancement measures are proposed during pre and post construction phases.

### Relevant Planning History

Reference: 19/3906/FUL

Address: 104A Burnt Oak Broadway, Edgware, HA8 0BE

Description: Retention of basement and redevelopment and re-provision of new two-storey building for flexible A1/A3 floorspace.

Decision: Pending Consideration

As outlined within this report, the proposed scheme over-sails no.104A Burnt Oak Broadway. This is captured in the redline boundary submitted as part of this application. Both the no. 100 and highlighted no.104A Burnt Oak Broadway schemes will be linked through a legal agreement to ensure that the no.104A scheme is constructed before no.100 is fully occupied. This is to protect the design integrity and viability of the Burnt Oak Town Centre Primary Shopping Frontage.

### Consultations

As part of the consultation exercise, 624 letters were sent to neighbouring residents, a site notice was posted and an advertisement placed in the Barnet Press. Following the submission of amended plans and revised supporting documents, a period of re-consultation was undertaken. As a result of the consultation exercise, a total of 8 responses were received, comprising 5 letters of objection, 2 letters of representation (neither support nor object) and 1 letter of support. For clarity, 1 of the 4 letters of objection received has been incorrectly duplicated.

### Summary of public comments

#### Support:

The letter of support received seems to have been incorrectly referenced as the content of the response references its objection to the scheme as outlined below:

- As with previous developments in this area "objecting" to these brutal and monstrous blocks has little or no effect, they are going to be built as housing is required.
- 10 years plus of dirt, filth, dust, noise, shaking of properties and cracking of walls, ceilings resulting from large scale development.
- Off site modular construction should be implemented for large development.
- 100 residential units would seem a form of overdevelopment.

#### Representation:

Two letters of representation were received. The responses received are summarised below:

- Comment received on behalf of the Hendon and District Archaeological Society:

100 Burnt Oak Broadway fronts on the A5 road, which is probably close to the line of the Roman road called 'Watling Street'. This is under-researched, and it may be that evidence is to be found of the road or roadside settlements when there are developments along the line of the A5. Historic England should therefore have the opportunity of considering an archaeological condition, and so I am copying this to them.

- Objection to a building of 5 or more storeys as it would change the look and feel of the neighbourhood drastically, could interfere with existing telecommunication signals and would encourage more high-rise buildings in the area.

- Upper storeys of a high-rise block would overlook the nearby school, the common on the corner of Gaskarth / Playfield Roads and Silkstream Park. It would blight the views from those areas and lessen their amenity value.

- Objection to the D2 use if there is a likelihood of alcohol being sold on the premises, noise nuisance and/or large numbers and groups of visitors, particularly in the evenings.

- There is little to no regular police presence in the area to provide residents with a feeling of security.

- The pavement is not wide enough to support groups of people congregating or accessing the premises and buses are not frequent enough to clear groups quickly.

- For a D2 use of a type whereby people will remain at the premises for some time, there must be adequate parking facilities included within the plans.

- The area would feel less safe if there were greater numbers of transient visitors to the area, particularly visiting groups and especially if they have alcohol.

- There are insufficient parking spaces in the area to support a development that does not provide parking designated for its residents and for visitors to the commercial space on the ground and lower floors. The number of disabled parking spaces should be proportionate to the overall number of parking spaces.

#### Objection:

The letters of objection received are summarised as follows:

- Large-scale developments in the area are a blight and have substantial environmental impacts.

- Lack of onsite parking for residents with consequential overspill into adjacent area.

- Increased vehicular trip generation and parking in the area will increase noise and air pollution.

- Current lack of parking enforcement in the area. Increased parking will have detrimental impact on existing residents.

- The proposed building scale is out of character with the central Burnt Oak area

- Would overshadow and block light to adjacent houses and flats which are lower in scale.

- Would result in overlooking into neighbouring windows and gardens to the rear of the site.

- Building built up close to adjacent gardens to the rear and would appear as a large wall.

- A lack of council housing within the scheme.

- The site's topography will exacerbate the proposed building height. It will dominate the skyline.

- Overlooking of Barnfield School and neighbouring residential homes.

A letter of objection was received from Andrew Dismore AM (London Assembly Member for Barnet and Camden) objecting to the proposed development. The letter received can be summarised as follows:

- The proposed height is too high and out of keeping with the local area, which is characterised by two or three storey buildings in the main.
- The proposed development is on the border of the conservation area and is out of character with it.
- The proposed tall building amounts to an over-densification of the site.
- The tenure mix has insufficient family sized units and at 37% affordable, is below the target 40%.
- None of the affordable units will be at social rent, which is what is desperately needed in this area.
- The car parking provision is inadequate.
- A car free development is not sustainable in this location given the poor orbital links.
- The impact of the proposed development will be that parking will be pushed onto neighbouring streets, creating further congestion and competition for parking space.

## Responses from External Consultees

### Greater London Authority

#### Summary

The GLAs Stage 1 response included the following recommendation:

That Barnet Council be advised that the application is strongly supported in strategic planning terms. It does not currently fully comply with London Plan and draft London Plan policies on commercial uses, sustainable development and transport as set out in paragraph 66 of this report, but the possible remedies set out in that paragraph could address these deficiencies.

The points raised by the GLA requiring further attention included:

- Additional urban greening;
- Additional detail regarding overheating, potential connection to a nearby district heating network, the site's heat network and renewable energy infrastructure;
- Maximisation of onsite commercial floor space;
- Improve legibility of the D2 use fronting Burnt Oak Broadway;
- Ensure children's play space is policy compliant.

The applicant has sought within the revised plans to address the highlighted points raised by the GLA.

#### Land use

In line with draft London Plan Policy SD6 'town centres' and D6 'optimising housing density', the proposed development seeks to contribute towards the housing demand of the Borough, through the provision of a mixed-use development within a sustainable town centre location. As such, the principle of a residential-led redevelopment of the site is supported in strategic planning terms.

## Town Centre

In the context of the existing premises, the proposals would provide an improved quality of retail floorspace which would make a positive contribution to the vitality of the district centre and would re-introduce an active frontage along Burnt Oak Broadway. Whilst the net loss in non-residential floorspace is noted, the scale of the proposed retail use is considered appropriate in terms of the role and function of the Burnt Oak Town Centre, which has been identified for high residential growth within the draft London Plan.

The introduction of 803m<sup>2</sup> of flexible Class A1/D2 floorspace at basement level, which could be taken up by a gym or indoor recreation facility, would support the diversity of the town centre and is supported in strategic planning terms.

## Affordable Housing

Subject to confirmation of tenure and affordability, the affordable housing offer (35% by habitable rooms) meets the 35% Fast Track threshold. In order to meet the Fast Track Route requirements, the Council must confirm that it is satisfied with the proposed tenure mix.

## Housing mix and density

The applicant has indicated that the proposals would primarily include one and two-beds, which is acceptable in this town centre location; however, the strategic requirement for affordable family housing should be met and the proportion of affordable housing maximised. The applicant should liaise with the Local Authority in terms of the housing needs of the Borough.

The proposed scheme has a density of 363 units per hectare or 960 habitable rooms per hectare, which complies with the London Plan's density matrix for 'central' locations. The draft London Plan is less prescriptive regarding densities and seeks to ensure that sites optimise densities, through taking a site's context and location into account and requiring greater scrutiny on higher density schemes. The proposed development does not fall within the range specified in part C of draft London Plan Policy D6, where additional scrutiny and information is required. Given the site's very good accessibility, and subject to addressing the issues raised within this report, it is considered that the scheme appropriately optimises its density and complies with London Plan Policy 3.4 and draft London Plan Policy D4.

## Urban design

The principle of locating a taller building within an accessible town centre location is supported in strategic planning terms. However, officers acknowledge the sensitive location of the site, which sits within a pocket of the Watling Estate Conservation Area, which is characterised by low-scale development (2-5 storeys). The proposed heights would therefore be noticeably taller than the buildings in the surrounding area and the impact on the Watling Estate Conservation Area must be balanced against the public benefits of the proposal.

The overall massing has been informed by a design-led approach which has sought to balance the requirement to minimise heritage impact and optimise housing delivery. GLA officers consider that an appropriate balance has been achieved. The general layout of the

buildings would concentrate the bulk of the massing along the town centre frontage and would step down towards the residential properties at the rear. The stepped appearance of the building would act to reduce the visual dominance of the tall block.

Whilst the proposed design is appropriate for a town centre location and would reintroduce an active frontage along Burnt Oak Broadway, the acceptability of the design will be subject to an assessment of the impacts on the surrounding conservation area. High quality facing materials, balcony treatments and window reveals should be secured to ensure exemplary design is carried through post planning to completion.

### Heritage

In accordance with paragraph 198 of the NPPF, where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal. The public benefits of the proposals include the provision of housing and a 35% provision of affordable housing, and the re-activation of the primary shopping frontage. The wider economic and regenerative benefits to the town centre should also be considered. In GLA officers' opinion, the public benefits of the proposal are sufficient to outweigh the harm that would be caused to nearby heritage assets, subject to the securing of the affordable housing, and a high-quality design and materials at the construction stage as outlined above.

### Inclusive design

The applicant's design and access statement addresses key points regarding inclusive access. 10% of the units would be M4(3) compliant (wheelchair accessible or adaptable). Full compliance with M4(3) and M4(2) should be secured by condition. Blue badge parking spaces would be provided in accordance with draft London Plan standards.

Physical constraints associated with the change in level across the site must be carefully considered. The design and access statement should show how disabled people access each of the entrances safely, including details of levels, gradients, widths and surface materials of the paths and how they are segregated from traffic and turning vehicles, and how any level changes on the routes will be addressed.

### Climate change

An overheating assessment must also be provided. In terms of 'be clean', the applicant is proposing to install a site-wide combined heat and power network (CHP). However, due to the grid decarbonisation and air quality concerns, a CHP led heating strategy is not considered optimal for the site. Alternative low carbon heating methods should firstly be investigated; it is advised that the proposed strategy is revised. For the 'be green' element of the hierarchy, a detailed roof layout should be provided demonstrating that the roof's potential for PV installation has been maximised.

An on-site reduction of 51 tonnes of carbon dioxide per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected for the domestic buildings. This is equivalent to an overall saving of 42%, which does not meet the zero-carbon target. The non-residential element would achieve a 20% reduction, which also falls short of the emissions target set in London Plan Policy 5.2. The applicant should address the technical queries raised in order to verify these savings. The remaining regulated CO2 emissions must be met through a contribution to the borough's offset fund.

## Flood risk, drainage, and water

The approach to flood risk management complies with London Plan Policy 5.12 and draft London Plan Policy S12.

The surface water drainage strategy for the proposed development does not comply with London Plan policy 5.13 and draft London Plan Policy SI.13 as it does not give appropriate regards to the greenfield runoff rate. Further details are required on SUDs measures and attenuation storage volume.

## Transport

The proposal would be car-free, which is welcomed. Residential blue badge parking and passive provision for electric charging points has been provided in line with draft London Plan standards. A disabled bay should be provided on street for the commercial element of the proposals. The location should be agreed with the Council.

The proposals suggest that cycle parking is provided in line with draft London Plan Policy T5, which is welcomed. However, no information is provided on quantum and compliance with the LCDS guidance. This information must be provided prior to stage 2 referral.

Restriction of parking permits and a car parking management plan should be secured.

## Transport for London (TfL)

The site has boundaries with Burnt Oak Broadway and Stockwell Close, which are both borough highway.

The nearest section of the Strategic Road Network is the adjacent Burnt Oak Broadway but there is no part of the Transport for London Road Network nearby.

Burnt Oak London Underground station is approximately 400 metres from the site and there are bus stops serving 142, 292, 32, N16, 114, 251, 605, 204, 302 and N5 routes on Burnt Oak Broadway and on Watling Avenue respectively 100m and 200m distant. Due to the aforementioned public transport connections, the Public Transport Accessibility Level (PTAL) of the site is 4-5 (on a scale of 0 - 6b, where 6b is the highest). Mill Hill Broadway, a Network Rail station with Thameslink services, is within cycling distance (2.1 km).

## Car Parking

The development is to have no general parking, which is welcome. There is provision for 10 disabled parking spaces on the lower ground floor, which can be accessed from Stockwell Close: 4 of these disabled spaces will be provided from the outset; the remaining 6 can be made available should demand materialise. All the parking spaces will have electric charging infrastructure. The applicant is willing to accept restrictions that prevent residents from being able to apply for residential parking permits - this restriction should be enforced by the Council. The overall residential parking proposal is aligned to draft London Plan standards.

The draft London Plan requires a disabled parking space be provided for the commercial element of the development. The applicant is proposing this on Stockwell Close. The applicant should either agree a street location for the disabled bay and arrangements for

its provision with the Council prior to determination of this application or identify suitable space within the development itself.

A car parking management plan, which sets out how disabled parking will be managed including ensuring that spaces are allocated on the basis of need and not attached to a particular flat or leased long term, should be secured by condition.

### Cycle Parking

The transport assessment wording suggests that draft London Plan standards will be followed for residential cycle parking, which is welcome. However, the applicant must provide TfL with the figures for how many cycle parking spaces are actually being provided. There are two large cycle stores located in the development: one located at the base of core A at the lower ground floor level; the other located to the rear of the site, adjacent to Stockwell Close. The cycle parking at the rear of the site can be accessed directly from Stockwell Close, which is convenient for cyclists. The lower ground floor cycle parking is accessed by both lift and stairs. The applicant should provide further information regarding how the cycles can be wheeled down the stairs. The primary access for cycles should be the step free route via the lift. All cycle access should follow London Cycling Design Standards (LCDS) guidance.

For commercial land uses, 5 cycle parking spaces are being provided for staff, with an additional 7 short-stay spaces (in the form of Sheffield stands) for customers adjacent to the main site access. Draft London Plan standards would require 9 long-stay spaces for this A1 land use if it was food retail or 6 spaces if it was non-food retail. Draft London Plan standards would require 21 short-stay spaces for this A1 land use if it was food retail or 9 spaces if it was non-food retail. Cycle parking for the commercial land use should be increased to meet draft London Plan standards.

### Healthy Streets

In response to consultation comments the applicant has undertaken a PERS audit of the walking route between the site and Burnt Oak station. This concluded that whilst there are no major areas of concern some improvements are recommended to the walking route and these should be considered by the Council as highway authority and consideration given to whether the developer should contribute via a s106 and/or s278 agreement.

Additionally, a Cycle Level of Service (CLoS) assessment has been carried out on the route from site to Mill Hill Broadway rail station. The route achieved a Basic CLoS rating. The results of the CLoS assessment should be reviewed by the Council and used to inform improvements to the cycling environment to be secured through the s106 or alternative mechanism.

### Freight

It is proposed that deliveries and servicing take place from Stockwell Close. The Council as both planning and highway authority should review this proposal and secure a delivery and servicing plan by condition. A full Construction Logistics Plan (CLP) should be secured by condition.

### LB Brent Council



Whilst Brent Council does not object to the principle of the development, there are concerns that the proposal would have an adverse impact on overspill parking onto Brent's streets. In order to mitigate this impact, it is requested that a contribution of £50,000 is secured to implement a CPZ within Brent's streets.

#### LB Harrow Council

There are concerns that the proposal would have an adverse impact on overspill parking onto Harrow's streets. In order to mitigate this impact, it is requested that a contribution of £25,000 is secured to fund a review of the current CPZ and parking arrangements in the vicinity of the site.

#### Historic England

No objection subject to a pre-commencement condition relating to a Written Scheme of Investigation (WSI).

#### Thames Water

#### 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 have contacted the developer in an attempt to agree a position for foul water networks but have been unable to do so in the time available and as such 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.

#### Surface Water:

The pre-development discharge rate specified of 34 l/s is in excess of the 225mm surface water sewer capacity in Stockwell Close. We therefore believe that the pre-development discharge rate is significantly lower than 34 l/s. We are therefore not convinced that 17 l/s is a 50% reduction. We are concerned that the proposed adopted highway is excluded from the calculations as we cannot identify another location (other than the surface water sewer) where this flow would drain to. We suspect that a peak discharge rate for both the proposed development and adopted highway should be in the order of 5 l/s. We require a revised drainage strategy that (i) proposes a realistic pre-development discharge rate (possibly restricting the flow to the capacity of the lateral) and (ii) a surface water strategy that accounts for both the development and the proposed adoptable highway.

### Foul Water:

The foul water proposal implies a pumped discharge into the sewer. Please confirm the peak pump discharge rate so that we can assess the impact that the development has on the public foul sewer.

### Responses from Internal Consultees

#### Affordable Housing

The affordable housing strategy, provision and tenure type is acceptable. This will be secured via a s106 agreement.

#### Arboriculturalist

No objection subject to conditions relating to site landscaping and green roofs, and a £12,000 (plus VAT) contribution towards tree planting within Burnt Oak Town Centre and on Burnt Oak Broadway to be secured via a s106 agreement.

#### Drainage / SuDS

Require further information to be fully satisfied of the schemes acceptability. However, given additional correspondence with the applicant, are satisfied that the outstanding information can be appropriately conditioned without preventing the application from being approved.

