

MEETING

CABINET

DATE AND TIME

THURSDAY 18TH APRIL, 2013

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF CABINET (Quorum 5)

Chairman: Councillor Richard Cornelius, Leader of the Council

Councillors

Daniel Thomas
Dean Cohen
Tom Davey

Andrew Harper
Helena Hart
David Longstaff

Sachin Rajput
Robert Rams
Joanna Tambourides

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

Andrew Nathan – Head of Governance

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ASSURANCE GROUP

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Meeting	Cabinet
Date	18 April 2013
Subject	Barnet’s Local Plan –Sustainable Design and Construction Supplementary Planning Document - Adoption
Report of	Cabinet Member for Planning and Regulatory Services
Summary	<p>The Local Plan is one of the most important statutory plans in Barnet. The Sustainable Design and Construction Supplementary Planning Document (SPD) implements the policies contained in the Local Plan Core Strategy and Development Management Policies documents.</p> <p>The Sustainable Design and Construction SPD sets out Barnet’s sustainability requirements for building design and performance at different scales of development.</p>

Officer Contributors	Assistant Director – Strategic Planning & Regeneration Planning Policy Officer
Status (public or exempt)	Public
Wards Affected	All
Key Decision	Yes
Reason for urgency / exemption from call-in	N/A
Function of	Executive
Enclosures	Appendix A: Sustainable Design and Construction SPD Appendix B: Schedule of consultation responses
Contact for Further Information:	Mike Carless – Principal Planner (Policy) - 0208 359 4657

1. RECOMMENDATIONS

- 1.1 That Cabinet approve the Local Plan Sustainable Design and Construction SPD (Appendix A) for formal adoption.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 On 8 May 2007 Cabinet (Decision item 5) approved the current Supplementary Planning Document on Sustainable Design and Construction for adoption.
- 2.2 On 11 September 2012 the Council (Decision item 4.1) approved the Local Plan Core Strategy and Development Management Policies for adoption.
- 2.3 On 29 February 2012 the Business Management Overview and Scrutiny Committee (Decision item 14) agreed the recommendations of the Carbon Footprint Task and Finish Group which included a recommendation [4] to move towards level four of the Code for Sustainable Homes in the review of the Sustainable Design and Construction SPD.
- 2.4 On 26 October 2012 the Cabinet Member for Planning and Regulatory Services approved the draft Sustainable Design and Construction SPD for consultation (Delegated Powers Report 1668)

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 All three priorities in the Corporate Plan 2012 -2013 are embedded within the Sustainable Design and Construction SPD.
- In providing better services with less money it ensures that :-
 - clear, concise and up to date guidance on sustainable design and construction is provided reflecting Barnet's priorities.
 - In sharing opportunities and sharing responsibilities it ensures that :-
 - residents can lead healthy and independent lives in new housing which meets lifetime homes standards. The standard sets out design criteria to ensure housing is designed for flexibility to meet changing household needs.
 - In enabling Barnet to continue to be a Successful London Suburb it ensures that:-
 - minimum residential space standards make new housing fit for purpose across all tenures
 - the environment is protected through ensuring new development is located and constructed in a sustainable way, does not adversely impact on air quality and neighbouring amenity nor is affected by noise and air pollution.

4. RISK MANAGEMENT ISSUES

- 4.1 The proposed changes to the 2007 SPD are mainly necessary updates and clarifications to reflect changes at a national and London Plan level and the council's priorities on delivering sustainable development.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Sustainable Design and Construction SPD implements policy contained in the Core Strategy which has been subject to an Equalities Impact Assessment (EqIA). The Core Strategy is the overarching planning policy document for Barnet and the Sustainable Design and Construction SPD implements the approach set out in the Core Strategy. Because the SPD is subservient to the Core Strategy the SPD has not been subject to an EqIA and will draw from the evidence supporting the Core Strategy. The EqIA of the Core Strategy was based on the seven corporate equalities questions set out in the Corporate Plan and formed part of the evidence base

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 The cost of preparing the Local Plan is included in the Strategic Planning service approved budget for 2012/13 of £1.063m. The Sustainable Design and Construction SPD is one part of the Local Plan and the cost of preparing the SPD is incorporated within the approved budget. Officer time amounted to 282 hours at a cost in staff time of £8,414.
- 6.2 The revision of this SPD follows the adoption of the Local Plan Core Strategy and Development Management Policies in September 2012. The adoption of this Sustainable Design and Construction SPD does not add any additional resource implications to the existing resources in the approved budget.

7. LEGAL ISSUES

- 7.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 provide guidance on the preparation and adoption of the Local Plan. Upon adoption the Sustainable Design and Construction guidance becomes a statutory Supplementary Planning Document that provides part of Barnet's formal planning policy.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Constitution, Part 3 (Responsibility for Functions), Section 3 (Responsibilities of the Executive) – details that the adoption of Supplementary Planning Documents (SPD) are the responsibility of the Cabinet.

9. BACKGROUND INFORMATION

- 9.1 The first version of the Sustainable Design and Construction SPD, published in 2007 set out our interpretation of sustainable development in the context of the Three Strands Approach of Protection, Enhancement and Growth and on the basis of the planning policy framework provided by the 2006 Unitary Development Plan (UDP) and the 2004 version of the London Plan.
- 9.2 Since 2007 the Core Strategy, which is underpinned by Three Strands as the place shaping strategy for Barnet, and the Development Management Policies documents have been developed and have replaced the UDP in September 2012. The London Plan published in July 2011 has been subject to a full review. In March 2012 the Government published the National Planning Policy Framework (NPPF) as the replacement for 44 planning documents which previously formed Government policy towards planning. Therefore the planning policy framework which supports the 2007 SPD has been revised.
- 9.3 The SPD has been revised to set out details on building design and performance at different scales of development. Some of this detailed guidance now needs to be updated to reflect new areas of policy such as minimum residential space standards and the emerging use of new technologies like decentralised energy. Some of the other changes made to the 2007 SPD include incorporating standards previously set out in the UDP such as the outdoor amenity space standards and the privacy standards.
- 9.4 This revision retains the innovative elements of the original 2007 document whilst condensing it to produce a clear, user friendly document which simply states the sustainability and design principles and requirements which need to be applied in Barnet.
- 9.5 The Mayor has provided a considerable amount of detail on the quality and design of housing to support the London Plan policies which are set out in draft Supplementary Planning Guidance (SPG) on Housing. The SPD complements the Mayor's draft SPG which the Council broadly welcomes as a practical approach to ensuring consistent housing standards across London.
- 9.6 The following sub-headings reflect the main issues raised by representations received during the consultation and the Councils action follows in *italics*. The full schedule of responses and the Councils response are set out in Appendix A2.

Basements – A number of residents responded requesting that further policy be added to address the potential impacts caused by basement development such as flooding from surface and ground water, land stability and the potential damages to neighbouring properties and the surrounding environment. Responses referred to the emerging policy approaches of several neighbouring and other London boroughs.

We recognise residents concerns regarding the potential impacts caused by basement development and further amendments have been made to the Sustainable Design and Construction SPD. It will now be a requirement to ensure that all basement development which requires planning permission has to produce and agree with the Council a Construction Management Plan to address potential impacts on residential amenity. The approach also enables hydrology and flooding to be addressed on a case by case basis and the

design considerations for basement development are contained in the Residential Design SPD. The concerns raised over the structural integrity of basement development are governed by Building Regulations.

Archaeology and Heritage – A local society responded suggesting that a new section Archaeology and the Historic Environment should be included to compliment the section on the natural environment.

A new section setting out the requirements for archaeology has been added.

Decentralised Energy – A developer responded objecting to the requirement to enter into a legal agreement that requires connection to a future decentralised energy network.

The supporting text has been amended to remove the reference to a legal agreement but developers will still need to make a commitment to making a future connection.

Sustainable Urban Drainage systems (SUDS) – Whilst a number of statutory bodies and utility company responded and welcomed the added emphasis on SUDs a number made the point that soakaways were not necessarily suitable in parts of Barnet because of the clay soils which prevail in the borough.

The supporting text has been amended.

Biodiversity and trees – a number of statutory bodies and local wildlife groups responded with suggestions on how the biodiversity section could be strengthened to support the retention of biodiversity.

The supporting text has been amended to include various references which aim to enhance biodiversity and highlight the requirements on protecting wildlife.

Water Efficiency – A local wildlife group responded to encourage stronger targets to be set out in the document.

A more stringent target would go beyond the strategic policy context set out in the London Plan and require further local evidence to justify. It is therefore not considered necessary at this stage to take this suggestion forward.

Flood Risk and Water Quality – The Environment Agency and a local wildlife group responded to encourage further detail and referencing to expand on the risk of flooding and the detail required to help developments become more flood resilient and also to help improve water quality.

The supporting text has been amended and references added.

Outdoor Amenity Space – A developer responded to request clarification on what determines 'usable' outdoor amenity space when provided communally.

A cross reference was added to the detail contained in the Residential Design Guidance SPD.

10. LIST OF BACKGROUND PAPERS

10.1 Sustainable Design and Construction SPD, 2007

Cleared by Finance (Officer's initials)	JH
Cleared by Legal (Officer's initials)	CH

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Local Plan

Supplementary Planning Document:

Sustainable Design and Construction

April 2013

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Executive Summary

Following adoption of the Core Strategy and Development Management Policies documents in September 2012 Barnet has one of the most up to date Local Plans in the country. With the support of a robust planning framework with clearly set out priorities of protection, enhancement and consolidated growth, the council is in a strong position to produce more detailed local guidance.

Barnet's Sustainable Design and Construction Supplementary Planning Document (SD&C SPD) was first published in 2007. Its main purpose was to provide clarification on Barnet's local interpretation of sustainable development in the context of the Three Strands Approach (Protection, Enhancement, Growth). Since 2007, alongside Barnet's Local Plan Core Strategy and Development Management Policies documents, the London Plan has also undergone a full review and the National Planning Policy Framework has been published.

It is therefore now timely to update the SD&C SPD. The SPD has been revised to focus on the design standards required for different scales of development as well as the performance standards of buildings. The refocused SPD captures changes on space standards as well as progress with new technologies such as decentralised energy. Other improvements to the 2007 SPD include incorporating standards such as the outdoor amenity space standards and residential privacy standards so that they are clearly presented in one planning document.

Section 1: Background

1.1 Introduction

- 1.1.1 Over the last ten years there has been a growing public and professional awareness of what represents sustainable design and construction. This Supplementary Planning Document (SPD) is a response to this wider appreciation of the importance of sustainable design and construction, setting out how it should be applied within Barnet. It sets out the more technical aspects of the design standards. Sustainable design is design which contributes to the sustainable development of an area and it should take into consideration the full remit of social, environmental and economic issues.
- 1.1.2 The content of this SPD will help Barnet adapt and respond to climate change, one of the greatest challenges facing the world today. It will also help to ensure the ongoing economic success of London by maintaining the qualities which make Barnet such an attractive place to live, work and visit.
- 1.1.3 This SPD on Sustainable Design and Construction (SD&C) sets out Barnet’s technical requirements for environmental design and construction management. The SPD sets out requirements on air, noise, water, energy, water, waste and habitat quality in order to achieve protection and enhancement of the environment. The SPD requirements are linked to existing national standards and guidance and will be updated in line with emerging opportunities and future policy developments.
- 1.1.4 This SPD expands on the policy approach set out in the Core Strategy and Development Management Policies (DMP) Development Plan Documents (DPD) and the London Plan. It focuses on Sustainable Design and Construction and updates the guidance originally published in 2007. It has been revised to focus on the essential requirements against which planning applications for all forms of development in Barnet will be assessed.
- 1.1.5 This revision retains the innovative core of the original Sustainable Design and Construction SPD whilst condensing the content. The aim is to produce a clear, user friendly document which simply states the sustainability and construction related requirements which need to be applied in Barnet. The Mayor of London has provided a considerable amount of detail on the quality and design of housing to support the London Plan policies which are set out in Supplementary Planning Guidance (SPG) on Housing. This document will complement the SPG and cross references will be made where appropriate. It also complements Barnet’s Residential Design Guidance SPD that provides a clear and consistent message on how we manage change within Barnet’s suburbs although this document applies to all forms of development in Barnet, not just residential.

1.2 Structure and content of this guidance

- 1.2.1 This SPD reflects Barnet’s priorities for delivering sustainable design and construction. The SPD will therefore not seek to provide detailed guidance on all the factors that should be taken into account in the design of a new development. Cross references will be set out where appropriate to other relevant guidance. Section 2 sets out essential requirements that will apply to developments in Barnet. The following issues are covered:
1. **Minimum residential space standards** which are set for different sizes of houses and flats
 2. **Internal layout and design** for different room types including minimum ceiling heights

3. **Outdoor amenity space** standards which are set for different sizes of houses and flats
4. **Daylight, privacy (minimum distance), outlook and light pollution** standards and requirements to protect existing and future occupants
5. **Microclimate – wind and thermal conditions** to ensure well designed outdoor spaces around tall buildings
6. **Lifetime homes** to help homes adapt to people’s changing needs
7. **Wheelchair housing** clarifies what is easily adaptable
8. **Energy use in new buildings** sets out the approach to using energy efficiently
9. **Decentralised Energy** clarifies when a development needs to connect or provide infrastructure
10. **Retrofitting of existing buildings** summarises when planning permission is required for various energy efficiency measures
11. **Water efficiency** sets out the London Plan requirements
12. **Waste strategy** explains to the storage requirements for recycling and refuse
13. **Air quality** sets out when proposals may need to mitigate the impact
14. **Noise quality** sets out the requirements to protect amenity
15. **Flood risk and water quality** ensures flood risk is considered
16. **Biodiversity and habitat quality** provides a commitment to ecology
17. **Pollution prevention, contaminated land remediation and construction management** ensures these aspects are considered
18. **Code for Sustainable Homes** and the scale of development to which it applies
19. **BREEAM and Ecohomes** and the scale of development to which it applies
20. **Considerate Constructors Scheme** and its application

1.3 How this guidance will be applied

- 1.3.1 Each topic in Section 2 sets out the principles and requirements and the scale of development to which it will apply. Projects will be affected to different degrees by the guidance and requirements set out in this SPD depending on factors including the type of development and its location. The scale of a development can provide the applicant with the opportunity to deliver more sustainable development.
- 1.3.2 Where requirements are identified they will be set out in terms of Householder, Minor, Major and Large scale. These are defined in Table 1 below and apply to all types of development:

Table 1: Definition of development scale for applying Sustainable Design and Construction requirements

Scale	Description
Householder	Extensions to houses (including roof extensions)
Minor	Residential development of 1 to 9 units in scale including conversions. Non residential development of up to 999 m ² .
Major	Residential development over 10 units. Non residential development over 1,000 m ²
Large scale major	Residential development over 200 units or a site of 4 hectares or more. Non residential development over 10,000 m ²

- 1.3.3 Where development proposals compromise the requirements set out in this document they will need to demonstrate exemplary design as well as a contribution to the achievement of other planning objectives. This follows the approach set out in London Plan Policy 3.5D Quality and Design of Housing Developments.

1.4 How this SPD fits within National, Regional and Barnet's Local Plan

- 1.4.1 The Core Strategy (CS), Development Management Policies (DMP), the saved suite of Unitary Development Plan policies for Brent Cross Cricklewood and the London Plan provide the development plan for Barnet. This SPD supports these documents by setting out more detailed information about how the policies they contain should be applied.
- 1.4.2 The SPD updates the original version adopted in 2007 and is complemented by a new SPD on Residential Design Guidance. This document provides further detail on other specific areas not covered in this guidance. Cross references are made throughout both SPD's to highlight overlap where necessary.

National Planning Policy Framework (NPPF), March 2012

- 1.4.3 National and strategic planning policy recognises the importance of design to the ongoing success and sustainable development of our urban areas – from the wider spatial layout of the townscape down to architectural details. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is the presumption in favour of sustainable development.

The London Plan, July 2011

- 1.4.5 The Local Plan helps to deliver the strategic objectives set out in the London Plan. Policy 2.6: Outer London: Vision and Strategy recognises that one of the key assets is the high quality of life that already exists in most of Outer London and maintaining and enhancing it will be key to the area's future success.
- 1.4.6 The following policies in the London Plan are of particular relevance:
- Policy 3.5: Quality and Design of Housing Developments
 - Policy 3.8: Housing Choice
 - Policy 5.2: Minimising Carbon Dioxide Emissions
 - Policy 5.3: Sustainable Design and Construction
 - Policy 5.4: Retrofitting
 - Policy 5.13: Sustainable Drainage
 - Policy 5.14: Water Quality and Wastewater Infrastructure
 - Policy 5.15: Water use and Supplies
 - Policy 5.18: Construction, Excavation and Demolition Waste
 - Policy 5.21: Contaminated Land
 - Policy 7.6: Architecture
 - Policy 7.7: Location and design of tall and large buildings
 - Policy 7.14: Improving Air Quality
 - Policy 7.15: Reducing Noise and Enhancing Soundscapes

Mayor's Housing SPG, November 2012

- 1.4.7 The Mayor’s Housing SPG provides detail to supplement the housing policies in the London Plan. The SPG seeks to provide a convenient and accessible guide to implementing the key London Plan policies for housing development. The SPG covers supply, quality, choice, affordability, stock and investment, community infrastructure and mixed uses. For the purposes of this Sustainable Design and Construction SPD, Part 2 of the Mayor’s Housing SPG which covers housing quality is particularly relevant as it covers space standards, lifetime homes and outdoor space.
- 1.4.8 Requirements in the Mayor’s Housing SPG are set out in terms of a “baseline” standard and a “good practice” standard. The document makes clear that any development failing to meet a number of baseline standards is unlikely to be acceptable. It states that any development adopting “good practice” standards is likely to be the kind of exemplar housing scheme the Mayor is seeking to achieve.
- 1.4.9 Where appropriate the Sustainable Design and Construction SPD makes reference to the baseline or the good practice standard in the Mayor’s Housing SPG to make clear what is expected from applicants. In these situations the Housing SPG should be read in conjunction with the Sustainable Design and Construction SPD. Appendix 1 provides cross references between the topics in this SPD and the relevant policies in the CS, DMP, London Plan and the Mayor’s Housing SPG.

Barnet’s Local Plan, September 2012

- 1.4.10 The Core Strategy (CS) sets out the strategic place-shaping objectives and policies to guide development in the borough over the next 15 years. The Three Strands Approach provides the spatial vision that underpins the CS and Barnet’s Local Plan. The Development Management Policies (DMP) sets out the borough-wide planning policies beneath the Core Strategy to be used for day to day decision making by the Planning Service and planning committees. The Three Strands Approach is:
- **Strand 1.** Absolute protection of the Green Belt, Metropolitan Open Land and other valued open space from inappropriate development
 - **Strand 2.** Enhancement and protection of Barnet’s suburbs, town centres and historic areas
 - **Strand 3.** Consolidated growth in areas in need of renewal and investment
- 1.4.11 Consolidated growth concentrates new development in the most accessible locations around public transport nodes and town centres where community and physical infrastructure is to be improved. This broad approach can meet the sustainable design principles for a compact city. It can also help adapt to and mitigate the effects of climate change. Most importantly, the Green Belt and the one-third of the borough that comprises green open spaces, is protected from future urbanisation and development to ensure a high quality suburb.
- 1.4.12 In relation to the SPD the implementation of the following Local Plan policies is important.

CS Policies:

- CSNPPF – 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
- CS4 – Providing Quality Homes and Housing Choice in Barnet
- CS13 – Ensuring the Efficient Use of Natural Resources

These are supported by **the DMP**:

- DM01 – Protecting Barnet's Character and Amenity
- DM02 - Development Standards
- DM04 – Environmental Consideration
- DM05 – Tall Buildings

Barnet's Residential Design Guidance

1.4.14 Barnet's Residential Design Guidance SPD provides a clear and consistent message on how to manage change within Barnet's suburbs. That SPD consolidates and updates the existing framework for residential design which mainly focused on improvements to the existing housing stock (Design Guidance Notes on Extensions, Conversions, Porches, and Hardstandings and Vehicular Crossovers). That SPD provides more detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking space and amenity space standards connected with new build development. Through these changes that SPD sets out the local priorities for protecting and enhancing Barnet's character. It provides a local reference point to the suite of national guidance on good design.

Monitoring

- 1.4.15 The implementation of this SPD will be monitored through Barnet's Local Plan Annual Monitoring Report (AMR). Should successful implementation of the SPD (a) reduce the number of cases subject to an appeal, by providing developers with a clearer framework for residential design and layout; and (b) improve the council's success rate at appeal in defending decisions against poor residential schemes.
- 1.4.16 The council does not consider that the cumulative impact of standards in the Residential Design Guidance SPD should put implementation at risk as these standards facilitate development throughout the economic cycle. As economic circumstances change and familiarity with the SPD develops, the council may reassess the design categories in the document and the allocation of particular standards between them.
- 1.4.17 Details of the monitoring indicators for the Sustainable Design and Construction SPD are set out in Appendix 3.

Section 2: Sustainable Design and Construction requirements and guidance

2.1 - Minimum Residential Space Standards

- 2.1.1 The Mayor regards the size of all new homes to be a key strategic issue. The London Plan provides minimum space standards for dwellings of different types. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures.
- 2.1.2 The council will require developers of residential development to provide floor areas in their schemes which meet or exceed the minimum space standards for dwellings of different sizes. These figures are based on minimum Gross Internal floor Area (GIA). These space standards are minimum for all residential development in Barnet. They reflect the standards set out in Table 3.3 in the London Plan under Policy 3.5 - Quality and Design of Housing Developments. Barnet's requirements are set out below and in the Mayor's Housing SPG under standard 4.1.1.

Table 2.1: Minimum residential space standard requirements

The following standards apply to all new residential development including conversions.

	Dwelling type (bedroom (b)/persons- bedspaces (p))	Essential Gross Internal Area (m ²)
Flats	1p	37
	1b2p	50
	2b3p	61
	2b4p	70
	3b4p	74
	3b5p	86
	3b6p	95
	4b5p	90
	4b6p	99
	2 storey houses	2b4p
3b4p		87
3b5p		96
4b5p		100
4b6p		107
3 storey houses	3b5p	102
	4b5p	106
	4b6p	113

When designing homes for more than six persons/bedspaces, developers should allow approximately 10 m² per extra bedspace/person. Single person dwellings of less than 37 m² may be permitted if the development proposal is demonstrated to be of exemplary design and contributes to achievement of other objectives and policies of the London Plan and Barnet's Core Strategy.

Source: Table 3.3 Minimum space standards for new development: London Plan July 2011

- 2.1.3 Applicants will be expected to demonstrate how these standards are to be met. It may help development proposals to set out on the dwelling plans accompanying a planning application the furniture and circulation space to help demonstrate compliance with the space standards. Where a development proposal includes accommodation in the roof space, appropriate section drawings should be submitted. The furniture and circulation space should meet the dimensions set out in Appendix 2 of the London Housing Design Guide (interim edition). Full justification will be required if these standards cannot be met. In line with the London Plan Policy 3.5 lower space standards will be permitted if they are of demonstrably exemplary design and contribute to other objectives of the London Plan and Barnet's Core Strategy.
- 2.1.4 Conversion of heritage buildings may present particular challenges for minimum space standards. In line with DM05 any impact on the heritage value will be weighed against the benefit brought from meeting the sustainable design and construction requirements.

Useful References for minimum residential space standards:

- Housing Supplementary Planning Guidance, GLA, November 2012
<http://www.london.gov.uk/who-runs-london/mayor/publications/planning/housing-supplementary-planning-guidance>
- London Housing Design Guide – Interim edition, London Development Agency, August 2010 <http://www.london.gov.uk/who-runs-london/mayor/publications/housing/london-housing-design-guide>

2.2 - Internal Layout and Design

- 2.2.1 To deliver the Mayor's aspiration that homes are fit for purpose the internal layout of rooms and design of dwellings needs to be considered to enable flexible use. The positioning of doors and windows should also be considered and single aspect dwellings should be avoided. Barnet's requirements are set out in Table 2.2 and a definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 m²).
- 2.2.2 Ceiling heights are an important element in the design of a dwelling and can impact on how spacious, light and comfortable a dwelling feels. A minimum floor to ceiling height of 2.5m is considered necessary in habitable rooms.
- 2.2.3 Dual aspect dwellings have many benefits including better daylight, a greater chance of direct sunlight for longer periods, natural cross ventilation, mitigating pollution, offering a choice of views, access to a quiet side of a building, greater flexibility in the use of rooms, and more potential for future adaptability by altering the use of rooms. Where single aspect flats are considered acceptable they should demonstrate that all habitable rooms and the kitchen are capable of providing adequate ventilation, privacy and daylight and the orientation enhances amenity, including views.
- 2.2.3 Providing adequate storage to meet the needs of residents is important. Suitable storage for items such as ironing boards, suitcases, vacuum cleaners and sport equipment should be provided in appropriate cupboard space. Standard 4.7.1 in the Mayor's Housing SPG stipulates that dwellings should provide internal storage space that does not contain hot water cylinders or other obstructions. Built in internal space should be provided in 2 person dwellings and have a minimum internal height of 2m and a minimum area of 0.8 m² in private sector dwellings and 1.5 m² in affordable dwellings. For each additional occupant an additional 0.5 m² of storage space is required. Storage space is encouraged in smaller one person dwellings.

2.2.4 In addition to internal storage there should be space for ‘dirty’ storage for items such as bicycles and buggies. This could be provided as a communal facility for flats. The level of provision recommended for Barnet is:

1. For flats without private gardens: 1m²
2. For houses, bungalows and flats with private gardens for up to four people: 2.5m²

For housing, bungalows and flats with private gardens for five or more people: 3.0m² (Note the requirements of the Mayor’s cycle parking standards - Table 6.3 – Cycle parking standards). ‘Dirty’ storage should be secure, sheltered and adequately lit with convenient access to the street. Further guidance is set out in the Residential Design Guidance SPD section 11.5.

Table 2.2: Internal layout and design requirements	Development scale												
<p>Minimum room dimensions and floor areas:</p> <ol style="list-style-type: none"> 1 Living area: minimum width of the main sitting area should be 2.8 m in 2 - 3 person dwellings and 3.2 m for dwellings designed for four or more people. The following combined floor areas for living / kitchen / dining space should be met: <table border="1" data-bbox="316 907 896 1227"> <thead> <tr> <th>Designed level of occupancy</th> <th>Floor area of living / kitchen / dining m²</th> </tr> </thead> <tbody> <tr> <td>1 person / 2 person</td> <td>23</td> </tr> <tr> <td>3 person</td> <td>25</td> </tr> <tr> <td>4 person</td> <td>27</td> </tr> <tr> <td>5 person</td> <td>29</td> </tr> <tr> <td>6 person</td> <td>31</td> </tr> </tbody> </table> <ol style="list-style-type: none"> 2 Single bedroom: minimum area should be 8 m² 3 Double/twin bedroom: minimum area should be 12 m² and minimum width should be 2.75 m in most of the length of the room. 	Designed level of occupancy	Floor area of living / kitchen / dining m ²	1 person / 2 person	23	3 person	25	4 person	27	5 person	29	6 person	31	Minor, major and large scale residential
Designed level of occupancy	Floor area of living / kitchen / dining m ²												
1 person / 2 person	23												
3 person	25												
4 person	27												
5 person	29												
6 person	31												
<p>Ceiling heights</p> <p>Habitable rooms in new build development are expected to have minimum ceiling heights of at least 2.5 m.</p> <p>Habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height.</p>	Minor, major and large scale residential												
<p>Development proposals should avoid single aspect dwellings that are north facing or exposed to noise exposure categories C & D or contain three or more bedrooms</p>	Minor, major and large scale residential												

Useful References for Internal residential space:

- Housing Supplementary Planning Guidance, GLA, November 2012
<http://www.london.gov.uk/who-runs-london/mayor/publications/planning/housing-supplementary-planning-guidance>

- London Housing Design Guide – Interim edition, London Development Agency, August 2010 <http://www.london.gov.uk/who-runs-london/mayor/publications/housing/london-housing-design-guide>

2.3 - Outdoor Amenity Space

- 2.3.1 Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For houses, amenity space should be provided in the form of individual rear gardens. For flats, options include provision communally around buildings or on roofs or as balconies. Whatever option is chosen it must be usable.
- 2.3.2 In calculating outdoor amenity space the following areas will not be counted as usable: shared surfaces, driveways, vehicle parking areas or hard standings, cycle storage areas ('dirty' storage) footpaths, servicing areas and refuse storage areas. In addition outdoor amenity space which does not have a reasonable level of privacy will not be considered to be usable. Further guidance on the design of communal amenity space which will be considered when assessing its useability are set out in the Residential Design Guidance SPD in section 8.
- 2.3.3 Higher density development, such as flats may not always be able to provide amenity space to the standards outlined in Table 2.3. Where the standards cannot be met and an innovative design solution is not possible the council will seek a Planning Obligation. Further detail on meeting outdoor amenity space requirements and development in areas of open space deficiency are set out in the Planning Obligations SPD.

Table 2.3: Outdoor Amenity Space Requirements	Development Scale
For Flats: • 5 m ² of space per habitable room.	Minor, Major and Large scale
For Houses: • 40 m ² of space for up to four habitable rooms • 55 m ² of space for up to five habitable rooms • 70 m ² of space for up to six habitable rooms • 85 m ² of space for up to seven or more habitable rooms	Minor, Major and Large scale
Development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards.	Householder

Design of outdoor amenity space development

- 2.3.5 Outdoor amenity space should be designed to cater for all household needs including those of the elderly, young children and families. The space should be accessible for wheelchair users and should also facilitate use for disabled people in terms of paving, lighting and layout. It is important to distinguish boundaries between public, private and communal areas in order to identify who will take responsibility for the maintenance and security of private and semi-private areas. Further guidance is set out in the Residential Design Guidance SPD in section 8.

- 2.3.6 Where balconies are provided as part of outdoor amenity space they should provide privacy from neighbouring properties. This objective can be achieved by using screens or by setting the balcony back within the façade. In line with the Mayor’s Housing SPG, the minimum depth and width for all balconies and other private external spaces should be 1500mm (Standard 4.10.3).

Useful References for Outdoor Amenity Space:

- Housing Supplementary Planning Guidance, GLA, November 2012
<http://www.london.gov.uk/who-runs-london/mayor/publications/planning/housing-supplementary-planning-guidance>
- London Housing Design Guide – Interim edition, London Development Agency, August 2010 <http://www.london.gov.uk/who-runs-london/mayor/publications/housing/london-housing-design-guide>

2.4 - Daylight, Privacy (minimum distance), Outlook and Light Pollution

- 2.4.1 The impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people’s quality of life and reduces energy use. The Mayor’s Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight.
- 2.4.2 The privacy of existing and future development should be protected and gardens and windows to habitable rooms should not be significantly overlooked. The Residential Design Guidance SPD provides further guidance on design aspects of privacy, outlook and sunlight / daylight in section 7.
- 2.4.3 Artificial lighting can affect amenity, due to glare and light spillage, their visual impact in daytime and the increased disturbance from noise due to extending hours of activity in the evening. Proposals involving new lighting should demonstrate they will not significantly impact on the residential amenity of new and existing residents.

