

Location **100 Burnt Oak Broadway Edgware HA8 0BE**

Reference: **19/1049/FUL** Received: 21st February 2019
Accepted: 11th March 2019

Ward: Burnt Oak Expiry 10th June 2019

Applicant: c/o Agent (Aaron Zimmerman - MRPP)

Proposal: 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).

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:

The application being of strategic importance to London, it must be referred to the Mayor of London. As such, any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Mayor of London.

RECOMMENDATION II:

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. 35.1% of habitable rooms to be provided as affordable with a tenure split of 47.3% Affordable Rent and 52.7% Shared Ownership. An early stage review mechanism is to be secured;

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 Policies 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.

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.

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.

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

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

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 or by telephoning 0208 359 4500.

- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (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 1718.9m² 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 538m² of communal amenity space (including 205m² 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 803m² 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:

Flat Type	Proposed
1-Bed 2-person	45
2-bed 3-person	8
2-bed 4-person	37
3-bed 5-person	10
Total	100

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 Floorspace (m2)	Internal
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 (205m²) and a first-floor terrace (333m²).

All residential units are provided with balconies that range in size from 6.1m² to 37.3m², 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 832.1m² / communal 538m²) that equates to 1,370.1m². This exceeds the cumulative requirement to provide 1,325m² of external amenity space based on the

standards outlined within the highlighted Barnet SPD and 612m² 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 370m² 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 205m² of informal play space for children will be provided onsite. This exceeds the 200.1m² 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.

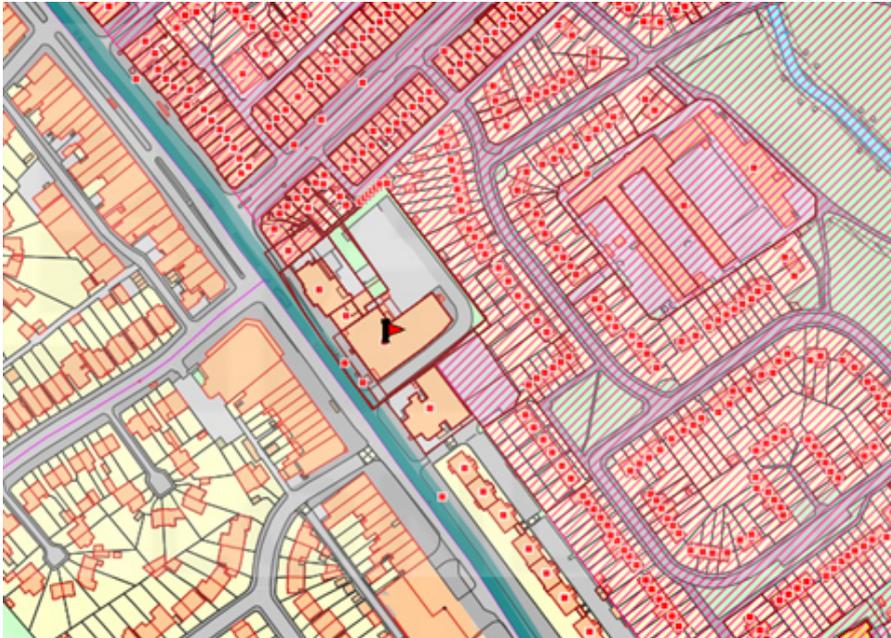
From a design perspective, it is considered that the collective benefits of the materiality strategy outweigh any perceived discordance. The building would sit comfortably within the wider character of the A5 and provide a positive juxtaposition that can become a hub of activity for existing and future 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%
		CO2 Savings off set	
Off-set		1,099	

Cash in lieu	£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.