#### Ecology

The proposals are unlikely to have any potentially significant adverse effects on the integrity of any statutory or non-statutory sites subject to conditions relating to bats, lighting, nesting birds and trees.

#### Environmental Health

No objection subject to conditions relating to noise, odour, contaminated land and air quality.

#### Heritage

The proposed development includes a tall building which is considered in the Council's Local Plan to be a 'Tall Building' (i.e. above eight-storeys). Core Strategy Policy CS5 lists strategic locations in the borough that may be appropriate to locate tall buildings. The proposed site is not within such a location.

Policy CS5 indicates that outside these locations tall buildings will not be supported. Local Plan Policy DM05 makes clear that proposals for tall buildings outside the strategic locations will not be considered acceptable.

As this site falls outside one of the identified strategic locations, there is an in-principle objection to the proposal. This is compounded by the impact the proposed development would have on the Watling Estate conservation area, which the site borders immediately to the north east. Watling Estate is a large former London County Council estate built in the

late 1920's and designed on Garden City principles. It was designated as a conservation area in April 1998.

The development would appear highly visible from within the conservation area, given its size and proximity. It would be dominant in views to the west, particularly from Gaskaith Road, but also from other roads in this part of the conservation area where it would be widely visible. The buildings bordering the western part of the conservation area consist of two-storey dwellings with front and rear gardens.

Presently, there are no buildings of this scale which border the conservation area. If allowed it could set a precedent for future developments of a similar size within the setting of this designated heritage asset. This proposal is contrary to both Core Strategy and Development Management policies and consequently should be refused permission.

The proposal would cause less than substantial harm to the setting of the Watling Estate Conservation Area.

#### Local Skills, Employment and Enterprise

Acceptable subject to a Local Employment Agreement to be secured via a s106 agreement.

#### Street Lighting

No objection subject to a lighting scheme to be secured via condition.

#### Highways

Supportive of the principle of a car-free development at the application site and the proposed design on highways grounds. This is subject to s106 and s278 agreements and appropriately worded conditions.

#### Travel Plan

The Travel Plan is acceptable. However, the development will be subject to a £5,000 Travel Plan monitoring fee to be secured via a s106 agreement.

#### Urban Design

Supportive of the proposed design approach including building materiality, private and communal amenity provision and its impact on the streetscape of Burnt Oak Broadway. Raised concerns about the schemes acceptability in relation to Policy DM05 and the fact the site is not located within a designated tall building area. However, satisfied that from a design perspective the urban design approach employed addresses key building, streetscape and public realm considerations outlined with the highlighted policy. Welcomed the use of the proposed facing materials, particularly their modular form which is expected to result in reduced construction times. Broadly supportive of the proposed design approach subject to conditions.

## **PLANNING ASSESSMENT**

### **Land Use / Principle of development**

The proposed development seeks to provide a mixed-use development comprising of Class A1 and D2 space across lower ground, ground and first-floor levels and 100 self-contained residential flats (Class C3) across the first to eleventh-floor levels. The scheme re-provides Class A1 floor space fronting onto Burnt Oak Broadway, thereby complying with Policy DM11 and reinforcing the importance, vitality and vibrancy of the Primary Shopping Frontage within the Burnt Oak Town Centre. Furthermore, the introduction of a flexible Class A1 / D2 at lower ground floor level expands the site's retail and commercial offering by encouraging additional end-users and footfall. The scheme also provides an improved ground floor frontage, design and site layout (also accounting for the proposed changes at no. 104A Burnt Oak Broadway (ref: 19/3906/FUL)) which are expected to drive wider economic and regenerative benefits within the Burnt Oak Town Centre and Primary Shopping Frontage.

The application site is in a highly sustainable and accessible location on the A5 and within Burnt Oak Town Centre. The highlighted town centre has an established mixed character that includes residential, retail and commercial uses. These uses are generally accommodated via a retail / commercial provision at ground floor level fronting Watling Avenue and Burnt Oak Broadway, with residential accommodation above. The proposed development follows this pattern of development by proposing a retail (Class A1) use at ground floor level fronting Burnt Oak Broadway, with residential units located to the rear of the site at ground floor level and on all upper floors. It is considered that this design approach complies with Policy DM11 and the necessity to retain a Class A1 retail use and ground floor frontage at the application site, whilst supporting the long-term vitality and vibrancy of the Burnt Oak Town Centre and optimising the delivering of housing density commensurate with the site's sustainable and accessible location. This approach is strongly supported and considered consistent with the wider strategic regenerative objectives outlined by the GLA below.

In line with draft London Plan Policy SD6 'town centres' and D6 'optimising housing density', the proposed development seeks to contribute towards the housing demand of the Borough, through the provision of a mixed-use development within a sustainable town centre location. As such, the principle of a residential-led redevelopment of the site is supported in strategic planning terms.

In the context of the existing premises, the proposals would provide an improved quality of retail floorspace which would make a positive contribution to the vitality of the district centre and would re-introduce an active frontage along Burnt Oak Broadway. Whilst the net loss in non-residential floorspace is noted, the scale of the proposed retail use is considered appropriate in terms of the role and function of the Burnt Oak Town Centre, which has been identified for high residential growth within the draft London Plan. Notwithstanding this, the need for and function of the first-floor residential lounge is queried, and officers consider that this presents an opportunity to increase retail capacity through the inclusion of a mezzanine level to the ground floor unit.

The introduction of flexible Class A1/D2 floorspace at basement level, which could be taken up by a gym or indoor recreation facility, would support the diversity of the town centre and is supported in strategic planning terms.

The proposed scheme has sought to maximise the retail offering onsite in line with the GLA's highlighted position. Consequently, the revised scheme now proposes to replace the first-floor residential lounge for additional A1 retail space. This approach is supported.

Based on the above, it is considered that the proposed mixed-use scheme is acceptable in policy terms and would serve to enhance the vitality and vibrancy of the Burnt Oak Town Centre and Primary Shopping Frontage, whilst optimising the delivery of housing within a sustainable and accessible location.

### Residential density

London Plan policy 3.4 seeks to optimise the housing output of sites. This considers local context and character, the design principles outlined within chapter 7 of the London Plan (2016) and public transport capacity. Table 3.2 of the London Plan (2016) sets out a density matrix which serves as guidance for appropriate densities in different locations and with varying levels of accessibility.

It should be noted that the Draft London Plan, takes a less prescriptive approach with Policy D6 stating inter alia, that the density of a development should result from a designed approach to determine the capacity of the site. This again should consider site context, its connectivity and accessibility by walking and cycling, existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D6 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.

The application site is 0.275ha in size, and within an urban area with a Public Transport Accessibility Level (PTAL) of 5. The proposal would deliver 100 residential units at a density of 363 units/ha or 960 hr/ha. The indicative density of a scheme of the nature proposed suggested is 70 to 260 units/ha (Table 3.2 of the London Plan (2016)).

Chapter 11 of the National Planning Framework (Revised 2019) (NPPF) states that:

*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.*

This strategic objective to optimise redevelopment opportunities within sustainable locations is reinforced within both the existing and draft London Plan. Indeed, Policy 3.4 of the London Plan (2016) advocates a more flexible approach to density in certain areas, stating:

*A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 (Density Matrix) mechanically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important, as well as social infrastructure.*

The application site forms part of the Primary Shopping Frontage of Burnt Oak Town Centre and is located on the strategic A5 arterial road. A short distance to the south (600m), the A5 runs through both the Colindale / Burnt Oak Opportunity Area (Map 2.4 of

the London Plan (2016)) and the Colindale Area Action Plan (AAP) area, where 'sustainable higher density living with a range of unit sizes, types and tenures' is strongly supported in strategic policy terms. Given the application sites highly sustainable and accessible town centre location, the wider strategic objective of delivering higher density development within these locations and the mixed character of the A5, it is considered that the residential density proposed is consistent with the highlighted policy approach. This assessment is supported by the GLA, who upon review of the proposed development stated:

The proposed scheme has a density of 363 units per hectare or 960 habitable rooms per hectare, which complies with the London Plan's density matrix for 'central' locations. The draft London Plan is less prescriptive regarding densities and seeks to ensure that sites optimise densities, through taking a site's context and location into account and requiring greater scrutiny on higher density schemes. The proposed development does not fall within the range specified in part C of draft London Plan Policy D6, where additional scrutiny and information is required. Given the site's very good accessibility, and subject to addressing the issues raised within this report, it is considered that the scheme appropriately optimises its density and complies with London Plan Policy 3.4 and draft London Plan Policy D4.

### Affordable Housing

London Plan 2016 Policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. Council policies seek a tenure split of 60% social rented and 40% intermediate housing.

The Mayor of London has published the affordable housing and viability SPG, which effectively accepts schemes under a 'fast track' process which propose a minimum level of 35% onsite affordable housing by habitable room without the need to submit a viability assessment. Schemes which provide less than this level need to be accompanied by a viability assessment. In those circumstances where the outcome of a viability review indicate that a scheme cannot viably provide more affordable housing, then a scheme can be approved with a lower level of affordable housing subject to the attachment of early and late stage viability reviews.

The proposed development would exceed the 35% onsite affordable housing provision required to meet the 'fast track' requirements set out in the highlighted SPG, providing onsite affordable housing at 37% by units and 35.1% by habitable rooms. The proposed tenure split is 47.3% London Affordable Rent (by habitable rooms) and 52.7% London Shared Ownership. Six of the London Shared Ownership units and two of the London Affordable Rent units would be wheelchair adaptable. The exact unit mix and tenure split is shown in the table below:

Unit size	London Affordable Rent				London Shared Ownership		TOTALS	
	Core B		Core C		Core A			
	Units	HR's	Units	HR's	Units	HR's	UNITS	HRs
1B2P	6	12	0	0	14**	28	20	40
2B4P	6	18	2	6	7**	21	15	45
3B5P	0	0	2*	8	0	0	2	8
	Total units		Total hab rooms		Total units	Total hab rooms	37	93
	16		44		21	49	37%	35.1%
	43.2% of AH		47.3% of AH		56.7% of AH	52.7% of AH	of total	of total

\* indicates all wheelchair adaptable units  
\*\* includes 4x1B2P 2x2B4P wheelchair adaptable units

Whilst the Council normally seeks a tenure split of 60% Social Rented and 40% intermediate as outlined in Policy DM10, the highlighted policy does allow for these proportions to be determined on a case by case basis to reflect local market rents. The GLA (Stage 1) has reviewed the proposed onsite affordable housing provision and is satisfied that the proposed development provides an acceptable quantum of onsite affordable housing in compliance with the highlighted 'fast track' requirements. However, to fully comply with the 'fast track requirements, the GLA required agreement to be reached with the Council regarding the unit and tenure mix. Following review by the Council's Affordable Housing Officers and in view of local market conditions, the proposed unit mix and tenure split is considered acceptable. Therefore, the proposed development is deemed compliant with Policy DM10.

The quantum, type and mix of the affordable housing provision proposed is expected to provide a notable contribution to the housing stock within the Burnt Oak Town Centre. It is hoped this will provide a catalyst for further regeneration and growth within Burnt Oak and along the A5 corridor which acts as a strategic route connecting the north and south of the Borough. The onsite affordable housing contribution will be secured via a s106 agreement.

### Dwelling Mix

Policy 3.8 (Housing Choice) of the London Plan (2016) states that new developments should ensure they:

*Offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these.*

This strategic policy approach is reinforced by Policy DM08 which states that:

*Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.*

Policy DM08 outlines three-bed social rented housing and three / four-bed intermediate housing as the highest priority dwelling sizes.

The proposed development would provide one hundred dwellings with the following mix of units:

<b>Flat Type</b>	<b>Proposed</b>
1-Bed 2-person	45
2-bed 3-person	8
2-bed 4-person	37
3-bed 5-person	10
<b>Total</b>	<b>100</b>

Given the application site's town centre location and urban character, its siting on a main arterial road (A5) and high PTAL rating (5), it is considered that the proposed mix is acceptable and consistent with the highlighted policy approach. Indeed, almost half (47%) of the overall number of proposed units are large two-bed, or three-bed units, with seventeen of these being provided as affordable housing units. This is considered an appropriate mix of smaller and larger units, including priority unit sizes that will serve to accommodate and cater for a wide range of resident needs and local housing demands, whilst serving as a catalyst for socio-economic regeneration within Burnt Oak.

This assessment is supported by the GLA, who upon review of the proposed development stated:

*London Plan Policy 3.8 'Housing Choice', draft London Plan Policy H12 and associated planning guidance promotes housing choice and seeks a balance of unit sizes in new developments, while affordable family housing is stated as a strategic priority. London Plan Policy 3.11 also states that priority should be given to the provision of affordable family housing. The applicant has indicated that the proposals would primarily include one and two-beds, which is acceptable in this town centre location; however, the strategic requirement for affordable family housing should be met and the proportion of affordable housing maximised. The applicant should liaise with the Local Authority in terms of the housing needs of the Borough.*

#### Housing Quality / Future Occupier Amenity

A high quality built environment, including high quality housing in support of the needs of a range of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan (2016) Chapters 1 (Context and Strategy), 2 (London's Places), 3 (London's People), and 7 (London's Living Places and Spaces), and is explicit in Policies 2.6, 3.5, 7.1 and 7.2. It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management policies DM01, DM02 and DM03, as well as the Barnet's Sustainable Design and Construction SPD (2016) and Residential Design Guidance SPD (2016).

#### Residential Internal Space Standards

Table 3.3 in the London Plan (2016) outlines the minimum gross internal floor area required for different dwelling sizes. The table below shows the relevant minimum floorspace standards for the unit sizes proposed:

	Dwelling Type (bedrooms/persons)	Storeys	Minimum Internal Floorspace (m2)
Flats	1 bed (2 persons)	1	50
	2 bed (3 persons)	1	61
	2 bed (4 persons)	1	70
	3 bed (5 persons)	1	86



Duplex	3 bed (5 persons)	2	93
--------	-------------------	---	----

Following a review of all proposed units, it is confirmed that they meet the minimum internal space standards outlined above.

### Wheelchair Accessible Housing

Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst Policy DM02 sets out further specific considerations. Policy 3.8 (Housing Choice) of the London Plan (2016) requires that:

*c ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings'*

*d ten per cent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.*

All proposed residential units have step free access via two lift cores. Furthermore, the designated disabled parking at lower ground floor level have step free access to residential units via the proximally located lift core B, with step free access provided to loft core A via the first-floor terrace area.

The Planning Statement accompanying this application confirms that the proposed development will comply with the highlighted M4(2) and M4(3) standards. Compliance with these standards will be secured via condition. It is noted that eight of the affordable housing units provided would be wheelchair accessible.

### Amenity space

Barnet's Sustainable Design and Construction SPD Table 2.3 outlines the minimum external amenity space standards required for new residential developments. For flats, the SPD requires 5sqm of space per habitable room for all minor, major and large-scale developments. Kitchens over 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space compliance.

The proposed development provides a mix of private and communal amenity areas. Private amenity space is provided via balconies associated with all individual units and communal amenity space via a ground floor courtyard (205m<sup>2</sup>) and a first-floor terrace (333m<sup>2</sup>).

All residential units are provided with balconies that range in size from 6.1m<sup>2</sup> to 37.3m<sup>2</sup>, each meeting Standard 26 (Private Open Space) of the Mayors Housing SPG (2016) which requires:

A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.

The proposed development would provide a cumulative onsite external amenity space (private 832.1m<sup>2</sup> / communal 538m<sup>2</sup>) that equates to 1,370.1m<sup>2</sup>. This exceeds the cumulative requirement to provide 1,325m<sup>2</sup> of external amenity space based on the

standards outlined within the highlighted Barnet SPD and 612m<sup>2</sup> based on the standards within the Mayors Housing SPG (2016).

While the proposed development would provide sufficient onsite amenity space to meet the minimum standards outlined above, Silkstream Park is located 370m<sup>2</sup> by foot from the application site. This provides a quality and quantum of accessible public open space that can augment the onsite amenity provision.

The proposed communal amenity space areas will be hard and soft landscaped and will also include a children's play space as will be discussed below. A landscaping plan will be secured via condition.

Based on the above, it is considered that sufficient onsite external amenity space has been provided in compliance with the highlighted standards.

### Children's Play Space

For a scheme of this size, dedicated children's play space is required and should be predicated on the child yield of the development calculated in accordance with London Plan Policy 3.6 and associated SPG on Play and Informal Recreation (2012).

The submitted Planning Statement confirms that 205m<sup>2</sup> of informal play space for children will be provided onsite. This exceeds the 200.1m<sup>2</sup> required. The location of the play space in the centre of the development provides for good levels of surveillance from surrounding residential units and step free access from the main residential entrance and cores. Exact details of the play space, including materials, play facilities providing increasing levels of challenge and associated landscaping, will be secured via condition to ensure the play space aligns with the objectives outlined within the Shaping neighbourhoods: Play and informal recreation SPG (2012).