Design Principles:

- A. Sunlighting/Daylighting – Ensure that the design takes into account levels of daylight and sunlight that will penetrate into occupied spaces,** as measured by Vertical Sky Component (VSC) and the Average Daylight Factor (ADF). The VSC represents the amount of light available on the outside plane of the window as a ratio of the amount of total unobstructed sky viewable following the introduction of visible barriers, such as new buildings. The ADF is a more complex measurement assessing whether the internal daylighting levels in a room are adequate. The measurement takes into account the VSC, the window size, number of windows available in a room, the room size, the room use and layout and the room surface

reflectance. Further details on this and other aspects of sunlighting/daylighting are set out in:

- BRE Site Layout: Planning for Sunlight and Daylight: a Guide to Good Practice
- the British Standard BS8206: Part II
- the Applications Manual: Daylighting and Window Design – Lighting Guide LG10 (1999) of the Chartered Institute of Buildings Services Engineers.

B. Light Pollution – Ensure that the design minimises adverse impacts from the lighting of a building or external areas. Light pollution is defined as being any light emitting from artificial sources into spaces where this light is unwanted, such as spillage of security lights surrounding car parking areas into residential accommodation such as bedrooms, where this causes inconvenience to their occupants. Design solutions to control the effect of new lighting may include the type of technology used to control the distribution of light and minimise glare. Other solutions include screening, shielding, reducing lantern mounting heights and managing the operating hours of the light source. The visual impact of light fittings should also be considered.

C. Privacy - New residential development should afford a reasonable degree of privacy for future and neighbouring occupiers using minimum distances between habitable windows.

Construction Principles:

D. When it is essential for certain construction activities to take place at night, lighting needs to be sufficient for safety purposes, but should be set up in a way that any potential nuisance to nearby residential properties is minimised.

Table 2.4: Daylight, Privacy (minimum distance), Outlook and Light Pollution Requirements	Development Scale
Glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room.	All development
Bedrooms and living rooms /kitchens should normally have a reasonable outlook with clear glazed windows	All development
In new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden.	All development
New development should take into account neighbouring properties to ensure that nuisance will not be caused from lighting during night time hours.	All development

Useful References for daylight, privacy, outlook and light pollution:

- Site layout planning for Daylight and Sunlight: a guide to good practice. BRE. Sept 2011
<http://www.brebookshop.com/details.jsp?id=326792>
- Guidance Notes for the Reduction of Light Pollution. Institution of Lighting Engineers. 2000.
<http://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/SPG%20Light%20pollution%202002.pdf>

- Guidance notes for the reduction of obtrusive light, GN01. Institution of Lighting Engineers. 2005. <http://www.pdfport.com/view/629819-institute-of-lighting-engineers-guidance-on-obtrusive-light.html>
- Lighting in the Countryside: Towards Good Practice. DETR & Countryside Commission. 2001. <http://www.communities.gov.uk/archived/publications/planningandbuilding/lighting>

2.5 - Microclimate – Wind and Thermal Conditions

- 2.5.1 Climate change will exacerbate the temperature gradient that rises from the rural fringe to city centre high density locations. The massing and configuration of buildings can have a significant localised effect on the climatic conditions including funnelling wind or creating sun-traps. When designed well, the outdoor spaces within the built environment can be made much more usable to people for a greater part of the year than natural weather patterns would normally permit. Good design can contribute to urban cooling. If designed poorly, external spaces can be made hostile for all but the most active of uses or benign weather conditions.
- 2.5.2 It is essential that the microclimatic conditions of the urban environment are improved and wherever possible its ensured that these meet acceptable comfort standards. The following set of generic design and construction principles should be considered in the development process.

Design Principles:

- A. Wind – ensure that potential levels of wind strength around the base of a building and on balconies and roof gardens are taken into consideration.** A building might be expected to have adverse impacts if it is significantly taller than adjacent properties, is part of a small cluster of tall buildings or stands alone. The acceptability of windy conditions is influenced by factors such as the existing average local wind strengths, the time of year, air temperature, humidity and sunshine. The Lawson Criteria for Distress and Comfort are set out in Table 2.5.1 and provide a set of principles to follow in terms of acceptable wind conditions for different types of activities.

Hourly average Wind Speed	Description	Activity
0 – 4m/s	Long term sitting	Reading a newspaper, eating or drinking
4 – 6m/s	Standing or short term sitting	Appropriate for bus stops, window shopping and building entrances
6 – 8m/s	Walking and strolling	General areas of walking and sightseeing
8 – 10m/s	Business walking	Local areas around tall buildings where people are not likely to linger

- B. Thermal Conditions – Ensure that the design of buildings has taken into account the thermal impact in relation to outdoor spaces and internal glazed spaces.** South facing, enclosed or semi-enclosed areas can trap the sun and create

pleasant conditions even when the ambient temperature is cool. Such locations however can also be unbearably hot in mid-summer if there is no shade. Locations with wide expanses of tarmac, for instance can be excessively hot and contribute to the urban heat island effect.

Table 2.5.2: Microclimate, Wind and Thermal Conditions Requirements	Development Scale
Developers should demonstrate that appropriate comfort levels can be achieved for all pedestrian public and communal outdoor spaces using the Lawson Criteria for Distress and Comfort as a guide to the appropriate level of amenity for the expected use of those areas.	Large scale ² and all tall buildings ³

2.6 - Lifetime Homes

- 2.6.1 The main objective of the Lifetime Homes Standard is to ensure that homes support individuals and families at different stages of their lives. The Lifetime Homes standards include 16 design criteria which can be applied to new homes to make them flexible enough to meet the existing and changing needs of households without them having to move home.
- 2.6.2 The advantage of a Lifetime Home is that it is designed to accommodate a wide variety of household types such as families with young children who may have to navigate pushchairs and shopping, wheelchair users and individuals with mobility difficulties. Although Lifetime Homes do meet some of the needs and requirements of wheelchair users, they are not purposely designed to meet the high level of accessibility that is provided in standard wheelchair housing. Further detail and guidance on wheelchair housing is set out in section 2.7.
- 2.6.3 Lifetime Homes standards consist of a set of 16 design criteria which cover areas relating to how the home is approached and accessed, movement in and around the home, and the ability of a home to adapt to cater for the needs of an individual or family with a temporary or permanent disability. Part 2 of the Mayor’s Housing SPG on Quality cross refers to the standards and appendix 1 of the Residential Design Guidance SPD gives further detail.

Table 2.6: Lifetime Homes Requirements	Development Scale
Residential development will be required to comply with the Lifetime Homes Standard	Minor, Major and Large scale

Useful References for Lifetime Homes Requirements:

- The Lifetime Homes Design guide – HIS BRE, November 2011
<http://www.brebookshop.com/details.jsp?id=326813>

² See table 1.1 for definition of large scale development

³ Tall buildings are defined locally in Barnet’s Core Strategy as being eight stories or more (equivalent to 26 m above ground level)

2.7 - Wheelchair Housing

- 2.7.1 The London Plan seeks to increase wheelchair accessible housing provision in London by requiring ten % of all new housing to be wheelchair accessible or easily adaptable to accommodate wheelchair users⁴. Specialist forms of housing may need more or less provision for wheelchair accessibility or adaptability depending upon the expected end user of the accommodation. Easily adaptable means that the home will not require extensive work. This could include structural alterations in order to make it suitable for wheelchair users. Minor alterations such as the installation of grab rails, the replacement of a bath with a shower and the changing of kitchen units can make homes more accessible for wheelchair users.
- 2.7.2 The design of wheelchair user homes should incorporate the principles of inclusive design. Dwellings designed for wheelchair users should match the standards of adjacent homes in terms of aesthetics, design quality and materials. The homes should also meet the aspirations of their inhabitants by being able to respond to their individual needs and circumstances, and allow residents to interact with the local community. Homes should be interspersed with other tenures with the objective of creating sustainable communities which will cater for a range of household sizes, age of residents and family needs.
- 2.7.3 Although Lifetime Homes can cater for the needs of wheelchair users by providing appropriate layout and space, the standards of wheelchair user dwellings generally exceed the requirements of Lifetime Homes. These dwellings should therefore be designed to provide accessible circulation routes around the home, give residents the ability to use bathroom facilities in a convenient and dignified manner, provide storage space for a range of mobility equipment in rooms such as the kitchen and bedrooms and ensure that facilities and equipment are positioned at an accessible level.

Table 2.7: Wheelchair Housing Requirements	Scale of development
10% of new housing is wheelchair accessible or easily adaptable for residents who are wheelchair users.	Major and Large scale residential

Useful References for Wheelchair Housing

- Wheelchair Accessible Housing - Designing homes that can be easily adapted for residents who are wheelchair users. Best Practice Guidance. GLA. September 2007
<http://legacy.london.gov.uk/mayor/strategies/sds/docs/bpg-wheelchair-acc-housing.pdf>

2.8 - Energy Use in New Buildings

- 2.8.1 Energy used in Barnet is derived mainly from fossil fuels (coal, oil and gas). It is used to heat homes, to power transport and in commercial and industrial processes. The production of energy by the combustion of fossil fuels not only depletes finite resources but also leads to significant environmental consequences, such as climate change.

⁴ London Plan July 2011 Policy 3.8: Housing Choice

2.8.2 The London Plan emphasises that development proposals should make a contribution to minimising carbon dioxide emissions in conjunction with the following energy hierarchy:

1. **Be Lean: Using Less Energy** – Ensure that the buildings within the development are as energy efficient as technically possible and commercially feasible. A few key considerations to achieve greater energy efficiency include:

- The orientation of a building will have a significant impact on its carbon performance, especially in relation to heating and cooling. Building orientation can be used to generate passive solar gain, to reduce the need for heating.⁵ Large south facing windows will capture sunlight and heat the building up like a greenhouse. This can lead to discomfort or require air conditioning to mitigate the heat generated in the building. Large south-facing windows should therefore be accompanied by shading mechanisms or other suitable methods.
- High standards of insulation are essential to reduce the amount of energy required to maintain comfortable temperature levels. It is important to consider any potential causes of thermal bridging which can compromise the insulation of a building.
- Ventilation is essential to maintain comfort for users and can be provided through natural or active ventilation. Well-designed active ventilation which combines heating or cooling recovery can, if managed and operated correctly, consume less energy than an equivalent natural system without any heating or cooling recovery.
- Low temperature heating systems should be considered such as underfloor heating.
- Good building design can reduce the heating and cooling loads required thereby avoiding the need for air conditioning.
- Thermal mass, which represents the ability of materials to store heat or cool, is important as a means to control building temperatures and better manage day/night fluctuations.
- Efficient lighting and appliances will reduce energy consumption .
- Direct electrical generation of heating and cooling should be avoided because of its high carbon intensity.

2 - **Be Clean: Supply Energy Efficiently** – Ensure that all opportunities are taken for local generation and microgeneration of energy and recycling of heat and cooling. Some of the more efficient ways of generating energy locally are:

- Decentralised Energy (DE) is a process to generate electricity, heating or cooling in a location close to where it is used. The energy can be generated in the same building or in close proximity through pipes (which distribute it as hot or cold water). Energy can also alternatively be distributed along cables. DE has the advantage that it produces less carbon dioxide than conventional energy sources. This is due to the shorter distances the energy has to be transmitted which results in a reduction of heat, coolness or electricity loss. The most efficient types of DE systems are Combined Heat and Power (CHP) and Combined Cooling, Heat and Power (CCHP). These are technologies which use gas or another fuel, such as biomass to generate electricity. This process inevitably gives off heat which is then used directly to heat buildings or produce cooling through the use of absorption chillers. CHP can be used on a building by building basis (known as micro-CHP) or to power community district heating systems. CCHP is a process whereby the heat produced by CHP generates cooling. CCHP is only currently viable for large district systems and is more appropriate in mixed used developments.

⁵ A Planner's guide to Carbon, Lancefield Consulting Limited, May 2008

- Centralised boilers can power heating and cooling systems within a building and are more efficient than individual boilers installed in each residential unit.
- 3 Be Green: Using Renewable Energy** – Ensure that opportunities are harnessed for deriving renewable energy from the local environment around buildings. The principal renewable energy technologies likely to be appropriate include:
- Solar Water heating is a system for heating water using energy from the sun. Solar energy is collected by a roof panel, which is connected by pipes to a hot water storage cylinder.
 - Photovoltaics (PVs) are panels which convert solar energy into electricity. PVs can be placed on the roof of a building or incorporated into the façade by using roof tiles, panels or cladding.
 - Heat pumps are devices which transfer heat energy from one place to another and from a lower to a higher temperature. A ground sourced heat pump (or cooling system) recovers the heat (or cold) in the ground by circulating a fluid through a long, buried pipe. An open loop variation can also be used, where water in the ground is extracted and then discharged. The latter provides significantly more cooling capacity but both extraction and discharge will require a licence from the Environment Agency. The degree of benefit that can be derived from such technologies depends upon the selected internal building systems for heating and cooling.
 - Biomass is a collective term for all plant and animal material. A number of different forms of biomass can be burned or digested to produce energy. Examples include wood, straw, and agricultural waste. Biomass can be used to power CHP systems. Impact on air quality is a consideration for all biomass schemes.

Table 2.8: Energy Use in New Buildings Requirements	Development Scale
Proposed development should provide an Energy Statement which demonstrates compliance with the London Plan energy hierarchy, ⁶ the London Plan carbon dioxide requirements and where relevant decentralised energy	Major, Large scale
Proposed development to ensure that every 1 car parking space in 5 has provision or is future proofed to provide a suitable electrical charging point or as agreed in a Travel Plan	Minor, Major, Large scale

2.8.3 An **Energy Statement** should typically contain the following information:

- a. **Building Regulations Estimate** of the annual carbon emissions. This represents the typical target rating for a building of the type being considered (detached house, semi-detached or a flat). The Building Regulations (Part L) relates to the top four elements (Heating, Cooling, Ventilation and Lighting) of energy consumption in a building according to the following list:
 - Boiler/heating/hot water
 - Cooling – mainly offices

⁶ The Energy Hierarchy is set out in London Plan Policy 5.2 Minimising Carbon Dioxide Emissions. Further detail is set out in 2.8.3

- Building services – fans, pumps, etc
 - Fixed lighting – indoors and outdoors
- b. **Energy Efficient Design Features.** Identification of design features (including centralised boiler plant and combined heat and power technology) which will improve upon the Building Regulations calculation and which will lead to a score under Energy within the Code for Sustainable Homes.
 - c. **Appliances and cooking.** Addition of CO₂ emissions from appliances and cooking (see default method for calculating this within the Code for Sustainable Homes for Code Level 6).
 - d. **Total Carbon Emissions.** A (Building Regulations estimate) minus B (energy efficient design features) plus C (appliances and cooking) should provide a total estimate of carbon emissions for the building.
 - e. **Renewable Technologies.** Measures to match appropriate technologies to the energy consumption patterns of the building and its occupants

Useful References for Energy Use in New Buildings

Please see section 2.9

2.9 - Decentralised Energy

- 2.9.1 The Mayor of London has set a target to supply a quarter of London's energy from decentralised sources by 2025. Decentralised Energy (DE) makes more efficient use of fuel, reduces carbon emissions, cuts electricity transmission losses and future proofs the energy supply for the use of alternative low carbon fuels. The DMP in policy DM04b requires that major development connects to a planned or feasible DE network. For large scale development connection to a planned or feasible DE network should include the delivery of an energy centre⁷ or necessary infrastructure to connect to the network.
- 2.9.2 A high level heat mapping study has identified clusters of buildings and areas of development with the best potential for delivering future district heating networks in the borough. Brent Cross / Cricklewood and Colindale are identified as high priority areas given the scale of regeneration taking place. Chipping Barnet, Mill Hill East, North Finchley and Whetstone are identified as lower priority areas in the study.
- 2.9.3 Major development which is located within 500 m of an existing decentralised energy network should aim to connect to the network. Where connection is not possible justification will be required in the Energy Statement. Physical factors such as major roads and railways may create a barrier which could make it unreasonable to consider connection. A suitable connection point should be discussed with the provider of the DE network or Energy Services Company (ESCO).
- 2.9.4 The council will encourage major development which is located within 500 m of a DE network that has been implemented or is being implemented to connect to that DE network. The provider of the proposed heat network or ESCO will be able to estimate the cost of connection. Where connection is not possible justification will be required in the Energy Statement.
- 2.9.5 In instances where the proposed DE network does not commence construction within five years of the start of the proposed development provision should be made for providing a

⁷ An Energy centre is the central point from which the local or sub regional supply of heat and electricity comes. The energy centre will normally host one or two Combined Heat and power units as well as back up boilers and thermal stores. See <http://www.londonheatmap.org.uk/Content/FAQs.aspx> for further information.

suitable means of connection. Alternatively a contribution towards a feasibility study will be required. This will be pooled either through CIL or via a legal agreement. In these situations carbon savings from potential future connection will not be counted towards a schemes carbon reduction target in their Energy Statement.

Table 2.9: Decentralised Energy Requirements	Development Scale
In order to establish a DE network large scale development in the priority areas identified in the heat mapping study should deliver an energy centre. Where the energy centre already exists or is planned for construction within five years then suitable related infrastructure should be provided to facilitate connection to the DE network. Where capacity at the energy centre needs to be increased to meet the needs of the new proposed development then a legal agreement should set out the investment needed in the energy centre. Where the network is not completed commitments to undertake future connections should be made by the applicant.	Large scale
Where a proposed development is within 500 m of an existing or proposed DE network the potential for connection should be investigated as part of the Energy Statement	Major
Where a DE network is proposed but unlikely to be constructed within next 5 years, development should where feasible provide a suitable means for connection for future use or be future proofed with a commitment to connect.	Major, Large scale

Useful References for Energy:

- Barnet Heat Mapping Study, London Borough of Barnet, May 2010
http://www.barnet.gov.uk/downloads/940160/ldf_evidence_and_supporting_documents
- Energy Efficiency Standards for New Housing. EST
<http://www.energysavingtrust.org.uk/Publications2/Housing-professionals/New-build>
- Code for Sustainable Homes Technical Guide. CLG. November 2010
<http://www.communities.gov.uk/publications/planningandbuilding/codeguide>
- Ground source heating and cooling information from the Environment Agency,
<http://www.environment-agency.gov.uk/business/topics/128133.aspx>
- Renewables Toolkit, GLA. 2004
http://legacy.london.gov.uk/mayor/environment/energy/docs/renewables_toolkit.pdf
- BREEAM – www.breeam.org

2.10 - Retrofitting of Existing Buildings

2.10.1 Retrofitting refers to the addition of new technology or features fitted to existing buildings to make them more efficient and to reduce their environmental impacts. While it is important to reduce carbon emissions in new buildings, it is equally important to reduce emissions in existing buildings as they contribute more significantly to the borough’s current total carbon dioxide emissions. Helping homeowners make changes to their properties to make them

energy efficient has been encouraged through the extension of permitted developments rights. This means that building owners do not have to apply for planning permission to make certain changes to their property concerning energy efficiency. Table 2.10 sets out a range of retrofitting measures and the planning requirements with some of the improvements having permitted development rights.

Table 2:10 Retrofitting measures and the need for planning permission	
Change	Planning requirement
Solid wall insulation (external)	For most houses planning permission is not required provided the cladding material on the front and side elevations does not protrude significantly. For flats planning permission is required.
Double or triple glazing	For most houses planning permission is not required except in Conservation Areas. For flats planning permission is required.
Solar panels or Photo Voltaic panels	Planning permission is not normally required (except for Article 4 conservation areas ⁸). Where the panels are attached to a building they should not project more than 200mm from the roof slope and should not protrude above the highest part of the roof (excluding the chimney).
Air source heat pumps	Planning permission is normally required
Ground source heat pumps	Planning permission is not required
Biomass heating system or Combined Heat and Power system	Planning permission is normally required where an external flue is required
Wind turbine	Planning permission is normally required

2.10.2 Table 2.10 is based on the Regulations set out in the General Permitted Development Order (GPDO) 1995 (as amended). For up to date guidance and further advice visit the planning portal: www.planningportal.gov.uk and click on the interactive house. Further guidance is also available in Barnet’s Residential Design Guidance SPD.

2.10.3 Development within Barnet’s conservation areas has fewer permitted development rights particularly where Article 4 directions apply. If there is conflict between meeting climate change objectives and the conservation of heritage assets, the council will weigh up the public benefit of mitigating the effects of climate change against any harm that would occur to the heritage asset. Retrofitting work affecting listed buildings or buildings in a conservation area is likely to require further consultation with the council’s conservation team.

The Mayor of London’s RE: NEW Delivery Model

2.10.3 The Mayor has recognised the financial implication of implementing retrofitting measures to London’s housing stock and has developed the RE:NEW delivery model to help increase the rollout of energy efficiency measures, low and zero carbon microgeneration technologies and water saving measures. London’s housing stock is particularly challenging compared to the rest of the country because of its average age and the density. Generally the older the property the more expensive the retrofitting measures are likely to be and flatted development can lead to complications with implementation. In Barnet the issue of flatted development is less significant but age is an issue with over two thirds of Barnet’s housing stock built before 1944. The carbon emissions associated with

⁸ The following Conservation Areas have Article 4 directions: Hampstead Garden Suburb (including The Bishop’s Avenue), Mill Hill, Monken Hadley, Totteridge, Wood Street, Moss Hall Crescent, Finchley Garden Village, Glenhill Close, Finchley Church End, Hendon – the Burroughs.

the heating of Barnet’s older housing stock creates a higher than average contribution to the borough’s overall carbon emissions compared to the rest of London.

2.10.4 The Mayor’s RE:NEW programme aims to take a whole house approach to energy efficiency. It involves energy assessors visiting participating homes and providing easy-to-install cost effective energy and water efficiency measures such as real time displays, tap aerators and hot water tank jackets. Assessors then advise on other energy saving measures such as cavity wall insulation and heating measures and if a homeowner cannot provide up-front funding then the assessor will log the homeowner’s details should funding become available in future. The Mayor’s long term aim is for every London home to be offered a whole-house retrofit by 2030.

Useful References for Retrofitting:

- General Permitted Development Order (GPDO) 1995 (as amended)
- Delivering London’s Energy Future: the Mayor’s Climate change mitigation and energy strategy, GLA, October 2011 <http://www.london.gov.uk/who-runs-london/mayor/publication/climate-change-mitigation-energy-strategy>
- Energy Conservation in traditional Buildings, English Heritage, 2008 www.climatechangeandyourhome.org.uk/live/

2.11 - Water Efficiency

2.11.1 Water is a precious resource. It is essential that new development uses water efficiently, seeking wherever possible to reduce consumption.

2.11.2 The following design principles should be considered in Barnet:

- A. Water consumption – reduce consumption of water by buildings, landscape and occupants.** Designs should seek to minimise water use. There are a variety of techniques and technologies, including the fitting of water efficient toilets, taps, showers, dishwashers and washing machines.
- B. Water storage (Rainwater harvesting systems) - put measures in place which enable storage of rainwater for plant watering on site.** This reduces consumption of treated water from the mains system. Landscaping should be designed so that it does not need regular watering. Where any external watering is still required, then water butts, collecting rain water from roofs should be installed.
- C. Water recycling – grey water.** Systems are also available for localised recycling of water, such as using shower water to flush toilets (these are known as grey water systems).

Table 2.11: Water Efficiency Requirements	Development Scale
Residential developments should be designed to achieve average water consumption targets of 105 litres per head per day. This should be calculated according to the same methodology used in Ecohomes or the Code for Sustainable Homes.	Minor, Major, Large scale

Useful References for Water Efficiency:

- The Water Efficiency Calculator for New Dwellings – CLG, Sept 2009
http://www.planningportal.gov.uk/uploads/br/water_efficiency_calculator.pdf
- Code for Sustainable Homes – Technical Guide. CLG, Nov 2010
<http://www.communities.gov.uk/publications/planningandbuilding/codeguide>
- Conserving Water in Buildings, A Practical Guide, Environment Agency, Nov 2007
<http://publications.environment-agency.gov.uk/PDF/GEHO1107BNJR-E-E.pdf>

2.12 - Waste Strategy

- 2.12.1 There is an ever-increasing need to reduce waste generation and to increase recycling wherever possible. Waste is generated by development in three different ways:
- 1 during the construction process
 - 2 through the use of buildings
 - 3 from refurbishment and/or demolition of buildings.
- 2.12.2 It is critical to ensure that we reduce the waste generated through construction, refurbishment and demolition activities and to reduce waste and encourage recycling during the occupation of buildings. Our design and construction requirements are therefore based on the objectives to:
- reduce the amount of waste produced in Barnet;
 - make the best use of waste that is produced; and
 - choose waste management options which minimise the risk of immediate and future environmental pollution and harm to human health.
- 2.12.3 The following set of design and construction principles are to be considered in the design and construction process.

Design Principles:

- A. Waste generated through building occupation – Identify measures to help occupants to recycle waste.** People will generally recycle more when it is easy and convenient for them to do so. This requires consideration as to how a building's occupants will be able to participate in recycling initiatives and services. Key considerations include:
- Ensuring that sufficient space is dedicated in appropriate places, including within and without residential properties, for the temporary storage of material to be recycled. For example, space should be provided within kitchens in new properties to accommodate extra bins which are required for separately storing items such as paper, bottles, cans and food waste for recycling.
 - Ensuring that people can easily transfer material for recycling from their own premises, such as a residential unit, a shop or an office, to a location from which the material can be collected. Waste from shops or offices would be considered trade waste, so any movement of this waste would need to be undertaken by an appropriate, licensed waste carrier and taken to a permitted waste management site. An exemption or permit may be required from the Environment Agency for storage of waste at a collection point.

- Early consultation with the council is recommended to ascertain the best strategy for the recycling of household waste (see references). The requirements for storage of waste containers vary depending on the scale of development and whether it is for flats or houses.

Construction Principles:

- B. Construction Waste – Ensure that measures have been taken to minimise waste generated during building construction.** The following issues should be considered during development design and in preparation for construction:
- Identify resources already on the site, such as topsoil or hardcore, making provision for storage on-site to enable the materials to be put to useful effect in the new development. Activities that involve any form of treatment to make the material suitable for re-use may require an exemption or permit from the Environment Agency..
 - Refurbishment of existing buildings will most likely generate less waste than demolition and reconstruction. Consideration in the first instance must always therefore, be given to the retention and refurbishment of buildings and justification provided where demolition is proposed.
 - Good practice in terms of waste management should be employed, including monitoring of waste streams to meet the above objectives.
 - Every opportunity should be taken to recycle materials or send waste materials to waste recovery centres to meet the above objectives.
 - Modern methods of construction such as modular building components put together off-site in a factory environment supporting more efficient use of materials and working practices.
 - Ensuring that measures have been taken to enable more components of a building to be recycled during refurbishment or demolition.

Table 2.12: Waste Strategy Requirements	Development Scale
In consultation with the Council developers should comply with the standards set out in the council's guidance document "Information for developers and architects – provision of household recycling and refuse waste collection services.". http://www.barnet.gov.uk/info/930147/recycling_in_homes/213/recycling_in_homes	Minor, Major and Large scale
A minimum internal storage capacity of 60 litres per dwelling (flats and houses) should be provided which can accommodate containers for the temporary storage of materials to be recycled. Materials will then be transferred to external containers for collection. (This standard is subject to change over time, so consultation with the council at the design stage is essential.)	Residential Minor, Major, Large scale
All non-residential developments should provide a minimum of 10m ² designated waste storage space for materials for recycling, such as paper, glass bottles and jars, cans, cardboard, and plastic bottles.	Non residential minor, major, large scale

Proposals that employ or attract a large number of people, such as supermarkets or commercial buildings should provide appropriately designed facilities for the collection for recycling or reuse of the waste that they, their customers and staff generate. Applicants for such developments should submit a comprehensive waste and recycling management strategy in accordance with the BS5906:2005 <i>Waste Management in Buildings – Code of Practice</i> .	Large scale
Prior to commencement of work, all construction sites should put in place a Site Waste Management Plan in accordance with the DTI's <i>Site Waste Management Plans - Guidance for Construction Contractors & Clients - Voluntary Code of Practice</i> .	Major and Large scale

Useful References for Waste:

- Information for developers and architects – provision of [household recycling and refuse waste collection services](http://www.barnet.gov.uk/info/930147/recycling_in_homes/213/recycling_in_homes). London Borough of Barnet. January 2013
http://www.barnet.gov.uk/info/930147/recycling_in_homes/213/recycling_in_homes
- Site Waste Management Plans. Feb 2008 http://www.environment-agency.gov.uk/static/documents/NetRegs/SWMP_Simple_Guide_Feb_2011.pdf
- BS5906:2005 *Waste Management in Buildings – Code of Practice*
<http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030050097>
- The emerging North London Waste Plan <http://www.nlwp.net/>
- Demolition Protocol. Institute of Civil Engineers. 2008
<http://www.ice.org.uk/getattachment/eb09d18a-cb12-4a27-a54a-651ec31705f1/Demolition-Protocol-2008.aspx>
- Environment Agency permitting and registration information <http://www.environment-agency.gov.uk/business/topics/permitting/32330.aspx>

2.13 - Air Quality

2.13.1 The air quality of urban areas has a significant impact on people's health. This has been recognised by the Mayor of London, who updated guidance covering London in *Cleaning the Air – The Mayor's Air Quality Strategy* (GLA 2010). The design of the built environment has an important role in managing the degree to which people are exposed to air pollutants. The principal sources of air pollution are:

- Traffic emissions from vehicles
- Air pollutants arising from industrial activities
- Emissions from boiler and mechanical plant within buildings
- Dust emissions from demolition and construction activities
- Emissions from construction traffic and plant supporting construction activities.

2.13.2 Within Barnet, emissions from traffic have by far the most severe and pervasive impact on reduction of local air quality. It is critical that the exposure of the public to air pollutants is minimised and the contribution to atmospheric pollution from activities within the built environment is reduced. The principles and related requirements are supported by DM04:

Environmental Considerations and London Plan Policy 7.14 – Improving Air Quality.

Air quality principles:

- A. Location – Ensure that development type suits development site.** In areas of poor air quality, for example next to some major roads, it may not be appropriate to build residential accommodation or schools or other types of development (so called sensitive receptors) where people, in particular vulnerable people, will spend a substantial amount of time in the accommodation and thereby be exposed to continuous high levels of air pollutants. If there is no other potential use for a site, then the design will be required to prevent exposure to air pollutants both within buildings and in accessible outdoor areas proximate to buildings.
- B. Siting and design – Ensure that where there is a localised and proximate source of air pollution, buildings are designed and sited to reduce exposure to air pollutants.** Buildings themselves can be used as barriers between sources of air pollution and those areas where people will linger in the outside environment, such as private, communal or public gardens and public realm. Buildings should be actively ventilated allowing air to be drawn from the less polluted side of the building (where a balance needs to be achieved between air quality and energy consumption required for active ventilation). Consideration should also be given to ensuring that buildings façades, which face directly onto a pollution source, are sealed.

Table 2.13: Air Quality Requirements	Development scale
Where development could potentially contribute to a worsening of local air quality an air quality assessment will be required.	<ul style="list-style-type: none"> - Minor - Major, Large scale with the potential to increase and/or change road traffic. - Commercial or industrial use requiring environmental permitting⁹. - Development proposing a biomass boiler.
Proposals may be required to demonstrate how the development is designed to reduce people's exposure to air pollutants to acceptable levels through an air quality assessment.	Minor, Major, Large scale
Restaurants or other odour emitting premises will be required to locate air extracts appropriately to avoid nuisance to neighbouring occupiers.	All Class A3, A4 and A5 development
Developers should comply with the minimum standards on construction management that are detailed in the <i>London Best Practice Guidance to Control Dust and Emissions from Construction and Demolition</i> .	Minor, Major, Large scale

⁹ Environmental Permitting is required for uses which could have an impact on the environment and human health. For example certain manufacturing or waste activities or uses which discharge into a river or underground water supply. Depending on the operation either the Environment Agency or Local authority provide the regulation. More guidance is available here: <http://www.businesslink.gov.uk/bdotg/action/layer?topicId=1086287989> and the legislation is available here: <http://www.legislation.gov.uk/ukxi/2010/675/contents/made>

Air Quality Assessments

- 2.13.3 Air quality assessments should demonstrate the likely changes in air quality or exposure to air pollutants as a result of a proposed development and identify any mitigation necessary. The scope of the assessment required should be commensurate with the potential significance of the impacts. As a minimum an air quality assessment should set out the following:
- The basis of determining the significance of the impacts
 - Details of the assessment methods including the model and the input data used for the assessment and any assumptions that have been made
 - Identification of sensitive locations
 - Description of baseline conditions
 - Assessment of impacts
 - Description of construction phase impacts
 - Mitigation measures
 - Summary of assessment results
- 2.13.4 The above list is a summary of what is expected. Further detail can be found in Development Control: Planning for Air Quality (2010 Update) published by Environmental Protection UK.

Useful References for air quality:

- Development Control: Planning for Air Quality (2010 Update), Environmental Protection UK, 2010. http://www.environmental-protection.org.uk/assets/library/documents/Air_Quality_Guidance_2010_%28final2%29.pdf
- Review and Assessment of Air Quality in the London Borough of Barnet; Updating and Screening Assessment; Air Quality Action Plan Updates http://www.barnet.gov.uk/downloads/download/252/review_and_assessment_reports
- Environmental Criteria for Design – A Guide, Chartered Institute of Building Services Engineers (CIBSE). 2006 <https://www.cibseknowledgeportal.co.uk/>
- Minimising Pollution at Air Intakes TM 21. CIBSE 2001 <https://www.cibseknowledgeportal.co.uk/>
- The Mayor's Air Quality Strategy. GLA. 2010 <http://www.london.gov.uk/publication/mayors-air-quality-strategy>
- Best Practice Guidance – The Control of Dust and Emissions from Construction and Demolition. GLA and London Councils 2006 http://legacy.london.gov.uk/mayor/environment/air_quality/docs/construction-dust-bpg.pdf

2.14 - Noise Quality

- 2.14.1 Noise can be a significant nuisance in urban areas. Persistent and intermittent noises and vibrations, such as those made by traffic, building services plant, sound systems, construction activities or other people, can undermine quality of life for those who live, work

and visit the borough. Management of noise is an issue which significantly increases in importance for higher densities of population and economic activity. Receptors which are particularly sensitive to noise include dwellings, health facilities, schools and libraries. Noise can however be created both in residential and commercial areas and sensitive receptors can create a noise impact too. Natural habitats can also be affected by excessive noise and can also create noise. It is advisable to predict and assess the likely levels of noise and vibration arising from a proposed scheme, to establish optimum mitigation measures and determine the extent of residual significant effects.

- 2.14.2 Table 2.14.1 sets out the noise exposure categories (NEC) (which previously formed part of PPG24: Planning and Noise) which will be applied to dwellings in Barnet.

Table 2.14.1: Noise Exposure Categories and advice for new dwellings	
NEC	Advice
a	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.
b	Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.
c	Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.
d	Planning permission should normally be refused.

- 2.14.3 The recommended range of noise levels is given in table 2.14.2 for each of the NECs for dwellings exposed to noise from road, rail, air, and "mixed sources". The NEC procedure is only applicable where consideration is being given to introducing residential development into an area with an existing noise source, rather than the reverse situation where new noise sources are to be introduced into an existing residential area.

Table 2.14.2: Noise levels corresponding to the noise exposure categories for new dwellings				
Noise Levels⁰ Corresponding To The Noise Exposure Categories For New Dwellings LAeq,T dB				
	Noise Exposure Category			
Noise Source	a	b	c	d
Road traffic				
07.00 - 23.00	< 55	55 – 63	63 – 72	> 72
23.00 - 07.00 ¹	< 45	45 – 57	57 – 66	> 66
Rail traffic				
07.00 - 23.00	< 55	55 – 66	66 – 74	> 74
23.00 - 07.00 ¹	< 45	45 – 59	59 – 66	> 66
Air traffic ²				
07.00 - 23.00	< 57	57 – 66	66 – 72	> 72
23.00 - 07.00 ¹	< 48	48 – 57	57 – 66	> 66
Mixed Sources ³				

07.00 - 23.00	< 55	55 – 63	63 – 72	> 72
23.00 - 07.00 ¹	< 45	45 – 57	57 – 66	> 66
⁰ Noise levels: the noise level(s) (LAeq,T) used when deciding the NEC of a site should be representative of typical conditions.				
¹ Night-time noise levels (23.00 - 07.00): sites where individual noise events regularly exceed 82 dB LAmax (S time weighting) several times in any hour should be treated as being in NEC c, regardless of the LAeq,8h (except where the LAeq,8h already puts the site in NEC d).				
² Aircraft noise: daytime values accord with the contour values adopted by the Department for Transport which relate to levels measured 1.2m above open ground. For the same amount of noise energy, contour values can be up to 2 dB(A) higher than those of other sources because of ground reflection effects.				
³ Mixed sources: this refers to any combination of road, rail, air and industrial noise sources. The "mixed source" values are based on the lowest numerical values of the single source limits in the table. The "mixed source" NECs should only be used where no individual noise source is dominant.				

- 2.14.4 To check if any individual noise source is dominant (for the purposes of the assessment) the noise level from the individual sources should be determined and then combined by decibel addition (remembering first to subtract 2 dB (A) from any aircraft noise contour values). If the level of any one source then lies within 2 dB(A) of the calculated combined value, that source should be taken as the dominant one and the site assessed against the appropriate NEC for that source, rather than using the "mixed source" NECs. If the dominant source is industrial noise see paragraph 19 of Annex 3 of PPG24: Planning and Noise.
- 2.14.5 If the contribution of the individual noise sources to the overall noise level cannot be determined by measurement and/or calculation, then the overall measured level should be used and the site assessed against the NECs for "mixed sources".
- 2.14.6 The following set of generic design and construction principles are to be considered in the design and construction processes.

Noise Design Principles:

- A. Location – Ensure that development reduces the affect of noise on occupants and existing properties.** In line with DM04: Environmental Considerations in areas where there are unavoidable high levels of noise and vibration, for example next to major roads, it will not normally be appropriate to build sensitive uses where they would be exposed to continuous raised noise or vibration levels. Residential accommodation or schools or other types of development where people, in particular vulnerable people (receptors) will spend a substantial amount of time in the accommodation are identified as sensitive uses. If there is no other potential use for a site, then very high design criteria will be required to mitigate exposure to noise and vibration to ensure acceptable levels in buildings and in accessible outdoor areas proximate to buildings. Siting and design can be used to reduce noise and vibration exposure. For example buildings themselves can be used as barriers between sources of noise and those areas where people will linger in the outside environment, such as private, communal or public gardens.
- B. Mixing of land uses and Internal layout** - Consideration should be given as to the appropriateness of different land uses in close proximity and how noise and vibration arising from one might affect another. An example might be the siting of a bar, likely to be open till late at night, underneath residential accommodation. Building design needs to take this into

account, both within the building to prevent transmission of noise and vibration and through building configuration to limit external transmission of noise. The building itself can be designed to reduce the exposure to noise for its occupants through, for example, using a sealed façade on the side of the building which faces onto the noise source. Internally the layout can help mitigate the impact of noise using the following measures:

- Locate rooms that are sensitive to loud noise (i.e. bedrooms/living rooms) away from areas of the site that are most prone to loud or continuous noise.
- Stacking rooms with similar uses on top of each other (i.e. living rooms, kitchens) to avoid unnecessary noise disturbance (Also see Residential Design Guidance section 9).
- Non-residential uses should be placed closer to noise sources than residential accommodation.

Further guidance on layout and conversions is available in the Residential Design Guidance SPD.

C. Exposure to noise within buildings – Provide appropriate noise insulation given the external and internal noise environment. In order to meet the standards for internal noise, appropriate levels of noise insulation will be required. Consideration will need to be taken of the desire of occupants to open windows for ventilation and the implications this may have for internal noise levels. Building services such as air intake ducting should be positioned away from sensitive windows and properties and be isolated from the structure to prevent structural noise. Particular care should be taken to avoid or attenuate fan and vent noise on the ‘quiet side’ of buildings.

D. Noise emissions from plant – Establish the impact of new development on the noise environment. The choice and manner of enclosure of any building systems which may emit noise, such as on roofs, should be such that they do not contribute to increasing background noise levels. Noise mitigation must always aim to be as close to the noise source as possible, thereby minimising the wider effect of the noise and its contribution to raising background noise.

Construction Principles:

- A. Construction noise and disruption should be minimised through good site management and operation and the specification of techniques, such as the use of framed construction and pre-fabricated components.
- B. Construction activities should be planned to limit both the level and duration of noise, to minimise disturbance to premises and amenities in the area.
- C. Consultation with borough Environmental Health Officers (EHO) is required at an early stage.

Table 2.14.3: Noise Quality Requirements	Development Scale
A Noise Impact Assessment is required for proposed residential development which is likely to be exposed to significant noise and vibration or cause a noise and vibration impact. New dwellings will be considered in line with the noise exposure categories and corresponding noise levels set out in Tables 2.14.1 and 2.14.2 and vibration in line with British Standards For other noise-sensitive developments the council will use the standards set out for internal noise levels in BS8233 (1999).	Minor, Major, or Large scale developments
The adverse impacts of noise should be minimised, using measures at source or between source and receptor (including choice and location of plant or method, layout, screening and sound	All development

absorption) in preference to sound insulation at the receptor, wherever possible.	
Any proposed plant and machinery shall be operated so as to ensure that any noise generated is at least 5dB(A) below the background level, as measured from any point 1 m outside the window of any room of a neighbouring residential property. Plant should also be installed to ensure that no perceptible noise or vibration is transmitted through the structure to adjoining premises.	All development with plant and machinery or activity which potentially has a noise impact

Useful References for noise quality:

- The Mayor’s Ambient Noise Strategy. GLA. 2004
http://legacy.london.gov.uk/mayor/strategies/noise/docs/noise_strategy_all.pdf
- BS 8233: 1999 Code of Practice for Sound Insulation and Noise Reduction for Buildings
<http://shop.bsigroup.com/en/ProductDetail/?pid=000000000019989750>
- BS 5228: Parts 1, 2, 3 and 5 (1997); BS 5228-4 (1992) – Noise and Vibration Control on Construction and Open Sites.
<http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030141421>
- BS 4142: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. <http://shop.bsigroup.com/en/ProductDetail/?pid=000000000001154363>
- Heating, Ventilating, Air Conditioning and Refrigeration Guide B, CIBSE 2005.
<https://www.cibseknowledgeportal.co.uk/>
- Noise and Vibration Control for Heating, Ventilating, Air Conditioning and Refrigeration – Guide B5. CIBSE. 2002. (Nb replaced by CIBSE guide B in 2005)
<https://www.cibseknowledgeportal.co.uk/>
- Sound Control of Homes. BRE/CIRIA. 1993.
[https://www.bsria.co.uk/bookshop/books/sound-control-for-homes-br238/?v=307&advanced=1&wf\[q1\]=BRE&wf\[f1\]=author§ion=bt](https://www.bsria.co.uk/bookshop/books/sound-control-for-homes-br238/?v=307&advanced=1&wf[q1]=BRE&wf[f1]=author§ion=bt)
- BS 6472-1:2008 Guide to Evaluation of Human Exposure to Vibration in Buildings (1 Hz to 80 Hz) <http://shop.bsigroup.com/en/ProductDetail/?pid=000000000019971044>
- Guidelines for Community Noise. World Health Organisation. Geneva. 1999
<http://www.who.int/docstore/peh/noise/guidelines2.html>
- PPG24: Planning and Noise. ODPM. 1994
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/156558.pdf>

2.15 – Flood Risk, Sustainable Urban Drainage Systems and Water Quality

- 2.15.1 Water is an essential resource and its quality is a key measure of the overall quality of the local environment. The resource comprises surface water and ground water, where the latter may be made up of more than one unconnected aquifer at different depths below ground. Surface water flooding is more of an issue than ground water flooding in Barnet.
- 2.15.2 Managing surface water flows and drainage is essential to prevent flooding and resultant damage to property and infrastructure. If flood events cause sewers to overflow then this can also become a health hazard. Legislation has been introduced to create a new

regulatory process for controlling the amount of surface water run-off from development. National requirements for developers and the council are currently emerging through consultation which emphasises the use of Sustainable Urban Drainage Systems (SUDs). SUDs aim to use drainage methods which mimic the natural environment rather than using conventional methods of drainage to slow down the rate at which water flows from a site.

- 2.15.3 SUDs can have an additional benefit through helping to remove pollution from rainwater runoff. The Water Framework Directive sets a target that all main river waterbodies identified in the Thames River Basin Management Plan should achieve a ‘good’ ecological potential by 2027. There are three main rivers in Barnet identified in the Thames River Basin Management Plan; the Pymmes Brook (moderate water quality), the Dollis Brook (poor water quality) and the Silk Stream and Edgware Brook (moderate water quality). The main reasons for failure are linked to pollution – point source (e.g. sewer misconnections), diffuse (e.g. urban runoff), and intermittent pollution incidents. SUDs can help reduce impacts from urban runoff.
- 2.15.4 The NPPF identifies a sequential approach to the location of development to ensure that inappropriate development in areas of flood risk is avoided. The Environment Agency is the regulatory body which provides flood risk advice to local planning authorities on development. They provide guidance and advice on how to assess flood risk as part of a Flood Risk Assessment (FRA) and how to design in flood resilience to a development. Further information is available – see the References section below.

Flood Risk, SUDS and Water Quality Design Principles:

- A. Maintenance of water quality** – Establish impact of development on local water quality. The key consideration here is water run-off from development, which may bring with it pollutants from urban activities and compromise the quality of water in a river or stream. Development needs to have sufficient drainage to manage and control water run-off and appropriate interceptors using Sustainable Urban Drainage solutions where possible to capture any potential pollutants.
- B. Water Management and Flood Prevention** – Ensure that development has been designed not to increase flood risk either on-site or off-site and ensure that flood events will not lead to overflowing of sewers. Water attenuation as close to the source as possible, the provision of on-site capacity to store surface water run off, and the use SUDS – see Table 2.15.1 below for more details, enable better control of water during periods of peak rainfall. SUDS also allow the water table to replenish, thereby reducing the risk of subsidence.
- C. Basements** – Careful consideration must be given when constructing basement development as in some instances it may prove to be detrimental to the stability of buildings, the amenity of neighbours and contribute to flooding and drainage problems. The council may require a Hydrology report to be submitted which determines in particular the surface flow of water, the subterranean flow of water and land stability. Further guidance is set out in the Residential Design Guidance SPD sections 12 and 14.

Flood Risk, SUDS and Water Quality Construction Principles:

- A. Good site management is essential to prevent run-off during construction activities which may pollute local water courses.
- 2.15.5 Table 2.15.1 sets out the most suitable methods of sustainable urban drainage (SUDs) in

Barnet. These were identified in the North London Strategic Flood Risk Assessment data¹⁰. Development will need to demonstrate how their chosen method of runoff attenuation is suitable for the site and local area.

Table 2.15.1: Examples of SUDS

Soakaways

Soakaways are drainage structures with high available storage. Surface water runoff is directed to the soakaway where the storage volume provides attenuation of flows and gradual infiltration to the surrounding soil. Soakaways can be designed to store rapid runoff from a single house, several buildings or highway areas. Long, thin soakaways are called infiltration trenches. Areas with a high water table or clay soil may not be appropriate for a soakaway.

Swales

Swales are linear vegetated drainage features in which surface water can be stored or conveyed. When used alongside roads, swales can replace conventional gullies and drainage pipes. They are easy to incorporate into landscaping, offer good reductions in both runoff rates and pollutant removal. They are ideal for use as drainage systems on industrial sites because any pollution that occurs will be visible and can be dealt with before it causes damage to a receiving watercourse.

Detention Basins

These are vegetated surface storage basins that provide flow control through attenuation of storm water runoff and controlled release. Detention basins are normally dry except during and immediately after a storm event. In some instances the land may also function as a recreational facility e.g. playground or sports field.

Pervious Surfaces

Pervious pavements allow rainwater to infiltrate through the surface into underlying construction layers where water is stored prior to infiltration to the ground, reused or released to a surface water drainage system or watercourse at an attenuated rate. Where pervious pavements are located within 5m of foundations or basements, an impermeable membrane liner is required to prevent infiltration.

Pervious pavements can either be made from porous materials which allow infiltration across their entire surface e.g. gravels, grass and porous concretes, or permeable surfaces which are made from impermeable materials with voids to allow infiltration e.g. brick paving.

Pervious pavements can be used for both infiltration and attenuation collecting water from paved areas and roof catchments. They have been shown to reduce both the peak flow rate and total runoff volume from developments. Pervious surfaces can be incorporated into soft landscaping and oil interceptors can be added to improve pollutant retention and removal. In urban areas where there is a high percentage of hard cover the use of pervious surfaces for car parks and hard areas is a valuable technique that should be used wherever possible. Further guidance on hardstandings is set out in the Residential Design Guidance SPD in section 16.

Ponds

Ponds can provide both storm water attenuation and treatment. Runoff from each rain event is detained and treated in the pond through sedimentation and biological uptake. Ponds can provide valuable aesthetic and wildlife value to a development site.

Green Roofs

¹⁰ http://www.nlwp.net/documents/sfra_documents_submission.html

Green roofs represent roof systems which enhance local ecology and their growing medium (substrate) provides temporary storage of storm water. Significantly less water will flow from the roof and more slowly due to absorption by the substrate, and through evaporation and evapotranspiration from the substrate and plant surfaces.

Rooftops form a major part of the cityscape, but have been vastly under utilised. The use of green roofs can reduce the size of downstream SUDS and drainage infrastructure that is required.

Table 2.15.2: Flood risk, Sustainable Urban Drainage and water quality requirements	Development Scale
Proposed development will need to demonstrate application of the sequential test and exception test where inappropriate ¹¹ development is proposed in areas of flood risk ^{12,13} .	Minor ¹⁴ , Major and large scale.
Proposed development will need to provide a Flood Risk Assessment on the known flood risk potential from all sources of flooding to the planning application site, the risk to others, how it will be managed and taking climate change into account.	All development over 1 hectare in Flood Zone 1 ¹⁰ Development in Flood Zone 2 & 3 ¹⁰ except for minor development ¹⁵ #
Developments will be required to demonstrate how they have considered the London Plan drainage hierarchy (Policy 5.13: Sustainable Drainage) and achievement of a maximum run-off rate which is equivalent to greenfield rates (typically 2 litres per second hectare).	Major, Large scale
Developers should consult with Thames Water and confirm that their scheme will not increase the risk of sewer flooding to other properties.	Large scale
Where planning permission is required for hardsurfacing porous materials should normally be used.	Householder, Minor, Major, Large scale

Useful References for Flood Risk, Sustainable Urban Drainage and Water Quality:

- FRA requirements, Environment Agency guidance <http://www.environment-agency.gov.uk/research/planning/93498.aspx>.
- Flood Resilient Design, Environment Agency guidance <http://www.environment-agency.gov.uk/homeandleisure/floods/31644.aspx>.
- Planning Portal/DCLG – Improving the Flood Performance of New Buildings: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

¹¹ Inappropriate development can be defined using Table 2 in the Technical guidance to the National Planning Policy Framework which sets out the flood risk vulnerability classification for various types of land uses

¹² Table 1 in the Technical guidance to the National Planning Policy Framework sets out the Flood Zones and the appropriate uses (also see table 2) for those zones. The Environment Agency Flood Map identifies the flood zones <http://www.environment-agency.gov.uk/homeandleisure/floods/default.aspx>

¹³ The Surface Water Management Plan for Barnet also needs to be considered and it identifies areas more prone to surface water flooding. It will be informed by the Preliminary Flood Risk Assessment <http://publications.environment-agency.gov.uk/PDF/FLHO1211BVNP-E-E.pdf>

¹⁴ Minor development means:

- Minor non-residential extensions: Industrial/Commercial/Leisure etc. extensions with a footprint less than 250 m2.
- Alterations: development that does not increase the size of buildings eg alterations to external appearance.
- ‘Householder’ development: eg sheds, garages, games rooms etc. within the curtilage of the existing dwelling in addition to physical extensions to the existing dwelling itself. This definition EXCLUDES any proposed development that would create a separate dwelling within the curtilage of the existing dwelling eg subdivision of houses into flats.

- Interim Code of Practice for Sustainable Drainage, National SUDS Working Group, July 2004 http://www.ciria.com/suds/pdf/nswg_icop_for_suds_0704.pdf
- Environment Agency Standing Advice on Flood Risk Assessment <http://www.environment-agency.gov.uk/research/planning/82584.aspx>
- Thames River Basin Management Plan, Environment Agency <http://www.environment-agency.gov.uk/research/planning/125035.aspx>
- Development and Flood Risk – Guidance for the Construction Industry (C624). CIRIA http://www.ciria.org/service/AM/ContentManagerNet/Search/SearchRedirect.aspx?Section=Search1&content=product_excerpts&template=/contentmanagernet/contentdisplay.aspx&contentfileid=1417
- Garden Matters: Front Gardens. Royal Horticultural Society (2006) <http://www.rhs.org.uk/Gardening/Sustainable-gardening/pdfs/RHS-urban-greening>

2.16 - Biodiversity and Habitat Quality

- 2.16.1 A key objective of Barnet's approach is to protect and enhance the natural ecological environment, maintain and improve biodiversity and harness the benefits of healthy local habitats. The creation of new biodiversity should be encouraged wherever possible. Redevelopment of a site can offer new opportunities to provide new links or corridors between existing habitats for example. Buildings can provide opportunities for new biodiversity too with the provision of green roofs and facades and bird or bat boxes.
- 2.16.2 An environment high in biodiversity can improve the amenity of local residents whilst providing further benefits including shading and reducing surface water run off. Careful planning can ensure that the natural environment can co-exist with and help complement the built environment to the benefit of both residents and wildlife.
- 2.16.3 Gardens make a significant contribution to local character, biodiversity, tranquillity and sense of space. They also help to enhance the setting of buildings and provide amenity value for residents. Development can impact the biodiversity or habitat value of gardens and will be considered when making decisions on development which affects residential gardens.
- 2.16.4 Further detail on biodiversity and habitat quality will be set out in the Green Infrastructure SPD¹⁶.

Design principles

- A. Replacement and enhancement of natural environmental features** – Almost all development sites will have some existing or potential value as wildlife habitat. Proposals should include an assessment of existing wildlife habitats and seek to preserve and enhance existing habitats and features or, if not possible, to replace these with new habitats which can evolve in a locally sustainable way aiming to achieve no net loss in habitat. Existing mature, healthy trees and other vegetation should be incorporated into layouts rather than be felled. Where possible existing ponds and hedges should be retained given their ecosystem service role.

¹⁶ Please see the Local Development Scheme for details of the timetable for publication

- B. Green roofs and green façades and rainwater gardens – ensure that the built form of the development can contribute to the ecological environment.** The built environment should aim to be permeable to wildlife, incorporating design features aimed at sustaining and increasing the population of particular species and facilitating climate change adaptation. Any building or built structure has the potential to be designed or adapted to support biodiversity; in turn buildings can benefit through better environmental performance. Green roofs, façades and rainwater gardens can help to attenuate water run off, reduce the urban heat island effect, reduce solar heating of a building and provide habitat for wildlife. The design of a flat roof in a development should use a green roof which should be planted with sedums and native wildflowers, in order to provide sufficient foraging resources and structural variation for a range of species to colonise the roof.
- C. Low maintenance, indigenous landscaping–,** landscaping should aim to choose plants which are beneficial to wildlife using indigenous plants wherever possible, require low levels of water and are low maintenance to enable the appearance and amenity of the environment to remain high in low rainfall years. Consideration should also be given to the long term management of existing habitats, new landscaping and other biodiversity design features.

Construction principles

- A. Good site management** –is essential to ensure that no pollution incidents occur and to prevent harm to the surrounding environment from demolition and construction activities.
- B. Preservation of important features** – Where a site has existing trees, hedges, topsoil, log piles or other valuable habitat features which can be included within the final development design, these should be properly preserved where practical during the construction phase.
- C. Protected species** – Certain individual wildlife species receive statutory protection under a range of legislative¹⁷ provisions. In Barnet, the main specially-protected species that are likely to be encountered are bats, great crested newts, grass snakes, the common lizard and slow worms. Where a protected species is encountered, potentially on any scale of development, consideration of the impact and where necessary, mitigation will need to be demonstrated through an ecological statement by a suitably qualified ecologist.

Table 2.16: Biodiversity and habitat quality Requirements	Development Scale
A development proposal should provide an ecological statement as part of a submission which demonstrates how protection of biodiversity and habitat quality will be achieved. This statement should provide recommendations on where enhancements to biodiversity can be made.	Major & Large scale

Useful References for Biodiversity and Habitat Quality:

- Biodiversity by Design: A guide for sustainable communities, Town and Country Planning Association 2004 http://www.tcpa.org.uk/data/files/bd_biodiversity.pdf

¹⁷ Principally the Wildlife and Countryside Act 1981

- advice, research and promotion of green roof systems for environmental urban regeneration see livingroofs.org and www.greenroofs.org
- Trees in the townscape: A guide for decision makers November 2012 <http://www.tdag.org.uk/trees-in-the-townscape.html>
- Planning for a Healthy Environment: Good practice for green infrastructure and biodiversity; July 2012 <http://www.tcpa.org.uk/pages/planning-for-a-healthy-environment-good-practice-for-green-infrastructure-and-biodiversity.html>
- Rain Garden Guide, Bob Bray, Dusty Gedge, Gary Grant & Lani Leuthvilay, 2013 <http://raingardens.info/wp-content/uploads/2012/07/UK-Rain-Garden-Guide.pdf>

Environment Agency advice on Biodiversity, flora and fauna <http://www.environment-agency.gov.uk/research/policy/40131.aspx>

- London Biodiversity Action Plan Strategy priorities - <http://www.lbp.org.uk/londonhabspp.html>

2.17 – Archaeological Investigation

2.17.1 Discovery is an important basis of archaeology. When researching the development potential of a site, developers should, in all cases, assess whether the site is known or is likely to contain archaeological remains. In line with the NPPF paragraph 128 where appropriate a desk based assessment and, where necessary a field evaluation may be required. As part of this evaluation the Greater London Archaeology Advisory Service (GLAAS) should be consulted. GLAAS is part of English Heritage and provides expert archaeological advice to local authorities, developers and owners of sites as well as members of the public. It may also be appropriate for the Hendon and District Archaeological Society to be consulted. The Development Management Policies DPD in Policy DM05: Barnet’s Heritage and Conservation sets out the 19 Local Areas of Archaeological Significance in the borough.

Table 2.17: Archaeological Investigation Requirements	Development Scale
Development within the 19 Local Areas of Archaeological Significance in the borough should provide detail of how they will investigate, catalogue and where possible preserve the remains in situ or in a museum.	Householder, Minor, Major & Large scale
Development outside the 19 Local Areas of Archaeological Significance should assess whether the site is known or is likely to contain archaeological remains.	All sites larger than 0.4 hectares

Useful References for Archaeological Investigation

- Archaeology and Planning in London – A Charter for the Greater London Archaeology Advisory Service, English Heritage, <http://www.english-heritage.org.uk/content/publications/publicationsNew/archaeology-planning-greater-london/charter-planning-archaeology.pdf>

- Further guidance provided by GLAAS: <http://www.english-heritage.org.uk/professional/advice/our-planning-role/greater-london-archaeology-advisory-service>
- Further detail on the Hendon and District Archaeological Society <http://www1.hadas.org.uk/>

2.18 - Pollution Prevention, Contaminated Land Remediation and Construction Management

- 2.18.1 To maintain the quality of the environment within Barnet, it is essential that good standards of environmental management are maintained to prevent nuisance or harm to people and the natural environment.
- 2.18.2 It is critical that incidents of pollution are prevented and any emissions to the environment are managed. The following set of generic principles is to be considered in the design and construction processes.

Design Principles:

- A. Pollution prevention – ensure that good environmental management practices are implemented.** Construction sites and industrial activities can set up environmental management systems which can be accredited through the BS7750 or ISO14001 standards. Setting up such management systems and seeking accreditation is not complicated if done at the outset of a construction project or industrial activity. Achieving accreditation for an environmental management system does not require commitment to any particular standards, but does require a company to commit to a strategy of continuous improvement in environmental management, to have pollution prevention procedures in place and to monitor performance.
- B. Contaminated Land Remediation – ensure that potential areas of contamination are identified, adequately investigated and then appropriately remediated.** If there is any reason to suspect that a site might contain some historic contamination left from previous uses of the site, then the planning applicant should consult the council and will need to follow the staged approach to investigation of contamination. Contaminated land will not inhibit new developments where site investigation and, if necessary, remediation has resulted in a site suitable for its intended use.
- C. Construction Management - construction sites can achieve good management** by preparing and implementing a Construction Management Plan. Such plans should as a minimum address the following issues: water, waste, noise and vibration, dust, emissions and odours, ground contamination, wildlife and features and archaeology. Following best practice guidance such as that produced by CIRIA on the preparation of Site Environmental Plans will be helpful and commitment to the Considerate Constructors Scheme can also be demonstrated (see 2.20). The Considerate Constructors Scheme is a national initiative to improve the management of construction sites and minimise nuisance caused to neighbours and the general public. The scope of a Construction Management Plan should be commensurate to the scale of construction, its impact and its context.
- D. Construction Management – basement excavation and construction** should in addition to Design Principle C ensure that proposals consider the access arrangements for construction vehicles are both safe and do not create unreasonable nuisance to neighbouring residents

Table 2.18: Pollution Prevention, Contaminated Land Remediation and Construction Management Requirements	Development Scale
Applicants should prepare and implement a Construction Management Plan signed-off by the council prior to commencement of any demolition or construction activities on site.	Minor, Major, Large scale. Applications for basements.
Where contamination is suspected then applicants should submit a Preliminary Risk Assessment. Where contamination is found a full site investigation and remediation strategy will need to be agreed with the council before development can commence.	Minor, Major, Large scale

Useful References for Pollution Prevention, Contaminated Land Remediation and Construction Management:

- ISO 14001: Environmental Management System <http://www.bsigroup.co.uk/en/>
- Environmental Good Practice on Site. CIRIA 2005 http://www.ciria.org/service/Web_Site/AM/ContentManagerNet/ContentDisplay.aspx?Section=Web_Site&ContentID=8982
- Considerate Constructors Scheme, <http://www.ccscheme.org.uk/>
- Model Procedures for the Management of Land Contamination (CLR 11), Environment Agency, September 2004 <http://publications.environment-agency.gov.uk/PDF/SCHO0804BIBR-E-E.pdf>
- A Framework for Assessing the Sustainability of Soil and Groundwater remediation: Sustainable Remediation Forum UK (SuRF-UK) March 2010 http://www.clare.co.uk/index.php?option=com_phocadownload&view=file&id=61:initiatives&Itemid=78
- Environment Agency – PPG6 – Working at construction and demolition sites: preventing pollution guidance: <http://publications.environment-agency.gov.uk/PDF/PMHO0412BWFE-E-E.pdf>.
- Environment Agency – Managing concrete wash waters on construction sites: http://www.environment-agency.gov.uk/static/documents/Business/MWRP_RPS_107_Concrete_washwaters_-_June_2011.pdf.