In addition to the above, Silkstream Park is a 370m walking distance from the site, and is within the preferred walking distance for children aged 5-11 (<400m) and 12+ (<800m) to access additional facilities. This further demonstrates the schemes ability to provide a quantum and quality of external amenity that meets the needs of future occupiers of different ages and abilities.

Based on the above and subject to an appropriately worded condition, it is considered that the proposed development would provide an acceptable level of children's play space in compliance with the highlighted SPG.

### Privacy

Policy DM01 requires that development has regard to the amenity of residential occupiers. It states that:

*Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.*

The Council's Sustainable Design and Construction SPD (2016) sets out design guidelines to mitigate against loss of privacy for both neighbouring and future occupiers. Chapter 7 states:

*In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.*

The proposed development would have a 24.1m distance between facing windows serving habitable rooms across the internal courtyard / terrace (south-west to north-east. This would exceed the highlighted guidelines. Furthermore, the relationship between windows and balconies on the north-west elevation and those on the south-west and north-west is considered acceptable and would not result in a harmful level of overlooking due to the oblique views provided.

Design alterations have been made during the course of this application to include balustrades to the front of ground floor units facing the central courtyard. These are low rise balustrades (details to be secured via condition) which will enable both sufficient outlook and privacy protection for future occupier.

It is recognised that the bedroom windows and secondary living room window serving the 1-bed unit located directly adjacent to the first-floor terrace and door providing access to core A, could give rise to opportunities that result in a loss of privacy for future occupiers. However, it is considered that these opportunities could be largely mitigated through an effective landscaping scheme and buffer to the first-floor terrace. This will be secured via condition. The primary windows serving the main living space of this unit and its associated balcony would not be impacted by the location of the first-floor terrace from a privacy perspective.

### Outlook and Daylight

Policy DM01 and Section 2.4 of Barnet's Sustainable design and Construction SPD (2016) reinforce the importance of outlook and daylight / direct sunlight to habitable rooms. This importance is further outlined in Standard 32 of the Mayors Housing SPG (2016) which states:

*All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.*

An Internal Daylight Report was submitted in support of the application. It concluded that:

Overall, this scheme demonstrates good compliance with the BRE guidance with regards to daylight amenity with only one room (bedroom R7/2000) experiencing a derogation from the BRE guidance. R7/2000 is a secondary bedroom which we consider is less important than the primary bedroom (R2/2000) which does experience good daylight levels at 2.19% and which easily exceeds the BRE guidance's minimum recommended ADF level of 1%.

The remaining habitable rooms within this property exceed the BRE minimum recommended levels for ADF, and overall the daylight compliance within this property is very respectable.

When assessing the quality of daylight, Standard 32 of the highlighted SPG states:

*BRE guidelines on assessing daylight and sunlight should be applied sensitively to higher density development in London, particularly in central and urban settings, recognising the London Plan's strategic approach to optimise housing output (Policy 3.4) and the need to accommodate additional housing supply in locations with good accessibility suitable for higher density development (Policy 3.3).*

Whilst one window falls short of BRE guidance, this must be balanced against the fact all other windows within the proposed development meet BRE guidance and the window in question is secondary, and the need to optimise housing output at accessible locations such as that application site. Given the above it is considered that the proposed scheme would provide an acceptable level of amenity for future occupiers.

In respect of outlook, the proposed development would deliver 68% dual or triple aspect units, with none of the single-aspect units north-facing. It is considered that subject to the highlighted landscaping condition relating to future occupier privacy and the first-floor terrace, all proposed residential units would benefit from a good level of outlook.

The above assessment is supported by the GLA who upon review of the proposed development concluded:

*The scheme generally presents good levels of residential quality, with most units benefiting from dual or triple aspects (68%) and no cores serving more than 7 units. The proposals would not include single-aspect north facing units. Given the acceptable layout, outlook and provision of private amenity space of the single-aspect units, the residential quality would be of an acceptable standard.*

## Noise

In relation to the noise impacts on the proposed development, the application is accompanied by a Noise Assessment by Cole Jarman. This notes that the front of the site falls into a Noise Risk Category 3 (High), while the rear of the site is in Category 1 (Low). The report concludes that:

*Typical glazing specifications required to achieve sustainable internal noise levels have been provided, together with the adoption of acoustically treated ventilation, which can be expected to ensure that the resident' internal acoustic environment is protected from road traffic.*

*With the proposed good design principles followed (acoustic glazing and ventilations) the scheme meets the requirements of the NPPD and local planning policy.*

The submitted Noise Assessment was reviewed by the Council's Environmental Health Officer who was satisfied in general with the information provided, subject to conditions relating to the proposed extraction and ventilation equipment and associated noise mitigation measures.

To ensure appropriate safeguards are in place to protect future occupiers from harmful noise and disturbance resulting from the Class A1 / D2 uses, hours of opening restriction will be secured via condition.

The scheme has recently been revised following a request by the GLA to amend the proposed energy strategy to exclude Combined Heat and Power (CHP) for Air Source

Heat Pumps (ASHP). The ASHP would be located on the roof as shown on the roof plan provided. However, a condition will be attached to any permission requiring full details of the ASHP and its location on the roof once the final specification has been qualified. Consequently, a condition will be attached to any permission requiring further assessment of the impact of noise from ventilation and extraction plant once details of the ASHP and its location are finalised.

### Air Quality

An Air Quality Assessment and Air Quality Neutral Calculation has been submitted in support of the application. The Air Quality Assessment concludes that:

The resulting air quality effect of the Proposed Development is considered to be 'not significant' overall.

The Proposed Development does not, in air quality terms, conflict with national or local policies, or with measures set out in the London Borough of Barnet's Air Quality Action Plan. There are no constraints to the development in the context of air quality.

The Air Quality Neutral Calculation concluded that:

The total building and transport emissions fall below the relevant benchmarks during the operational phase of the Proposed Development. On-site mitigation measures and options for offsetting excess emissions are not required.

The submitted documents were reviewed by the Council's Environmental Health Officers who have advised that the proposed development is acceptable in view of Air Quality and Air Quality Neutral requirements. Consequently, a condition will be attached to any permission ensuring the mitigation scheme proposed in the highlighted documents are fully implemented.

### Contaminated Land

As outlined above, the application site comprises of a two-storey building (plus basement level) which was previously in use as a Tesco supermarket. The proposed development will utilise the existing basement level, with only minor excavations required to the front of the site. No excavations below the existing basement level are required or proposed. As confirmed by the Council's Environmental Health Officers, there has been no historic use onsite which has provided a cause for concern in respect of possible contamination. However, to provide appropriate safeguards during both demolition and construction phases, a condition will be attached to any planning permission requiring mitigation measures to be provided should contamination be present within the narrow strip of excavation proposed.

### Secured by Design

Policy DM01 requires that the principles set out in the national Police initiative, 'Secured by Design' should be considered in development proposals. The proposed development was subject to consultation with the Met Police but no comments were received. A condition will be attached to any permission requiring the proposed design to achieve Secured by Design accreditation.

## Layout, Height and Design

Policy CS5 of Barnet's Local Plan seeks to ensure that all development in Barnet respects local context and distinctive character and creates places and buildings of a high-quality design. Policy DM01 echoes this approach stating that:

- a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.*
- b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.*

Polices DM02 seeks to ensure development prioritises a design-led approach which considers, safety, sustainability, and internal and external amenity, while Policy DM03 promotes the creation of a positive and inclusive environment that encourages high quality distinctive developments.

The proposed development would have a twelve-storey building height fronting Burnt Oak Broadway, before dropping to eight-storeys and gradually stepping down to a part four, part five-storey height to the rear. The proposed building height has been revised since the original application was made, with the front elevation reducing from fourteen storeys to twelve and the rear elevation increasing from a part three, part four storey height, to a part four, part five storey height. The highlighted revision was sought to better apportion scale across the site, whilst maintaining the residential density and unit number and mix as previously proposed.

Policy DM05 (Tall Buildings) states that:

Tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable. Proposals for tall buildings will need to demonstrate:

- i. an active street frontage where appropriate*
- ii. successful integration into the existing urban fabric*
- iii. a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline*
- iv. not cause harm to heritage assets and their setting*
- v. that the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.*

A tall building is defined by Policy CS5 as 'being eight storeys (equivalent to 26 metres above ground level) or more'. The policy continues by identifying locations within the Borough where tall buildings would be supported. The application site is not located within one of the identified Tall Building areas.

Policy 7.7 (Location and Design of Tall and Large Buildings) of the London Plan (2016) notes that:

*Applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy that will meet the criteria below. This is particularly important if the site is not identified as a location for tall or large buildings in the borough's LDF.*

The policy outlines the following criteria LPAs should consider if a proposal for a tall building is forthcoming:

*C Tall and large buildings should:*

*a generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;*

*b only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;*

*c relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*

*d individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;*

*e incorporate the highest standards of architecture and materials, including sustainable design and construction practices;*

*f have ground floor activities that provide a positive relationship to the surrounding streets;*

*g contribute to improving the permeability of the site and wider area, where possible*

*h incorporate publicly accessible areas on the upper floors, where appropriate;*

*i make a significant contribution to local regeneration.*

*D Tall buildings:*

*a should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference;*

*b should not impact on local or strategic views adversely*

*E The impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, battlefields, the edge of the Green Belt or Metropolitan Open Land, World Heritage Sites or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.*

The proposed development has been subject to review by the GLA in view of the highlighted policy, with the following comments received:

*The principle of locating a taller building within an accessible town centre location is supported in strategic planning terms.*

Whilst the proposed design is appropriate for a town centre location and would reintroduce an active frontage along Burnt Oak Broadway, the acceptability of the design will be subject to an assessment of the impacts on the surrounding conservation area.

While the impact of the proposed development on the Watling Estate Conservation Area will be assessed later in this section, the GLA response is clear in its support for a tall building at the application site. It is noted that this scheme is eligible for referral to the Mayor for determination.

The proposed development has undertaken a design-led approach which has sought to balance the strategic objective of optimising residential density and retail floor space in a highly sustainable and accessible town centre location, with protecting the adjacent

conservation area and proposing a built form which delivers high standards of architecture and materiality, including sustainable design and construction practices. The following section will assess the proposed development in relation to the tall building policy criteria highlighted within Policy 7.7 of the London Plan (2016) and DM05 of Barnet's Development Management Policies (2012), and its impact on the adjacent Watling Estate Conservation Area.

As highlighted earlier in this report, the application site is located adjacent to the Colindale Area Action Plan (AAP) Area and Burnt Oak / Colindale Opportunity Area where tall buildings are broadly supported. Indeed, the Colindale AAP notes that the area will promote 'mixed use and residential development that will contribute significantly to the strategic housing and employment targets outlined in the London Plan under Colindale's Opportunity Area designation.' A section of the A5 600m to the south of the application site falls within the Colindale AAP where three tall buildings have been built or are approved. These include Zenith House at sixteen storeys, Merit House at fourteen and Imperial House at sixteen. The highlighted buildings are in addition to the TNQ building which is located directly opposite the Colindale AAP within the London Borough of Brent. This building is currently under construction but when complete will have a building height of nineteen storeys. The TNQ building is in an area designated within the Brent's Local Plan as the Burnt Oak / Colindale Growth Area. This is an area capable of supporting taller buildings in policy terms. These buildings serve to reinforce the strategic importance of the A5 corridor as a sustainable and accessible location appropriate for the delivering of higher density development through taller buildings. Given the application site's proximity to the Colindale AAP and Burnt Oak / Colindale OA (600m) and visual link with the highlighted taller buildings, and its highly sustainable and accessible town centre location and accessibility (PTAL 5), it is considered that a taller building as proposed would be consistent with the strategic direction and approach outlined within Policy 7.7 C a) of the London Plan (2016) and in keeping with the evolving and higher density character of the A5.

Both Policy DM05 and London Plan (2016) Policy 7.7 require development to have an acceptable impact on the character of the surrounding area in relation to scale and mass. A twelve-storey building as proposed would represent the tallest building form in Burnt Oak Town Centre and the section of the A5 immediately adjacent to the application site. In that sense the proposed development would represent a visual departure from the predominantly two to six storey building scale immediately adjacent. However, as highlighted above the visual character of the A5 is mixed in terms of height, form and materiality and continues to evolve given its strategic importance in the delivery of higher density development. Therefore, the proposed development must be viewed as part of the wider character of the A5 and not viewed in localised character terms only. However, to address both localised and wider A5 character considerations, the proposed development has sought to balance the strategic objectives of delivering higher density development in a sustainable and accessible town centre location, while providing a design which leverages sustainable construction practices and introduces an innovative design that creates a visual uplift to the immediate street scene.

While the application site does sit on higher ground than the adjacent Watling Estate and would therefore be noticeably visible from a number of adjacent vantage points, the impact of this is balanced against the wider benefits of the scheme to be discussed below. Furthermore, given the proximity of the application site to the Colindale AAP area and the Burnt Oak / Colindale OA and the taller buildings located in both, the proposed building height is not considered out of keeping when viewed within the wider skyline context.



One of the concerns raised during the design process was that the proposed development would become a visual anomaly within its immediate spatial context and become a landmark building when one was not deemed necessary. Therefore, an important consideration in the design process was to ensure that the proposed development did not inhibit future development on neighbouring sites at the Bald-Faced Stag, no. 104A and Stag House through building design, siting and balcony placement. Indeed, it was considered that a building of scale at the application site would be better accommodated within the street scene if it was part of a series of buildings which through their scale, frontage and building design and materiality enabled a more coherent spatial and visual transition up to the building height proposed. This has been detailed within the Planning Statement Addendum accompanying this application. In conjunction with the parallel application at no. 104A Burnt Oak Broadway, it is considered this objective has been achieved.

While the wider character of the A5 is mixed and includes taller buildings including the TNQ which would have a building height of nineteen storeys located 600m from the application site, the proposed development through its scale and materiality would be visually prominent within its immediate context. However, this does not automatically mean that the resulting visual and spatial impact is significantly harmful, or sufficient to warrant refusal. Indeed, any perceived harm or discordance must be balanced with wider strategic objectives and regenerative benefits, and the quality of the proposed design response. This view is supported by Policy DM01 which states:

Whilst the policy intention is to protect local character, it should not be used to restrict well designed and sympathetic development which meets other objectives in the Core Strategy, Development Management Policies DPD, the council's suite of Design Guidance Notes and Supplementary Planning Documents.

It is considered that the proposed development incorporates an innovative design response to the application site which optimises residential density and the quantum of onsite amenity provision, promotes sustainable design and construction practices and provides an architectural approach and materiality which will provide visual interest on a main road (A5) which has a mixed and evolving character in respect of scale and form. The proposed building height would exceed adjacent development but it is considered that any perceived harm is outweighed by a design and scale that improves the legibility of an important District Centre in line with London Plan (2016) Policy 7.7 C d), is consistent with the strategic approach of locating high density taller buildings along the A5 at sustainable and accessible locations and delivers significant public benefit. Indeed, the scheme proposed will leverage its scale and density to deliver notable public benefits that support wider regeneration purposes within the local area in line with London Plan (2016) Policy 7.7 C i). These benefits include:

- Significant CIL contributions;
- 100 new residential units added to the local housing stock;
- 35.1% onsite affordable housing (by habitable rooms) including 17 affordable 2-bed and 3-bed units;
- An improved Class A1 / D2 offering and shop frontage design that both reinforces the importance of the Burnt Oak's Primary Shopping Frontage and supports the long-term vitality and vibrancy of the wider town centre;
- A Local Employment Agreement promoting jobs and apprenticeships for local residents;
- A financial contribution towards new tree planting within Burnt Oak Town Centre to improve the quality of the public realm.