2.19 - Code for Sustainable Homes (the Code)

- 2.19.1 The Code is the national standard for the sustainable design and construction of new homes. It is intended to provide a route map for future Building Regulations requirements enabling the construction industry to prepare for new regulations when implemented. The next round of improvements to Building Regulations Part L (conservation of fuel and power) is under consultation and will be implemented in 2013 in line with the commitment to achieve zero carbon development in 2016.
- 2.19.2 The Code contains a rating system from Code Level 1 to 6. Code Level 3 has become the minimum Building Regulations Part L requirement in respect of energy (since 2010). Further changes to Part L requirements in 2013 will take the energy efficiency requirements closer to code level four energy and CO2 emission requirements and are

likely to take the form of improved fabric energy efficiency (FEE) targets. FEE is the energy demand for space heating and cooling expressed in kilowatt-hours of energy demand per square metre per year (kWh/m²/year) and aims to encourage greater energy efficiency for heating in a dwelling. The level of FEE achieves credits under the Code in the Energy and CO₂ emission category. This complements the overall Dwelling Emission Rate (DER) which is the wider CO₂ emission target which also includes emissions for lighting and hot water. The emissions generated by any electrical appliance (anything which has to be plugged in) will not be accounted for in the Code.

2.19.3 Where compliance with Code Level 3 or 4 is not possible a scheme will need to clearly demonstrate why this is not feasible. This explanation should be provided either in an Energy Statement or in a planning statement.

2.19.4 The Code for Sustainable Homes covers nine areas:

- **Energy and CO₂ Emissions:** To minimise CO₂ emissions from heating and lighting.
- **Water:** To reduce water consumption in the home.
- **Materials:** To utilise materials that have a low environmental impact.
- **Surface water run-off:** To encourage the use of SUDs to avoid, reduce or delay the discharge of rainfall run-off to watercourses and public sewers.
- **Waste:** To provide adequate internal and external storage space for both recyclable household waste and non-recyclable waste.
- **Pollution:** To seek to minimise the emissions of gases which have a high Global Warming Potential.
- **Health and Well-being:** To promote as much daylight as possible in the home and reduce the reliance of artificial light to illuminate the home.
- **Management:** To produce guidance which will enable and encourage occupants to operate their home efficiently and make the best use of local facilities
- **Ecology:** To seek to avoid development on ecologically valuable sites and promote development on land that will not be detrimental to the existing wildlife in the area.

Table 2.19: Code for Sustainable Homes Requirements	Development Scale
Code for Sustainable Homes level three.	Residential Minor
Code for Sustainable Homes level four.	Residential Major & Large scale

Useful References for the Code for Sustainable Homes:

- Code for Sustainable Homes Technical guide. CLG. November 2010
<http://www.communities.gov.uk/publications/planningandbuilding/codeguide>
- Cost of building to the Code for Sustainable Homes, updated cost review, CLG, August 2011 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1972728.pdf>
- Affordable Housing Viability Study, Barnet. May 2010
http://www.barnet.gov.uk/downloads/940160/ldf_evidence_and_supporting_documents

- 2012 Consultation on changes to the Building Regulations in England. Section 2 Part L (Conservation of fuel and power). CLG. January 2012
<http://www.communities.gov.uk/publications/planningandbuilding/brconsultationsection2>

2.20 - BREEAM and Ecohomes

2.20.1 Barnet supports the use of Building Research Establishment Environmental Assessment Method (BREEAM) and Ecohomes in addition to the Code for Sustainable Homes. BREEAM is used to measure the environmental performance of non-residential buildings. It assesses the following criteria to measure the overall performance of a building:

- **Energy:** The total energy used in the building and the amount of carbon dioxide (CO₂) produced.
- **Management:** Site management and procurement
- **Health and Wellbeing:** Ensuring that there are adequate levels of day-lighting, sound insulation and air quality to improve the quality of living
- **Transport:** Proximity of location to local transport facilities
- **Water:** Consumption both inside and outside the house as well as energy efficient measures
- **Materials:** The life cycle and impact of materials on the surrounding environment
- **Waste:** Construction efficiency that will seek to promote better waste management and minimisation of waste materials
- **Land use:** Size of building footprint as well as the use of the site
- **Pollution:** Reduction of water and external air pollution emissions
- **Ecology:** To ensure that there is minimum disruption to wildlife and there is a commitment to conserving and enhancing the site

2.20.2 BREEAM (Offices), BREEAM (Retail), BREEAM (Refurbishment), BREEAM (Education) and Ecohomes represent the suite of environmental assessment schemes that are nationally managed by the Building Research Establishment (BRE).¹⁸

2.20.3 The national *Code for Sustainable Homes* has replaced Ecohomes for new residential development. Ecohomes still has a role to play in conversions and Barnet will accept commitments from developers to achieve certification against either scheme. New codes are expected to replace some of the other BRE assessment methods.

Table 2.20: BREEAM and Ecohomes Requirements	Development Scale
Development proposals should achieve a minimum 'Very Good' rating.	Major & Large scale

2.20.4 Exceptions to this requirement may be allowed in cases concerning the refurbishment of listed buildings and buildings in conservation areas. Applicants will need to balance any harm caused to the significance of the heritage asset against the wider sustainability benefits in consultation with the conservation and design team. Applicants should justify any exceptions in an Energy Statement. Schemes which can achieve an 'excellent' rating will be encouraged where practical. Further details can be found in 'Energy Conservation in traditional Buildings' published by English Heritage, 2008 (www.climatechangeandyourhome.org.uk/live/)

¹⁸ See the BRE website at www.bre.co.uk.

Useful References for BREEAM / Ecohomes:

- BREEAM scheme documents – see BREEAM resources
<http://www.breeam.org/page.jsp?id=301>
- BREEAM domestic refurbishment (Ecohomes) tool -
<http://www.breeam.org/page.jsp?id=228>

2.21 - Considerate Constructors Scheme

- 2.21.1 The Considerate Constructors Scheme is a national initiative to improve the management of construction sites and minimise nuisance caused to neighbours and the general public.
- 2.21.2 Barnet operates a Considerate Contractors Scheme and an annual award ceremony highlights those companies and individuals that have attained and exceeded the required standards of the scheme.
- 2.21.3 The council also supports the Construction Training Initiative which provides a sustainable, workable solution for unemployed adults to access construction skills training. The council will seek from major developments an obligation to provide a construction and skills training scheme for that particular development. Further details on this initiative can be found on the Notting Hill Housing Group’s website (www.nottinghillhousing.org.uk) and in Barnet’s Affordable Housing SPD¹⁹.

Table 2.20: Considerate Constructors Requirements	Development Scale
Applicants are encouraged to sign up to the Considerate Constructors Scheme will be expected prior to commencement of any demolition or construction activities	Minor, Major & Large scale

Useful References for Considerate Constructors Scheme:

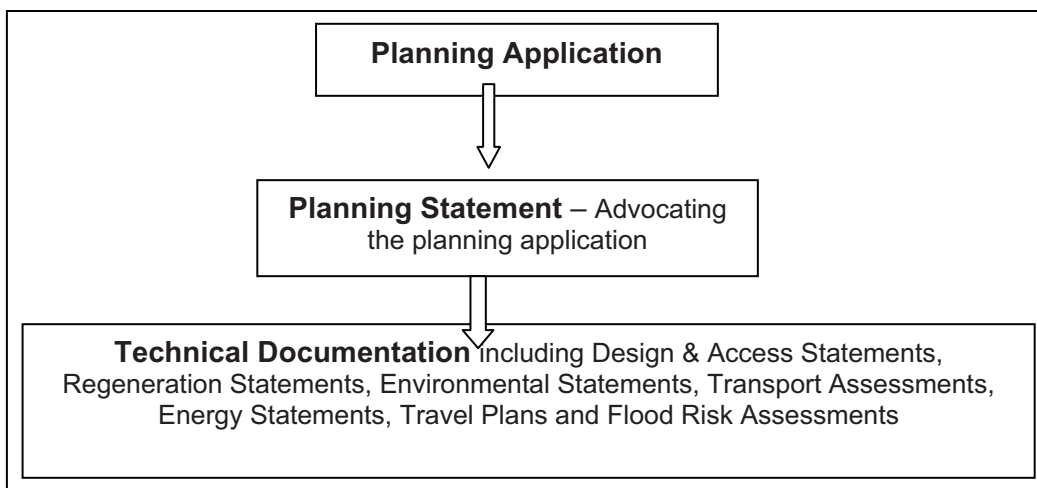
- Considerate Constructors Scheme tool - <http://www.ccscheme.org.uk/>
- Barnet considerate constructors tool - <http://www.barnet.gov.uk/index/housing/building-control/considerate-contractors-scheme.htm>

¹⁹ Please see the Local Development Scheme for details of the timetable for publication

Section 3: Supporting Information

- 3.1.1 The level of information required to support planning applications will vary according to the scale of proposed development and its context. In this respect, the council will only seek information as is appropriate to demonstrate that the new development will comply with policy. A development's context is relevant. For example development in a noisy area will need to demonstrate that design and layout helps to reduce exposure to that noise and that sufficient noise insulation has been included in designs to ensure that comfort within buildings is adequate.

Figure 1: The hierarchy of planning application documents



3.2 Feasibility Studies and Associated Supporting Information

- 3.2.1 The council recognises that certain design measures may have cost or value implications. Where an applicant for a Major or Large Scale Development takes the view that it is not viable to meet a specified requirement, the council will require a fully justified feasibility study.
- 3.2.2 In requesting feasibility studies to be undertaken, applicants are asked to be open in their decision-making to allow us to understand the influences leading the applicant to make a particular proposal. Justification is required where an applicant suggests that something is not deliverable either because of increased cost or loss of value. This should be provided in the context of the overall development with comparison to other design solutions, indicating the degree to which different options have been explored to achieve the design requirements set out in this SPD.

3.3 Environmental Impact Assessment (EIA)

- 3.3.1 EIA is a procedure for ensuring that the likely significant environmental effects of a new development are fully understood and taken into account before the development is allowed to go ahead. The regulations (European Union Directive (97/11/EC)) apply to two separate lists of project. Schemes which fall under Schedule 1 will always require an EIA and include for example energy infrastructure, certain industrial processing industries, waste management or transport infrastructure.

- 3.3.2 The assessment of Schedule 2 development will depend on the type, scale and location of the development and is based on thresholds for various land uses. These are set out in the regulations²⁰. Any significant development proximate to the Welsh Harp Site of Special Scientific Interest (SSSI) will generally require an assessment. Where a developer is unclear whether an EIA is required they may request a screening from the local authority. Further detail on EIA is set out in Circular 02/99: Environmental Impact Assessment.
- 3.3.3 Where EIA is formally required, or where the council requests submission of an environmental statement in respect of a Schedule 2 development, planning applicants will be expected to demonstrate that the development proposals not only act to mitigate any environmental impacts, but that they also create a high quality environment within the boundary of the new development site. When a full EIA is not required, but a few discrete issues, such as noise and air quality, need to be assessed, the council will expect such assessments to be undertaken to the same level of detail and thoroughness as would be required by a formal EIA.

²⁰ The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
<http://www.legislation.gov.uk/uksi/1999/293/contents/made>

Appendix 1 – List of Development Plan Policies

Sustainability topic	Relevant Core Strategy and Development Management Policies	Relevant London Plan policies and	Relevant Mayoral Housing Supplementary Planning Guidance
Minimum residential space standards and internal layout and design	Policy DM02 – Development standards	Policy 3.5: Quality and Design of Housing Developments	4.1.1 – Internal Floor Area 4.7.1 – Storage and Utility 5.4.1 – Floor to Ceiling Heights
Outdoor amenity space	Policy DM02 – Development standards		4.10.3 – Private open space
Daylight, privacy, outlook and light pollution	Policy DM04 – Environmental considerations	Policy 7.6: Architecture	5.1.1 – Privacy 5.2.1 – Dual aspect 5.5.1 & 5.5.2 – Daylight and sunlight
Microclimate	Policy DM05: Tall Buildings	Policy 7.6: Architecture Policy 7.7: Location and design of tall and large buildings	
Lifetime homes	Policy CS4 – Providing quality homes and housing choice in Barnet Policy DM02 – Development standards	Policy 3.8: Housing Choice	3.1.2 & 3.1.3 – Entrance and Approach 3.3.4 – Car Parking
Wheelchair housing	Policy CS4 – Providing quality homes and housing choice in Barnet Policy DM02 – Development standards	Policy 3.8: Housing Choice	4.9.1 - Wheelchair user dwellings
Energy use in new buildings and decentralised energy	Policy CS13 - Ensuring the efficient use of natural resources Policy DM04 – Environmental considerations	Policy 5.2: Minimising Carbon Dioxide Emissions	6.2.1 – Energy and CO2 6.3.1 – Overheating
Retrofitting of existing buildings	Policy CS13 - Ensuring the efficient use of natural resources Policy DM04 – Environmental considerations	Policy 5.4: Retrofitting	
Water efficiency	Policy CS13 - Ensuring the efficient use of natural resources Policy DM04 – Environmental considerations	Policy 5.15: Water use and Supplies	6.4.1 – Water
Waste strategy	Policy CS13 - Ensuring the efficient use of natural resources Policy DM04 – Environmental considerations	Policy 5.18: Construction, Excavation and Demolition Waste	3.5.1 – Refuse, post and deliveries
Air quality	Policy CS13 - Ensuring the efficient use of natural resources Policy DM04 – Environmental considerations	Policy 6.13: Parking Policy 7.14: Improving Air Quality	5.6.1 – Air quality
Noise quality	Policy CS13 - Ensuring the	Policy 7.15: Reducing	5.3.1 – Noise

	efficient use of natural resources Policy DM04 – Environmental considerations	Noise and Enhancing Soundscapes	
Flood risk and water quality	Policy CS13 - Ensuring the efficient use of natural resources Policy DM04 – Environmental considerations	Policy 5.13: Sustainable Drainage Policy 5.14: Water Quality and Wastewater Infrastructure	6.4.3 – Flooding and drainage
Biodiversity and habitat quality	Policy CS7: Enhancing and Protecting Barnet’s open spaces Policy DM16: Biodiversity	Policy 7.19: Biodiversity and access to nature Policy 5.11: Green roofs and development site environs	
Pollution prevention, Contaminated land and construction management	Policy CS13 - Ensuring the efficient use of natural resources	Policy 5.21: Contaminated Land	
CSH, BREEAM and Ecohomes	Policy CS13 - Ensuring the efficient use of natural resources Policy DM04 – Environmental considerations		6.1.1 & 6.1.2 – Environmental Performance 6.5.2 – Materials

Appendix 2 – Glossary

Term	Definition
Accessibility	The ease with which goods, services and employment are accessible and available.
Accessible transport	Transport services and vehicles designed and operated to be useable by people with disabilities and other transport disadvantaged people: such as the elderly, parents with prams and children and wheelchair users.
Air Quality Management Area (AQMA)	Areas where air quality objectives are not being met are normally designated as Air Quality Management Areas. It is then a requirement that affected Local Authorities implement a plan to improve air quality – a local Air Quality Action Plan.
Ambient Noise	Ongoing sound in the environment such as from transport and industry, as distinct from individual events, such as a concert. Unless stated otherwise, noise includes vibration.
Amenity	Element of a location or neighbourhood that helps to make it attractive or enjoyable for residents and visitors
Outdoor amenity space	Those open areas within a development which are used exclusively by the occupants for their recreation. These could be private gardens or communal open spaces.
Annual Monitoring Report (AMR)	Part of the Local Plan which monitors (measures) and assesses the implementation of the Local Development Scheme and the extent to which policies in the Local Development Documents are being successfully implemented.
Article 4 Direction	A power available under the 1995 General Development Order allowing the council to restrict permitted development rights in identified locations and require planning permission to be obtained from the council.
Biodiversity	The variety of plants and animals and other living things in a particular area or region. It encompasses habitat diversity, species diversity and genetic diversity.
Biomass	The total dry organic matter or stored energy of plant matter. As a fuel it includes energy crops and sewage as well as forestry and agricultural residues.
Brown Roofs	Roofs which have a layer of soil or other material which provides a habitat or growing medium for plants or wildlife.
Building Regulations	Sets minimum construction standards for building works. They exist to ensure the health and safety of people in and around all types of buildings (i.e. domestic, commercial, and industrial). They also provide for energy conservation and access to and use of buildings.
Building Research Establishment Environmental Assessment Method (BREEAM)	Measures the environmental performance of proposed development.
Change of Use	A material change in the use of land or buildings from one class of use to another as defined by the Use Classes Order constitutes development and therefore requires planning permission.
Code for Sustainable Homes (CSH)	The Code is an environmental assessment method for rating and certifying the performance of new homes.
Combined Heat & Power (CHP)	The combined production of electricity and usable heat is known as Combined Heat and Power (CHP). Steam or hot water which would otherwise be rejected when electricity alone is produced, is used for space or process heating.
Community Infrastructure Levy (CIL)	CIL is a levy that local authorities in England and Wales can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the council, local community and neighbourhood want.
Conservation Area	Areas of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance.
Contaminated Land	Land which contains potentially harmful substances as a result of human activity or from natural causes may be regarded as contaminated land.
Conversions	The sub-division of residential and non-residential properties into self-contained flats or maisonettes.

Core Strategy (CS)	A Development Plan Document (DPD) setting out the long term spatial vision and strategic objectives for the Local Planning Authority area. It includes a spatial strategy, core policies and a monitoring and implementation framework for achieving them.
Decentralised Energy Network	A Decentralised Energy (DE) network produces heat as well as electricity at or near the point of consumption.
Density	A measure of the intensity of residential development. Usually expressed as the number of habitable rooms per hectare (hrha).
Density Matrix	Matrix in the London Plan 2011 which sets out density ranges related to existing building form, massing and public transport accessibility level (PTAL).
Design & Access Statement	A statement that accompanies a planning application to explain the design principles and concepts that have informed the development and how access issues have been dealt with.
Development	The carrying out of building, engineering, mining or other operations in, on, over or under the land, or the making of any material change in the use of any buildings or other land. Throughout the DPD the term development is taken to include new development, redevelopment and change of use.
Development Management Policies DPD	A Development Plan Document setting out the detailed borough-wide implementation planning policies for development and forms the basis for local planning authority decision making.
Development Plan Documents (DPDs)	Statutory planning documents that form part of the Local Plan including the Core Strategy, Development Management, Site Allocations DPDs and also Area Action Plans.
Disability Discrimination Act (DDA)	The Disability Discrimination Act 1995 has now been repealed and replaced by the Equality Act 2010. Formerly, it made it unlawful to discriminate against people in respect of their disabilities in relation to employment, the provision of goods and services, education and transport.
Dwelling	A building or any part of a building that forms a separate and self-contained unit designed to be occupied by a single family or household.
Environment Agency (EA)	Responsible for preventing or minimising the effects of pollution on the environment. Issues permits to monitor and control activities that handle or produce waste. It also provides up-to-date information on waste management and deals with other matters such as water quality, flood protection and advice.
Environmental Impact Assessment (EIA)	Predicts the effects on the environment of a development proposal, either for an individual project or a higher-level 'strategy' (a policy, plan or programme), with the aim of taking account of these effects in decision-making.
Equality Impact Assessment (EQIA)	An equality impact assessment involves assessing the likely or actual effects of policies or services on people in respect of disability, gender and racial equality
Flood Risk Assessment (FRA)	Planning applications for development proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development located in Flood Zones 2 and 3 should be accompanied by a FRA. This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. For major developments in Flood Zone 1, the FRA should identify opportunities to reduce the probability and consequences of flooding.
Flood Zones	Flood Zones are the starting point for the sequential approach. Flood Zones refer to the probability of sea and river flooding only, ignoring the presence of existing defences.
Greater London Authority (GLA)	A strategic body constituted under the Greater London Authority Act 1999, consisting of the Mayor of London, the London Assembly and staff, which has responsibility for producing regional strategic policy in a number of areas, including transport, economic development, planning, and the environment for London.
Green Belt	A national policy designation that helps to contain development, protect the countryside and promote brownfield development. Development is strictly controlled in the Green Belt.
Green Chain / Link	These are areas of linked but separate open spaces and the footpaths between them. They are accessible to the public and provide way-marked paths and other pedestrian and cycle routes.

Green Grid	The Green Grid is a strategic framework for creating a network of interlinked, multi-purpose open spaces connecting the Green Belt, Metropolitan Open Land and open space to places where people live and work.
Green Infrastructure	The open environment within urban areas, the urban fringe and the countryside. It is a network of connected, high quality, multi-functional open spaces, corridors and the links in between that provide multiple benefits for people and wildlife.
Habitable Room	A room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m ² (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m ² will be counted as two.
Inclusive Design	Creates an environment where everyone can access and benefit from the full range of opportunities available to members of society. It aims to remove barriers that create undue effort, separation or special treatment, and enables everyone to participate equally in mainstream activities independently, with choice and dignity.
Lifetime Homes	Homes designed to meet the changing needs of the population from young children to the elderly, and thereby meeting the varying needs of numerous changes of occupiers in the same home by being designed to be accessible, adaptable and convenient and able to accommodate people with moderate mobility difficulties. Lifetime Homes have 16 design features that ensure that the home will be flexible enough to meet the existing and changing needs of most households - these are set out and explained at www.lifetimehomes.org.uk and are included in the health and well being category of the Code for Sustainable Homes.
Lifetime Neighbourhoods	Are designed to be welcoming, accessible and inviting for everyone, regardless of age, health or disability, is sustainable in terms of climate change, transport services, housing, public services, civic space and amenities making it possible for all people to enjoy a fulfilling life and take part in the economic, civic and social life of the community.
Listed Building	An historic building recorded on a statutory list of buildings of 'special architectural or historic interest' compiled by the Secretary of State for Culture, Media and Sport on advice from English Heritage, to ensure that the architectural and historic interest of the building is carefully considered before any alterations, outside or inside, are agreed. A building is graded I, II* or II, with grade I being the highest. Listing includes the interior as well as the exterior of the building, and any buildings or permanent structures (e.g. wells) within the curtilage. A listed building is a heritage asset which is defined in the Local Plan – Core Strategy.
Local Plan	The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.
London Plan	The Mayor's London Plan sets out an integrated economic, environmental and social framework for the development of the capital over the next 20-25 years. London boroughs Local Plans are required to be in general conformity with the London Plan. Policies in the London Plan guide decisions on planning applications by councils and the Mayor.
Major Development (applications decided by the London Boroughs)	Major Developments are defined as these: <ul style="list-style-type: none"> • for dwellings: where 10 or more are to be constructed (or if number not given, area is more than 0.5 hectares). • for all other uses: where the floor space will be 1000 m² or more (or the site area is 1 hectare or more). The site area is that directly involved in some aspect of the development. Floor space is defined as the sum of floor area within the building measured externally to the external wall faces at each level. Basement car parks, rooftop plant rooms, caretakers' flats etc. should be included in the floor space figure.
Material Considerations	Matters that should be taken into account in deciding on a planning application or on an appeal against a planning decision. This includes such things as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure.

Mixed Use Development	Development for a variety of activities (and uses) on single sites or across wider areas such as town centres.
National Planning Policy Framework (NPPF)	Sets out Government's planning policies for England and how they are expected to be applied. The NPPF replaces 44 planning documents, primarily Planning Policy Statements (PPS) and Planning Policy Guidance (PPGs), which previously formed Government policy towards planning.
Nature Conservation	Protection, management and promotion for the benefit of wild species and habitats, as well as the human communities that use and enjoy them. This also covers the creation and re-creation of wildlife habitats and the techniques that protect genetic diversity and can be used to include geological conservation.
Outdoor amenity space	Those open areas within a development which are used exclusively by the occupants for their recreation. These could be private gardens or communal open spaces.
Permitted Development Rights	Rights to carry out certain limited forms of development without the need to make an application for planning permission, as granted under the terms of the Town and Country Planning (General Permitted Development) Order 1995.
Planning Conditions	Planning conditions are provisions attached to the granting of planning permission. The Government's five policy tests for conditions are that they must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. More detail on Government policy on planning conditions is in Circular 11/1995 (found in Government policies)
Planning Inspectorate (PINS)	The Planning Inspectorate is an independent Government agency that processes planning and enforcement appeals and holds inquiries into local development plans. It also deals with a wide variety of other planning-related casework, including listed building consent appeals, advertisement appeals and reporting on planning applications.
Proposals Map	An obligatory part of the adopted development plan which shows the area base map with allocated sites for particular land use and development proposals and sets out the area to which specific policies apply.
Public Transport Accessibility Level (PTAL)	A detailed and accurate measure of the accessibility of a point to the public transport network, taking into account walk access time and service availability. PTALs reflect : <ul style="list-style-type: none"> • walking time from the point of interest to the public transport access points; • the reliability of the service modes available; • the number of services available within the catchment; and • the level of service at the public transport access points – ie average waiting time.
Renewable Energy	Energy derived from a source that is continually replenished, such as wind, wave, solar, hydroelectric and energy from plant material, but not fossil fuels or nuclear energy. Although not strictly renewable, geothermal energy is generally included.
Retrofitting	The addition of new technology or features to existing buildings in order to make them more efficient and to reduce their environmental impacts.
Runoff	Runoff is the flow of water from rain or other sources over land. Greenfield run off rates are a requirement set out in the London Plan and relate to the speed of run off from an undeveloped site ie a greenfield.
Section 106 Agreements	These agreements confer planning obligations on persons with an interest in land in order to achieve the implementation of relevant planning policies as authorised by Section 106 of the Town and Country Planning Act 1990.
Secure by Design	The planning and design of street layouts, open space, and buildings so as to reduce the likelihood or fear of crime.
Sites of Importance for Nature Conservation (SINC)	SINCs are areas protected through the planning process having been designated for their high biodiversity value. SINCs are classified into sites of metropolitan importance, borough and local importance for nature conservation.
Sites of Special Scientific Interest (SSSI)	Areas of special interest by reason of its fauna, flora, geological or physiographic (landform) features. A classification notified under Section 28 of the Wildlife and Countryside Act (1981 as amended).
Standard Assessment Procedure (SAP)	Standard Assessment Procedure (SAP) is the Government's recommended system for energy rating of dwellings and is based on the annual energy costs for space and water heating.

Supplementary Planning Document (SPD)	Document providing supplementary information in respect of the policies in development plan documents and not forming part of the development plan nor subject to independent examination. Must be subject to public consultation if it is to be accorded any weight in decisions on development proposals. SPDs can be taken into account as a material planning consideration.
Sustainable Development	This covers development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
Sustainable Urban Drainage Systems (SUDS)	SUDS can reduce the total amount, flow and rate of surface water that runs directly to rivers through stormwater systems.
Tall Buildings	Buildings which in Barnet are either eight or more storeys high, or which are 26 m above ground level.
Three Strands Approach	Three Strands provides the spatial vision that underpins Core Strategy and Local Plan. The three strands are: Strand 1 - Absolute protection of the Green Belt, Metropolitan Open Land and other valued open space from inappropriate development. Strand; 2 - Enhancement and protection of Barnet's suburbs, town centres and historic areas; 3 - Consolidated growth in areas in need of renewal and investment
Town Centres	Covers - <ul style="list-style-type: none"> • Metropolitan Town Centre, • Major Town Centre, • District Town Centre, • Neighbourhood and local town centres
Transport for London (TfL)	One of the GLA groups of organisations, accountable to the Mayor, with responsibility for delivering an integrated and sustainable transport strategy for London.
Tree Preservation Order (TPO)	Made under the Town and Country Planning Act 1990 by the local planning authority to protect trees of importance for amenity, landscape and nature conservation.
Unitary Development Plan (UDP)	A statutory development plan introduced in 1986 and replaced by Local Development Frameworks in the Planning and Compulsory Purchase Act 2004. Barnet's Unitary Development Plan was adopted in May 2006. The UDP is superseded by the Local Plan Core Strategy and Development Management Policies DPDs following adoption in September 2012.
Use Class	A category of landuse activities requiring planning permission which is set according to a use classes order. The uses are grouped into classes A, B, C and D and sui generis (a use not within a specified class). The classes are: A1 - shops A2 - financial and professional services A3 - restaurants and cafes A4 - drinking establishments A5 - hot food takeaways B1 - business (office) B2 - general industry B8 - storage C1 - hotels C2 - residential institutions C3 - dwelling houses D1 - non-residential institutions D2 - assembly and leisure Sui Generis - a use not within a specified class.
Use Classes Order	A legislative mechanism under the terms of the Town and Country Planning Act 1990, as amended by the Use Classes (Amendment) Order 2005, and the General Permitted Development (Amendment) Order 2005, which sets out when permission is or is not required for changes to the use of land and buildings, and the circumstances under which such changes can be undertaken.
Wheelchair accessible housing	This refers to homes built to meet the standards set out in the second edition of Wheelchair Housing Design Guide by Stephen Thorpe, Habinteg Housing Association 2006.

Appendix 3 – Monitoring Indicators

Topic	Indicator	Target
2.1 – Minimum residential space standards & 2.2 – Internal layout and design	Residential units approved below minimum space standards (indicator for DM02: Development Standards)	To justify exceptions for new units Source: Accolaid
2.3 – Outdoor Amenity Space	Residential units approved outside town centres and regeneration areas below minimum outdoor amenity space requirements (LBB new)	To justify exceptions for new units Source: Accolaid
2.4 – Daylight, privacy (minimum distance), outlook and light pollution	Number of appeals lost on privacy or daylight grounds	None
2.6 – Lifetime Homes	Lifetime homes approved (indicator for DM03: Accessibility and inclusive design)	All new homes meet 'Lifetime Homes' standard
2.7 - Wheelchair	Wheelchair accessible homes approved (indicator for DM03: Accessibility and inclusive design)	10% of new homes to be wheelchair accessible [adaptable]
2.8 – Energy use	See indicator for topic 2.18: Code for Sustainable Homes	
2.9 – Decentralised energy	Units connected to a decentralised energy network (indicator for DM04: Environmental considerations for development)	Colindale by 2016 BXC by 2021
2.10 – Retrofitting	Number of feed in tariff applications	https://www.renewablesandchp.ofgem.gov.uk/Public/ReportManager.aspx
2.11 – Water efficiency	Average water consumption in Barnet	To reduce from baseline of 169 litres per person per day in 2011. Source: Environment Agency
2.12 – Waste strategy	Amount of municipal solid waste (MSW) recycled	To increase
2.13 – Air quality	PM10 trends NOx trends	Air Quality Action Plan
2.14 – Noise quality	Number of noise impact assessments received as part of a planning application	To justify exceptions for sensitive uses in high noise areas or impact of a noisy use on a sensitive use
2.15 – Flood Risk and Water Quality	Planning permissions granted contrary to EA advice on either flood defence or water quality grounds (indicator for DM04: Environmental Considerations for development)	No planning permissions granted contrary to EA advice
2.16 - Biodiversity and Habitat Quality	Area of land in SINC's (LBB New) (indicator for DM16: Biodiversity) Number of developments including green roofs	No net loss in area designated as SINC All high density developments to include some aspect of green roof
2.17 – Pollution Prevention, Contaminated land remediation and construction management	The number of developments on contaminated land requiring full site investigations	Remediation strategy agreed with the council Source: Scientific Services, Barnet Council
2.18 – Code for Sustainable Homes	Number of dwellings completed to Code level 3 Number of dwellings completed to Code level 4	Post construction stage certificates to date Source: Code for Sustainable Homes statistics -DCLG
2.20 – Considerate Constructors Scheme	None	None

Useful contacts

For further information and any specific queries, please contact:

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Urban Design and Heritage Team
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Building Regulation enquiries:

Building Regulation Service
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For a comprehensive source of information concerning planning and building control matters please visit the council's planning pages online www.barnet.gov.uk or Government's planning portal website at www.planningportal.gov.uk

Copies of this document can be viewed at any Barnet library and at the planning reception which is located at

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The reception is open Monday to Friday: 9.00am to 5.00pm

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APPENDIX B – Schedule of Consultation Responses

Schedule of Consultation Response to Barnet's Sustainable Design and Construction SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
1	Mani Hussein, Bestsafe Limited	General	<p>Barnet Planning is considered to be very difficult, much more over-zealous than other Local Authorities and tend to be over-bearing. Barnet Planning policies should be more relaxed, less draconian and aimed at accommodating the needs of growing population who require smaller / flexible dwellings than in the past.</p> <p>The sizes / dimensions should be much more flexible and smaller size rooms should be allowed.</p> <p>In Japan, people are sleeping effectively in "sliding horizontal draws", Planning must be much less restrictive and more freedom should be given to homeowners.</p>	The policy is in line with the minimum space standards that are set out in the adopted London Plan policy 3.3 and table 3.2. To ensure that development is fit for purpose and flexible which enables people to occupy homes over a long period of time the Mayor has introduced minimum space standards for development which Barnet will apply to all development.
2	Highways Agency, Stephen Nelson	General	We have reviewed the consultations and do not have any comment at this time.	n/a
3	Hertsmere borough council, Cheryl Maughan	General	With regards to the Draft Sustainable Design and Construction SPD – officers again consider that the document provides relevant and up to date guidance on best practice guidance regarding sustainable design and Construction. However, as there is a lot of information to digest, it may be worth including a sustainability checklist in the appendices that highlights the type of information/considerations that Barnet would like to see accompany and householder, minor and major applications. It is considered that a checklist approach would provide Barnet's requirements in a straightforward and digestible manner that could see the quality of information provide alongside future applications.	We consider that the more fluid presentation of the Supplementary Planning Document (SPD) gets Barnet's Sustainable Design & Construction priorities clearly across to developers. The more concise and clear SPD has removed the need and use for a checklist of all the potential requirements which may or may not be relevant to every development.
4	Finchley Society and HADAS, Peter Pickering	1.1.3	'Barnet's' for 'our'. This is a formal document, and should not be chatty.	The supporting text has been amended.
5	-	1.1.5	'complement(s)' on each occasion, not 'compliment(s)'	The supporting text has been amended.

Schedule of Consultation Response to Barnet's Sustainable Design and Construction SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
6	-	1.2.1	'param' is not a word. 'factors', perhaps. In 6, 'people's', not 'peoples' In 18 and 19, 'it applies', not 'is applies'	The supporting text has been amended.
7	-	1.3.1	'issue' is not the right word here. 'section', perhaps. 'the opportunity to respond to the delivery of' is neither clear nor user-friendly language. 'a way of delivering', perhaps.	The supporting text has been amended.
8	-	1.3.2	Delete the otiose 'proposed'.	The supporting text has been amended.
9	-	1.4.2	'complemented', not 'complimented'. 'necessary' is a better word at the end than 'appropriate'.	The supporting text has been amended.
10	-	1.4.3	'March, not 'Mar' in the heading. Why both 'sustainable development' and 'the presumption in favour of sustainable development'? 'The heart of the NPPF is the presumption in favour of sustainable development' is clearer, shorter, and more user-friendly.	The supporting text has been amended.
11	-	1.4.5	The first two 'set out' phrases are totally unnecessary. I do not think 'opportunities' is the right word. Do we need 'Outer London' four times in two sentences?	The supporting text has been amended.
12	-	1.4.10	Do we need 'sets out' four times in this paragraph? The second sentence could read 'It is underpinned by the Three Strands Approach which provides the spatial vision.' If 'vision, objectives' in the first sentence were replaced by 'place-shaping objectives', the sentence beginning 'The DMP' could be dropped, producing a much tauter paragraph.	The supporting text has been amended.
13	-	1.4.14	'to' in the first sentence for 'we'. 'it', or 'that SPD' on each occasion for 'the SPD' or 'this SPD'. It is important to distinguish the two documents which are being consulted on simultaneously.	The supporting text has been amended.
14	-	1.4.15	Delete 'We consider that'; 'should' is enough of a hedge.	The supporting text has been amended.
15	-	2.1.3	'exemplary' for 'exemplar'	The supporting text has been amended.
16	-	2.4B	Is not the general glow which prevents Londoners from seeing the stars also light pollution?	Yes the general glow is a form of light pollution albeit the cumulative impact of human activity across the wider region. The intention of this guidance is to deal with any potential impact on residential

Schedule of Consultation Response to Barnet's Sustainable Design and Construction SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
				amenity. A by product of this may help reduce unnecessary light spillage from a light fitting which could help reduce any contribution to the wider glow.
17	-	2.6.1	Is it not better public policy to encourage downsizing of dwellings as households shrink in size, and so reduce the need to build?	The Lifetime homes standard applies to all sizes of dwelling to help all household sizes to remain in their dwelling as their needs change. The standard improves the overall quality of development through making it more flexible.
18	-	2.7.2	'aspirations of', not 'on'	The supporting text has been amended.
19	-	2.8.2	second bullet point It is not clear from this sentence whether thermal bridging is a good thing or not.	The supporting text has been amended.
20	-	2.10.3	This paragraph could point the user to relevant sources of information like English Heritage's http://www.climatechangeandyourhome.org.uk/live/	The supporting text has been amended.
21	-	2.10.3	bis 'borough's', not 'boroughs'	The supporting text has been amended.
22	-	2.10.4	There is a garble in "Assessors then advise on other energy saving measures such as cavity wall insulation and heating measures and if the home cannot provide up-front funding then it will log the home details should funding become available in future." The first 'the home' is senseless, and what is 'it'?	The supporting text has been amended.
23	-	Table 2.10	Voltaic panels - it would help the user to be told where Article 4 conservation areas currently are.	The supporting text has been amended.
24	-	2.12B	2.12B is strongly supported, should be highlighted, and should be promulgated by the Council's planners.	Further detail on minimising construction waste will be contained in the North London Waste Plan.
25	-	2.13	Air Quality is very important. The Council needs to act on many fronts, not just in planning.	In line with the requirements the Council monitors air quality in the

Schedule of Consultation Response to Barnet's Sustainable Design and Construction SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
				borough and the whole borough is designated an Air Quality Management Zone.
26	-	2.14	Recognise that natural habitats are not only affected by noise, but cause it (foxes barking and owls hooting in the night)! And also recognise that complaints about noise can hit business and jobs, as well as culture (church bells!)	The supporting text has been amended.
27	-	2.16 4C	Despite the heading, the text here says nothing about indigenous plants. It should.	The supporting text has been amended.
28	-	2.18.1	I thought the government may be abandoning the zero carbon commitment.	The definition of Zero Carbon was revised and announced in the 2011 budget in the HM Treasury: Plan for Growth. The revised definition is not a true zero carbon as housebuilders will only be made accountable for emissions covered by Building regulations and not unregulated emissions ie those emissions arising from homeowners use of electrical appliances.
29	-	2.18.2	'complements' for 'compliments'	The supporting text has been amended.
30	-	2.19.4	This paragraph could point the user to relevant sources of information like English Heritage's http://www.climatechangeandyourhome.org.uk/live/	The supporting text has been amended.
31	-	3.1.1	(and elsewhere) 'the council' for 'we'	The supporting text has been amended.
32	-	Glossary	The paragraph on listed buildings should perhaps use the more modern term 'heritage asset', as in the glossary to the NPPF	The supporting text has been amended.
33	HADAS, Peter Pickering	Section 2.16	There is an important omission from the draft Sustainable Design and Construction SPD P E Pickering (Vice-Chairman HADAS) Section 2.16 about the natural environment must be complemented by a similar	A new section 2.17 has been added.

Schedule of Consultation Response to Barnet's Sustainable Design and Construction SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
			section about the historic environment, explaining how new development should respect heritage assets and archaeological priority areas, and provide opportunity for archaeological excavation. Paragraphs 126 to 141, and especially 141 of the NPPF and section 7.4 with Policy DM06 of the DMPD should be the basis for this section; it need not be long, but developers must be made aware of their responsibilities, and how best and most economically and sustainably to fulfil them. The SPD must not be silent on the historic environment.	
34	Middlesex University, Andy Karski, Tibbalds Consulting	1.1	Unlike the Residential Design Guidance SPD this applies to all forms of development, although the content focusses mostly on residential. Perhaps this could be more clearly stated up-front in the introductory section, 1.1.	The supporting text has been amended.
35	-	1.2.1	There is a typo in line 2 of para 1.2.1 – what does "param"refer to?	The supporting text has been amended.
36	-	2.7	We note that in Section 2.7 the London Plan standard of 10% of new housing to be wheelchair accessible is relied on in Table 2.7 for major and large scale residential development. It would be helpful for the document to acknowledge that specialist forms of housing will require different levels of provision and that the proportion of wheelchair accessible housing should reflect the specific nature of the development and its prospective occupants. Some housing for special needs may require more, while student accommodation requires less. Only a very small proportion of students at Middlesex University (or nationally for that matter) suffer from some form of disability (4% - 6%) and only a small proportion of these will suffer a mobility impairment (2% - 3%), and not all of these will require wheelchair access. The precise number for any development should reflect the characteristics of the target population, together with an aspiration to maximise opportunities for the disabled by generous, perhaps statistically excessive, levels of provision.	The supporting text has been amended.
37	-	2.8	The University supports the principles on energy use in new buildings set out in Section 2.8, but there are a number of points that are of concern. The requirement for 1 car parking space in 5 to have or be suitable for a suitable electrical charging point,	The supporting text has been amended to reflect paragraph 18.8.6 in the Development

Schedule of Consultation Response to Barnet's Sustainable Design and Construction SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
			is too onerous as worded as this simply may not be feasible. This is already acknowledged in the Development Management Policies DPD where para 18.8.6 states that electrical charging points (and parking for bicycles) will generally be provided in accordance with the London Plan or as agreed in a travel plan. This should be reflected also in the second part of Table 2.8 in this SPD, where the qualification "where feasible" should be inserted.	Management Policies DPD.
38	-	2.9	The desired connection of new development to an existing or future decentralised energy network in Section 2.9 may be a laudable aspiration but, as the SPD acknowledges, it may not be feasible. The University welcomes the qualification in para 2.9.4 that "Where connection is not possible justification will be required in the Energy Statement." While the University does not object to the concept of future-proofing in design to enable future connections to be made to a decentralised network that will considerably post-date it, it objects strongly to any requirement to enter into a legal agreement to make such a connection. No prospective developer or owner would readily agree to enter into a binding legal agreement to make a connection to an unknown future network or energy centre where the costs and practicalities of doing so are unknown. The University would probably be prevented from doing so by its Audit and Risk Management Committee, and the National Audit Office would not sanction such risks by a public body. The reference to commitments to connect via legal agreements should be deleted from both parts of Table 2.9.	The supporting text has been amended to remove reference to commitments to connect being made as part of a legal agreement. A reference is still made to making a commitment to undertake future connections.
39	-	2.19	The University is committed to sustainable development and strongly supports the principles set out in Section 2.19. It has successfully achieved BREEAM ratings in excess of the Very Good minimum with its phases of academic development on the Hendon Campus, and would continue to strive for high environmental performance. It welcomes the recognition in this SPD that the achievement of Code Levels 3 or 4 for residential development may not always be feasible. It supports the use of BREEAM Very Good as the minimum standard to be achieved for major and large scale non-residential developments, and the encouragement to achieve an Excellent rating where practical. It welcomes the pragmatic recognitions that there may be exceptions	We welcome this support. The supporting text has been amended.

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Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
			to the requirement to meet the minimum standards, and supports the provision for justifying such exceptions in Energy Statements.	
40	Thames Water, Carmelle Bell	Section 2.11	<p>Thames Water supports the paragraph which acknowledges that water is a precious resource, putting an emphasis on the need for new developments to use water efficiently.</p> <p>Water conservation and climate change is a vitally important issue to the water industry. Not only is it expected to have an impact on the availability of raw water for treatment but also the demand from customers for potable (drinking) water. Therefore, Thames Water supports water conservation and the efficient use of water.</p>	We welcome this support.
41	-	2.15	<p>Thames also supports the above section on Flood Risk and Water Quality. We welcome the paragraph which highlights the need to improve the Borough's water quality and acknowledges that water is a precious resource.</p> <p>We support the references to SUDs in new development in appropriate circumstances. However, it should also be stated that certain types of sustainable drainage systems are not appropriate for use in all areas, for example soakaways may not be suitable in areas with high ground water levels or clay soils which do not allow free drainage.</p> <p>A well maintained and managed sustainable drainage system is also required to prevent it becoming ineffective, potentially increasing overland flows, and consequently having an impact on the sewerage network.</p> <p>We particularly welcome paragraph 2.15.2 and table 2.15.2 which makes reference to sewer flooding also known as pluvial flooding. In relation to flooding, water and sewerage undertakers have limited powers under the Water Industry Act to prevent connection ahead of infrastructure upgrades and sewer flooding can be caused when developers make connections to the existing sewerage network without proper</p>	The supporting text has been amended.

Schedule of Consultation Response to Barnet's Sustainable Design and Construction SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
			consultation and authorisation from the relevant water company.	
42	-	2.18	Finally we also support table 2.18 and its target of meeting the code for sustainable homes code 3 rating as a minimum.	We welcome this support.
43	Canal and River Trust		I can confirm that the Trust has no specific comments to make on the documents.	n/a
44	Natural England	2.16	<p>With regards to the Design Principles in 2.16 we recommend that the following (underlined) is incorporated:</p> <p>□ A. Replacement and enhancement of natural environmental features <i>“Proposals should include an assessment of existing wildlife habitats and seek to preserve <u>and enhance existing habitats and features</u> or, if not possible, <u>measures are taken to mitigate or compensate for the adverse effects, such that the development will result in at least no net loss to biodiversity.</u> Existing mature healthy trees, <u>mature dying trees and standing deadwood, where feasible, should be incorporated into layouts rather than be felled due to the benefits that they provide to a variety of species.</u>”</i></p> <p>□ B. Green roofs, green façades and rainwater gardens – ensure that the built form of the development can contribute to the ecological environment. <i>The <u>built environment should aim to be permeable to wildlife, incorporating design features aimed at sustaining and increasing the population of particular species and facilitating climate change adaptation.</u> Any building or built structure has the potential to be designed or adapted to support biodiversity; in turn buildings can benefit through better environmental performance. <u>Green roofs, façades and rainwater gardens can help to attenuate water runoff, reduce the urban heat island effect, reduce solar heating of a building and provide habitat for wildlife.</u> The design of a flat roof in a development should use a green roof, which should be planted with sedums and native wildflowers, in order to provide sufficient foraging resources and structural variation for a range of species to colonise the roof.”</i></p> <p>C. Low maintenance, indigenous landscaping– <i>“landscaping should aim to choose</i></p>	<p>The supporting text has been amended and reference to enhance is included. Including a reference to ‘at least no net loss of biodiversity’ is considered unnecessary now that enhance has been added. For example if the land being developed had little value to start with then its replacement would also have little value whereas adding the enhancement clause gives traction to delivering a richer biodiversity, albeit possibly on less land.</p> <p>Explicit reference to dead and dying trees has not been included because it is not considered realistic for application in Barnet.</p> <p>The Design Principles text for B and C has been amended.</p>

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			<i>plants which are beneficial to wildlife, require low levels of water and are low maintenance to enable the appearance, quality and amenity of the environment to remain high in low rainfall years. Consideration should also be given to the long term management of existing habitats, new landscaping and other biodiversity design features."</i>	
45	-	2.16 refs	<p>We would also recommend that you include the following references under 2.16:</p> <ol style="list-style-type: none"> 1. http://www.tcpa.org.uk/data/files/bd_biodiversity.pdf Biodiversity by Design: A guide for sustainable communities 2. http://livingroofs.org/ Living Roofs: advice, research and promotion of green roof systems for environmental urban regeneration 3. http://www.tcpa.org.uk/pages/planning-for-a-healthy-environment-good-practice-for-green-infrastructure-and-biodiversity.html Planning for a healthy environment: good practice guidance for green infrastructure and biodiversity 4. http://www.tdag.org.uk/trees-in-the-townscape.html Trees in the townscape 5. Sustainable Drainage Design and Adoption Guide 6. UK Rain Garden Guide 7. http://www.landscapeinstitute.org/PDF/Contribute/LocalGreenInfrastructurewebversion_000.pdf Local Green Infrastructure: Helping communities make the most of their landscape 	<p>The supporting text has been amended to include the majority of these references except for; Local Green Infrastructure: Helping communities make the most of their landscape as we consider that this will be better placed in the proposed Green Infrastructure SPD.</p> <p>Reference to Sustainable Drainage Design and Adoption Guide will be included in the relevant section.</p>
46	-	Appendix 3	<p>We would also like you to consider incorporating additional monitoring indicators for biodiversity in Appendix 3 that are more conducive to enhancing, as well as protecting, the natural environment, such as:</p> <ul style="list-style-type: none"> <input type="checkbox"/> "Number of developments delivering/providing Green Infrastructure, i.e. Green/Brown Roofs, SUD's, Living Walls". 	<p>The supporting text has been amended to include monitoring of green roofs with a target of all high density development to include some aspect of green roof.</p> <p>Once full implementation of the Flood and Water Management Act has occurred it is assumed that</p>

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				SUDS will be monitored by the SUDs Approval Board.
47	Herts and Middlesex Wildlife Trust	2.11	Over abstraction of water is a major threat to the health of our rivers, in particular rare and vulnerable chalk river ecosystems. Urgent action is required to reduce the quantity of water we use in homes, businesses and industry.	Noted
48	-	Table 2.11	<p>Water efficiency targets are strongly welcomed by the Trust. However, Barnet is encouraged to consider whether more stringent, ambitious requirements could be put in place. The stated target of an average consumption of 105 litres per person per day (l/p/d) relates only to Code for Sustainable Homes (CSH) Level 3. Furthermore it is noted that CSH level 3 requires a maximum consumption of 105 l/p/d, not an average. It is recommended that 105 l/p/d is given as the maximum permissible consumption. It is also recommended that this requirement is reduced on a sliding scale over time, to drive efficiency improvements over the life of the local plan. For instance, London Borough of Enfield has placed a requirement of maximum water consumption of 80 l/p/d by 2016, in line with CSH level 5.</p> <p>The council should also consider what requirements can be established for commercial development, perhaps in line with BREEAM ratings (x% improvement against a suitable baseline).</p>	<p>The requirement has been amended to reflect the maximum target in the Code for Sustainable Homes.</p> <p>Introducing a sliding scale would go beyond the energy requirements set out in the London Plan. Doing this would require further justification to demonstrate that this would not impact on the economic viability of development in Barnet.</p> <p>Major commercial development is required to achieve a minimum BREEAM very good which includes a minimum water credit target.</p>
49	-	2.15	HMWT welcomes the content within this section, including the Water Quality Design and Construction Principles. Design Principle B in particular is welcomed, to encourage at/near source attenuation and use of SUDS. As well as their principle advantages for flood risk management and water quality, SUDS can also help improve habitat diversity and opportunities for wildlife in new development. HMWT would encourage the council to use policy to maximise delivery of co-benefits of SUDS.	We welcome this support. We expect that full implementation of the Flood and Water Management Act will help ensure the maximum the delivery of co-benefits of SUDS.
50	-	Table 2.15.2	HMWT strongly welcomes the requirement for major and large scale development to demonstrate how they have considered the drainage hierarchy, and the setting of the	We welcome this support. Replacing natural habitat with

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			<p>maximum run-off rate equivalent to Greenfield rates. This should help ensure uptake of SUDS.</p> <p>It is welcome that all developments are expected to use porous materials for hard surfacing. However, HMWT would stress that replacing semi-natural habitat/soft landscaping with hardsurfacing has adverse impacts on wildlife, and should be kept to a minimum where required.</p>	<p>hardsurfacing/buildings can potentially impact wildlife and all major schemes are required to provide an ecological statement to demonstrate how protection of biodiversity and habitat quality will be achieved and where enhancement can be made.</p>
51	-	2.16	The Trust supports the content provided in this section, including the Design and Construction Principles.	We welcome this support.
52	-	2.16.1	HMWT welcomes Barnet's positive approach to ensuring biodiversity and habitat quality are protected and enhanced within development. In particular, it is good to see acknowledgement made of the other benefits biodiversity and the natural environment can bring, such as for health and wellbeing and ecosystem services.	We welcome this support.
53	-	2.16.2	HMWT agrees that wildlife can co-exist and flourish within the built environment, bringing many advantages to communities, providing that development is well planned and space is used to deliver a range of public benefits.	Noted
54	-	2.16.3	HMWT is pleased to attention has been drawn to the biodiversity value of residential gardens. It is welcome that impacts on residential gardens will be taken into account in decisions.	Noted
55	-	2.16 design principle A	<p>HMWT is pleased that the council recognises that most development sites have some existing and/or potential value for wildlife. Design Principle A is welcomed and supported fully by the Trust.</p> <p>It should, however, be noted that ecology assessments must be carried out by competent professionally ecologists, with appropriate qualifications, experience and licences (where needed).</p> <p>It is recommended that the document makes clear that all developments, even householder and minor schemes, may require ecology surveys and suitable mitigation, in order to comply with legislation and duties on local authorities in respect of protected species.</p>	The design principles have been amended and detail has been included under Construction Principles with regards to Protected Species.

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56	-	2.16 design principle C	This principle is welcome in that it should contribute to improving resilience of landscaping in the face of changing rainfall patterns, and also help to reduce the need/temptation for additional watering from mains water supplies. We would welcome an expansion of the text, however, to emphasise the benefit of locally native species planting from an ecology perspective.	The design principles have been amended to include reference to indigenous species.
57	-	2.16 construction principle b	We strongly welcome this principle. In particular, it is positive that the council recognises that other features besides trees are important for biodiversity, including log piles. Ponds could also be emphasised, based on their value for wildlife, habitat diversity, amenity, and ecosystem service role (water storage and purification, environment cooling, etc).	The design principles have been amended to include reference to the importance of dead or dying trees as well as reference to ponds.
58	-	Table 2.16	Whilst recognise that details and requirements should be commensurate with the scale of development, all development should seek to provide a biodiversity gain. For example, householder and minor development could aim for biodiversity gains through small, low cost enhancements like bat boxes and biodiversity friendly landscaping.	The scale of requirements should be commensurate to the scale of development and it is considered reasonable to just encourage smaller developments.
59	Theatres Trust	2.8	<p>For your information and not a comment on the document, due to the specific nature of the Trust's remit, we are concerned with the protection and promotion of sustainable theatres and in delivering its commitment to sustainability The Theatres Trust has raised awareness of the environmental actions that theatres can undertake to organisations running all types of theatres, from small-scale modern studio theatres to larger-scale listed Victorian and Edwardian historic theatres. It is able to provide advice and comment on proposals for complete capital projects, adaptations to stages, foyer layouts, backstage facilities, management offices and building services, and relate this directly to the different types of performance on stage.</p> <p>Through its environmental sustainability work the Trust has showcased actions that commercial and subsidised theatres have taken to improve the environmental performance of building services and their resource management, undertake retrofitting and adaptations, introduce renewable energy sources, and plan for sustainability within capital projects. The Trust has just ended (December 2012) a</p>	Noted

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			three year project delivering specific environmental sustainability advice to 48 London venues as part of an ERDF/LDA funded project, called 'Ecovenue'.	
60	Health and Safety Executive		We have concluded that we have no specific representation to make at this stage of your plan-making process. This is because there is insufficient information in the consultation documents on the location and use class of sites that could be developed. In the absence of this information, the HSE is unable to give specific advice on the compatibility of future developments within the consultation zones of major hazard installations and MAHPs located in the area of your plan.	n/a
61	London Wildlife Trust – Barnet Group	2.15	SUDS do not work well on Clay soils as permeability of local boulder clay to water is low. Hence over-dependence on SUDS is not a preferred sustainable route.	SUDS based on infiltration such as soakaways may not be suitable for clay soils and the text has been amended to note this.
62	-	2.16	Streams and their tributaries and adjacent valleys 1.1 The main rivers in Barnet are: Silk Stream/Edgware Brook, Dollis Brook, Pymmes Brook and Colne river, their tributaries and the damp valleys through which these flow. 1.2 Flooding is a serious threat with over 41,000 properties at risk of flooding to depths of over 0.1 m furthermore, some 16,000 properties are at risk of flooding to a depth of over 0.3 m (one foot depth). Source: Google "Barnet Rivers Environment Agency" or via this link: http://www.environment-agency.gov.uk/static/documents/Research/Barnet_2011.pdf 1.3 More details is given in Appendix item (1) 1.4 Our recommendations The lower regions of valleys should not be developed using non-porous surfaces such as roads, buildings or artificial turf unless adequate water-storage with slow release facilities are simultaneously employed. 1.5 Such water-storage facilities can take the form of open ponds which can increase biodiversity enormously – but these ponds must be maintained to remove accumulated debris. 1.6 The Dollis Brook valley along Barnet Lane should not be developed into an all-	Development proposals in areas at risk of flooding will have to comply with the established principles set out in the National Planning Policy Framework and previously PPS25: Development and Flood Risk which are replicated in table 2.15.2. Development will have to demonstrate a sequential approach to ensure that inappropriate development is not located in areas with the greatest flood risk. Surface water flooding is addressed through the requirement for major and large scale developments to achieve a maximum run off rate which is equivalent to green field rates.

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			<p>weather sports pitch with artificial turf (Old Stationers Fields). The river has recently (January 2013) flooded over Barnet Lane, adversely-affecting the flow of traffic.</p> <p>1.7 The Ravenscroft school (now Totteridge Academy) should not be permitted to destroy an ancient hedge, nor develop a sports pitch in a field with a highly diverse flora. The methods proposed for draining this field will elevate flood-risk here and also downstream.</p> <p>1.8 The above two schemes should not proceed. Such developments so close to the Dollis Brook are unsustainable as they will not only encourage proliferation of similar sites in the Dollis and other river valleys.</p> <p>1.9 Furthermore, permitting the above two developments to proceed will render remaining undeveloped sites indefensible against further developments.</p>	
63	-	2.16	<p>Trees need to be retained and strengthened by new plantings</p> <p>2.1 These damp valleys with their trees and hedges not only confer higher biodiversity, but their vegetation also reduces flood risk.</p> <p>2.2 It is considered that soils with trees growing can absorb and retain more water than when trees are absent. Hence trees are important in terms of both biodiversity and flood-reduction.</p> <p>2.3 In addition the processes of evapotranspiration by trees and hedges remove vast volumes of ground water into the atmosphere.</p> <p>2.4 These damp soils allow an enormous biodiversity of plants, insects and bird life to occur. A glance at the damp sports fields even in winter time show an abundance of migratory birds from Scandinavia feeding on soil invertebrates on sports pitches.</p> <p>2.5 To retain high levels of biodiversity as well as reduce risks and severity of flooding, the following measures need to be introduced: To maintain as much natural ground as possible To retain trees and hedges within valleys even when streams are culverted To plant new stands of trees and hedges on valley slopes and to organise community planting schemes where individuals can choose trees and look after them – weeding around the roots and watering in drought periods.</p> <p>2.6 Planting of trees and hedges should be encouraged in streets as well as in public</p>	<p>Policy to protect trees and hedges is contained in the Development Management Policies Document Policy DM01: Protecting Barnet's character and amenity in parts j and k. The Supplementary Planning Documents aim is to expand on this policy approach. Further detail, particularly on trees has been added to section 2.16 including reference to hedges. A further Supplementary Planning Document on Green Infrastructure will be produced which will provide further detail on landscape including trees and hedges.</p>

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			and private gardens, but also to minimise potential root damage to buildings and services. 2.7 There are few parks and open spaces have boundary hedges. This deficiency can be rectified. The notion that hedges pose Safety hazards may be an urban myth that needs to be explored and if untrue will allow (gapped) hedges to be re-instated or planted anew.	
64		2.16	Tree Preservation Orders need to be enforced to deter felling. 3.1 This may deter tree-felling as a preliminary step to secure planning permission by uncaring individuals. L B Barnet needs to start prosecutions against those who defy the orders and LBB needs to press for maximum penalties against offending individuals.	The Council prosecutes where it is appropriate and in the public interest.
65	-	2.16	4.1 Entire areas – woods, parks and other open spaces all need to be surveyed and up-to-date lists compiled.	A further Supplementary Planning Document on Green Infrastructure will be produced which will provide further detail on landscape including trees and hedges. Monitoring indicators will be included in this document.
66	-	2.16	Education - Wildlife and Countryside Act (1981) 5.1 LB Barnet needs to inform the public of their duties to protect wildlife – eg European Protected Species (eg Bats). This would enable L B Barnet to comply with Section 25 of the Wildlife and Countryside Act (as amended) 1981 – see the Appendix item (2)	The Development Management Policies Document references the need to protect individual wildlife species of national importance in paragraph 17.1.3. The SPD has also been amended in section 2.16 under Construction Principles.
67	Robert Newton	General	Mayor of London's Housing SPG. Amend all references to the draft Housing SPG in the main text and in Appendix 1 to those in the adopted Housing SPG (November 2012).	The references have been amended

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68	-	2.1.1 and 2.1.12	<p>Between these paragraphs, add a new paragraph to read: "The Local Plan "Policy DM08 - Ensuring a variety of sizes of new homes to meet housing need" addresses the oversupply of small units since 2004. We will require developers to provide new homes that meet the housing needs of the Borough as is appropriate to the location of the proposed development and we will resist: a) Developments that include one person units except in exceptional circumstances, and b) Developments that provide second and third bedrooms with a floor area that is only marginally below the Table 2.2 standard overleaf for double/twin bedrooms but do not otherwise meet the London Plan Residential Space Standards for units with double/twin bedrooms." (Reason: To address inappropriate development proposals that seek to circumvent the London Plan Residential Space Standards).</p>	<p>Making the suggested changes would not be in line with the policy approach set out in the Core Strategy and Development Management Policies. The objective of DM08 is to provide housing choice to meet the aspirations of existing and future residents. The policy emphasises variety of sizes and mix of types to provide choice. Within that context Policy DM08 sets out our dwelling size priorities and is backed up by supporting text that states that the policy can be applied flexibly. Policy DM08 makes clear that family sized accommodation is the priority in Barnet.</p> <p>Development should meet the minimum space standards and room dimensions to deliver the Mayor's aspiration that homes are fit for purpose. Full justification will be required if these standards cannot be met.</p>
69	-	2.1.3	<p>Delete the first sentence of paragraph 2.1.3 and replace with the following two sentences: "Applications should demonstrate how these standards are to be met by identifying on the submitted drawings and/or the Design and Access Statement the size of each</p>	<p>The supporting text has been amended.</p>

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			dwelling, the bedroom sizes and the number of persons to be accommodated. Where a development includes accommodation in the roof space, appropriate section drawings should be submitted.”	
70	-	2.2.2	At the end of the second sentence in paragraph 2.2.2 add the words “and is applicable to all the habitable floorspace in new build development.”	The ceiling height applies to a habitable room. Habitable floorspace and a habitable room are different.
71	-	Table 2.2	Under the section titled “Ceiling Heights” reword test to read: Habitable rooms in new build development are expected to have minimum ceiling heights of at least 2.5 metres and is applicable to all the habitable floorspace including in rooms in the roofspace. Habitable floorspace in rooms with sloping ceilings in development of existing buildings (as opposed to new build development) is defined as that with 1.5 metres or more of ceiling height	The existing text is considered appropriate.
72	-	2.3.3	Section 2 – Outdoor Amenity Space – Paragraph 2.3.3 – Page 14. At the end of the second sentence in paragraph 2.3.3 insert a new sentence to read: “Such a Planning Obligation is separate from and in addition to any Obligation that is required where a development is located in an area of open space deficiency”.	The supporting text has been amended.
73	-	Appendix 2	Appendix 2 – Glossary – Habitable Room - Page 49. The first five words of the definition of Habitable Room should be amended to read: “A room within a dwelling”	The supporting text has been amended.
74	St George	2.3.1	St George would seek clarity in the wording and comfort that outdoor amenity space for flats can be provided through a combination of “communal space around buildings and/or on roofs and/or as balconies”. The outdoor amenity space at Beaufort Park has been very succesful, in particular the semi-private podium gardens, it is important that	The supporting text has been amended to include a cross reference to the Residential Design Guidance which provides clarity on