Notwithstanding the strategic and wider regenerative benefits of the scheme, significant consideration has been given to ensuring the proposed development delivers both an appropriate design response and wider sustainability benefits. The Council's Urban Designer has been actively engaged throughout the design process and has provided the following comments in respect of the proposed building form and materiality:

*The building materiality is articulated through a minimal palette. This is an intentional design approach to maximise efficiencies during construction and utilise innovative architecture to showcase building detail. The main visible material is corrugated metal which is robust and durable with a slow ageing process. There are sinusoidal variations in the corrugated metal to allow for different shadowing effects, while the different size and widths of the metal cladding supports in breaking up the building mass. The corrugated metal can be specified and cut into panels off site. It is considered that this modular approach to construction has a notable benefit in reducing construction time and associated impacts on the adjacent highway network.*

*The proposed pewter coloured panelling is acceptable in its tone. It acts as a break in the façade mainly around threshold spaces, balconies and other details, without dominating the overall colour palette proposed. The recycled concrete base is welcomed as it is a material that is durable and the textured nature of this material will create additional visual interest.*

*The proposed materials compliment the building in showcasing quality and visual interest through material detailing. In addition, the parallel application and redevelopment of no.104A allows for a more legible frontage to the A5 which in turn gives a better base to the building and allows for the materiality to be expressed in a more legible fashion.*

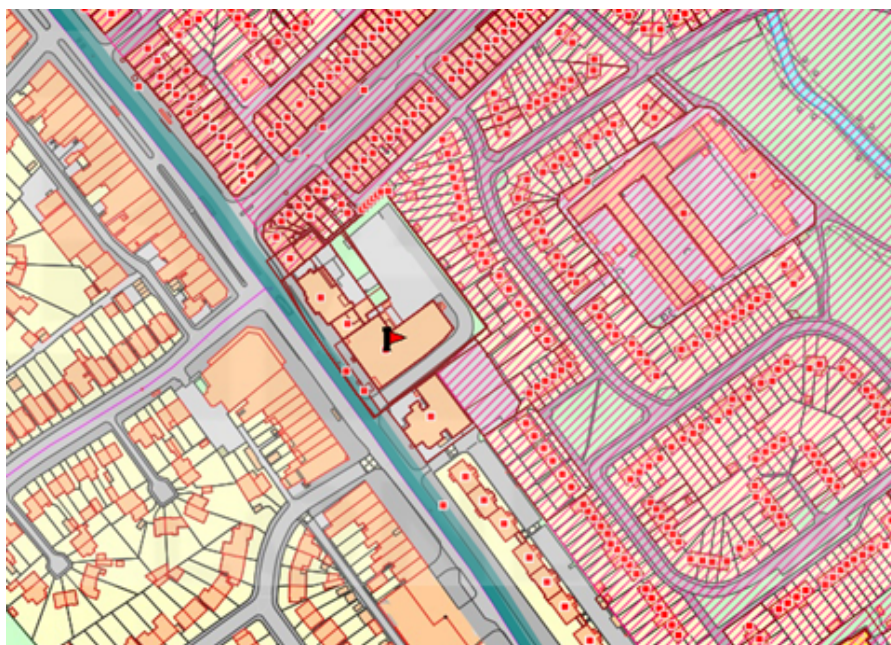
*From a design perspective, it is considered that the collective benefits of the materiality strategy outweigh any perceived discordance. The building would sit comfortably within the wider character of the A5 and provide a positive juxtaposition that can become a hub of activity for existing and future residents.*

The proposed development would have a part four, part five storey building height adjacent to the rear gardens of the two-storey dwellings located on Gaskarth Road. The building height is then gradually stepped up in scale as the building moves away from the rear site boundary. It is considered the proposed building scale and siting is acceptable in respect of its visual prominence when viewed from neighbouring rear gardens and windows serving habitable rooms on Gaskarth Road. Indeed, a row of tall mature trees to the rear of the site is expected to largely screen the impact of the part four, part five storey elements of the proposed development, while the taller elements would be set-back a sufficient distance from the site boundary. While there is a disproportionality in scale and form between the two-storey residential dwellings and suburban rear gardens on Gaskarth Road and the proposed development, this is considered acceptable given the application site's more mixed-use town centre character and scale and its requirement to address the highlighted strategic objectives of delivering higher-density development.

The proposed development is not considered to adversely affect its surroundings in terms of micro climate, wind turbulence and glare and would not impact the important local views outlined in Map 8 of Barnet's Local Plan (2016). This is considered consistent with London Plan (2016) Policy 7.7 D.

## Heritage

The application site does not reside within a conservation area and does not contain any statutory or locally listed buildings. However, the application site is adjacent to the Watling Estate Conservation Area to the rear along Gaskarth Road and is proximally located to Watling Avenue which also forms part of the highlighted heritage asset. The map shown below indicates where the conservation area is in relation to the application site. The red diagonal lines show the coverage of the conservation area, while the application site is marked by the red flag.



The Watling Estate Conservation Area was first designated in 1988, with the current Conservation Area Character Appraisal adopted in 2007. The Watling Estate lies east of Burnt Oak Broadway which runs along the route of the pre-Roman part of Watling Street. The decision to build at Watling Estate, to the designs of the architect George Forrest, was taken in 1924. Burnt Oak Station on the Northern Line opened in 1924, and soon after the major development of Burnt Oak came when the London County Council decided to build the large Watling Estate. By April 1927 the first residents moved in. Within 12 months 2,100 families lived on the estate and by 1930 all 4,000 dwellings were finished, establishing the Estate's character that it largely maintains today.

Designed with a 'Garden City' type approach, the Watling Estate is broadly split into three distinct areas. These include the main residential area which is predominantly characterised by two-storey terraces and sometimes semi-detached houses interspersed with blocks of three storey flats and community buildings, Watling Avenue and the main shopping district of Burnt Oak which largely comprises of uniform two storey buildings with steeply pitched roofs, prominent chimneys and front dormers, and lastly the Deansbrook Road shopping area.

The area immediately adjacent to the application site is an area characterised by two-storey dwellings and the Watling Avenue shopping area. Whilst Watling Avenue has largely retained its original architectural form and detailing, many of the two-storey dwellings within the main residential area now include non-original extensions and additions and variations in building material. However, the planned layout of the residential streets which is of intrinsic importance to the conversation area designation, remains largely unchanged.

Policy DM06 seeks to protect and preserve the Borough's heritage assets. In respect of conservation areas, the policy notes:

*b Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.*

The policy also states that:

*If a site lies within a Conservation Area or is located nearby, planning permission will not be granted where development proposals neither preserves nor enhances the character or appearance of that area. Proposals will need to consider the council's Conservation Area character appraisals and suite of Supplementary Planning Documents.*

Policy 7.8 (Heritage Assets and Archaeology) of the London Plan (2016) supports the local policy position stating that:

*Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.*

Whilst accounting for the provisions within the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the NPPF (revised 2019) sets out the assessment criteria for assessing a proposed developments impact on the significance of a designated heritage asset. Paragraph 193 of the NPPF (2019) states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

A detailed Heritage, Townscape and Visual Impact Assessment has been submitted as part of this application which identifies the relevance of the conservation area designation and the expected impact on the highlighted heritage asset resulting from the proposed development.

Following a site visit, a review of the submitted heritage impact assessment and consultation with the Council's Heritage Officer, it was concluded that the proposed development would have a less than substantial harm on the adjacent Watling Estate Conservation Area. Whilst the Council's Heritage Officer has raised an objection as noted within the consultee section above, it was considered that on balance, the harm caused would not be substantial.

The proposed development as a result of its building height and more contemporary form and materiality, would be visible and in certain views, visually prominent from the Watling Estate Conservation Area. The submitted Heritage Impact Assessment provides views of the proposed development in relation to Gaskarth Road to the rear of the site and Watling Avenue to the north. While the proposed development would be highly visible from certain vantage points along Gaskarth Road and would provide some limited views along Watling Avenue, it is not considered that the proposed development would result in substantial harm to the conservation areas layout, architectural integrity and setting. Indeed, the conservation areas planned layout and building typology, both important reasons for its designation, would remain unchanged.

It is also noted that the existing flat roofed two-storey building at the application site has little very design commonalities with the section of Watling Avenue located within the conservation area. While the existing building is part brick clad and is two-storey in height, there is limited visual connectivity between the application site and the adjacent conservation area. Furthermore, the existing building is considered of no architectural merit and one which neither preserves or enhances the visual integrity and setting of the conservation area. Therefore, the proposed development would not result in the demolition of a building which enhances the setting of the conservation area.

Paragraph 196 of the NPPF (2019) states that:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

It is considered that the proposed development would deliver significant public benefits whilst optimising the application site's 'viable' use. These benefits include:

- Significant CIL contributions;
- 100 new residential units added to the local housing stock;
- 35.1% onsite affordable housing (by habitable rooms) including 17 affordable 2-bed and 3-bed units;
- An improved Class A1 / D2 offering and shop frontage that supports the vitality and vibrancy of the wider town centre;
- A Local Employment Agreement promoting jobs and apprenticeships for local residents;
- A financial contribution towards new tree planting within Burnt Oak Town Centre to improve the quality of the public realm.

It is considered that these benefits will provide a boost to the local housing and affordable housing stock, economy and town centre public realm, which it is hoped will serve as a catalyst for medium and long-term growth and regeneration within Burnt Oak. Therefore, it is considered that the proposed development provides significant public benefit that would outweigh the less than substantial harm caused to the setting of the adjacent Watling Estate Conservation Area. Consequently, the proposed development would be compliant with the highlighted local, London and national policies.

It is noted that that application site is located approximately 225m north of the Grade II listed former Mecca Bingo Hall (Listing Number 1384932). However, it is not considered that the proposed development given the stated distance from the Grade II Listed Building would result in any harm to its setting.

The above assessment is supported by the GLA, who upon review of the proposed development concluded the following:

In accordance with paragraph 198 of the NPPF, where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal. The public benefits of the proposals include the provision of housing and a 35% provision of affordable housing, and the re-activation of the primary shopping frontage. The wider economic and regenerative benefits to the town centre should also be considered. In GLA officers' opinion, the public benefits of the proposal are sufficient to outweigh the harm that would be caused to nearby heritage assets, subject to the securing of the affordable housing, and a high-quality design and materials at the construction stage.

## Archaeology

Policy DM06 states:

Archaeological remains will be protected in particular in the 19 identified Local Areas of Special Archaeological Significance and elsewhere in Barnet. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact.

While the application site does not reside within an Area of Special Archaeological Interest, the site is located close to a pre-Roman Road. Indeed, the Watling Estate Conservation Area Character Appraisal (2007) notes:

*Watling Estate lies close to the line of Watling Street, a pre-Roman Road. In 1971 excavations on the estate revealed 3rd and 4th century pottery, animal bone, building material and a small bronze coin dated about AD 270-300. It has been suggested that the Roman settlement of Sullonicae, usually presumed to have been at Brockley Hill, was in fact further south on the Watling Estate.*

Consequently, Historic England (Greater London Archaeological Advisory Service) was consulted on the proposed development. They have recommended that a Written Scheme of Investigation (WSI) is included as a pre-commencement condition, to ensure any archaeological remains if found during the demolition and construction phases, are protected and preserved.

Aside from a narrow strip of land to the front of the site (shown in blue on the Proposed Lower Ground Floor GA Plan), the proposed development will utilise the existing basement and will therefore not require any excavation below the existing lower ground floor level. Given limited excavation will take place, a pre-commencement condition requiring the submission of a WSI will apply only to the narrow strip of land to the front of the site.

## Trees

Notwithstanding their environmental and ecological benefits, trees and soft landscaping have an important role in both enhancing local character and public amenity and protecting neighbouring occupier amenity. Policy DM01 states:

*k. Trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate.*

The mature tree line along the rear site boundary has an important role in respect of neighbouring occupier amenity, ensuring adequate screening between windows and balconies on the proposed rear elevation and the rear garden and rear windows serving habitable rooms of adjacent properties on Gaskarth Road. This is particularly important given the building scale proposed and its proximity to adjacent residential gardens (10.2 to 10.5m).

An Arboricultural Impact Assessment was provided to accompany the proposed development which concluded:

Development requires no tree removal, with only minor crown reduction of one group needed to provide suitable construction access and subsequent building clearance.

Consequently, development will result in no significant loss of amenity or canopy cover. Retained trees have potential to be damaged by development. All tree protection requirements are provided to minimise this potential.

A pre-commencement meeting and arboricultural supervision, for key stages in the development that have potential impacts upon trees, are specified to ensure that all tree protection requirements are clearly understood and correctly implemented.

The Council's Arboriculturalist has reviewed the Arboricultural Impact Assessment provided and is satisfied that the tree protection and mitigation measures proposed are sufficient to protect the health and viability of the highlighted trees during both demolition and construction phases. A condition will be attached to any permission requiring the proposed tree protection measures to be fully implemented.

It is important to note that there are no trees subject to a Tree Preservation Order (TPO) located on or adjacent to the rear of the application site.

Given the scale of development and its visual impact within the street scene, a financial contribution of £12,000 will be secured via a s106 agreement for the planting of twenty trees within Burnt Oak Town Centre and on Burnt Oak Broadway.

### Ecology

Barnet Policy DM01 and Policy 7.19 (Biodiversity and Access to Nature) of the London Plan (2016) each seek to retain and enhance site biodiversity whilst ensuring protected species are safeguarded as part of any development.

A Preliminary Ecological Appraisal and Bat Survey Report were submitted as part of this application. The submitted Preliminary Ecological Appraisal provided the following conclusions:

#### Statutory and Non-Statutory Designated Sites:

*Two statutory sites for nature conservation were recorded within 2km of the Site. No SINC's are located within or immediately adjacent to the Site, and the nearest such sites is located approximately 250m to the west. Given the scale of the proposals, the area in which the Site is located and the distance to the SINC's, as well as the previous land-use, the potential for substantial impacts on the SINC's is considered to be negligible.*

#### Protected and Notable Habitats/Species:

*The habitats on Site, comprising mainly hardstanding and the building, were considered to have low/negligible ecological value, with the exception of the eastern boundary treeline.*

*Protected species potentially occurring on the Site include: bats and nesting birds. The building on Site offered 'low' potential to support roosting bats and limited potential to support nesting birds during the breeding season. The development proposals therefore have limited potential to impact negatively on protected and notable habitats and species.*

The submitted Bat Survey Report provided the following conclusions:

*Following the internal and external inspection at the 100 Burnt Oak Broadway Site, the building was assessed as having low potential to support roosting bats due to the presence of small numbers of potential roosting features.*

*Common pipistrelle bats were recorded on Site. Low levels of activity were recorded during the survey, especially towards the western side of the Site. No bats were observed emerging from or re-entering a roost within the on-site building or the adjoining building.*

Based on the assessment carried out, a range of mitigation measures were proposed to support and protect the identified species through demolition, construction and post-completion phases, including bat boxes, a sensitive lighting scheme and bat-friendly landscaping.

The Council's Ecologist reviewed both highlighted documents and was satisfied that the proposed development was unlikely to have any potentially significant adverse effects on the integrity of any statutory or non-statutory sites. This is subject to the implementation of the mitigation measures outlined in the Arboricultural Impact Assessment and Bat Survey Report. These will be secured via condition.

### Landscaping

In addition to the financial contribution to be secured for the planting of trees in the Burnt Oak Town Centre and along Burnt Oak Broadway and the retention of existing trees to the rear of the site, a condition will be attached to any planning permission requiring details to be provided of the hard and soft landscaping scheme proposed. This will include landscaping for internal communal amenity areas and any smaller measures that can be introduced to the rear of the site to further strengthen and augment the existing soft landscaping buffer between the application site and rear gardens of Gaskarth Road

### Summary

In summary, the proposed development would represent a departure from Policy DM05 and would by reason on its building height deviate from the predominant two to five storey building heights immediately surrounding the application site. However, the proposed development is considered in keeping with the wider mixed character of the A5, which includes taller buildings, and compliant with the strategic policy objectives of providing higher density development in highly sustainable and accessible town centre locations such as the application site. Indeed, the proposed development is considered consistent with the policy objectives outlined within Policy 7.7 of the London Plan (2016).

The proposed development has sought to meet the highlighted policy objectives through the quality of its design, materiality and incorporation of innovative and sustainable construction practices. These proposed design interventions have been reviewed by the Council's Urban Design Officer and considered to positively contribute to the site's immediate spatial context and the A5 street scene and its wider mixed character.

The proposed design also includes an improved ground floor active retail frontage to support the vitality and vibrancy of the Burnt Oak Town Centre and a form and site layout that enables the optimisation of residential density, whilst delivering good onsite amenity provision for future occupiers. It is expected that the delivery of these, in addition to the other public benefits such as onsite affordable housing, new tree planting in the town centre, CIL payments and a Local Employment Agreement, outweigh any potential harm caused by the proposed tall building and the less than significant harm caused to the



adjacent Watling Estate Conservation Area. Indeed, it is expected that these benefits will serve as a catalyst for further regeneration within Burnt Oak.

Therefore, when assessing all material considerations within the planning balance, it is deemed that proposed development is acceptable on character and appearance grounds.

## **Amenity Impact on Neighbouring Properties**

### Privacy

Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. It states:

*Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.*

In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to neighbouring residential occupiers.

Section 7 of the Council's Sustainable Design and Construction SPD (2016) states that

*In new residential development, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking. Shorter distances may be acceptable between new build properties where there are material considerations.*

As outlined in the site description above, to the rear of the application site (north-east) there are residential properties along Gaskarth Road, whilst to the south-east and north-west the Stag House (ref: 17/8140/FUL) and the Bald-Faced Stag (ref: H/01765/14) have planning permission in place for flats. The Bald-Faced Stag is currently in the process of implementing the highlighted permission, whilst no development works have yet started in relation to Stag House (based on site visit in June).

### Adjacent Properties on Gaskarth Road

The proposed development would have a part four, part five-storey building height immediately adjacent to the site boundary separating the application site from the rear gardens serving properties on Gaskarth Road. The proposed rear elevation where windows are located would have a 10.5m distance to the rear site boundary, while the section of the rear elevation accommodating balconies would have a 10m to 10.2 distance. The minimum distance between the proposed windows and balconies on the rear elevation and the rear windows serving habitable rooms at the adjacent properties on Gaskarth Road is 26.6m. Except for where the balconies are located, the proposed development would meet or exceed the recommended distances outlined within the highlighted SPD. Whilst the part of the rear elevation accommodating balconies up to fourth-floor level would be 0.3m to 0.5m short of the recommended 10.5m separation, it is considered that this is adequately mitigated by a row of mature trees spanning the adjacent rear boundary. Indeed, these trees would restrict clear views and opportunities for overlooking directly into the rear gardens of adjacent residential dwellings on Gaskarth Road. Given the distances between facing windows, it is not considered that direct window-to-window overlooking would occur. A condition will be attached to any permission

requiring tree protection measures to be implemented during both demolition and construction phases to ensure the ongoing viability of the highlighted trees.

### Bald-Faced Stag

The highlighted permission for the Bald-Faced Stag (ref: H/01765/14) is currently being implemented. All windows located on the flank wall are secondary except for one serving a bedroom. This window is obscured by the roof of no. 104A Burnt Oak Broadway and therefore not impacted by the application site. Consequently, it is not considered that a harmful level of overlooking would result from the proposed north-west facing balconies which are located more than 10.5m from the flank wall of the Bald-Faced Stag. The proposed windows located on the north-west elevation are not considered to result in a harmful level of overlooking in relation to the Bald-Faced Stag due to their oblique angle.

### Stag House

Based on a recent site visit, the highlighted permission (ref: 17/8140/FUL) at Stag House has not yet been implemented. However, should it be implemented a minimum distance of 10.5m would be maintained between the proposed windows along the south-east elevation and the flank wall of the approved scheme. This is considered acceptable.

### Daylight / Sunlight

The applicant has submitted a Daylight and Sunlight Report (Point Surveyors) which has assessed the impact of the proposed development on existing habitable rooms in the surrounding properties.

The submitted Daylight and Sunlight Report undertook analysis on the following neighbouring properties:

- 33-37 (Odd) Burnt Oak Broadway
- 39-47 (Odd) Burnt Oak Broadway
- 51 Burnt Oak Broadway
- 104 Burnt Oak Broadway (former Bald-Faced Stag PH)
- 108-110 & 112-114 (Even) Burnt Oak Broadway
- 6-8 (Even) & 10-12 (Even) Watling Avenue (Rosslyn Mansions)
- 16-18 (Even) Watling Avenue
- 20-40 (Even) Watling Avenue
- 2-24 (Even) Gaskarth Avenue
- 26-28, 30-36 (Even) & 38-48 (Even) Gaskarth Avenue
- 91-101 (Odd) Millfield Road
- 87-89 (Odd) Millfield Road
- 92-96 Burnt Oak Broadway, Stag House

The highlighted report provides the following conclusions:

### Daylight

*A clear majority of properties experience very good levels of daylight with some very minor but fully compliant reductions in VSC and NSL.*

*A minority of properties experience some reductions in daylight which derogate from the BRE guidance, however in the case of 39-47 (Odd) Burnt Oak Broadway and 51 Burnt*

*Oak Broadway, the reductions are not significant, and the rooms maintain high levels of retained VSC and very good NSL - most of the reductions in NSL if present being unnoticeable in accordance with the BRE guidance.*

*16-18 Watling Avenue and 92-96 Burnt Oak Broadway contain rooms which experience reductions in VSC and retained levels of VSC which represent derogations from the BRE guidance, that said in each of these cases, the derogations do not occur to the main window providing light to the room and only occur to secondary rooms. The good daylight levels are maintained within these rooms as demonstrated by the unnoticeable reductions in NSL.*

### Sunlight

*Only one property (51 Burnt Oak) experiences a reduction in Sunlight which derogates from the BRE guidance. The reductions are not significant and in part result from the design of the property and existing low sunlight levels making these two rooms sensitive to any reduction in Sunlight.*

In assessing the impact of development in respect of daylight and sunlight, paragraph 1.3.45 of the Mayors Housing SPG (2016) advises:

*An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.*

It is considered that the minor derogations, which are largely limited to secondary windows, are a natural and expected consequence of developing at the scale proposed. However, as noted in the highlighted SPG, an appropriate degree of flexibility is required to accommodate higher density development in town centre locations. In this instance, it is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers, with any derogations from BRE standards minor and generally limited to secondary windows.

### Noise and disturbance

Policy DM04 states:

*Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.*

It is not considered that the proposed development would result in a level of noise and disturbance harmful to the residential amenity of neighbouring occupiers. The application site is in a town centre location and fronts onto a main arterial road. Access to the site for both retail and residential uses will largely occur via Burnt Oak Broadway, with only limited vehicular access to the rear of the site expected given the limited number of onsite parking spaces. Indeed, most of the proposed activity and associated noise and disturbance will

be located to the front of the application site away from the rear gardens and residential dwellings on Gaskarth Road. To ensure appropriate safeguards are in place, conditions relating to noise will be attached, including hours of opening for the Class A1 / D2 uses.

## **Transport / Highways**

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) seeks to ensure a more efficient and environmentally friendly use of the local road and transport networks, requiring that development is matched to capacity and the delivery of appropriate transport infrastructure is promoted. Policy CS9 also seek to ensure proposals promote:

- the safety of all road users;
- the reduction of traffic congestion;
- suitable and safe access for all users of developments;
- roads within the borough are used appropriately;
- good facilities for pedestrians and cyclists.

Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan (2012) and Policy 6.13 (Parking) of the London Plan (2016) set out the parking standards that the Council will apply when assessing new developments.

### Residential Car Parking

Policy DM17 sets out the car parking standards for residential developments within the Borough. These are as follows:

- four or more bedroom units - 2.0 to 1.5 parking spaces per unit
- two and three-bedroom units - 1.5 to 1.0 parking spaces per unit
- one-bedroom units - 1.0 to less than 1.0 parking space per unit

Based on the above, the proposed development would have a maximum parking range of between 55 (0.55 spaces per unit) and 127.5 (1.27 spaces per unit) spaces.

Both London and Barnet local planning policy recognise that its residential parking standards should be applied flexibly based on different locations and issues related to public transport accessibility, parking stress and controls, ease of access by cycling and walking and population densities. Appropriate disabled parking should always be provided.

Policy DM17 states that 'some developments may have difficulty meeting parking requirements, particularly in town centres.' In these instances, the council will show flexibility in the assessment of parking requirements and will consider restricting occupiers from obtaining parking permits within Controlled Parking Zones (CPZ) via a legal agreement, with the aim of reducing overall parking congestion in town centres, with more road and parking capacity available for other uses. Policy DM17 states that:

*Residential development may be acceptable:*

- With limited or no parking outside a CPZ but only where it can be demonstrated through a survey that there is sufficient on street parking capacity;*
- With limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the application will be required to enter into a legal*

*agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.*

The proposed development is located on Burnt Oak Broadway which is covered by single yellow line parking restrictions and a bus lane. It is a highly accessible Town Centre location with a PTAL rating of 5 and located within a five-minute walk of the Burnt Oak Underground Station and the Northern Line Edgware branch. Parking along this section of Burnt Oak Broadway and Watling Avenue will not be practical for future residents. In addition, surrounding streets within a walking distance of 200m are covered by CPZ-BO. The only section of unrestricted route that may be of potential risk from overspill parking is Barnfield Road. However, this is not considered to be practical for residents in terms of accessibility to the new development. Indeed, the submitted Parking Stress Surveys indicate this road is almost continuously at full parking capacity.

The parking stress survey provided to accompany this application, indicates that there is limited availability of parking within locations not already covered by a CPZ and the majority of these are at walking distances that would make them unattractive to prospective residents. Therefore, Council Highway Officers are satisfied that the car-free concept will be self-enforcing. However, to ensure appropriate safeguards are in place, a financial contribution towards consultation on a potential CPZ extension to Barnfield Road and its subsequent implementation will be secured via a s106 agreement. Given current CPZ coverage and potential parking stress it is likely that future extensions will only be applicable to Barnfield Road.

Although the development will be generally car-free, there are no statutory means of preventing future occupiers from bringing a vehicle. However, it is recognised that where suitable restrictions are in place, or if distance to suitable parking places is excessive, this will result in a low likelihood of occurring. However, to ensure appropriate safeguards are in place, the restriction of future residents from obtaining parking permits will be secured via a s106 agreement.

The Council's Highways Officers have reviewed the submitted Transport Assessment and are supportive of the principle of the car-free scheme at the application site subject to the highlighted safeguards secured by s106 agreements and relevant conditions relating to the use and operation of the site during demolition, construction and occupation phases. Furthermore, a car-free development is also strongly supported by the TfL as noted in the consultee section above.

The proposed development provides for ten disabled parking spaces on the lower ground floor which can be accessed from Stockwell Close. Four of these disabled spaces will be provided from the outset with the remaining six made available should demand materialise. All parking spaces will have electric charging infrastructure. This is considered acceptable and compliant with both current and draft London Plan policies. A car parking management plan, which sets out how disabled parking will be managed, including ensuring that disabled spaces are allocated on the basis of need and not attached to a particular flat, or long-term lease, will be secured via condition.

Full Electric Vehicle provision as per the standards outlined within Policy 6.13 (Parking) of London Plan (2016) will be secured via condition.

A car club space has been provided on Stockwell Close. This is considered acceptable, with its location and funding by the applicant secured via a s106 agreement.

The Travel Plan submitted has been reviewed by the Council's Travel Plan Officer who has recommended approval subject to a £5,000 monitoring fee. This will be secured via a s106 agreement.

### Commercial Car Parking

The proposed development is required to provide one disabled parking space for users of the retail unit. It is proposed that this space will be provided on Stockwell Close. This is considered acceptable in-principle. This will be secured via condition.

### Stopping Up

Detailed Stopping Up plans have been submitted by the applicant's transport consultants (MA Tech Note, TN02, 18037-01, April 2019). These have been reviewed by the Council's Highways Officers who have deemed them as acceptable subject to the rear access arrangements being subject to a full safety audit. This will be secured via condition.

### Cycle parking

Details of onsite cycle parking have been provided. Whilst the scheme is broadly compliant with Policy 6.9 (Cycling) of the London Plan (2016), further detail is required regarding the location, quantum and storage of short and long-stay cycle parking associated with the Class A1 and D2 uses. Given it is considered that there is sufficient capacity onsite to provide these additional parking spaces, exact details will be secured via condition.

### Freight

It is proposed that deliveries and servicing take place from Stockwell Close. Whilst this is considered acceptable in-principle, a delivery and servicing plan will be secured via condition. Furthermore, a full Demolition and Construction Method and Logistics Plan (DCMLP) will be secured via condition to ensure appropriate mitigation measures are in place to protect the safety of both motorists and pedestrians and to enable the free flow of traffic during development works.

### Refuse Collection

The proposed development provides residential refuse and recycling storage at lower ground floor level adjacent to Core B and Stockwell Close to the south of the site. These can be directly accessed by Refuse delivery vehicles via Stockwell Close and a turning head located adjacent to the north-western elevation. An additional residential refuse and recycling store is located adjacent to Core A and accessed via the Burnt Oak Broadway carriageway. This approach has been reviewed by the Council's Highways Officers and deemed acceptable subject to a Waiver of Liability to be secured via condition.

Regarding commercial refuse storage, this will be stored in bins internally and brought to the refuse vehicle by staff on collection day. Full details of the collection provision and collection point will be secured via condition.

### **Sustainability**

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation, while Policy DM04 requires all major developments to provide a statement which demonstrates compliance with the Mayors targets for carbon dioxide emission reduction in line with the Mayor's energy hierarchy.

The proposed development is accompanied by an Energy Assessment (Webb Yates Engineers) which sets out how the development accords to the London Plan energy hierarchy. Through the inclusion of high efficiency building fabrics and community heating with ASHP and Photovoltaic panels, the proposed development would deliver the following savings (includes both domestic and non-domestic elements):

SAP10 CO2 EMISSIONS (TonnesCO2/year)				
WHOLE BUILDING	TOT REGULATED EMISSIONS (Tonnes CO2/year)	CO2 savings (Tonnes CO2/year)	PERCENTAGE SAVING (%)	TOTAL SAVINGS (%)
PART L 2013 BASELINE	140.51			
BE LEAN	76.79	63.72	45.35%	45.35%
BE CLEAN	76.79	0.00	0.00%	45.35%
BE GREEN	57.18	19.61	25.53%	59.30%

The highlighted report concludes:

Taking into account the proposed construction details and U-Values to all thermal elements, high levels of energy efficient lighting and a low air permeability rating, the CO2 savings from energy efficiency measures equate to an 46% decrease in CO2 emissions over the Part L 2013 baseline or 63 tonnes CO2/year savings (SAP 10).

The measures outlined above combine to give the following site wide carbon dioxide emissions and savings (tonnes per year):

	Total Emissions (Tonnes per year)	CO2 Savings (Tonnes per year)	Percentage saving
Part L Baseline	138		
Be Lean	75	63	46%
Be Clean	75	0	0%
Be Green	56	19	13%
		<b>CO2 Savings off set</b>	
<b>Off-set</b>		1,099	

<b>Cash in lieu</b>	£65,962
---------------------	---------

Major developments are required to provide carbon emissions saving in line with the zero-carbon target outlined within Policy 5.2 (Minimising Carbon Dioxide emissions) of the London Plan (2016). Given the proposed development would not achieve the required CO2 savings onsite, a financial contribution is required to offset that difference up to carbon zero. Based on the above, a financial contribution of £65,962 to the Borough's offset fund is required. This will be secured via a s106 agreement.

#### Flood Risk / SUDS

Policy CS13 of the Barnet Core Strategy seeks to:

Make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does not cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels.

The proposed development is accompanied by a Sustainable Drainage Systems Report (Webb Yates Engineers) which addresses flood risk and sustainable drainage systems proposed for the application site.

#### Flood Risk

It is noted that the application site is located within Flood Zone 1 (less than 0.1% chance of flooding in any year) and is under a hectare in size which means a Flood Risk Assessment for the site is not normally required. However, the highlighted report notes that:

The proposed drainage design is to ensure that a 30year return period storm event will be contained on site and that a 100year + 40% for climate change return period storm event will be contained within the site in such a way that any flooding will be of a depth and velocity that does not provide a hazard to the inhabitants of the development.

#### Sustainable Drainage

This has been assessed by the Council's Drainage Officer who requires further information to be fully satisfied with the proposed development on drainage grounds. It is considered that an appropriately worded pre-commencement condition requiring details of the proposed sustainable drainage system would ensure sufficient safeguards are in place and the outstanding information requested by the Drainage Officer can be provided in a timely manner. Consequently, a sustainable drainage condition will be attached to any planning permission.

#### **Public Comments**

Where material considerations, all public comments received have been addressed within the above report. See below for direction to the relevant section:

- Off site modular construction should be implemented for large development:



Given the materials proposed, there will be an element of offsite modular construction enabled.

- 100 residential units would seem a form of overdevelopment:

See Design section.

- 100 Burnt Oak Broadway fronts on the A5 road, which is probably close to the line of the Roman road called 'Watling Street'. This is under-researched, and it may be that evidence is to be found of the road or roadside settlements when there are developments along the line of the A5. Historic England should therefore have the opportunity of considering an archaeological condition, and so I am copying this to them:

See Archaeology section.

- Objection to a building of 5 or more storeys as it would change the look and feel of the neighbourhood drastically, could interfere with existing telecommunication signals and would encourage more high-rise buildings in the area:

See Design section. There is no evidence that the proposed height would interfere with existing telecommunication signals.

- Upper storeys of a high-rise block would overlook the nearby school, the common on the corner of Gaskarth / Playfield Roads and Silkstream Park. It would blight the views from those areas and lessen their amenity value:

See Design and Amenity sections.

- Objection to the D2 use if there is a likelihood of alcohol being sold on the premises, noise nuisance and/or large numbers and groups of visitors, particularly in the evenings:

Any future retail unit would be subject to relevant licencing regulations.

- The pavement is not wide enough to support groups of people congregating or accessing the premises and buses are not frequent enough to clear groups quickly:

It is considered that there is sufficient public pavement width for the proposed uses.

- For a D2 use of a type whereby people will remain at the premises for some time, there must be adequate parking facilities included within the plans:

See Highways section.

- The area would feel less safe if there were greater numbers of transient visitors to the area, particularly visiting groups and especially if they have alcohol:

The creation of residential accommodation is expected to increase the level of permanent residents and increased informal surveillance. A condition relating to the location of CCTV and lighting will be attached to any permission.

- There are insufficient parking spaces in the area to support a development that does not provide parking designated for its residents and for visitors to the commercial space on the

ground and lower floors. The number of disabled parking spaces should be proportionate to the overall number of parking spaces:

See Highways section.

- Large-scale developments in the area are a blight and have substantial environmental impacts.

See Design and Sustainability sections.

- Increased vehicular trip generation and parking in the area will increase noise and air pollution:

See Future Occupier Amenity section

- The proposed building scale is out of character with the central Burnt Oak area:

See Design section.

- Would overshadow and block light to adjacent houses and flats which are lower in scale:

See Neighbouring Amenity section.

- Would result in overlooking into neighbouring windows and gardens to the rear of the site.