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			<p>a combination of external spaces is continued to be utilised in order to provide as much outdoor amenity space as possible.</p> <p>The wording that outdoor amenity space must be 'usable' contains a degree of ambiguity as the broad range of potential uses has varying space requirements depending on circumstance. We would suggest that the requirement for the space to be 'accessible' may be a more appropriate wording.</p>	the usability of outdoor amenity space.
75	-	2.4.3	We would suggest that further detail on the scope for the assessment of residential amenity is included to avoid ambiguity. We would suggest that the wording could read "proposals involving new lighting should demonstrate they will not significantly impact on the residential amenity of the proposed development."	The supporting text has been amended.
76	-	2.8.2	We would suggest that the provision to prevent solar gain in large south facing windows be extended to include "other suitable methods" beyond just shading mechanisms alone.	The supporting text has been amended.
77	Environment Agency	Table 2.4	We support the requirement for development to take neighbouring properties into account when considering light pollution. However, we would ask that this is expanded to also include a consideration of any sensitive natural areas adjacent to the development (e.g. woodlands, rivers etc.). The sentence could be re-worded as follows: "New development should take into account neighbouring properties, as well as sensitive habitats or species, to ensure that nuisance or detriment will not be caused from lighting during night time hours."	This issue has been addressed in the Residential Design Guidance and a reference has been added.
78	-	2.8.2	(part 3 (Be Green); third bullet): The second-to-last sentence states that an extraction licence would be required from the Environment Agency for an open-loop ground sourced heat pump. Whilst this is correct, an open-loop system would also require a discharge consent from us. Please amend this sentence to reflect this requirement.	The supporting text has been amended.
79	-	2.8 Useful references	We would appreciate a link to the 'Ground source heating and cooling (GSHC)' page of our website, which provides developers with information to determine whether a GSCH system is suitable for the location, best practice guidance and consent/permit requirements. The webpage is: http://www.environment-agency.gov.uk/business/topics/128133.aspx .	The reference has been added

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80	-	2.11	We support this section. We are pleased that you have targeted residential development to limit water consumption to 105 litres per person per day.	Noted
81	-	2.12.3	(part A (Design Principles); second bullet): This bullet mentions moving waste from shops and offices to a central location for recycling. This bullet should be expanded to include the following details: "...can be collected. <i>Waste from shops or offices would be considered trade waste, so any movement of this waste would need to be undertaken by an appropriate, licensed waste carrier and taken to a permitted waste management site. An exemption or permit may be required from the Environment Agency for storage of waste at a collection point.</i> "	The supporting text has been amended.
82	-	2.12.3	(part B (Construction Principles); first bullet): This bullet mentions the use of demolition materials, such as hardcore, being stored and put to use in construction. The sentence should be expanded to read: "...effect in the new development. Activities that involve any form of treatment to make the material suitable for re-use may require an exemption or permit from the Environment Agency."	The supporting text has been amended.
83	-	2.12 Useful references	We would appreciate a link to the 'Do I need to apply for a permit or register an exemption?' page on our website in this list. The webpage is at: http://www.environment-agency.gov.uk/business/topics/permitting/32330.aspx .	The reference has been added.
84	-	2.15	<p>This section largely provides an overview of surface water flooding and SuDS, but does not consider sustainable design and construction in flood risk areas (flood zones 2 & 3 and critical drainage areas). Table 2.15.2 refers to the need for a Flood Risk Assessment (FRA) for sites in flood zones, but gives no indication of what would need to be considered and presented in any FRA.</p> <p>We suggest that a new 'Flood Risk and Flood Resilient Design' section is created for more specific detail (see below). We also suggest that this section is renamed: 'Sustainable Drainage Systems (SuDS) and Water Quality'.</p> <p>There should be further detail in this section about the requirements of the Water Framework Directive (WFD), provided by the Thames River Basin Management Plan (RBMP) in Barnet. The WFD sets a target that all main river waterbodies identified in the Thames RBMP should achieve a 'good' ecological potential by 2027.</p>	<p>Further detail on what a Flood Risk assessment should cover has been added.</p> <p>Further detail on the Water Framework Directive, the relevant watercourses in Barnet and Sustainable Urban Drainage has been added.</p> <p>With further additions to this section it is not considered necessary to create a new section on Flood Risk</p>

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			<p>New development and redevelopment can help Barnet achieve the requirements of the WFD by ensuring that the quality of water discharging from sites is of sufficiently good quality so as not to have a detrimental impact on the main rivers in Barnet. This can be achieved by maximising the use of certain SuDS techniques on sites (e.g. swales and detention basins/ponds), and by ensuring that adequate pollution prevention measures are in place where required.</p> <p>There are three main rivers in Barnet identified in the Thames RBMP: Pymmes Brook – currently designated as moderate ecological potential. It needs to move up one descriptive class to good potential. The brook is failing for the following elements: macroinvertebrates, levels of ammonia, levels of phosphates and levels of dissolved oxygen. The main reasons for failure are linked to pollution – both point source (e.g. sewer misconnections) and diffuse (e.g. urban runoff), and physical modifications to the brook.</p> <p>Dollis Brook – currently designated as poor ecological potential. It needs to move up two descriptive classes to good potential. The brook is failing for the following elements: levels of phosphates and levels of dissolved oxygen. The main reasons for failure are linked to pollution – point source (e.g. sewer misconnections), diffuse (e.g. urban runoff), and intermittent pollution incidents.</p> <p>Silk Stream & Edgware Brook – currently designated as moderate ecological potential. It needs to move up one descriptive class to good potential. The stream/brooks are failing for the following elements: levels of phosphates and levels of dissolved oxygen. The main reasons for failure are linked to pollution – point source (e.g. sewer misconnections), diffuse (e.g. urban runoff), and intermittent pollution incidents.</p> <p>We would be happy to send you the technical reports for the three main rivers (Stage 2 WFD reports) for your information and evidence. Please contact me if you would like copies of these reports.</p>	and Flood Resilient Design.
85	-	2.15.3	(part B): The first sentence is misleading by suggesting that flood risk should either be reduced on-site or downstream. The sentence should be re-written as follows for clarity: "Ensure that development has been designed not to increase flood risk either on-site or off-site and ensure that flood events will not lead to overflowing of the	The supporting text has been amended.

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			sewers”.	
86	-	2.15 Useful references	We would appreciate a link to the Thames RBMP section of our website in this list: http://www.environment-agency.gov.uk/research/planning/125035.aspx .	The reference has been added.
87	-	New section	<p>New ‘Flood Risk and Flood Resilient Design’ section: We recommend that a new section is created to cover flood risk and sustainable design of buildings to ensure flood resilience, including taking the effects of climate change into account. We would be happy to help you with this section if required. We would expect this section to cover the following points as a minimum:</p> <p>Flood risk vulnerability classification and flood zone compatibility (as identified in the Technical Guidance to the NPPF: http://www.environment-agency.gov.uk/static/documents/Business/NPPF_technical_guidance_published_27Mar2012.pdf).</p> <p>Outline and requirements of the sequential test and the exception test.</p> <p>FRA requirements (http://www.environment-agency.gov.uk/research/planning/93498.aspx).</p> <p>NOTE: the first two rows of Table 2.15.2 could be added to this new section as they are focused on the sequential test and the need for an FRA.</p> <p>Ensure that development does not result in the loss of flood storage or obstruct flood flows.</p> <p>Ensure that any dwelling remains safe in a flood event, and that occupants have safe, dry access to and from the site in a flood event, or that a suitable evacuation plan is agreed with the Barnet emergency planners.</p> <p>Ensure that flood risk is considered over the lifetime of the development (typically 100 years for residential development), including the effects of climate change.</p> <p>Flood resistant and/or resilient design. Examples of such designs include raised floor levels, solid floors, flood gates, air brick covers, raised electrical points and electrical appliances on plinths. Details can be found at: http://www.environment-agency.gov.uk/homeandleisure/floods/31644.aspx.</p> <p>The use of innovative flood resistant/resilient design in redevelopments or conversions in previously developed sites in areas of flood risk.</p> <p>The following references could be used in this section:</p>	<p>With further additions to this section it is not considered necessary to create a new section on Flood Risk and Flood Resilient Design.</p> <p>Further references have been added.</p>

Schedule of Consultation Response to Barnet's Sustainable Design and Construction SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
			<p>Technical Guidance to the NPPF: http://www.environment-agency.gov.uk/static/documents/Business/NPPF technical guidance published 27Mar2012.pdf.</p> <p>Environment Agency – FRA requirements: http://www.environment-agency.gov.uk/research/planning/93498.aspx.</p> <p>Environment Agency – Flood: http://www.environment-agency.gov.uk/homeandleisure/floods/default.aspx.</p> <p>Environment Agency – Prepare your property for flooding: http://www.environment-agency.gov.uk/homeandleisure/floods/31644.aspx.</p> <p>Planning Portal/DCLG – Improving the Flood Performance of New Buildings: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf.</p>	
88	-	2.16.1	We strongly support this paragraph and are pleased that the creation of new biodiversity habitats is encouraged.	We welcome this support
89	-	2.16.4	(part B): We support this paragraph and are pleased that green roofs are encouraged for flat roofs at developments.	We welcome this support
90	-	2.16 Useful References	We would appreciate the link to the 'Biodiversity, flora and fauna' section of our website in this list: http://www.environment-agency.gov.uk/research/policy/40131.aspx .	The reference has been added.
91	-	2.17.2	(part B): The last sentence of this part is misleading as it suggests that land contamination will never prevent development. This is incorrect, as there may be circumstances where land contamination may prevent certain development. As such, we would request that the sentence is re-written as follows: "Contaminated land will not inhibit developments where site investigation and, if necessary, remediation has resulted in a site suitable for its intended use."	The supporting text has been amended.
92	-	2.17 Useful references	<p>We would appreciate links to the following documents in this list:</p> <p>Environment Agency – PPG6 – Working at construction and demolition sites: preventing pollution guidance: http://publications.environment-agency.gov.uk/PDF/PMHO0412BWFE-E-E.pdf.</p> <p>Environment Agency – Managing concrete wash waters on construction sites: http://www.environment-agency.gov.uk/static/documents/Business/MWRP_RPS_107_Concrete_washwaters_-</p>	The references have been added.

Schedule of Consultation Response to Barnet's Sustainable Design and Construction SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
			_June_2011.pdf.	
93	John Rosen Susan Rosen	General	<p>We have considered the proposals particularly with regard to Basements and would to add the following representations:</p> <p>The new rule adopted by the London Borough of Camden should be adopted ie that basement developers should pay for 2 basement impact assessments – one to be carried out by their own engineers and a second to be performed independently on behalf of neighbours and after consultation with neighbours before submitting applications. (In many areas of Barnet there is a problem with subsidence and with the water table)</p>	<p>The Strategic Flood Risk Assessment carried out in the borough in 2008 identified that flooding from ground water was found to be a relatively low risk in the borough. There is no evidence to suggest that this has changed since the assessment was carried out.</p> <p>The policy approach taken by Camden involves a screening process whereby the impact of the development is considered in relation to the ground conditions and the proposed development. In this context the specific ground conditions found in the Hampstead Heath area can trigger the need for a hydrological report. Barnet's approach set out in the Sustainable Design and Construction SPD does not preclude the need for a hydrological report and this will be determined on a case by case basis.</p>
94	-	General	<p>Barnet should also adopt the new planning policy of Haringey Council as follows: -</p> <p>(a) "A basement should only be allowed if the applicant can prove it will not harm the natural environment and neighbouring properties."</p>	<p>It is not clear which adopted Haringey policy document this detail is taken from but the potential</p>

Schedule of Consultation Response to Barnet's Sustainable Design and Construction SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
			<p>(b) Surface flooding, ground water flow and land stability are just some of the aspects which will be assessed before building work is allowed to be carried out.</p> <p>(c) Applicants will also have to carry out hydrological and hydrogeological tests costing £5,000 to £15,000 if they want to build a larger type four basement.</p>	<p>impact of development on hydrology will be considered on a case by case basis as set out in the Sustainable Design and Construction SPD, the design of a basement is considered in the Residential Design Guidance document and the structural integrity of a development is covered by Building Regulations.</p>
95	-	General	<p>A condition should be made before permission is granted that at least 20% of the conversion works, which would also include other major works on the property than the basement creation should be deposited with the Council (of if the property is for example within Hampstead Garden Suburb Trust) to pay for damage to the road, hedges, greens, trees, neighbours property and neighbours cars.</p>	<p>Damages caused to neighbouring property, cars or the road outside the development site because of development would be a matter for the insurance industry and courts, where necessary. The planning system can control, where material to a planning decision, matters on site. Where relevant to a planning decision, off site a section 106 agreement can be signed but it has be fairly and reasonably related to the development. It would be unreasonable to expect a developer to sign an agreement which anticipates damages. The party wall act is the appropriate procedure for immediate neighbours. The planning system can reasonably consider the hours of working and other construction management</p>

Schedule of Consultation Response to Barnet's Sustainable Design and Construction SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
				issues such as vehicle access where there is a constrained site.
96	-	General	In many cases where basements are built the owner immediately sells the property making a considerable profit. Would the Council consider a rule to the effect that any sale within, say 5 years of the development, would be subject to some form of taxation or penalty for the capital gain?	It would not be legal for the planning system to tax development in this manner.
97	-	General	Where a basement is proposed in a very narrow road or in a cul de sac where it is impossible for any large lorries with skips and plant and machinery etc to turn without damaging roads, lawns, kerbs, pavements, hedges, parked cars of neighbours etc, such development should be refused bearing in mind that the time taken is often in the region of 2 years or more.	The supporting text and requirements have been amended.
98	-	General	The situation of any external Air Conditioning units should not be facing any neighbouring property, but should be preferably at the rear of the house under which the basement is being built and in a position least likely to cause a continuous nuisance from noise, air pollution etc.	The adverse impact of noise from plant is considered in section 2.14.

Meeting	Cabinet
Date	18 April 2013
Subject	Barnet’s Local Plan – Residential Design Guidance Supplementary Planning Document - Adoption
Report of	Cabinet Member for Planning and Regulatory Services
Summary	<p>The Local Plan is one of the most important statutory plans in Barnet. The Residential Design Guidance Supplementary Planning Document (SPD) implements the policies contained in the Local Plan Core Strategy and Development Management Policies documents.</p> <p>This SPD sets out an approach to housing design that is sensitive to and reflects Barnet’s suburban character. The SPD replaces Design Guidance Notes on Residential Conversions (1994), Porches (1995), Extensions (2010) and on Hardstandings and Vehicular Crossovers (2011).</p>
Officer Contributors	Assistant Director – Strategic Planning & Regeneration Principal Planner (Policy)
Status (public or exempt)	Public
Wards Affected	All
Key Decision	Yes
Reason for urgency / exemption from call-in	Not applicable
Function of	
Enclosures	Appendix A: Residential Design Guidance SPD Appendix B: Schedule of consultation responses
Contact for Further Information:	Rita Brar – Principal Planner (Policy) - 0208 359 4177

1. RECOMMENDATION

- 1.1 That Cabinet approve the Residential Design Guidance Supplementary Planning Document (attached at Appendix A) for adoption.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 On 6 September 2010 Cabinet (Decision item 8) approved the draft of the Local Development Scheme (LDS). In May 2011, the delegated Cabinet Member for Housing, Planning and Regeneration (now Cabinet Member for Planning) approved the changes to the document prior to its submission to the Mayor of London and Secretary of State and adoption on 18 July 2011.
- 2.2 On 17 July 2012 Cabinet (Decision item 9), followed by full Council (11 September 2012, item 4.1) approved the formal adoption of the Local Plan Core Strategy and Development Management Policies documents.
- 2.3 On 26 October 2012 the Cabinet Member for Planning approved a Delegated Powers Report (Report number 1838) authorising eight weeks consultation on the draft Residential Design Guidance SPD.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 All three priorities in the Corporate Plan 2012 -2013 are embedded within the Residential Design Guidance SPD.

In providing better services with less money it ensures that :

- clear, concise and up-to-date guidance on housing design relevant to Barnet is set out in one document rather than a suite of documents.

In sharing opportunities and sharing responsibilities it ensures that :

- by meeting Building for Life criteria new housing is designed to help residents lead healthy and independent lives.

In enabling Barnet to continue to be a Successful London Suburb it ensures that:

- development respects local context and distinctive local character so that it can protect and enhance our suburban environment.

4. RISK MANAGEMENT ISSUES

- 4.1 The SPD incorporates and updates the content of a number of Design Guidance Notes (DGNs) dating back to 1994. The updates and clarifications reflect changes at a national, London Plan and Local Plan level. The absence of updated guidance weakens the council's ability to justify and defend planning decisions including at appeal.
- 4.2 The SPD forms an important delivery mechanism for the Local Plan Core Strategy. Failure to publish the SPD, will undermine delivery of key planning

objectives including the protection and enhancement of the suburbs as well as managing housing growth to meet housing aspirations.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Residential Design Guidance SPD implements policy contained in the Core Strategy which has been subject to an Equalities Impact Assessment (EqIA). The EqIA addressed the seven questions for assessing equalities in the Corporate Plan.
- 5.2 The SPD will help deliver good quality residential developments of all tenures, and improve opportunities and quality of life of Barnet's residents.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 The cost of preparing the Local Plan including supporting SPDs is included in the Strategic Planning Service approved budget in 2012/13 of £1.063m. The Residential Design SPD is one part of the Local Plan and the cost of preparing the SPD is incorporated within the approved budget. Officer time amounted to 341 hours at a cost in staff time of £10,093. The adoption of this Residential Design SPD does not add any additional resource implications to the existing resources in the approved budget.
- 6.2 The implementation of the SPD will be monitored through Barnet's Local Plan Annual Monitoring Report (AMR). Successful implementation of the SPD should (a) reduce the number of cases that are the subject of appeal, by providing developers with a clearer framework for residential design and layout; and (b) improve the council's success rate at appeal in defending decisions against poor residential schemes.

7. LEGAL ISSUES

- 7.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 provide guidance on the preparation and adoption of the Local Plan. Upon adoption the Residential Design Guidance SPD becomes a statutory Supplementary Planning Document that provides part of Barnet's formal planning policy framework.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Constitution, Part 3 (Responsibility for Functions), Section 3 (Responsibilities of the Executive) – details that the adoption of Supplementary Planning Documents (SPD) are the responsibility of the Cabinet.

9. BACKGROUND INFORMATION

- 9.1 Following adoption of the Core Strategy and Development Management Policies documents in September 2012 Barnet has one of the most up to date Local Plans in the country. With the support of a robust planning framework with clearly set out priorities of protection, enhancement and consolidated growth the council is in a strong position to produce more detailed local guidance.
- 9.2 Barnet's Residential Design Guidance SPD provides a clear and consistent message on how we manage change within Barnet's suburbs. The SPD consolidates and updates the existing framework for residential design which mainly focused on improvements to the existing housing stock (Design Guidance Notes on Extensions, Conversions, Porches, and Hardstandings and Vehicular Crossovers). This SPD provides more detailed guidance on issues such as density, built form and amenity space standards connected with new build development. Through these changes the SPD sets out the local priorities for protecting and enhancing Barnet's character. It provides a local reference point to the suite of national guidance on good design.
- 9.3 The SPD focuses on those areas of the borough which make up the residential suburb and where most Barnet residents live. These are areas neither protected by a planning designation such as conservation area or Green Belt, nor prioritised for growth such as town centres, priority estates and regeneration and development areas. More detailed specific guidance has been or will be produced for these designated areas.
- 9.4 The SPD provides local guidance on how to manage change through good design. Change ranges from the impact of infill development, house conversions, extensions and basements down to the implications for local character of new porches or new areas of hardstanding replacing front gardens. These local design issues have been highlighted through feedback on the Local Plan and in particular the Barnet Characterisation Study published in 2010 which underpins the Core Strategy.
- 9.5 The SPD aims to provide clear design guidance that can help ensure a consistent and coherent architectural character is maintained. It sets out guidelines for ensuring that infill development does not detract from prevailing character. To get the message across the SPD sets out Barnet's requirements and provides examples of good and bad practice. At the end of each section, the SPD sets out principles for achieving good standards in residential design within Barnet.
- 9.6 The Mayor of London states in his Supplementary Planning Guidance (SPG) on Housing (November 2012) that "*providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods*". This message reinforces Barnet's approach and the council welcomes the Mayor's statement on housing priorities and his work to ensure consistent housing standards across London.
- 9.7 In order to get a consistent and clear message across, we have through this SPD highlighted those Londonwide housing design standards which reflect Barnet's priorities for protecting and enhancing suburban character. We

therefore expect all applicants, developers and their architects to deliver good design in all new and existing residential developments in Barnet. The SPD is a material consideration for decisions on planning applications.

- 9.8 The Government intends to relax planning regulations and rationalise development standards which it considers are a barrier to growth. A review of national and local standards together with proposals to increase permitted development rights for extensions to homes and business premises in non-protected areas for a three-year period were announced by the Secretary of State for Communities and Local Government in September 2012. The Council responded in December 2012 to the technical consultation on extending permitted development rights for homeowners and businesses and understands the Government intends to implement these proposals in Summer 2013.
- 9.9 The consultation on the draft SPD ran for eight weeks from 15 November 2012 until 17 January 2013. The following sub-headings reflect the main issues raised by representations received during the consultation and the Councils action follows in *italics*. The full schedule of responses and the Councils response are set out in Appendix A2.

Designing out Crime – The Metropolitan Police wanted more references to the document ‘Secured by Design’.

Further cross references have been added.

Gated development – Further detail was requested.

The SPD already sets out detail that the fronts of houses should generally remain open to view.

Hardstandings and front gardens – Several respondents wanted more controls on conversion of front gardens to hardstanding and highlighted impact on character, safety issues and loss of on street parking.

The SPD provides further detail on when permitted development rights will apply and when planning permission will be required. Further to this an amendment has been made which sets out that when a vehicle is parked on a hardstanding in front of a house it should be able to be parked at right angles to the footway.

Protected Species and Ecological Surveys – Local wildlife groups wanted ecological surveys to be required for all residential sites and that reference to the Wildlife and Countryside Act 1981 is added.

Further amendments have been made to include reference to a survey where the established ecology warrants it and to protected species.

Flood Risk and Water Quality – The Environment Agency wanted further detail on flood risk and how to help developments become more flood resilient and add to improved water quality.

Further amendments have been made.

Single Family Houses and size of new units – One resident expressed concern that where residential character is characterised by single dwellings fronting a street it is made clear that these are single family dwellings. Resident also wants to resist one bedroom units and only approve such accommodation in exceptional circumstances.

The Local Plan Core Strategy sets out the approach to housing in policy CS4: Providing quality homes and housing choice in Barnet. The policy sets out that a range of dwellings sizes and types of housing including family and lifetime homes will be sought that meet our identified housing priorities and does not undermine suburban character or local distinctiveness. The need for conversions to consider the dwelling size priorities is referenced in paragraph 2.8.2 in the Local Plan Development Management Policies.

Conversions – Residents have responded with a number of amendments to decrease the impact of conversions

Various amendments have been made

Character Typology – A developer requested further clarity on the negative characteristics of an existing building typology and the relationship with new development.

All proposals are considered on their own particular merits, local character and land uses.

10. LIST OF BACKGROUND PAPERS

10.1 None

Cleared by Finance (Officer's initials)	JH
Cleared by Legal (Officer's initials)	CH

Local Plan

Supplementary Planning Document:

Residential Design Guidance

April 2013

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Executive summary

Following adoption of the Core Strategy and Development Management Policies documents in September 2012 Barnet has one of the most up to date Local Plans in the country. With the support of a robust planning framework with clearly set out priorities of protection, enhancement and consolidated growth the council is in a strong position to produce more detailed local guidance.

Barnet's Residential Design Guidance Supplementary Planning Document (RDG SPD) provides a clear and consistent message on how we manage change within Barnet's suburbs. The SPD consolidates and updates the existing framework for residential design which mainly focused on improvements to the existing housing stock (Design Guidance Notes on Extensions, Conversions, Porches, and Hardstandings and Vehicular Crossovers).

This SPD provides more detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development. Through these changes the SPD sets out the local priorities for protecting and enhancing Barnet's character. It provides a local reference point to the suite of national guidance on good design.

1. Introduction

'Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in the London Plan to protect and enhance London's residential environment and attractiveness as a place to live'. (London Plan, Policy 3.5 – Quality and Design of Housing Developments)

Background

- 1.1 Barnet is an attractive borough which is largely suburban in character and contains a variety of density levels, buildings and townscape typologies which reflect its historical development. Its suburban character is mainly made up from a mix of detached, semi-detached and terraced housing and contains many good examples of historic residential developments for example in Hampstead Garden Suburb, Totteridge, Cricklewood Railway Terraces and Monken Hadley.
- 1.2 Following adoption of the Core Strategy and Development Management Policies documents in September 2012 Barnet has one of the most up to date Local Plans in the country. With the support of a robust planning framework with clearly set out priorities of protection, enhancement and consolidated growth Barnet is in a strong position to produce more detailed local guidance.
- 1.3 Barnet's Three Strands Approach¹ highlights that the design, layout and use of the built environment can affect the quality of people's lives as well as having an impact on the perception of Barnet as a place and on the vitality of the area. The council want to provide the right type of housing in the right places using the Local Plan to encourage developers to think creatively about design and layout solutions which respect the generally low rise suburban character of the borough. By doing this they can provide quality homes and housing choice which can help meet peoples' housing aspirations.
- 1.4 Design has a strong role to play in the planning system, both in terms of plan making and decision taking. Good design is not simply a matter of preference or taste. It creates successful places capable of providing people with a good quality of life. Good design is fundamental to delivering many of Barnet's planning objectives including managing housing growth to meet housing aspirations as well as the protection and enhancement of the suburbs. Therefore, this Supplementary Planning Document (SPD) provides greater details on the design aspects of residential developments as set out in Barnet's Local Plan and the London Plan.

Purpose of this SPD

- 1.5 The council will not accept designs for new development that are inappropriate to their context or do not take opportunities to improve the character and quality of an area. High quality design solutions help to make new places in Barnet which can add to and complement the existing suburban character. Contemporary design may be appropriate provided it has regard to the local context.

¹ The Three Strands Approach defines the council's place shaping priorities (Protection, Enhancement and Consolidated Growth) to planning, development and regeneration. It provides the spatial vision that underpins the Core Strategy and Barnet's Local Plan.

- 1.6 This Residential Design Guidance SPD is aimed at all those involved in the planning, design and development of new housing. It will help architects and developers to formulate design proposals which are appropriate to Barnet’s suburban context. This SPD applies to all residential development in Barnet, regardless of tenure. Consideration should be given to the application at these standards alongside delivery of core strategy objectives. Viability and the need to ensure an appropriate level of housing supply in changing economic circumstances should also be considered. However a long term view is necessary as the homes and living environments we build today will frame the lives of those who live in new homes or use the neighbourhoods now and in the future.
- 1.7 At the end of each section, this SPD sets out principles for achieving good standards in residential design. It provides a local reference point to the suite of national guidance on good design. This SPD also sets out the requirements for Design and Access Statements and Building for Life appraisals.

Report structure

- 1.8 This SPD reflects the council’s general approach on residential design and is not intended to stifle sensitive and imaginative design. We recognise that as the fourth largest borough by area in London (amounting to 86.7km²) there is diversity in residential character, house type and architectural style within Barnet. It is therefore not practicable to cover every type of change or eventuality for new developments. Refer to section 17.9 -17.17 for special considerations in special areas such as Conservation areas, the Green Belt and Listed Buildings as well as to Section 3 of the document.
- 1.9 The Residential Design Guidance SPD is divided into four parts.
1. Part **one** sets out the context for residential design in Barnet providing, local design principles which reflect and contribute to the understanding of Barnet’s suburban character.
 2. Part **two** sets out general guidelines for new residential development as well as amenity and space standards. The document provides advice on privacy and overlooking, minimum room sizes, good building layout, provision of gardens, and outdoor play space requirements.
 3. Part **three** sets out the requirements and design criteria related to changes to the existing housing stock within Barnet. This supersedes the council’s existing Design Guidance Notes (DGNs) on Extensions (DGN 5, 2010), Residential Conversions (DGN7, 1994), Porches (DGN11, 1995) and Hardstandings and Vehicular Crossovers (DGN3, 2011).
 4. Part **four** includes provides supporting information including references, useful web links and the glossary list.
- 1.10 This SPD supplements policies contained within the Local Plan and the London Plan which together form the Development Plan for Barnet. The SPD is therefore a material consideration for decisions on planning applications. It has been prepared in line with the requirements of the Planning and Compulsory Purchase Act 2004 and associated regulations and guidance on Supplementary Planning Documents.

1.11 This SPD should be used alongside other adopted and future SPDs² and evidence base studies listed at the end of the document.

Monitoring

1.12 The implementation of this SPD will be monitored through Barnet’s Local Plan Annual Monitoring Report (AMR). We consider that successful implementation of the SPD should (a) reduce the number of cases subject to an appeal, by providing developers with a clearer framework for residential design and layout; and (b) improve the council's success rate at appeal in defending decisions against poor residential schemes.

1.13 The council does not consider that the cumulative impact of standards in this SPD should put implementation at risk as these standards facilitate development throughout the economic cycle. As economic circumstances change and familiarity with the SPD develops, the council may reassess the design categories in the document and the allocation of particular standards between them. These revisions to the SPD will be subject to consultation.

² See Local Development Scheme (LDS) for details of SPD production

PART 1

Background to

Residential Design in

Barnet

2. Planning policy context

'Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity....the planning system is about helping to make this happen....planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives'.
(National Planning Policy Framework, foreword)

National policy

- 2.1 The National Planning Policy Framework (NPPF, Mar 2012) sets out the Government's planning policies for England including the presumption in favour of sustainable development. In the NPPF (paras 56 & 57) the Government attaches great importance to the design of the built environment. This is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 2.2 The NPPF at para 58 emphasises that planning policies and decisions should ensure that new development:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establishes a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimises the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - responds to local character and history, and reflects the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - creates safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
 - is visually attractive as a result of good architecture and appropriate landscaping.

London Plan policies

- 2.3 London Plan (July 2011) Policy 2.6: Outer London: Vision and Strategy recognises that one of the key opportunities for Outer London is maintaining and enhancing the high quality of life that is already there. Delivery of 'lifetime' homes and 'lifetime neighbourhoods' is an important part of preserving this quality of life.
- 2.4 London Plan Policy 3.5 on Quality and Design of Housing Developments emphasises the importance of new housing development taking account of physical context and local character. This is supported further in London Plan Policy 7.4 Local Character which encourages a design approach that carefully responds to the whole context of a development and builds on an understanding of the place, the observation of existing assets, and the local authority's existing vision or spatial strategy for the area. London Plan Policy 7.1 on Building London's Neighbourhoods and Communities seeks to implement the principles of Lifetime Neighbourhoods which provide people with the best possible access to services, infrastructure and public transport and possess a character that is easy to understand and relate to.