See Neighbouring Amenity section.

- Building built up close to adjacent gardens to the rear and would appear as a large wall.

See Design section.

- A lack of council housing within the scheme:

See Affordable Housing section.

- The site's topography will exacerbate the proposed building height. It will dominate the skyline.

See Design section.

- The proposed development is on the border of the conservation area and is out of character with it.

See Heritage section.

- The proposed tall building amounts to an over-densification of the site:

See Housing Density section.

- The tenure mix has insufficient family sized units and at 37% affordable, is below the target 40%:

See Affordable Housing section.

- None of the affordable units will be at social rent, which is what is desperately needed in this area:

See Affordable Housing section.

- A car free development is not sustainable in this location given the poor orbital links.

See Highways section.

- The impact of the proposed development will be that parking will be pushed onto neighbouring streets, creating further congestion and competition for parking space.

See Highways section.

### **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;
- sexual orientation.

In considering this application and preparing this report, Officers have 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 site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site. The site will provide 10% wheelchair adaptable units.

The development includes level, step-free pedestrian approaches into the building to ensure that all occupiers and visitors of the development can move freely in and around the public communal spaces. Lifts are provided to provide step-free access between the

lower ground, ground and the upper levels. Dedicated parking spaces for people with a disability will be provided in locations in close proximity to the lift areas.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

## **Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. Whilst the proposed development would represent a departure from the Tall Building Policy outlined within CS5 of Barnet's Local Plan (2012) and Policy DM05 of Barnet's Development (2012), when applying the planning balance, it is considered that the benefits of the scheme in strategic terms would outweigh any potential harm caused. These include the provision of 35.1% onsite affordable housing (by habitable room), 100 self-contained flats which deliver a significant boost to the local housing stock, and an enhanced retail offering supporting the viability and vibrancy of the Burnt Oak Town Centre and its Primary Shopping Frontage. The delivery of a high-density mixed-use development at a sustainable and accessible town centre location along the A5, is considered consistent with wider strategic policy objectives outlined within the London Plan (2016) and in keeping with the wider mixed character of the A5 which includes the Colindale Area Action Plan area and Burnt Oak / Colindale Opportunity Area 600m to the south of the application site. Indeed, it is considered that the public and wider regenerative benefits of the scheme outweigh any potential harm, particularly in respect of the highlighted tall building concerns.

The proposed development is considered to successfully deliver a scheme that optimises housing delivery, improves the site's retail offering and leverages innovative design and construction practices, whilst balancing localised character, amenity and highways-related concerns. Furthermore, the scheme would deliver a good level of onsite private and communal amenity, whilst providing sufficient safeguards to protect neighbouring occupier amenity.

The proposed development would be car-free. However, given the safeguards proposed, including a CPZ review and restrictions on future occupiers obtaining parking permits, and the application site's town centre and highly sustainable location (PTAL 5), it is considered that the principle of a car-free development is acceptable in this instance. Notwithstanding the above, onsite disabled parking will be provided.

In conclusion, it is considered that the significant public and wider regenerative benefits of the proposed development would on balance, outweigh concerns relating to building height. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement and conditions as set out at the beginning of this report, APPROVAL is recommended.



This page is intentionally left blank

**Location** 104A Burnt Oak Broadway Edgware HA8 0BE

**Reference:** 19/3906/FUL

Received: 15th July 2019

Accepted: 17th July 2019

**Ward:** Burnt Oak

Expiry 11th September 2019

**Applicant:** Mr C/O Agent (Mr Patrick Daly – MRPP)

**Proposal:** Retention of basement and redevelopment and re-provision of new two storey building for flexible A1/A3 floorspace.

AGENDA ITEM 9

**Recommendation:** Approve subject to s106

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

#### RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. All necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development in agreement with the Local Highways Authority.
4. Restriction on use of stopped-up footway for storage/supermarket trolleys.
5. Prior to the Occupation of the 104A Development, the building known as 100 Burnt Oak Broadway will be demolished to ground floor level, i.e. to the adjacent highway pavement level.
6. A contribution of £500 towards the monitoring of the S106 agreement.

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the

planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

- Existing Site Plan (426- dRMM- ZZ- ZZ- SIT- A- 1020 P00)
- Proposed Site Plan (Illustrative) (426- dRMM- ZZ- ZZ- SIT- A- 1021 P00)
- Site Plan - Demolition (426- dRMM- ZZ- ZZ- SIT- A- 1022 P00)
- Site Location Plan (426- dRMM- ZZ- ZZ- SIT- A- 1023 P00)
- Proposed Site Plan (426- dRMM- DZ1- ZZ- SIT- A- 1024 P00)
- Proposed Section (426- dRMM- ZZ- ZZ- SEC- A- 3020 P00)
- Proposed Elevations (426- dRMM- ZZ- ZZ- ELE- A- 4020 P01)
- Proposed Floor Plans (426- dRMM- ZZ- ZZ- PLA- A- 2120 P01)
  
- Planning Statement (MRPP, July 2019)
- Archaeological Statement (MRPP, July 2019)
- Foul Sewage and Drainage Assessment (MRPP, July 2019)
- Transport Statement (MRPP, July 2019)
- Utilities Statement (MRPP, July 2019)

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

2 This development must be begun within three years from the date of this permission.

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

3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

4 Prior to the commencement of demolition works for the development hereby approved, a suitable professional will be present to provide a watching-brief during



soil stripping, excavation and piling activities, to document unexpected discoveries and report on all archaeological work carried out during the course of the development.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

- 5 No site works or works on this development 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. The development shall thereafter be implemented in full accordance with the details approved under this plan. 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.

- 6 a) No above ground works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF

and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 7 a) Prior to the first occupation of the hereby approved development, details of the proposed sedum roof shall have been submitted to and approved in writing by the Local Planning Authority.

b) The sedum roof shall be implemented in accordance with the details approved in this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved sedum roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development enhances site biodiversity and environmental sustainability in accordance with Policies DM16 of the Development Management Policies DPD (adopted September 2012) and 5.11 of the London Plan 2016.

- 8 a) No development other than demolition works, site clearance and temporary enabling works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise from the development on adjacent residential units and measures to be implemented to address its findings, has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the amenities of adjacent residential units are not unacceptably prejudiced by the development in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

- 9 a) No development other than demolition, site clearance and temporary enabling works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall also assess the likely noise impacts from the ventilation/extraction plant, and provide mitigation measures to reduce these noise impacts to acceptable levels.

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 development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

10 a) Prior to the first occupation of the A1 and A3 uses hereby approved, a detailed assessment for any kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

11 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/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

12 a) Notwithstanding the details submitted with the application and otherwise hereby approved, the development shall not be occupied until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers

where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

13 a) Prior to the first occupation of the Class A1 and A3 uses hereby approved, a Delivery and Servicing Plan (DSP) shall be submitted to and agreed in writing by the Local Planning Authority.

b) The details approved in this condition shall be fully implemented and retained as such thereafter.

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.

14 a) Notwithstanding the plans hereby approved, before the development hereby permitted is first occupied, details of cycle parking, including the type of stands, gaps between stands, location and type of cycle store shall be submitted to and approved in writing by the Local Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

15 The development hereby approved, shall be used as A1 (Shop) and A3 (Restaurant / Cafe) including related ancillary uses only and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

16 a) Prior to the first occupation of the development hereby approved, hours of use, including for the first-floor terrace, shall be submitted to and approved in writing by the Local Planning Authority.

b) The details approved in this condition shall be retained as such thereafter.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

17 a) Prior to the first use of the first-floor terrace hereby approved, details of proposed noise mitigation measures and the size and siting of privacy screening and balustrades, shall be submitted to and approved in writing by the Local Planning Authority.

b) The details approved under this condition shall be fully implemented and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of neighbouring occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012 and the Sustainable Design and Construction SPD (adopted October 2016).

18 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 9% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

19 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00 pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

### RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been signed by 01 February 2020, unless otherwise agreed in writing, the Service Director – Planning and Building Control or Head of Strategic Planning REFUSE the application under delegated powers for the following reasons:

1. The proposed development does not provide a legal agreement to ensure sufficient safeguarding measures are in place against the storage of supermarket trolleys to the front of the application site. The proposal would therefore not address the impacts of the

development on the adjacent public footpath and the free flow of pedestrian movement. This would be contrary to Policy DM17 of Barnet's Development Management Policies (2012).

2. The proposed development does not provide a legal agreement to ensure it comes forward together with no. 100 Burnt Oak Broadway (19/1049/FUL) in a timely manner. This proposal would therefore cause harm to the character and appearance of Burnt Oak Broadway and viability of Burnt Oak Town Centre. This would be contrary to Policies DM01 and DM11 of Barnet's Development Management Policies (2012).

3. The applicant has failed to pay a monitoring fee to ensure the s.106 agreements are fully implemented. This would be contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

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

1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

2 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 £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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.

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://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

- 5 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 6 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 7 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 35dB(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.

- 8 Should a kitchen be installed, the applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
  - Flue(s) must be 1.5 m\* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final



discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. \*If the flue is in a Conservation area then this height may be reduced to 1m above eaves.

- 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: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). 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.

## **Officer's Assessment**

### **MATERIAL CONSIDERATIONS**

#### Key Relevant Planning Policy

##### Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals 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.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

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.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against these policies, is set out in subsequent sections of this report. This is not repeated here.

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area.

The National Planning Policy Framework (NPPF) was revised in February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, as well as promoting sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The London Plan

The London Plan (2016) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

#### Context and Strategy:

(Delivering the Strategic Vision and Objectives for London)

London's Places:  
2.15 (Town Centres).

London's Economy:  
Policy 4.7 (Retail and town centre development); Policy 4.9 (Small shops).

London's Response to Climate Change:  
5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity).

London's Transport:  
6.9 (Cycling); 6.10 (Walking); 6.13 (Parking).

London's Living Spaces and Places  
7.4 (Local Character); 7.6 (Architecture); 7.8 (Heritage Assets and Archaeology).

Implementation and Monitoring Review:  
8.2 (Planning Obligations); 8.3 (Community Infrastructure Levy);

Draft New London Plan

The London Plan is currently under review and is also a material consideration.

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)

CS6 (Promoting Barnet's town centres)

CS9 (Providing safe, effective and efficient travel)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM06 (Barnet's heritage and conservation)

DM11 (Development principles for Barnet's town centres)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

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

Local Supplementary Planning Documents:

Watling Estate Conservation Area Character Appraisal (July 2007)

Planning Obligations (April 2013)

Sustainable Design and Construction (April 2013)

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development.

## **PLANNING ASSESSMENT**

### Site Description

The application site comprises of a two-storey building (plus basement level) fronting the A5 (known as Burnt Oak Broadway). The site is located towards to the southern end of the Primary Shopping Frontage of Burnt Oak Town Centre, a District Centre as identified within the London Plan (2016). The existing building has some modest architectural value owing to its age and pitched roof, but it is currently cluttered with signage and a prominent non-original front canopy. The building has a part brick and part render cladding with a pitched tiled roof. The site is currently in use as a bed shop.

Adjoining the site to the south is no.100 Burnt Oak Broadway, a two-storey building currently vacant, but in previous use as a Tesco supermarket. No.100 is subject to a parallel planning application (ref: 19/1049/FUL) to redevelopment the site into a mixed retail and residential use. The proposed development which is the subject of this application has been designed alongside no.100 to provide a coherent building design, site layout and an improved retail frontage. The adjoining building to the north is the Bald-Faced Stag, which is currently undergoing redevelopment in line with a previous permission (ref: H/01765/14) for a ground floor retail unit and eight self-contained flats on the first-floor level. To the rear of the site is a car park and a row of mature trees separating the car park from the rear gardens of dwellings location on Gaskarth Road. The car park to the rear of the site is accessed via Stockwell Close to the south of no.100.

The area immediately surrounding the application site on Burnt Oak Broadway is varied in its architectural form. It includes two and three-storey pitched roofed, brick clad inter-war parades, three-storey post-war flat-roofed render and brick clad commercial and residential buildings and a five-storey stone clad building on the corner of Burnt Oak Broadway and Stag Lane. The predominant building height of buildings immediately adjacent to the application site is two to five-storeys.

The application site is located immediately adjacent to the Watling Estate Conservation Area which runs along Watling Avenue (including part of the junction with Burnt Oak Broadway) to the north of the site and the includes the residential area to the rear of the site (north-east / east). Watling Avenue to the north of the application site is characterised by largely uniform traditional two-storey (plus habitable rooms at roof level) pitched roofed parades. These are located between Burnt Oak Tube Station and the junction between Watling Avenue and Burnt Oak Broadway. Gaskarth Road to the rear of the application site is characterised by two-storey pitched roofed residential dwellings, with a mixture of elevational cladding varying from brick, timber and rendered pebble dash.

The application site is located within Flood Zone 1, contains no statutory or locally listed buildings and has no trees subject to a Tree Preservation Order (TPO) located within its curtilage.

### Proposed Development

The proposed development seeks to demolish the existing two-storey building, to replace it with a two-storey building (plus basement level) that accommodates 397m<sup>2</sup> of flexible Class A1/A3 floorspace. The proposed building materiality and architectural form closely follows the design approach employed in the ground and first-floor frontage within the parallel application at no.100 Burnt Oak Broadway. This includes almost full height glazing and an angled frontage. The proposed building design also includes a sedum roof and first-floor rear terrace.

As shown on the Site Location Plan submitted as part of this application, part of the balconies proposed on the north-western elevation of the parallel application at no.100 will oversail the application site. However, both the application site and no.100 Burnt Oak Broadway have been designed together to provide a more spatially coherent and comprehensive development to strengthen the retail frontage along the A5 and to support the optimisation of residential density at no.100. Should permission be granted, both schemes will be linked through a legal agreement to ensure they come forward together in a timely manner. This is to protect the design integrity and viability of the Burnt Oak Town Centre Primary Shopping Frontage.

### Relevant Planning History

Reference: W00811AR/05

Address: First Floor Flat, 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Use of premises as minicab office.

Decision: Approved subject to conditions

Decision Date: 28 April 2005

Reference: W00811AE

Address: 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Use of part of ground floor as minicab office

Decision: Approved subject to conditions

Decision Date: 2 June 1993

Reference: W00811AD

Address: 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Installing new shop front.

Decision: Approved subject to conditions

Decision Date: 9 December 1992

Reference: W00811AC

Address: 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Change of use of part of public house (Class A3) to offices (Class B1).

Decision: Approved subject to conditions

Decision Date: 21 August 1992

Reference: W00811Z

Address: 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Change of use from part of Public House (Class A3) to financial & Professional Services (Class A2).

Decision: Lawful

Decision Date: 23 April 1991

Reference: W00811AA

Address: 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Change of use of part of Public House (ClassA3) to shop (Class A1).

Decision: Lawful

Decision Date: 23 April 1991

Reference: W00811Y

Address: 104A Burnt Oak Broadway Edgware Middlesex HA8 0BE

Description: Use of part of ground floor of premises for Class A1 (Retail) Class A2 (Financial & Professional) and Class A3 (Hot Food & Drink).

Decision: Lawful

Decision Date: 7 November 1990

Reference: 19/1049/FUL

Address: 100 Burnt Oak Broadway, Edgware, HA8 0BE

Description: Demolition of existing building and erection of a mixed use building between four and twelve storeys high, comprising of 100 residential units with 1718.8sqm of Class A1/D2 uses at lower ground, ground floor and part first floor levels. Associated amenity space, refuse storage, cycle stores and provision of 4no. disabled parking spaces at lower ground floor level (with space for an additional 6 as needed).

Decision: Pending Consideration

As outlined above, the proposed development has been designed alongside the highlighted current application at no. 100. If approved, both schemes will be linked through a legal agreement to ensure that they are developed together in a timely manner. This is to protect the design integrity and viability of the Burnt Oak Town Centre Primary Shopping Frontage.

### Consultations

As part of the consultation exercise, 155 letters were sent to neighbouring residents. 0 comments have been received.

### Responses from External Consultees

#### LB Harrow Council

No comments received.

#### Thames Water

#### Surface Water Drainage

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

## Flooding

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water.

## Responses from Internal Consultees

### Environmental Health

No objection subject to conditions relating to noise and odour.

### Highways

No objection subject to conditions.

### Urban Design

Supportive of the design approach proposed subject to conditions.

## **PLANNING ASSESSMENT**

### **Land Use / Principle of development**

The proposed development seeks to demolish an existing two-storey building currently in use as a bed-shop (Class A1) and replace it with a two-storey building (with use of the existing basement level) with a flexible Class A1 / A3 use. As noted above, the application site is located within the Primary Shopping Frontage of the Burnt Oak Town Centre.

Policy 2.15 (Town Centres) of the London Plan (2016) states that development proposals within town centres should:

- a sustain and enhance the vitality and viability of the centre;*
- b accommodate economic and/or housing growth through intensification and selective expansion in appropriate locations;*
- c support and enhance the competitiveness, quality and diversity of town centre retail, leisure, employment, arts and cultural, other consumer services and public services.*

Further to the above, Barnet Policy DM11 seeks to protect Class A1 retail uses within town centre locations, particularly along the Primary and Secondary Shopping Frontages.

The proposed development in conjunction with the parallel development at no. 100 Burnt Oak Broadway (ref: 19/1049/FUL), seeks to provide an enhanced retail frontage that strengthens the vitality and vibrancy of the Burnt Oak Town Centre. It does this through an improved frontage and internal unit design and a mixed retail and commercial offering. At no. 100 where there is currently a large vacant Class A1 unit, Class A1 uses would be located at ground and first-floor level, whilst a flexible Class A1 / D2 use would be provided

at the lower ground floor level. At the application site Class A1 would be retained, albeit at a marginally reduced floor space of 397m<sup>2</sup> compared with 492m<sup>2</sup>, with the Class A3 use offering an additional complimentary use on site.

Whilst the loss of any Class A1 floor space is generally resisted in line with Policy DM11, it is considered that when viewed in conjunction with the parallel application at no. 100 (ref: 19/1049/FUL), the proposed flexible use and marginal loss in Class A1 is acceptable on balance. Indeed, it is considered that it would strengthen the vitality and vibrancy of the Burnt Oak Town Centre in line with Policy 2.15 of the London Plan (2016) and would do so by delivering a more visually coherent shopping frontage design and modern fit-for-purpose internal floor space, which is more marketable and includes a mix of compatible retail and commercial uses which will encourage a variety of end-users and footfall throughout the day. Moreover, through design synergies and efficiencies between the two sites, the proposed development would facilitate the optimisation of housing density at no. 100.

Further to the above, it is considered that there is an adequate provision of Class A1 uses along Watling Avenue, which ensures the overall Class A1 usage within the Burnt Oak town centre does not fall below the thresholds outlined in Policy DM11.

Overall, whilst any loss of Class A1 floor space is normally resisted in line with Policy DM11, it is considered that in this instance the proposed development is acceptable on planning balance. Indeed, the proposed development would retain Class A1 onsite, would only represent a small loss of Class A1 floorspace and would in conjunction with the parallel development at no. 100, deliver a more coherent retail frontage design, a modern fit-for-purpose internal floorspace and an enhanced retail and commercial offering including Class A3 and D2. This diversification is expected to generate additional footfall and end-users to the Burnt Oak Town Centre Primary Shopping Frontage. Furthermore, through design synergies and efficiencies the proposed development would enable the optimisation of residential density at no. 100. The proposed development is considered consistent with the strategic objectives highlighted within the London Plan (2016) and through its comprehensive redevelopment alongside no. 100 (ref: 19/1049/FUL) is expected to act as a catalyst and stimulus for further regeneration and growth within Burnt Oak Town Centre.

### **Layout, Height and Design**

Policy CS5 of Barnet's Local Plan (2012) seeks to ensure that all development in Barnet respects local context and distinctive character and creates places and buildings of a high-quality design. Policy DM01 echoes this approach stating that:

*b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.*

The adjacent section of Burnt Oak Broadway has a mixed character including a range of different architectural styles and forms. As outlined within the site description, these include more traditional pitched roofed buildings and parades to the north of the site, with a more varied mixed of building forms to the south of the site, including the flat roofed two-storey building at no. 100 Burnt Oak Broadway and the flat roofed three-storey building at Stag House.



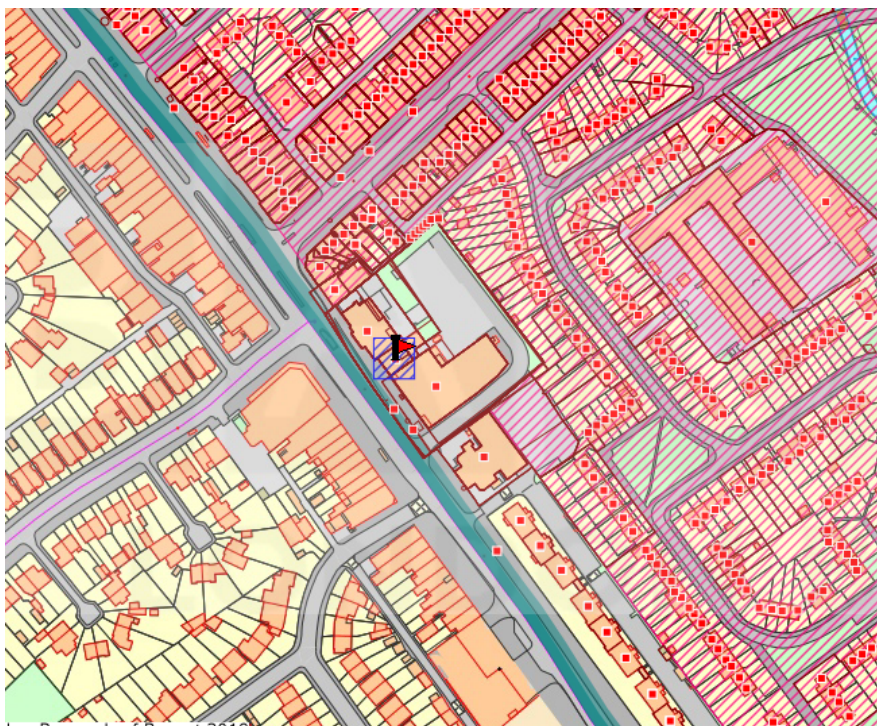
The proposed development has a more contemporary design approach, including a flat roof and full height glazing to the front and side elevation. This design approach has been developed to form part of a more comprehensive design solution which incorporates the adjacent site at no. 100 Burnt Oak Broadway. As outlined above, there is a parallel application currently under consideration at no.100 (ref: 19/1049/FUL) which seeks to redevelop that site to accommodate a new retail unit and frontage at ground floor level and high-density residential accommodation above. This scheme includes a more contemporary form and materiality, including full height glazing at ground floor level and a mixture of concrete, sinusoidal metal sheeting and glazing above. The proposed two-storey building height, contemporary form and angled and stepped footprint, has been developed to provide a more coherent spatial and visual relationship with the proposed development at no. 100 Burnt Oak Broadway, whilst improving the active retail frontage along Burnt Oak Broadway and remaining sensitive to the existing building scale at the Bald-Faced Stag which adjoins the application site to the north.

The proposed development has been reviewed by the Council's Urban Designer who is satisfied that the design approach employed is acceptable in view of the parallel development at no. 100 (ref: 19/1049/FUL) and the mixed character evident within the section of Burnt Oak Broadway immediately surrounding the application site. The proposed two storey building height sits below the approved scheme at the Bald-Faced Stag which is currently being implemented (ref: H/01765/14) and significantly below the twelve-storey development proposed at no. 100. Furthermore, its design and siting enables a more effective spatial transition between the more traditional form at Bald-Faced Stag and the contemporary form and twelve-storey building height proposed at no. 100.

Given the proposed building scale, design and siting forms part of a more comprehensive redevelopment with the adjoining site at no. 100 (ref: 19/1049/FUL), any grant of permission will be subject to a legal agreement which requires both schemes to come forward together in a timely manner. This is to protect the visual integrity and coherence of the Burnt Oak Broadway street scene and vitality of the Burnt Oak Town Centre Primary Shopping Frontage. Subject to this legal agreement and conditions relating to external materials, it is considered that the proposed development would have on balance, an acceptable impact on the mixed character and appearance of the section of Burnt Oak Broadway immediately surrounding the application site. Indeed, along with no. 100, it would serve to unlock regenerative benefits which are considered to outweigh any potential harm resulting from the form and materiality of the proposed development.

### Heritage

The application site does not reside within a conservation area and does not contain any statutory or locally listed buildings. However, the application site is adjacent to the Watling Estate Conservation Area to the rear along Gaskarth Road and is proximally located to Watling Avenue which also forms part of the highlighted heritage asset. The map shown below indicates where the conservation area is in relation to the application site. The red diagonal lines show the coverage of the conservation area, while the application site is marked by the red flag.



Given the two-storey scale proposed, the fact the application site does not immediately adjoin the conservation area to the north at the junction between Burnt Oak Broadway and Watling Avenue, and factoring in the established mixed character adjacent to the application site, it is not considered that the proposed development would cause harm to the setting of the Watling Estate Conservation Area.

### Archaeology

Policy DM06 states:

Archaeological remains will be protected in particular in the 19 identified Local Areas of Special Archaeological Significance and elsewhere in Barnet. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact.

While the application site does not reside within an Area of Special Archaeological Interest, the site is located close to a pre-Roman Road. Indeed, the Watling Estate Conservation Area Character Appraisal (2007) notes:

Watling Estate lies close to the line of Watling Street, a pre-Roman Road. In 1971 excavations on the estate revealed 3rd and 4th century pottery, animal bone, building material and a small bronze coin dated about AD 270-300. It has been suggested that the Roman settlement of Sullonicae, usually presumed to have been at Brockley Hill, was in fact further south on the Watling Estate.

As the proposed development relates to a replacement building of equal scale, the depth and breadth of piling and soil disturbance is limited. Furthermore, the existing basement level is to be retained, albeit marginally extended. However, to ensure appropriate safeguards are in place during demolition and construction works, archaeological mitigation measures will be secured. These include the presence of a suitably qualified professional to provide a watching-brief during soil stripping, excavation and piling activities, to document unexpected discoveries and report on all archaeological work

carried out during the course of the development. This is considered acceptable in view of the limited scale of works proposed. An appropriately worded condition will be attached to any planning permission securing these safeguards.

### Trees

Policy DM01 promotes the retention and safeguarding of trees as part of any development. There are no trees located within or immediately adjacent to the application site. The nearest trees to the application site are adjacent to the rear gardens of properties on Gaskarth Road. These trees are not expected to be impacted by development works associated with this application. However, tree protection measures for these trees, in addition to new tree planting within Burnt Oak Town Centre and along Burnt Oak Broadway, are proposed as part of the parallel application at no. 100 (ref: 19/1049/FUL).

### Ecology

Barnet Policy DM016 and Policy 7.19 (Biodiversity and Access to Nature) of the London Plan (2016) each seek to retain and enhance site biodiversity whilst ensuring protected species are safeguarded as part of any development.

A sedum roof is proposed as part of the building design. Whilst the exact detail of the sedum roof will be secured via condition, it is considered that this is a positive design intervention in respect of site biodiversity and represents an enhancement over and above the existing building.

As the application site is currently fully occupied and operational and given the ecology reports submitted as part of the parallel application at no. 100 (ref: 19/1049/FUL) reported that 'no bats [were] observed emerging from or re-entering a roost within the on-site building or the adjoining building', it is not considered that the demolition of the existing building at the application site will cause harm to any protected species. However, in conjunction with the parallel application at no. 100, appropriate safeguards will be secured via condition

### Landscaping

The proposed development does not propose any soft landscaping. Details of hard standing will be secured via condition.

### Sustainability

Appropriate conditions will be secured as part of any permission, ensuring the proposed development meets relevant energy efficiency and carbon reduction standards. Wider measures are proposed within the parallel application at no.100 (ref: 19/1049/FUL).

## **Amenity Impact on Neighbouring Properties**

### Privacy

Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. It states:

*Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.*

In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to neighbouring residential occupiers.

Section 7 of the Council's Sustainable Design and Construction SPD (2016) states that

*In new residential development, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking. Shorter distances may be acceptable between new build properties where there are material considerations.*

#### Bald-Faced Stag

The proposed development would have no flank wall windows facing the site of the Bald-Faced Stag. Therefore, there would be no opportunities for direct overlooking. However, the proposed first-floor rear terrace would extend beyond the rear building line of the approved scheme at the Bald-Faced Stag. Consequently, a condition will be attached to any permission securing details of privacy screening to prevent opportunities for overlooking back into rear windows serving habitable rooms.

#### No. 100 Burnt Oak Broadway

Given the schemes two-storey scale and its siting immediately adjacent to the proposed retail unit at no. 100, there would be no opportunities for overlooking into any windows serving a habitable room. Furthermore, the proposed first-floor terrace would be located beneath the proposed windows and balconies serving adjacent residential units. Therefore, given the resulting oblique angle, it is not expected that the occupation of the first-floor terrace would enable direct overlooking into adjacent proposed residential units.

#### Gaskarth Road

The proposed development would have no impact on the privacy of residential dwellings on Gaskarth Road.

#### Daylight / Sunlight

Policy DM01 and Section 2.4 of Barnet's Sustainable design and Construction SPD (2016) reinforce the importance of outlook and daylight / direct sunlight to habitable rooms. This importance is further outlined in Standard 32 of the Mayors Housing SPG (2016) which states:

*All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.*

#### Bald-Faced Stag

The highlighted permission for the Bald-Faced Stag (ref: H/01765/14) is currently being implemented. All windows located on the flank wall would be secondary except for one serving a bedroom. This window would be served by a bay window and would face directly onto the pitched roof of the existing two-storey building at the application site. The proposed development has staggered its flank wall facing onto the Bald-Faced Stag to accommodate the bay window. The highlighted primary window will look directly onto the flank wall of the proposed development. Whilst daylight and direct sunlight will be

restricted to this window, it is considered that this is acceptable on balance, given the daylight and direct sunlight provision to the highlighted window is already restricted and the wider unit in which the bedroom forms a part, will receive acceptable levels of daylight and direct sunlight.

The rear of the proposed development will extend beyond the rear building line of the Bald-Faced Stag by 5.1m. The projection beyond the rear building line of the Bald-Faced Stag is where the first-floor terrace is located. A condition will be attached to any permission requiring full details of the size, siting and materiality of the privacy screening that extends beyond the rear building line of the Bald-Faced Stag, to ensure it protects neighbouring occupier amenity by way of privacy and overshadowing. The projection at ground floor level is acceptable given the neighbouring ground floor unit is retail.

#### No. 100 Burnt Oak Broadway

Given the two-storey building height and its location to the north of no. 100, it is not expected that overshadowing will occur. The proposed north-west facing balconies and windows at no. 100 (ref: 19/1049/FUL) would be located above the height of the two-storey building proposed. There are no flank wall windows within the existing building at no. 100.

#### Noise and Disturbance

Policy DM04 states:

*Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.*

Subject to further details relating to noise attenuation and transference and a condition restricting hours of use, it is considered that sufficient mitigation measures are available to protect neighbouring residential units from any internally generated noise resulting from the flexible Class A1 / A3 use. This assessment is supported by the Council's Environmental Health Officers who upon review of the application have recommended conditions to ensure these mitigation measures are in place.

There is some concern about potential externally generated noise from the first-floor terrace given its proximity to neighbouring residential units. Consequently, to fully assess the potential noise generated by the first-floor terrace and its impact on neighbouring residential amenity, a condition will be attached to any permission requiring the submission of full noise mitigation measures before the proposed development and first-floor terrace is brought into operation. These mitigation measures will also include hours of use restrictions. It is considered that this appropriately safeguards neighbouring occupier amenity by way of noise and disturbance resulting from internally and externally generated activities.

Therefore, subject to conditions relating to noise mitigation and hours of use, it is considered that the proposed development is acceptable on neighbouring occupier amenity grounds.

#### **Transport / Highways**

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) seeks to ensure a more efficient and environmentally friendly use of the local road and transport networks, requiring development is matched to capacity and the delivery of appropriate transport infrastructure is promoted. This policy also requires development proposals to promote:

- the safety of all road users;
- the reduction of traffic congestion;
- suitable and safe access for all users of developments;
- roads within the borough are used appropriately;
- good facilities for pedestrians and cyclists.

### Car Parking

The proposed development would provide no onsite parking. The existing use at the application site currently provides no onsite parking. The application site has a Public Transport Accessibility Level of 5 which is very good. The section of Burnt Oak in which the application site is located, is within a Controlled Parking Zone. Given the site's high level of accessibility and the fact the proposed development will not generate a significant increase in comings and goings over and above the existing use, which also provides no onsite parking, it is considered that the proposed development is acceptable on highways grounds.

### Cycle parking

The proposed development is required to provide short and long-term cycle parking in line with standards outlined within Policy 6.9 (Cycling). It is considered that there is sufficient capacity onsite to provide the requisite number of short and long-stay parking spaces. Exact details of cycle parking and its location will be secured via condition.

### Freight

It is proposed that deliveries and servicing take place from Stockwell Close. Whilst this is considered acceptable in-principle, a Delivery and Servicing Plan will be secured via condition. Furthermore, a full Demolition and Construction Method and Logistics Plan (DCMLP) will be secured via condition to ensure appropriate mitigation measures are in place to protect the safety of motorists and pedestrians and to enable the free flow of traffic during development works.

### Refuse Collection

Refuse will be stored internally and then located on Stockwell Close on collection day. Exact details of the refuse storage and collection points will be secured via condition.