Mayor's Housing SPG

- 2.5 The Mayor's Supplementary Planning Guidance (November 2012) provides detail to supplement the housing policies in the London Plan. The Mayor clearly states in the opening para of his SPG that *"providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods"*.
- 2.6 The SPG seeks to provide a convenient and accessible guide to implementing the key London Plan policies to housing development including quality and design. It contains information on design aspects of new housing developments at neighbourhood and dwelling levels. Requirements in the SPG are set out in terms of a 'baseline' standard and a 'good standard'. The document clearly states that any development failing to meet a number of baseline standards is unlikely to be acceptable.

Local Plan policies

- 2.7 Barnet's Local Plan Core Strategy (Sept 2012) provides the overarching local policy framework for delivering sustainable development in Barnet. The Local Plan Development Management Policies DPD (Sept 2012) sets out the borough-wide planning policies that implement the Core Strategy and is used for day to day decision making.
- 2.8 In relation to this SPD, the implementation of the following Local Plan **Core Strategy (CS) Policies** is important:
- CSNPPF - National Planning Policy Framework – Presumption in Favour of Sustainable Development
 - CS01 - Barnet's Place Shaping Strategy – Protection, Enhancement and Consolidated Growth - The Three Strands Approach
 - CS03 - Distribution of growth in meeting housing aspirations
 - CS04 - Providing quality homes and housing choice in Barnet
 - CS05 - Protecting and enhancing Barnet's character to create high quality places
 - CS06 - Promoting Barnet's town centres
 - CS09 – Providing safe, effective and efficient travel
 - CS12 - Making Barnet a safer place
- 2.9 The Core Strategy policies are further supported by the **Development Management Policies (DMP)**:
- DM01 - Protecting Barnet's character and amenity
 - DM02 - Development standards
 - DM03 – Accessibility and inclusive design
 - DM05 - Tall buildings
 - DM06 - Barnet's heritage and conservation
 - DM07 - Protecting housing in Barnet
 - DM08 - Ensuring a variety of sizes of new homes to meet housing need
 - DM09 - Specialist housing – Houses in Multiple Occupation, student accommodation and housing choice for older people
 - DM11 - Development principles for Barnet's town centres
 - DM15 - Green Belt and open spaces
 - DM17 – Travel impact and parking standards

3. Barnet’s residential character

‘The main source of supply to meet demand is largely provided by our suburban housing stock. We therefore need to protect such housing within established residential streets which, because of their rhythm and cohesiveness, contribute to local character.’ (Barnet’s Core Strategy, para 10.2.6)




- 3.1 The Barnet Characterisation Study (2010) was commissioned as part of the evidence base for the Local Plan to identify those areas of the borough that can accommodate growth and those that should be safeguarded. In examining the built environment the Characterisation Study highlighted the uniformity of suburban streets and the contribution of suburban detached, semi-detached and terraced houses to local character.
- 3.2 This SPD supports the policy framework to protect and enhance Barnet’s distinctive character which is set out in the Local Plan. The SPD focuses on those areas of the borough which make up the residential suburb and where most Barnet residents live. These are areas neither protected by a planning designation such as conservation area or Green Belt, nor prioritised for growth such as town centres, priority estates and regeneration and development areas. These areas are shown in Map 6 of the Core Strategy.
- 3.3 Further details on design guidance for the excluded areas from the study are set out in their respective design guidance documents. These areas are:
 - Mill Hill East Area Action Plan (adopted 2009);
 - Colindale Area Action Plan (adopted 2010);
 - Brent Cross Cricklewood and West Hendon Development Framework (SPG adopted 2005);
 - The North London Business Park and Oakleigh Road South (planning brief adopted June 2006);
 - Priority housing estates at Dollis Valley, Grahame Park, Granville Road, Spur Road Stonegrove and West Hendon;
 - Priority town centres of Chipping Barnet, Edgware, Finchley Church End and North Finchley will have their own town centres framework/ strategies and development briefs. This SPD does cover planning and building parameters that may be applicable within town centres.
- 3.4 The design principles set out in the SPD apply throughout the Borough. In the event of a conflict between the SPD and a more detailed set of guidance in an Area Action Plan or Conservation Area Management Plan, then the latter shall prevail.
- 3.5 Barnet has 16 Conservation Areas. Detailed information and design guidance for these areas is contained within their adopted Conservation Area Character Appraisals (CACAs). Guidelines in this SPD are intended to address the general amenity and character considerations associated with householder development. However, where there is conflict between these guidelines and conservation area or listed building considerations, the CACAs considerations will prevail. Covering over a third of the Borough is the Green Belt and Metropolitan Open Land (MOL) that make a valuable contribution to Barnet’s character. Further information on Green Belts is provided in section 17.16.
- 3.6 The Characterisation Study focused on Barnet’s residential streets. These streets are characterised by houses facing onto a street, where pedestrian movement and vehicular movement are integrated. Residential streets from Table 1 were further assessed (in Table 2) in the Study in terms of density, building types and units, enclosure, street width, setbacks and building height, architectural treatment / style / period, landscape character / streetscape and topography. The application of these five criteria identified five primary and six secondary typologies as shown in Tables 1 and 2, which underline the special local distinctiveness of places that are worthy of protection from development.

Table1: Summary of Primary Typologies

	Photograph	Aerial	Scale and Grain	Land Use	Network Characteristics
Big Box			Large single building units (sheds) typically coarse grained and without an over-arching urban structure. Often surrounded in parking.	Industrial, retail, and leisure	Non permeable, typically unsuited for pedestrian movement.
Campus			Large building units set in landscaped open space	Education (universities and secondary schools), civic, business, office, hospitals and leisure.	Non permeable with limited pedestrian connectivity
Cores and Town Centres			Medium-to-large building units arranged along streets forming strong terraces and coherent forms.	Mixed land use including retail, civic, residential, and office.	Permeable grid, based around strong street frontages and high levels of activity. Very well suited to pedestrian movement.
Residential Estates			Variable building scales, set in landscape and/or parking	Residential	Fine grain network of pedestrian routes, with a distinct lack of clear structure, hierarchy and legibility.
Residential Streets			Small-to-medium building units arranged along streets. Urban blocks tend to be large.	Residential	Permeable grid, although the scale of urban blocks limits the pedestrian connectivity.

Table 2: Summary of Secondary Typologies (1 of 2 pages)

	Density (Dwellings per hectare)	Density (Dwellings per hectare)	Density (Dwellings per hectare)	Building Types	Heights (Storeys)
Linear Rural			2 - 10	Detached houses	1 - 3
Suburban Periphery			10 - 15	Detached houses	2 - 3
Suburban			20 - 30	Semi-detached houses	2 - 3
Suburban Terrace			20 - 30	Terraced houses	2 - 3
Urban Terrace			37 - 50	Terraced houses	2 - 3
Flats			80 - 150	Street facing flats	3 - 6

Enclosure	Street Widths	Setbacks (building front from plot edge)	Landscape character / Streetscape	Architectural Style / Period	Photograph
Street space is enclosed by trees, hedges and other vegetation	Narrow Street space / lane with little or no pavement (15 - 20 metres)	Buildings are well set back (8 - 40 metres)	Typically leafy and rural, prominent vegetation with mature native trees and hedgerows.	Varied	
Street space is enclosed primarily by vegetation, as buildings provide secondary enclosure	Wide street space with pavement (11 - 13 metres)	Buildings are well set back (8 - 14 metres)	Leafy and exclusive character, as parking is well integrated into large front gardens. Front gardens contain an array of vegetation.	Varied	
Buildings provide primary enclosure to street.	Medium to wide street space, often with generous pavement (12 - 18 metres)	Buildings are well set back (4 - 9 metres)	Broad, open street profile with medium-sized front gardens primarily used for parking. Small trees evident on many streets.	Typically buildings from the interwar period	
Buildings provide primary enclosure to street.	Medium to wide street space with pavement (9 - 12 metres)	Buildings medium to well set back (4.5 - 7 metres)	Medium-sized front gardens primarily used for parking. Small trees evident on many streets.	Typically buildings from the interwar period, and occasionally late Edwardian. Houses influenced by Garden City movement also present.	
Buildings provide primary enclosure to street.	Narrow street space with pavement (10 - 11.5 metres)	Limited set back (1.5 - 3 metres)	Narrow street profile with shallow front gardens. Streets are dominated by cars with little room for vegetation.	Victorian and Edwardian buildings.	
Buildings provide primary enclosure to street.	Wide street with pavement (4 - 13 metres)	Buildings well set back (5 - 17 metres)	Vegetation along the routes varies considerably in species and maturity. Front gardens have often been converted to hard standing.	Typically post war blocks or Victorian and Edwardian mansions converted into flats	

4. Principles of good design

'In focusing on the quality of housing that is needed and the types of homes that are required in Barnet, we will consider sustainability, the efficient use of natural resources, standard of design and construction, contribution to local character and integration of the development with social, green and physical infrastructure'. (Barnet's Core Strategy, para 9.1.5)

- 4.1 The council recognises that achieving design quality is an important part of good planning. Every development is generally different in size, context, type and nature but the underlying principle is that the development needs to be designed to ensure it functions well, is pleasing to the eye and it endures. The council will, therefore, not accept design that is considered inappropriate to its context or which fails to take opportunities to improve the character and quality of an area and the way it functions.
- 4.2 A number of core design principles are highlighted in para 10.5.5 of Barnet's Core Strategy. As highlighted in Table 3 below, there are a number of design documents that set out good design quality principles for the delivery of sustainable development through the planning system. Applicants and their advisors are required to take them into account at the preparation stage of their submission design statements.

Table 3: Overarching Design Documents

	Guidance	Principles	How to apply in Barnet
1	The Design Wayfinder, Design Council CABE, 2012 http://www.designcouncil.org.uk/our-work/cabe/localism-and-planning/design-wayfinder/	The short 'Design Wayfinder' document helps planners and others make the case for good design, identifies the main sources of guidance and best practice on good design and the type of analysis required to decide whether proposed development is acceptable. The document provides help for authorities, developers and communities.	The council encourages all to make use of the 'Design Wayfinder' to help make the case for good design in planning. Applicants, their advisers and local communities are expected to take more responsibility for securing good design, and for taking the opportunities available to improve their area.
2	Building for Life12 (BfL12), Design Council CABE, 2012 http://www.hbf.co.uk/fileadmin/documents/briefings/BfL_A4_booklet_singlepages.pdf	BfL12 comprises of 12 questions, with 4 further questions in each chapter that reflect their vision of what new housing developments should be: attractive, functional and sustainable places. Redesigned in 2012, BfL12 is based on the NPPF and the Government's commitment to build more homes, better homes and involve local communities in planning.	All applicants, developers and their architects will be expected to have regard to the BfL12 criteria in bringing forward new residential schemes. BfL12 questions are outlined in Appendix 1.
3	Barnet's Sustainable Design and Construction (SD&C) SPD, 2012 http://www.barnet.gov.uk/downloads/download/518/sustainable_design_and_construction_spd_documents	Barnet's SD&C SPD covers all technical aspects of the design and construction of buildings. It sets out what can be done in the current policy framework to design and construct new developments in ways that contribute to sustainable development.	All applicants, developers and their architects will be expected to have regard to the SD&C SPD in bringing forward new residential schemes.
4	By Design: Urban Design in the Planning System Towards Better Practice, CABE, 2000 http://www.cabe.org.uk/publications/by-design	Urban Design principles for example character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity should be addressed and promoted in all developments.	All applicants, developers and their architects will be encouraged to deliver the urban design principles as set out in the publication "By Design". These overarching principles inform Barnet's Development Management Policies DPD.
5	Safer Places: The Planning System and Crime Prevention, ODPM 2004 http://www.securedbydesign.com/pdfs/safer_places.pdf	This guide is informed by detailed case studies of successful, safe places, good practice pointers, attributes of sustainable communities that are particularly relevant to crime prevention. This guide challenges developers, designers and all those who influence the design and layout of developments, to think in a	Applicants and their advisors should pay close attention to the principles and practical details in this guide and apply these carefully to meet the needs of the local area and help to deliver the high quality and safe development that we all

		holistic manner about each development.	want to see and from which we can all benefit.
6	Secured by Design, Police initiative, Website Model http://www.securedbydesign.com/	Secured By Design (SBD) is the UK Police flagship initiative supporting the principles of “designing out crime” through the use of effective crime prevention and security standards for a range of applications. SBD is owned by the Association of Chief Police Officers (ACPO) and is supported by the Home Office and the Planning Section of Communities and Local Government (CLG), as well as many Local Authorities across the UK. The Secured By Design Award is presented to a building owner or developer in recognition that the development was constructed in accordance with SBD standards.	Applicants and their advisors should ensure that measures to design out crime are integral to development proposals and considered early in the design process. This will ensure they provide adequate protection, do not compromise good design, do not shift the vulnerabilities elsewhere and are cost effective. In accordance with the London Plan policy 7.3, the Metropolitan Police should be consulted to ensure major projects contain appropriate design solutions.
7	Lifetime Homes Design Guide, Nov 2011 http://www.brebookshop.com/details.jsp?id=326813	Lifetime Homes standards include 16 design criteria which can be applied to new homes at minimal cost to ensure that homes support the changing needs of individuals and families at different stages of their lives.	All residential developments in Barnet will be expected to comply with Lifetime Homes. Barnet’s Sustainable Design and Construction SPD (section 2.6) sets out the application of Lifetime Homes standards in Barnet.
8	Travel planning for new development in London incorporating deliveries and servicing, The Transport for London (TfL) 2011. http://www.lscpl.org.uk/newwaytoplan/travelplan_guidance.html#sh1	The guidance sets out that local level residential travel plans must be submitted for any development with between 50 and 80 units and strategic level travel plans for developments equal or more than 80 units. This requirement applies to new developments, extensions or redevelopments of existing sites; and development that falls below the TfL thresholds but is considered to have the potential for significant traffic impact. This guidance is also appropriate for the creation of travel plans mixed-use developments where the residential element will have a significant impact on transport.	Any new residential development that meets thresholds as stated or has potential for significant traffic impact. Further detail can be found in Barnet’s Planning Obligations SPD and further advice can be sought from the L B Barnet Travel Plan Coordinator.
9	Principles of Inclusive Design (They include you), CABE, 2006 http://webarchive.nationalarchives.gov.uk/20110118095356/http://www.cabe.org.uk/files/the-principles-of-inclusive-design.pdf	The document sets out the 5 key principles at the heart of inclusive design that help people use developments safely, with dignity, comfort, convenience and confidence. These principles will help provide people to make effective, independent choices about how they use a development without experiencing undue effort or separation.	Barnet council encourages all to make use of the key principles of Inclusive Design in their proposals. Applicants and their advisers are expected to take responsibility for securing good inclusive design where required.

PART 2

Design Aspects for

New Residential

Development in

Barnet

5. Housing density and building form

The 2011 London Plan ‘highlights the need for different types of affordable housing, and the need to look at the changing needs and demands for housing driven by a growing and changing population. This means recognising that housing isn’t just a numbers game’ (Mayor of London’s foreword to SPG on Housing, 2012)

Achieving appropriate density

- 5.1 Barnet’s approach is to optimise housing density in order to achieve appropriate development. This is set within the context of the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan. Density should not drive development, it is an important factor to take into account along with local context, design, transport accessibility and infrastructure.
- 5.2 Achieving appropriate densities is a major component of sustainable development and responding to a growing and changing population. The Characterisation Study identified six main housing typologies that largely reflect the pattern of residential development in Barnet. Table 2 sets out the key components of these six typologies including density, building type and height. Within the context of Table 2 low rise development and houses will normally be the most appropriate design solution for achieving appropriate densities in Barnet.
- 5.3 Appendix 2 provides further detail on the London Plan Sustainable Residential Quality Density Matrix. It sets out appropriate density ranges for suburban, urban and central locations which reflect the setting of a site in terms of its location, existing building form and massing and public transport accessibility level (PTAL).
- 5.4 For further information on density requirements for small sites and on developments outside the density ranges refer to section 1.3 of the Mayor’s SPG on Housing. Innovative design and layout solutions for new residential development will normally be encouraged and welcomed within the appropriate density range taking into consideration the unique features of the site as identified in Table 2 of this SPD and London Plan Table 3.2

Design at different densities

- 5.5 The quality of design is important for all developments, but particularly for higher density developments and all proposals should respond positively to reinforcing or improving local character. Failing to do this by simply adding standard house types together and reducing amenity space standards will not provide a quality living environment.

Principles

Ensure the:

- **design of new residential development relates to its setting and local character**
- **proposed density is suited to the site and to the wider context**
- **proposal responds positively to reinforcing or improving local character.**

6. Enhancing local character

'Planning policies and decisions should aim to ensure that developments...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation...' (National Planning Policy Framework, para 58)

Local character

- 6.1 An area's character may be derived from a range of attributes, including built form, architectural style, pattern, layout, space around buildings, landscaping, trees, streetscape, materials and uses/activity. The design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character. In instances where the surrounding area lacks an identifiable character with positive attributes, or the proposal site is severed from its surroundings (i.e. by railway lines, major roads or industrial areas), the design of new development may establish a distinctive new local identity.
- 6.2 New residential development provides the opportunity to reinforce the character of an area by contributing and adding to the positive aspects of the built and natural environment. The council want new residential development to respect and enhance the positive features of Barnet's character and local distinctiveness. Respecting local character does not necessarily mean replicating it; however, great care should be taken when incorporating contemporary design into the existing urban fabric. New and old buildings can co-exist without negatively influencing the character of the area, but new development should always sit comfortably with its neighbours.
- 6.3 A more successful and appropriate development can result from a careful analysis of the local character and where relevant its history. Applicants should explain how the development proposal responds to the character of the site and wider area through a Design and Access statement.

Pattern of development

- 6.4 The pattern of development refers to the arrangement of plots, buildings and spaces around the building which, repeated over an area, forms part of that area's character and identity. In Barnet, as shown in Table 2, residential areas have a predominant suburban identity, characterised by houses set back from the road with front gardens, with generous gaps between the buildings. Corner plots often have greater space around the houses.
- 6.5 The pattern of development plays a vital role in:
- defining the character of the street;
 - influencing the perception of spaciousness and landscape capacity establishing daylight, outlook and privacy relationships between dwellings;
 - influencing the perception of safety on the street and the accommodation of parking, storage and service requirements.
- 6.6 The design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas, or at the interface of larger development sites and existing housing.

- 6.7 A common arrangement of buildings in Barnet is the perimeter block structure, with the fronts of dwellings lining the street and private spaces such as gardens located at the rear of dwellings. This form of development offers several advantages:
- efficient use of land
 - legible and well-connected places
 - clear distinctions between public and private space
 - high levels of natural surveillance
- 6.8 Cul-de-sac forms of developments are generally discouraged; however they may be acceptable in certain cases provided they are shown to be part of a wider, well connected network. Within the general perimeter block structure, developments are encouraged to make use of creative and innovative layouts. However, the built up area within the block should be in character with the surrounding area and established building lines (both to front and rear) should be maintained. For example, the character of streets with detached or semi detached houses is informed by the gaps between buildings, and this rhythm of development should be maintained.

Building line and setbacks

- 6.9 A strong building line creates continuity of frontage and provides definition and enclosure to the public realm. Continuous frontages are most easily achieved with the Suburban Terrace and Flats typologies. With Suburban Periphery (detached houses) and Suburban (semi detached houses) typologies semi-continuous enclosure can be provided through the appropriate use of garages and walls. Where there is a strong building line, any new development should be in keeping with this. Where buildings have varied setbacks, this can add interest and variety to a street; however, boundaries should remain strong to give definition to the street and to ensure public and private space is clearly defined.
- 6.10 The setback of dwellings from a street is a key consideration. It can define the character of the street, determine the degree of privacy to ground floor rooms and can accommodate storage and service requirements at the front of the dwelling. Where dwellings can be serviced from the rear there may be opportunities for shallow setbacks or for building frontages to follow the back of pavement line. Careful thought needs to be given, in this instance, to the design of front doors and threshold areas, especially in relation to security.
- 6.11 The amount of set back should be determined by the surrounding character and road hierarchy. In case of infill areas, replication of existing pattern of set backs should be taken into account.

Scale, massing and height

- 6.12 Scale, massing and height refer to the arrangement, volume, shape, size and bulk of a building or a group of buildings in relation to other buildings and spaces; and their combined visual impact. It is these aspects of the built form which are fundamental to a proposals impact on its local character and also determine views, vistas and skylines. Proposals for new residential development should respond to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context.

- 6.13 New development should recognise the scale, massing and roof form of surrounding buildings and reflect these where they are a positive attribute of the area's character. Consideration should be given to the grouping of buildings, roof pitches, the detailing of eaves and gables, chimney stacks and the size/siting of any dormer windows. New development should reflect the existing building lines and rhythm of the street. Where uniform building heights form a distinctive character, major variations will not normally be appropriate, in particular in the middle of a row of buildings.

Materials, colour and architectural detailing

- 6.14 The texture, colour, pattern and durability of materials chosen for new development contribute to the quality of its appearance individually, along with the character of its wider setting. Use of durable and high quality materials is fundamental to creating robust and sustainable residential development. Materials should be chosen which are able to withstand their environment, weather well over time and are likely to require minimal maintenance.
- 6.15 Poor quality materials that are hard to maintain will normally wear badly. Whilst high quality contemporary materials can create an attractive and distinctive character, all materials should respond to the site context and design objectives. Consideration should be given to the sourcing, energy efficiency and life cycle of the materials chosen. Use of permeable paving and porous materials is advisable for hard surfacing. Refer to Sustainable Design and Construction SPD (section 2.15) for further guidance on materials for surfacing.

Boundaries

- 6.16 Boundary treatments help to distinguish between public and private space within the public realm. This helps to convey use entitlement, clear ownership and maintenance responsibility, privacy and home security. The absence of clearly defined boundaries, especially along building frontages, can blur the edge between public and private space and lead to neglected, poor quality spaces between buildings and streets.
- 6.17 The permitted height of a means of enclosure is generally 1 metre adjacent to a highway and 2 metres elsewhere. This is the permitted development allowance. Generally, these heights will be appropriate in most suburban situations in Barnet except where the original character of an area is open plan, or where for example the return frontages of a corner property are enclosed up to a height of 2 metres. Boundary materials should reflect those prevailing in the area and the use of hedges and other green boundaries (preferably using native plant species) should not be obtrusive
- 6.18 In most cases, the fronts of houses should generally remain open to view in order to increase natural surveillance to the street, therefore walls, fences and hedges defining the fronts of properties should be kept low. Boundary treatments such as high railings and gates can be obtrusive and have a negative impact on the streetscene by conveying a sense of severance and overbearing. Side and rear boundaries can increase privacy and security to the property through higher fencing or walls. Front boundaries should reinforce the prevailing character of the streetscape, especially where a continuous uniform treatment forms a distinctive character. Boundary design should also complement the design materials and techniques used in the overall scheme. Consideration should also be given to pedestrian-vehicular intervisibility (stop line).

Gardens

- 6.19 Gardens make a significant contribution to local character and specifically towards biodiversity, tranquillity and sense of space. They also help to enhance the setting of buildings and provide amenity value for residents.
- 6.20 Where new development is considered detrimental to the site and local character, planning permission will normally be refused. The impact of development on the trees, biodiversity or habitat value of gardens will normally be considered as residential gardens make a significant contribution to biodiversity. Further details on improving ecological networks, green corridors, spaces and impacts will form part of Barnet’s emerging SPD on Green Infrastructure. Further information on ecology is also provided in section 2.16 of the Sustainable Design and Construction SPD.
- 6.21 In relation to all developments including extensions and ancillary building(s) in back gardens, the implications of the presence or proximity of protected species and animals should be considered in line with the Wildlife and Countryside (as amended) Act 1981. Where necessary ecological surveys and suitable mitigation measures will normally be required. The scale of the requirement should be commensurate with the scale of the development. The use of water butts to collect rainwater for watering gardens could be added at design stage. Major residential development should normally utilise opportunities for ecological preservation and/or restoration as part of scheme design and layout, informed by an Ecological Statement.

Landscaping

- 6.22 Good quality, soft landscaping contributes positively to streetscape and local character. Trees and planting can have a softening affect on the appearance of hard materials of buildings and streets and can also provide increased privacy and security to homes. They can have significant benefits such as urban cooling and reducing overheating, absorbing rainfall and helping with climate change adaptation. Landscaping is a central aspect of design and should be considered early in the design process. A well-conceived landscape strategy will normally:
- assist in the creation of a distinctive sense of place;
 - provide an attractive focus within new housing areas;
 - provide safe and attractive play areas or informal play area;
 - provide a suitable interface with adjoining areas;
 - reduce the visual impact of roads and parking areas;
 - reinforce local landscape character and reduce flooding; and
 - make provision for Sustainable Urban Drainage Systems (SUDs) where appropriate. Refer to 2.15.2, Table 2.15.1 (on SUDs) of the SD&C SPD.
- 6.23 In order to maximise the benefits that open spaces can deliver it is vital that they are considered as a network. The Core Strategy (Table 5) sets out the components of Green Infrastructure in Barnet. Further guidance on ensuring improvements to the network of open spaces will be set out in the Green Infrastructure SPD.
- 6.24 Particular consideration should be given to the unique features of the development site, including soil types, drainage, light and the relationship with neighbouring properties. Thought should be given to ongoing maintenance, particularly planting close to buildings.

Soft landscaping should aim to protect existing trees and integrate them into new layouts and incorporate locally native species in new planting. Landscape design should be integrated within the building design from the earliest stage.

Principles

Ensure new development:

- complements or improve the character of the area through its appearance, architectural detailing, siting, use of materials, layout and integration with surrounding land, boundaries, building lines, setbacks, fronts and backs
- responds to distinctive local building forms and patterns of development by respecting scale, massing and height of surrounding buildings
- chooses high quality materials that are durable and simple to maintain and that they respond to local context and design objectives
- is not detrimental to the biodiversity of an area and amenity spaces of existing and future occupants
- boundaries should be used as it helps maintain and convey clear ownership, privacy, home security and street character
- provides appropriate landscaping from the earliest stage, retaining existing trees and incorporating locally native species into the scheme where possible.
- aim to reduce any impacts on the surrounding natural environment by providing adequate -naturalised buffer zones, free of all development, adjacent to sensitive areas (e.g. rivers) and reduce flooding through the use of Sustainable Drainage Systems (SuDS).

7. Safeguarding residential amenity

‘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.’ (Barnet’s Development Management DPD, para 2.7.1)

Privacy and outlook

- 7.1 Privacy is an important design issue, particularly for higher density schemes, and all residents should feel at ease within their home. Design can create privacy in a number of ways, including the careful positioning of buildings in relation to one another, internal layouts (positioning of windows and rooms requiring more privacy) and through screening and landscaping.
- 7.2 The positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces. Screening can reduce overlooking in these instances. Refer to the Sustainable Design and Construction SPD (section 2.4) for further guidance on privacy and outlook.
- 7.3 Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). 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.
- 7.4 Clearly a balance has to be made between minimising loss of privacy and maximising security through surveillance. Where overlooking is a problem, especially in relation to neighbouring development, a higher degree of privacy will normally be required. All habitable rooms should contain at least one main window with an adequate outlook where nearby walls or buildings do not appear overbearing or unduly dominant. Refer to guides listed in para 7.11 for guidance on how to achieve the balance between privacy and security.
- 7.5 In higher density schemes such as in regeneration areas, where less distance is provided, innovative design solutions should be used so as to avoid overlooking, such as: angled windows, careful choice of window locations, obscured glazing, use of level changes, staggering of windows, screening and single aspect dwellings (only where the above cannot be applied).
- 7.6 The Mayor’s Housing SPG standard 5.2.1 highlights the benefits of having homes with windows which open on two sides. A dual aspect dwelling is defined as one with opening windows on two external walls and they offer many inherent benefits including: an increased amount of daylight, there is greater opportunity to gain direct sunlight for longer periods, natural cross ventilation which also mitigates pollution, a choice of views, access to a quiet side of the dwelling, greater flexibility in the use of rooms, more potential for future adaptability by the altering the use of rooms.

Sunlight, daylight and adequate ventilation

- 7.7 Providing good daylight to the home not only contributes to a more pleasant living environment, but also has the potential to reduce energy requirements for lighting and heating. Careful orientation and design of buildings can ensure daylight and sunlight levels are maximised, without compromising levels of privacy of adjoining properties and reducing their daylight and sunlight levels.
- 7.8 New development should be sited and designed to maximise daylight and sunlight as far as possible. North facing single aspect units are normally unacceptable. Refer to Sustainable Design and Construction SPD (table 2.4) for further guidance on standards affecting daylight and sunlight.

Safety and security

- 7.9 The manner in which building design relates and responds to the adjacent street and public realm plays a significant role in influencing perceptions of safety and the risk of crime, both for the building occupants and people making use of these public areas.
- 7.10 Well thought out designs incorporating security features such as the provision of suitably designed lighting of entrances, rear accesses, and communal lobbies or hallways are one way to help reduce the risk of crime. All developments should seek to improve community safety and crime prevention. Buildings should face onto streets, and open spaces (overlooking areas for car parks) should be overlooked by windows. A critical element in designing out crime is providing for adequate natural surveillance, via easy overlooking. For example, schemes should provide for overlooking onto and from front gardens, commercial frontages, pathways, streets, communal amenity areas and car parking spaces; especially from windows in front elevations. Such overlooking enables surveillance which discourages the types of crime which rely on secluded areas. During the design stage, special attention should be given to aspect such as access and movement, structure, surveillance, ownership, physical protection, activity and management and maintenance.
- 7.11 The Police initiative “Secured by Design focuses on crime prevention at the design, layout and construction stages of development by seeking to ‘design out crime’. Safer Places and Secured by Design guides provides information on designing out crime solutions. It is important to also account for local conditions regarding safety and security during the building design stage. Refer to Table 3 for further details on Secured By Design and safer Places guides.

Lighting schemes

- 7.12 Lighting can affect amenity by creating light spillage and increasing glare. Proposals involving new lighting should not significantly impact on residential amenity and local biodiversity. Proposals should seek to minimise any adverse impact of lighting schemes through design or technological solutions or by controlling the hours of use. Solutions may include lighting that controls and manages the distribution of light and minimises glare. Design solutions could include screening, shielding and reducing lantern mounting heights. The visual impact of light fittings should also be considered. Further guidance is

set out in the Sustainable Design and Construction SPD (section 2.4.4 and useful references).

Reducing the visual impact of external additions to building

- 7.13 External services such as multiple flues, ventilation pipes, meter cupboards and mail boxes on the outside of a building often detract from the finished appearance of an otherwise well designed development. In multiple-occupancy developments, such as blocks of flats, the building design should incorporate measures for the discreet accommodation of these services. Such measures can include recessed channels for down-pipes or routing of flues/outlets to non-sensitive elevations. Flues, ventilation units and other services that appear as 'add-on' elements will not normally be accepted.
- 7.14 Satellite dishes are similarly visually obtrusive especially on blocks of flats. Buildings intended for multiple occupation will normally be required to make provision as part of the building design for the communal provision of satellite and similar domestic telecommunications apparatus in discreet locations. In other cases satellite dishes should be of 'standard' size for television reception, positioned discreetly, such as on a non-exposed rear elevation, and located so as not to impact unduly upon the outlook of neighbouring properties.
- 7.15 On new housing development the council will normally seek to restrict permitted development for freestanding satellite dishes and require details of shared systems as a condition of planning permission. Satellite dishes should be removed as soon as they become obsolete. Satellite dishes will not normally be permitted on the front elevations of buildings within conservation areas or on listed buildings. Satellite dishes should be :
- as small in size and as few in number as possible
 - shared by as many users as is feasible to avoid clutter. In most cases only one satellite dish per building will normally be approved. Communal telecommunications should be provided for all major developments.
 - located as unobtrusively as possible
 - of a colour and design to blend in with their background
 - located so as not to interfere with doors or windows of neighbouring properties
 - removed as soon as they become obsolete.