### **Public Comments**

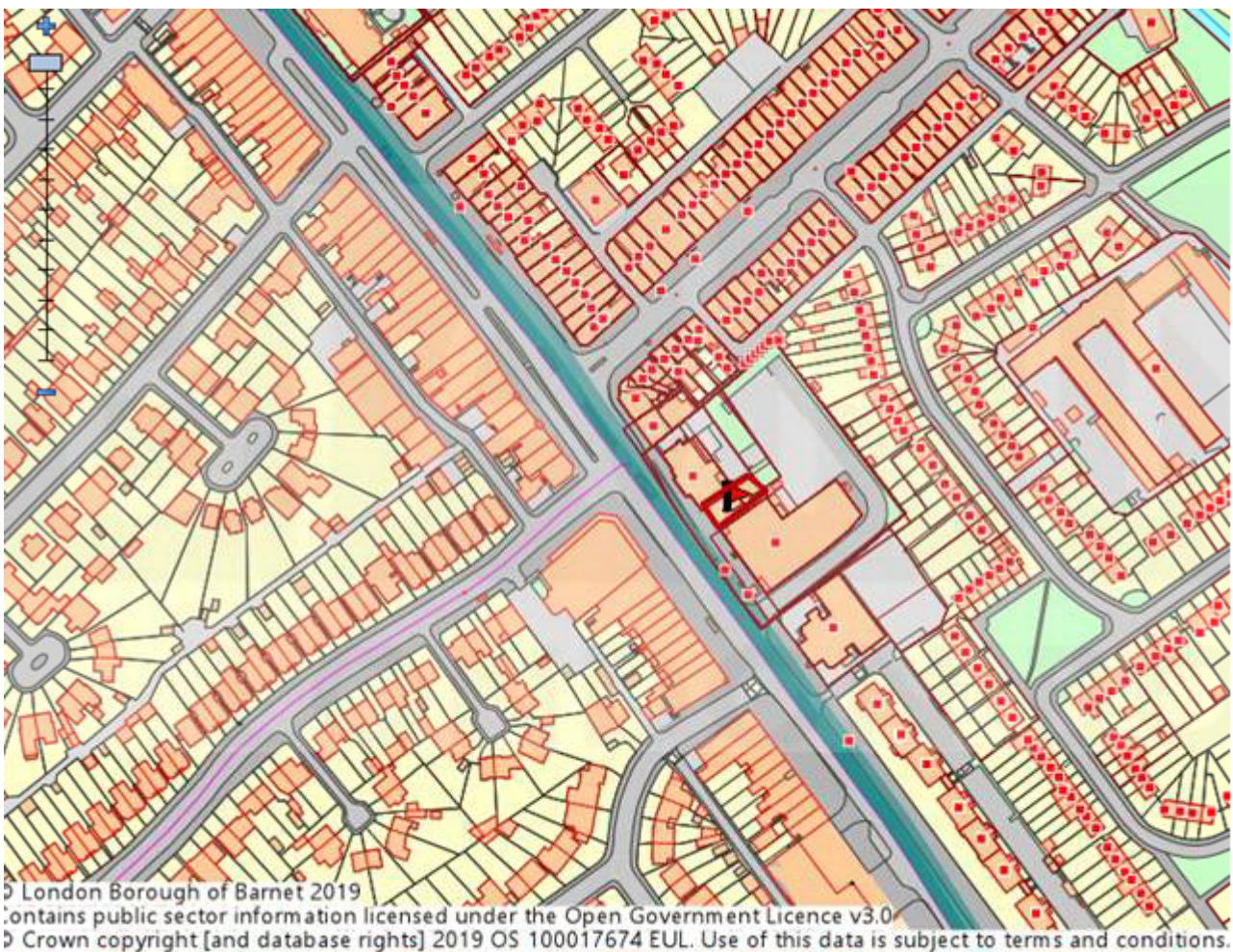
n/a

### **Equality and Diversity Issues**

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

## Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. It is considered that the proposed development would be consistent with the strategic objectives for town centre uses, diversity and growth as outlined within the London Plan (2016) and Barnet Policy DM11. Alongside the parallel application at no. 100, it would support the delivery a more coherent retail frontage design and modern fit-for-purpose internal floorspace, provide an enhanced retail and commercial offering which is expected to generate additional footfall and end-users to the Burnt Oak Primary Shopping Frontage, and through design synergies and efficiencies would enable the optimisation of residential density at no. 100. Whilst the proposed development would result in a marginal loss of Class A1 floorspace, it is considered within the planning balance that this would be outweighed by the wider strategic benefits delivered. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement and conditions as set out at the beginning of this report, APPROVAL is recommended.







**LOCATION:** Underhill Stadium And Hockey Club  
Barnet Lane  
Barnet  
EN5 2DN

AGENDA ITEM 10

**REFERENCE:** 17/4840/FUL

**Received:**

**Accepted:**

**WARD:** Underhill

**Expiry:**

**Final Revisions:**

**APPLICANT:** Bowmer & Kirkland/ESFA

**PROPOSAL:** S106 Deed of variation – Underhill Stadium And Hockey Club

It is proposed to vary the wording contained within the section 106 agreement dated 29th March 2018 by agreement between London Borough of Barnet and The Secretary of State for Communities and Local Government in relation to the planning permission which was granted for:

*Demolition of the former Underhill Stadium and associated structures and redevelopment of the site to provide a part two, part three storey building for a secondary school and 300 place sixth form, provision of external sports facilities including MUGA, restoration of former sports pitches. Provision of car and cycle parking and landscaping.*

---

## Background

This report relates to the need to vary a S106 agreement pertaining to application: 17/4840/FUL, dated 29th March 2018 between the applicant and local planning authority. Application 17/4840/FUL allows for the redevelopment of the site to provide a secondary school.

The consented scheme was approved subject to a Section 106 Agreement which secured a financial contribution of £1,572,472.95 towards the remodelling of the junction of the A1000/Underhill/Fairfield Way. This contribution represented 60% of the total cost of the proposed works with the remaining 40% of the cost provided by the Council.

Paragraph 5.5 of Schedule 3 requires that the Highways Works be completed prior to the occupation of the school. The works were to be carried out by the Council however due to problems associated with Council work programmes, the works will not be completed prior to the first occupation of the school in September 2019.

Consequently, it is necessary to vary the principal agreement dated 29<sup>th</sup> March 2018 to vary the trigger to allow for the Highways Works to be completed subsequent to the first occupation of the school.

## Legal Basis

Government guidance suggests that:

*Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the local planning authority to change the obligation where it “no longer serves a useful purpose” or would continue to serve a useful purpose in a modified way (see section 106A of the Town and Country Planning Act 1990).*

*Paragraph: 009 Reference ID: 23b-009-20160519*

In practice there is no set process for varying a S106 by agreement. S106 agreements are normally varied when a later planning permission is granted which varies the original planning approval resulting in the need to revise the original S106; in this current situation there is no revised planning application requiring a revision to the original S106, however, there is a need to revise the wording of the original S106 on the basis that the current wording is no longer appropriate.

Consequently a S106a application is not an appropriate vehicle in this case, as the relevant S106 was signed in October 2018 which is less than 5 years ago.

Therefore the requirement is to vary the agreement by agreement between all parties against whom the S106 would be enforceable against. In this case, it is understood that the following parties have interest in the land:

- The Secretary of State for Communities and Local Government

The deed of variation therefore needs to be made between The Mayor and Burgesses of the London Borough of Barnet, and the abovementioned parties.

### Policy Background

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure.

Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

### Assessment

The parent application was approved subject to a S106 obligation requiring that the highways works outlined below be completed prior to the first occupation of the development:

- A1000 Barnet Hill/Underhill/Fairfield Way Junction Mitigation as shown on Drg.No.16011/TA05 Rev B or other approved.
- Barnet Lane/Underhill/Mays Lane Mitigation including uncontrolled crossing point, right turn lane as shown on Drg.No.16011/TA06 Rev A or other approved.
- Works identified in the PERS and CERS Audit subject to approval by LPA.
- Works identified from School 20mph Zone Review subject to approval by LPA.
- Closure of existing crossover access on Westcombe Drive as shown on Drg.No.16011/TA01 Rev C or other approved; and new access and associated footway upgrade works to be agreed. Upgrade of existing vehicle crossover on Barnet Lane to be agreed following investigation by the highway authority.

The S106 mechanism required that the applicant make a payment of £1,572,472.95 towards the aforementioned works, out of a total cost of £2,172,472.95 with the remaining £600,000 to be covered by the Council. The Council were to undertake the works.

Due to delays in the payment being received and delays in work programmes with the Council's contractors, the works will not be delivered prior to the first occupation of the development. In order to ensure that the school can open, the current report therefore seeks authority to vary the trigger to allow for the works to be delivered within 12 months of the first occupation.

The Ark Pioneer Academy School is due to open on phased basis in September 2019 with an initial intake of 180 pupils in Year 7. The school will therefore not be at full capacity of 1,200 pupils until 2025. The junction capacity assessments which informed the proposed mitigation works were predicated on the school at full capacity and as such it is considered that the mitigation would not be fully required until 2025. However, in order to ensure timely delivery of the works and to minimise any additional highway delays resulting from the early phased opening of the school, an extension of 12 months to the trigger is sought. The revised trigger would allow for the works to be delivered during the 2020 summer holidays to minimise disruption.

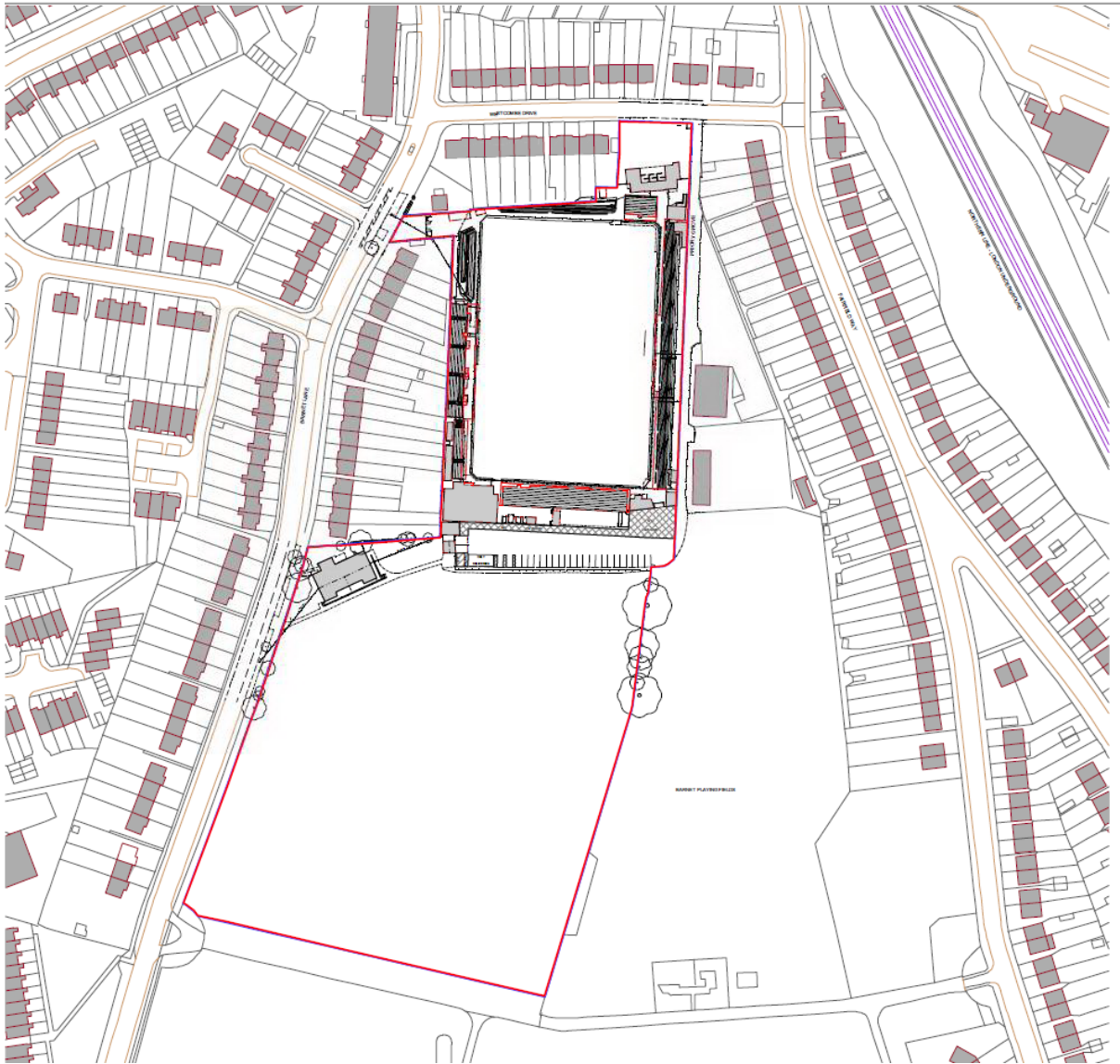
Highways officers have been consulted on the application and are fully supportive of the proposed approach. It is therefore considered that the proposed Deed of Variation is acceptable and should be approved.

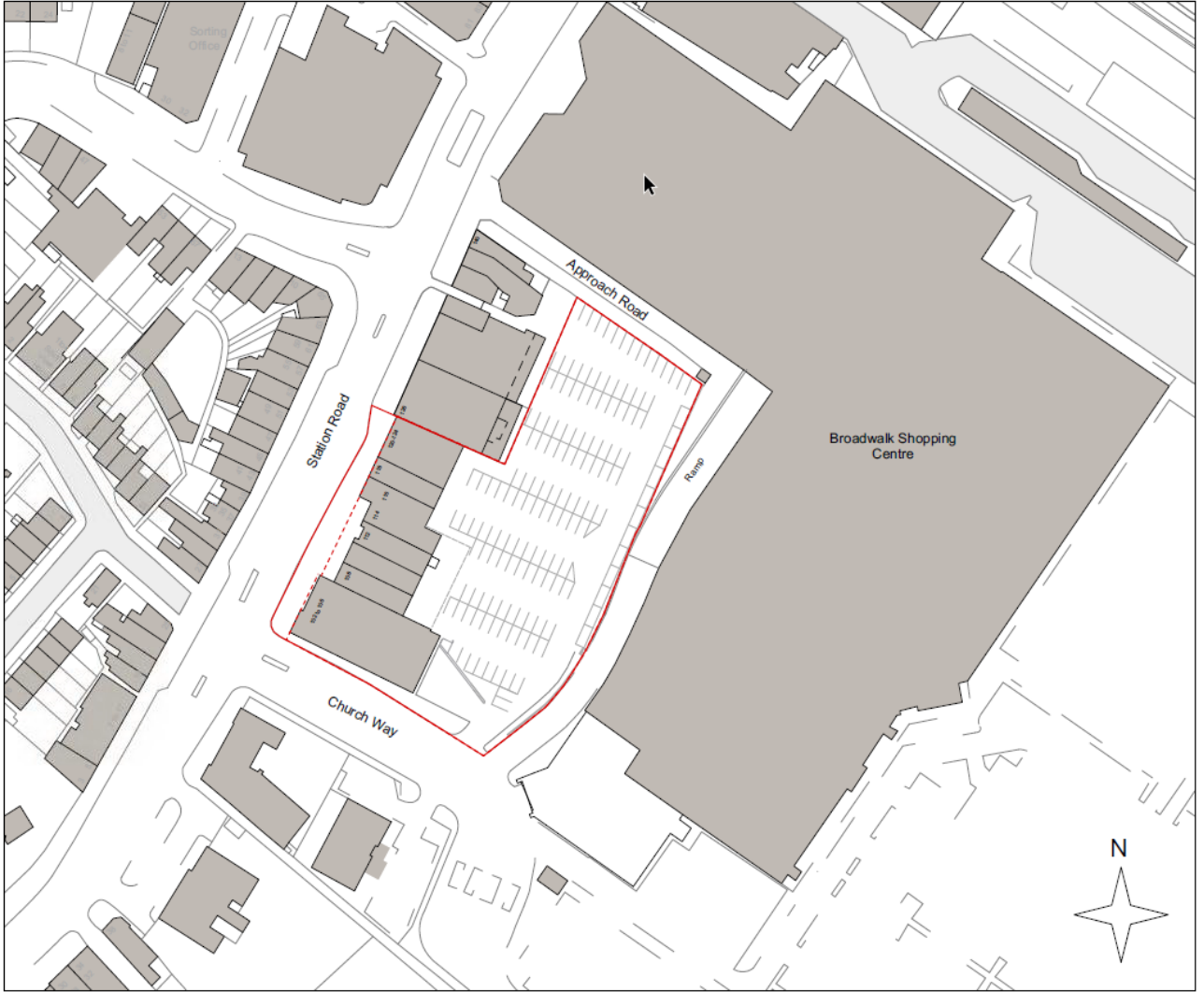
### Recommendation

That all parties to the agreement dated 29th March 2018 and any other person having a requisite interest in the site be invited to enter into a Deed of Variation, varying the extant Section 106 Agreement dated 29th March 2018 as set out below:

1. Vary Paragraph 5.5 of Schedule 3 of the agreement to allow for the Highways Works to be delivered within 12 months of the first occupation of the development.

# Site Location Plan





This page is intentionally left blank