Principles

All developments should:

- **be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight**
- **have sufficient distance between properties with facing windows to habitable rooms to avoid overlooking and to respect neighbouring gardens. Refer to Table 2.4 of the SD&C SPD.**
- **ensure that it does not reduce the amenity value of neighbouring occupiers**
- **have access to high quality and usable amenity space that is not overlooked from the public realm**
- **ensure buildings are designed in such ways that help mitigate opportunities for crime and fear of crime**
- **incorporate measures for the discreet accommodation of external services.**

8. Outdoor spaces

'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.' (National Planning Policy Framework, para 17)

Outdoor amenity space

- 8.1 Outdoor amenity space provides opportunities for recreation, leisure, tranquillity and overall quality of life as well as interaction with the natural environment. Back gardens and other outdoor amenity spaces contribute positively to Barnet's green character and spacious layout as well as helping to mitigate climate change. Provision of outdoor amenity space is vital in Barnet and a key consideration for new residential developments. Further details on technical requirements are provided in the Sustainable Design and Construction SPD (section 2.3.5)
- 8.2 Private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible. Every home should have access to suitable private and/or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces.

Design of outdoor amenity spaces

- 8.3 New development should be sited and designed such that there is no detriment to existing residential amenity space through the overlooking and/or privacy loss; and dominance or overshadowing. The fundamental design considerations for amenity space should be its quality and usability. Applicants are expected to demonstrate these design considerations in their proposals.
- 8.4 In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides a reasonable level of privacy. The size, shape and slope gradient of amenity space is key to its usability. Awkwardly shaped, narrow and very steeply sloping amenity spaces should be avoided and will not be considered to count towards usable outdoor amenity space.
- 8.5 Communal amenity space should:
- receive adequate sunlight relative to the defined purpose of the space
 - provide sufficient shade where necessary;
 - be screened from parking and public areas to ensure privacy but still providing reasonable views to public amenity space;
 - be easily accessible and legible (easy to understand) to all occupants;
 - be overlooked by habitable rooms to ensure safety;
 - include seating, trees and planting, lighting, paving and footpaths (where appropriate);
 - have an effective and affordable landscape management and maintenance regime;
 - take account of the needs of disabled people and all age groups; and
 - have a clearly defined purpose and be designed to reflect this.

- 8.6 The rigid application of amenity space standards can sometimes restrict creative design and layout of new residential developments, particularly on smaller development sites. Developers are encouraged to bring forward schemes involving imaginative and innovative provision of outdoor amenity space on smaller sites. For all other sites, the minimum outdoor space standards for Barnet are highlighted in Table 2.3 of the Sustainable Design and Construction SPD as well as Appendix 2 (Table 1.2) of this SPD.
- 8.7 Proximity to public open space will only be considered when assessing the adequacy of provision of private amenity space where design and layout is of insufficient high quality and contributions are made through S106 contributions for enhancements to existing, nearby open space. Barnet’s Planning Obligations SPD³ sets out the S106 criteria requirements for open spaces. These contributions are separate from and in addition to any contribution that is required where a development is located in an area of open space deficiency.
- 8.8 Rear private gardens should provide adequate space for day to day uses such as a table and chairs for outdoor dining, clothes drying, relaxation and safe children’s play (where family accommodation is proposed).
- 8.9 Communal outdoor amenity space should be designed to provide a private, attractive, functional and safe environment. Its overall quality and management can help create a sense of ownership and pride. All private and communal amenity space should have a clearly defined purpose.

Front gardens

- 8.10 Front gardens or ‘set-backs’ (as highlighted in Table 2) are normally expected to be provided in residential developments, with careful consideration given to their design where it is not detrimental to the street scene and local character. When defined by a boundary, such as a hedge or low wall, front gardens provide a buffer between the public and private realm and provide clarity of ownership. Front gardens do not normally offer quality private amenity space.
- 8.11 Front gardens support the streetscape and enhance local character through landscaping, including trees, and can be sufficient to accommodate bin and cycle storage. Furthermore, they provide increased privacy and security to the ground floor front rooms of houses. Areas at the front of buildings should consist of permeable surfaces with consideration given to trees and planting. For changes to front gardens and the cumulative impact of such changes on local character together with guidance on where planning permission is required, refer to para 2.10.7 of the Development Management Policies document.

Balconies and roof gardens

- 8.12 In circumstances where it is not possible or appropriate to provide private gardens and communal amenity space suitable alternative arrangements should normally be made. Balconies and roof gardens will normally be acceptable alternatives where they do not result in overlooking which has a negative impact on the privacy of neighbouring residents or other occupiers within the development. Where balconies and other private spaces are

³ See timetable for production in LDS

accepted as the only form of amenity space to be provided within a development, they should normally be at least 1.5 metres (1500 mm) in depth and width in line with the Mayor’s Housing SPG Standard 4.10.3.

- 8.13 An internal, communal amenity space, such as an atrium, may also be a practical alternative. Where alternatives to outdoor amenity space are appropriate they should be of equivalent value in terms of amount, usability and accessibility. Internal communal amenity spaces should normally benefit from natural daylight and sunlight. S106 planning obligations will be considered from developments which do not meet the required on-site amenity standards.

Children’s play space

- 8.14 Children’s playspaces should be provided in all new residential development containing flatted schemes with the potential for 10 or more child bedspaces, as set out in the London Plan’s SPG Shaping Neighbourhoods: Play and Informal Recreation, Sept 2012. Play spaces should be designed to be overlooked for natural surveillance and with safety and security in mind. Policy DM02 sets out Barnet’s requirements for playspaces.
- 8.15 Residential development in areas of playspace deficiency as well as those in areas with sufficient playspace will normally be expected to make a contribution either on site or financially for playspace. Further information on areas of deficiency in Barnet and relevant maps, refer to Barnet’s S106 Planning Obligations SPD.

Principles

Ensure all developments:

- **have sufficient, functional and accessible high quality and usable outdoor amenity space away from general public areas, involving imaginative and innovative designs**
- **clearly define the boundaries between public, private and communal spaces to provide clear ownership and responsibility for their maintenance**
- **provide appropriate set-backs, with careful consideration given to the streetscape and residential design**
- **where the provision of private gardens and communal outdoor amenity space is not possible, alternative arrangements such as balconies, roof gardens should be of sufficient size and not result in overlooking**
- **children’s play spaces should be provided in accordance with the London Plan Shaping Neighbourhoods SPG. Barnet’s Planning Obligations SPD should be followed for any off site contributions.**

9. Structure and layout

'Some of the most attractive and enduring residential environments have the simplest of structures.'
(CABE, *Better Places to Live by Design*)

Site layout

- 9.1 Layout refers to how buildings and public and private spaces are arranged on a site, and how they relate to the buildings and space around the site. The layout informs the character and uniqueness of a place, and provides the basic framework on which all other aspects of the development depend.
- 9.2 Barnet's streets consist of grid, perimeter or block structures, characterised by a framework of interconnected routes that define street blocks, as is typical of outer London suburban locations. In most cases, new developments should respond to the traditional street pattern that exists in the borough. Table 2 shows that the layout of housing within blocks can range from terraces to detached homes. New development should take account of the block size and structure of the area surrounding the site.
- 9.3 In Barnet, some of the most attractive and enduring residential environments have the simplest of structures. In a classic street block structure, houses face the street, gardens run end-to-end and cars are mainly parked on the street. The sense of quality comes from the detailed design of the buildings, the corner and boundary treatments and from the mature landscape. Layout in major developments plays an important role in defining the overall structure of the area. Structure consists of the arrangement and inter-relationships between streets, houses, gardens, open spaces and areas for car parking.

Internal space standards

- 9.4 The council expects a high standard of internal design and layout in residential development. New homes should be capable of providing a good quality living environment that meets housing aspirations. The minimum residential space standards for new homes (Appendix 2, Table 1.3) will normally be applied to all developments in Barnet including conversions. For room sizes, internal layout and design requirements, refer to Table 2.2 of the SD&C SPD and a definition of a habitable room is also set out in the glossary including the maximum size considered before a room is counted as two (20 m²).
- 9.5 The standards will help guide the appropriate number of dwellings that can be delivered by a residential development. With regard to conversions the constraints associated with existing building layouts will require some flexibility and pragmatism at the margins of each space standard. The internal layout of the dwellings should normally also comply with the relevant provisions of the Mayor's SPG on Housing.
- 9.6 In addition to the standards set out in the Sustainable Design and Construction SPD, it is recommended that all affordable housing is designed to meet the design and sustainability standards set out by the Homes and Communities Agency (HCA). All London-based schemes receiving HCA funding are expected to meet the standards in the Mayor's SPG on Housing.

Stacking of rooms and internal storage

- 9.7 Increased levels of occupancy of residential properties together with changing lifestyles, such as flexible home working means the design and layout of development should minimise the potential for noise transfer between new homes. In blocks of flats the technical provisions of the Building Regulations should be supplemented with the careful arrangement of rooms. The vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Where possible, the horizontal arrangement of rooms between flats in a block should also avoid bedrooms adjoining neighbouring living rooms, kitchens and bathrooms, as well as communal areas such as halls and stairs.
- 9.8 Built-in storage spaces are highly valued components within new homes. Lack of such spaces can lead to domestic clutter being stored on balconies, within hallways or other communal areas. New development should therefore ensure that there is sufficient provision within each home for the storage of domestic items such as vacuum cleaners, ironing boards and children's toys, commensurate with the likely needs of future occupiers. Further guidance on these standards is available in the SD&C SPD (para 2.2).

Entrances and windows

- 9.9 The entrance to residential buildings marks an important transition between public and private space. The main entrance can be an important part of a building's architectural expression providing a wider understanding of the building's function(s) when viewed from the public realm. Main entrances in new buildings should be clearly visible from the street, contributing to the overall legibility of the development, and should be fully accessible. In larger buildings, this may require greater height or more considered design elements to ensure that the proportion and scale of the entrance reflects the overall scale of the building.
- 9.10 Where building design seeks to complement that of neighbouring buildings, special attention should be paid to fenestration details. This includes consideration of the window proportions (horizontal or vertical emphasis), the relationship of the window with the surface of the building elevations (flush or set-back).

Active frontages

- 9.11 Active frontages, characterised by doors and windows, help to avoid blank walls facing the public realm and provide natural surveillance. Primary access to dwellings should be from the street wherever possible, and direct rather than communal entrances are preferred to support active frontages and contribute to the legibility of an area. Where communal entrances are required (for example access to stairs and lift lobbies) the entrances should be prominent, spacious to accommodate buggies and wheelchairs and have secure access for residents.

Principles

- **ensure new block layouts respond to the size and structure of blocks in the surrounding area**
- **all new developments should follow the Mayor's minimum space standards for new homes**

- **Ensure the design and layout of developments (including balconies, stacking of rooms, windows) minimise the potential for noise transfer between new homes and minimises overlooking.**
- **Fronts and backs of dwellings should be arranged appropriately to maximise active frontages onto streets**

10. Movement and accessibility

‘Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter.....’(NPPF para 35)

Access

- 10.1 Successful residential neighbourhoods provide a high degree of both external connectivity and internal permeability therefore allowing people to go about their daily activities with ease.
- 10.2 In larger developments the access to and circulation through the development should integrate with and improve the existing movement patterns of the wider area. On larger developments, a network of well connected streets should be provided that offers a choice of routes with easy access to local amenities, open space, the public transport network and established routes.
- 10.3 Infill developments should pay particular attention to the way they link together the areas that surround the site to avoid creating isolated enclaves of development that are out of character in the locality. However, the need for permeability should still maintain safety, security and privacy. All access points should be clearly visible, routes into and through a development should minimise areas where the private activities of residents are visible to the public, safe to use, clearly defined and necessary, leading to places where people want to go.

Movement

- 10.4 Places with lower speed limits are generally safer and can provide a more pleasant living environment than streets with fast traffic. Streets that manage traffic speed by their design, for example through careful treatment of surfaces, pedestrian crossings and the arrangement of buildings, are normally favoured over physical traffic calming measures. Narrower streets can often be safer and help to avoid the appearance of a housing area which is dominated by cars rather than pedestrian movement. In some instances, it may not be necessary to separate pedestrian, vehicular and cycle routes. Refer to Department for Transport’s Local Transport Note 1/12 - Shared Use Routes for Pedestrians and Cyclists (September 2012) providing advice on detailed design for shared uses.
- 10.5 Work on the highway is likely to require a Section 184 / 278 Agreement with the Council. This may enable improvements to be made to an adopted highway as part of the proposed development. These improvements include but are not limited to the formation of a new access or improvements to local highway infrastructure to accommodate the increase in

expected traffic generated by the development. Should on-site roads and footways be proposed for adoption as public highway then a Section 38 Agreement will be required with the Council involved at the design stage to ensure relevant design criteria is met prior to construction. It is recommended that the developer discuss the requirements of any potential highway works with the Council at the earliest opportunity to confirm that the proposals will be of benefit to the general public

Legibility

- 10.5 Places should ‘make sense’ to the people who use them. The use of townscape features (e.g. gateways, nodes, landmarks, edges, views and vistas) is encouraged to give the development a clear identity and make the layout easy to understand for residents and visitors. Corner buildings and other easily identifiable visual markers are of particular importance for creating recognisable, understandable places. It is advisable to provide wayfinding signage to indicate safe routes to /from all key destinations

Consider all users

- 10.6 Streets should be designed as public spaces with the needs of all users considered. Well designed streets with safe, direct, convenient and clear pedestrian and cycle routes maximise the transport choices of residents, and can influence people to use more sustainable modes of travel. Residential layouts designed solely to meet the requirements of vehicular traffic are not acceptable. New routes and connections should provide integrated routes for pedestrians, cyclists and vehicular traffic.
- 10.7 Where segregated routes for pedestrians are provided, they should serve a clearly defined function and meet the criteria set out within the guidance document “Safer Places: the planning system and crime prevention”. Pedestrian and cycle routes should follow desire lines, in so far as possible, and be free from barriers except where necessary to prevent motorcycle access.

Principles

All developments:

- **should connect new and existing routes to create a network of well-connected streets which improve movement patterns in the wider area**
- **should ensure that design and layout is legible and is oriented around the needs of pedestrians, cyclists and connectivity to the public transport network**
- **that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment**
- **where new roads are proposed for adoption, involve the Council at an early stage in the design**
- **should refer to Table 3 in Section 4 of this SPD in order to provide safer and secured designs.**

11. Car parking, cycle storage and waste storage

'Barnet's Characterisation Study identified the severe impact of off-street car parking and consequent loss of front gardens on the dominant street typologies'. (Barnet Core Strategy, Para 10.7.1)

Car Parking

- 11.1 The location and provision of car parking is a key design issue. Car parking should not dominate or overburden residential areas, particularly the fronts of houses, or inconvenience pedestrians and cyclists.
- 11.2 The use of lighting, trees and planting and street furniture can help to better integrate parking into the overall scheme and wider streetscape. In-curtilage parking should be located close to the home to avoid inconvenience and increase natural surveillance. Large, isolated car parks should be avoided. Refer to para 7.12 on lighting schemes and ways in which light pollution can be mitigated.
- 11.3 Whilst parking will normally be provided within private areas, access to parking should be convenient for residents. Limited additional vehicular parking may be appropriate and will be considered on a case-by-case basis. Streets should be designed not to be dominated by cars. Parking facilities should also be considered for powered two-wheeler vehicles that will be considered on a case-by-case basis
- 11.4 The Local Plan's approach to parking management is set out at Section 18.8 of the Development Management Policies document. Developers should follow Barnet's residential car parking standards as set out in Policy DM17 in order to determine provision in new development. Refer to Table 2.8 of the SD&C SPD for the provision of suitable electrical charging point. Inclusive mobility guidance published by Department for Transport sets out parking standards for disabled drivers.

Cycle storage

- 11.5 The design and layout of new residential development should take account of the needs of cyclists through the provision of safe, accessible and secure cycle parking. In accordance with the cycle parking requirements set out in the London Plan (Table 6.3).
- 11.6 Barnet's approach to cycle parking is set out at Section 18.8 of the Development Management Policies document Cycle parking facilities should be located in safe, well-lit and overlooked areas that are in close proximity to main building entrances. The facilities should provide weather protected parking and be built with durable, high quality materials that are resistant to wear and age well.
- 11.7 Well-designed cycle storage can encourage people to cycle and avoid other areas in the home, such as balconies and hallways, being inappropriately used to store cycles. Developers should aim to make cycle storage as convenient as access to car parking to encourage cycling as a sustainable mode of transport. Detailed information on technical aspects is provided in the Sustainable Design and Construction SPD (section 2.4)

- 11.8 New flatted development should provide some space either inside the building in a cycle store-room or provide a separate, secure and accessible bike shed within the overall development. Parking for bicycles should be provided in all new development. Major residential, high density developments should provide secure on site spaces for each unit. Mixed use town centre development should provide secure off street space where possible.

Waste and recycling storage

- 11.9 The design and layout of residential development should normally make satisfactory arrangements for the storage and collection of recycling and waste. The arrangements should comply with the Sustainable Design and Construction SPD (section 2.12) and the councils' "Information for developers and architects – provision of domestic and organic waste services, and recycling facilities".
- 11.10 Waste and recycling storage can cause a nuisance to neighbours and future occupiers, by reason of odour and noise, and can be visually intrusive in the streetscene. In meeting the council's requirements the amenity of residents, the appearance of the area, as well as the ease of access should be considered. Waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding garden areas in front of dwellings.
- 11.11 Details of refuse storage and management will normally need to be addressed as part of the planning application. Poorly designed, intrusive or inadequately sized facilities give rise to adverse visual impact and will not be acceptable.
- 11.12 In flatted developments, waste and recycling storage should at an early stage be sensitively designed and located. Careful consideration should be given to access to waste disposal and recycling facilities, particularly for residents on upper floors. Storage areas should be in a position mutually convenient and easily accessible for both residents and waste and recycling collection crews.

Principles

Developments should:

- ensure adequate car and cycle parking is incorporated
- consider access, convenience, safety and security when designing cycle storage, waste and recycling storage.
- details of refuse storage and management should be addressed as part of the planning application

12. Design of basements

'Most development in Barnet involves the replacement, extension or conversion of existing buildings so taking account of context and local character is particularly important. We will therefore expect the design of new buildings and places to respond to the local area and its defining characteristics and reinforce or create local distinctiveness.' (Barnet's Core Strategy para 10.5.12)

- 12.1 This section addresses design aspects of basements within new residential development. For existing residential developments, guidelines on basement extensions are set out in Part Three, section 14.44 of this SPD. Further guidance on technical requirements, including the links to the surface water management plan, is set out in Barnet's Sustainable Design and Construction SPD (section 2.15.3 and table 2.17).
- 12.2 For new residential development, basements should generally be limited to the proposed footprint and volume of the house or building. In larger buildings with extensive plots it may be possible to extend under part of the rear garden. It will be necessary to ensure that a mature garden can be established and maintained above the basement and details of soil and drainage will normally be required at the time of submitting a planning application.
- 12.3 Basements used for residential purposes are considered 'highly vulnerable' in the flood risk vulnerability classification (as set out in the Technical Guidance to the NPPF and will not normally be permitted in Flood Zone 3. Basements used for residential may only be allowed in Flood Zone 2 following the application of the Sequential Test and Exception Test.
- 12.4 Lightwells or skylights should be located away from the property boundary to enable a planted boundary to be maintained. They should be proportionate to the building they relate to. Open lightwells and sunken terraces will be resisted.
- 12.5 Illumination and light-spill from a lightwell can harm the appearance of a garden setting and cause nuisance to neighbouring properties. This will be taken into account when planning applications are considered. They should not harm any nearby trees, restrict future planting and mature development of trees typical of the area. It should be possible to establish and maintain hedges following construction of a basement. Forecourt parking arrangements should be considered carefully as light to basement windows can be severely restricted.

Principles

New development:

- **which includes visible external manifestations of a basement should pay special attention to the building they relate to and protect the character and appearance of the local and wider area and the setting of the individual development they form part of**
- **should ensure that the basement development does not harm the established garden, open area, nearby trees and that no adverse impact is caused to the amenity of neighbouring properties.**

13. Residential development within town centres

‘Encouraging greater housing development within or on the edge of some of Barnet’s town centres is an option that allows mixed uses which add vibrancy and greater all round activity. This can provide attractive locations for people who want to live close to services, jobs and public transport, for example, older people, single people and couples. (Barnet’s Core Strategy para 8.2.2)

- 13.1 The design principles set out in Table 3 of this SPD will apply to residential developments within or outside town centres. However, given the location, size and type of residential developments within town centres, different planning and building parameters may be applicable.
- 13.2 Encouraging more people to live in town and local centres for easy access to shops and services, increases the viability of these centres and reduces the need to travel by car as these centres generally have good transport links and there are increased opportunities for walking and cycling. Opportunities for housing as part of a mixed use development are largely focused on Barnet’s town centres. For town centre residential accommodation the standards applied elsewhere in the borough (for example, in relation to car parking and amenity space) should be considered in line with Policies DM11 and DM17 and will be assessed on a case by case basis.
- 13.3 Barnet’s town centres are considered to offer opportunities for residential growth as part of mixed use development. All mixed use development should:
- be of a high quality design
 - ensure that the residential and other land uses are appropriately separated to protect the amenity of all occupiers of the site, with separate waste and recycling storage provision
 - comply with the standards within this SPD for residential development and the Sustainable Design and Construction SPD.
- 13.4 Town centres typically have an urban identity, and are often characterised by development which forms a continuous building frontage directly abutting the pavement edge, with service areas at the rear of the buildings. Major considerations will include the continuity of building frontage, plot widths, residential access and servicing arrangements, the treatment of return frontages as well as the transition between the urban and suburban development pattern.
- 13.5 In the case of higher density developments where less distance is provided (as compared to the distance highlighted in Table 2), applicants will be asked to include innovative design solutions to avoid overlooking such as angled windows, careful choice of window locations, obscured glazing, use of level changes, staggering of windows, screening and single aspects dwellings.
- 13.6 The design and provision of private amenity space is particularly important in flatted schemes within Town centres, but more flexibility on provision may be given when it is difficult to provide amenity space. For further details on the provision of outdoor amenity spaces, refer to section 8 of this SPD.
- 13.7 The upper storeys of shops and other commercial buildings offer opportunity for new homes. Living above shops and commercial buildings can increase the vitality of an

area and provide surveillance outside of normal business hours. Additional considerations include:

- The amenity of residents and occupiers, or of the surrounding area
- Sound proofing measures for the residential units and internal layout considerations

13.8 The Sustainable Design and Construction SPD (section 2.14) provides further guidance and requirements on how to reduce disturbance from noise.

Principles

- **ensure the size and design of new residential development within town centres relates to its setting, density and character**
- **encourage innovative designs and ensure required standards and sustainable home codes are used appropriately.**
- **for town centre residential accommodation the standards applied elsewhere in the borough (for example, in relation to car parking and amenity space) may be relaxed in line with Policy DM14 and will be considered on a case by case basis.**

PART 3

Design Guidance for

Existing Residential

Development in

Barnet

14. Extensions to houses

'Most development in Barnet involves the replacement, extension or conversion of existing buildings so taking account of context and local character is particularly important. We will therefore expect the design of new buildings and places to respond to the local area and its defining characteristics and reinforce or create local distinctiveness.' (Barnet Core Strategy para 10.5.12)

- 14.1 This section revises and updates Barnet's Design Guidance Note 5 and sets out how the council considers planning applications for extensions to houses including semi-detached, detached and terraced houses as well as properties which have been converted into flats, although the overarching principles can be applied to all residential properties.
- 14.2 Extensions to houses both individually and cumulatively can have a profound effect on the appearance of an area and on the amenities enjoyed by the occupiers of adjoining properties. In general, extensions should reflect the design of the original building, whilst having regard to the character of the area and the residential amenity enjoyed by neighbours. This means ensuring that the extension does not significantly impact on people's enjoyment of their own home or garden.
- 14.3 Not all houses can be extended. This may be due to lack of space or their position or design will mean any extension would harm the street scene or local amenity. In addition, there is a limit to how much most houses can be extended. The cumulative effect of extensions and their impact on the appearance of an area should also be taken into account. This means that proposed additions, which meet all the guidelines included in this SPD, may still be considered unacceptable and be refused planning permission.

Amenity

- 14.4 Extensions to properties should not be overbearing or unduly obtrusive and care should be taken to ensure they do not result in harmful:
- loss of privacy by overlooking adjoining properties
 - loss of light or overshadowing of adjoining properties, particularly loss of light to main windows serving principal rooms such as living or dining rooms
 - loss of outlook from adjoining properties
 - sense of enclosure or overbearing impact on adjoining properties
 - loss of garden, landscaping or open space, which contributes to local amenity
 - loss of parking space that is desirable to retain
- 14.5 The Environment Agency has 'flood risk standing advice' available on their website for householder and other extensions in Flood Zones 2 and 3; this advice should not be applied if an additional dwelling is being created (e.g. a self-contained annex).
- 14.6 Whilst there is a judgement on what constitutes a harmful, overbearing or obtrusive extension (see Figure 1), it's advisable to contact the council duty planner for an early advice.
- 14.7 An extension at the rear of a property may affect the applicant / householder's amenities by restricting natural light to existing rooms requiring, artificial light to be used for much

of the day which will cost more in energy, be less sustainable and affect the enjoyment of the accommodation.

Harmony

14.8 Proposed extensions should be consistent with the form, scale and architectural style of the original building, particularly where it is a period or suburban property.

14.9 Consistency with the original type of a building can be achieved by:

- Respecting the proportions of the existing house
- Using an appropriate roof form
- Matching materials and details
- Use of innovative design that can add and improve the building outlook
- Matching the window style, proportions and position
- Reflecting the character of the original house.

Whichever type of design is proposed, the following rules should apply:

- The extension should normally be subordinate to the original house
- The extension should respect the original building and should not be overly-dominant
- The height of the extension should normally be lower than the height of the original building. For example, this can usually be achieved for a two-storey side extension by stepping down the roofline and setting back the front building line (see Figure 2).

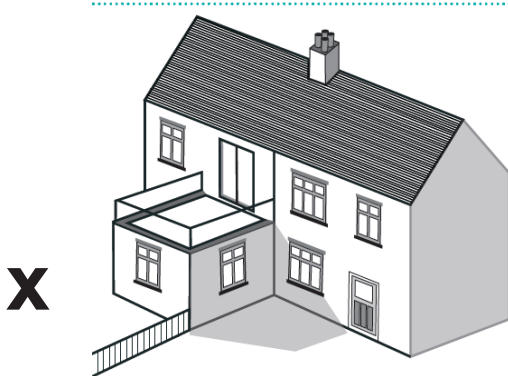


Figure 1: Overshadowing, overlooking and loss of outlook

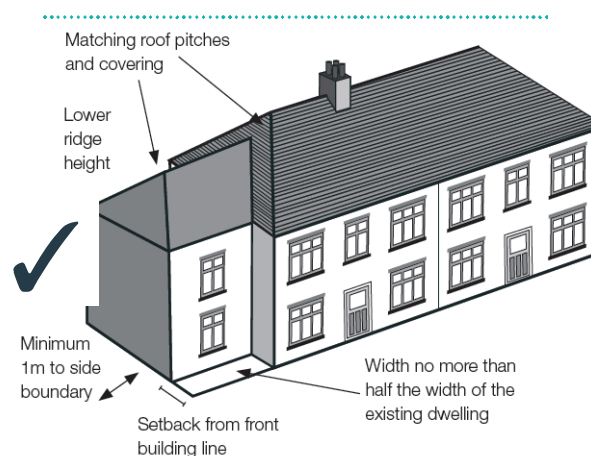


Figure 2: Subordinate approach

Materials and details

14.10 External finishes, materials and architectural features affect the appearance of the extension. It is important to match the brickwork and roofing materials of the existing house in terms of colour, type and size. The brick bond and mortar joints should also be copied. The design, proportions and position of joinery details, windows and doors should reflect those of the original building to ensure the details of the new extension are sympathetically in-keeping and do not detract from the area's general character.

- 14.11 Windows on extensions should normally match those on the existing house, in terms of their design, material and proportions. Where necessary, they should also be recessed to match the original windows. Where a hierarchy exists (i.e. they reduce in size the higher up the house they are) those windows on upper floors will often need to be slightly smaller than those on the floors below. Original bay windows are important features which should not be enlarged or altered significantly, to avoid having an adverse effect on the appearance of the house.
- 14.12 Where a flat roof is appropriate on a single storey extension (and in many cases pitched roofs are a better design), the roof should relate to any existing horizontal elements such as string courses or to the line of change between materials e.g. brick to render or tile hanging. Brick on edge coping is usually more satisfactory than a timber fascia board. Flat roofs should not normally be used as balconies and should only be accessed for maintenance purposes as nuisance and loss of privacy to immediate neighbours may result in overlooking into their amenity space. In such cases conditions will normally be applied to the planning consent.

Fitting into the street

- 14.13 If there is a consistent and coherent architectural character, the extension should not detract from it. The extension should sit comfortably with the main building and with neighbouring houses by:
- Taking account of the group value, character and established form of development along the street
 - Using a design and facing materials which blend in with the character and appearance of the existing house
 - Taking account of changes in levels between properties, gardens and the road
 - Taking account of the angle and position of the house. This may increase the visual effect of the extension in the street scene



Figure 3: Maintain gaps between houses with subordinate extensions

- complementing the roof form of the original house and the surrounding area (see Figure 3)
- Leaving enough space between houses to make sure they appear well separated
- Avoiding protruding beyond prominent building lines

- Glimpsed views between buildings, which in allowing greenery and sky to be seen from the road contributes to the character of the area
- Take account of existing features along the boundary, for example, outbuildings, fences, walls and trees
- Making sure the garden remains capable of providing adequate amenity space for enjoyment at the property.

Side extensions

14.14 Side extensions to existing buildings can be unacceptably prominent features in the street scene as shown by Figure 4. Where gaps between houses are a common feature of a street, then proposals which close such gaps or create a terracing effect by bringing buildings too close together are likely to be rejected.

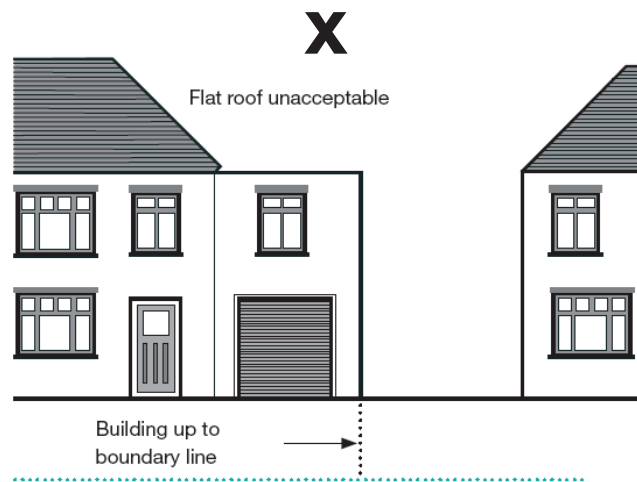
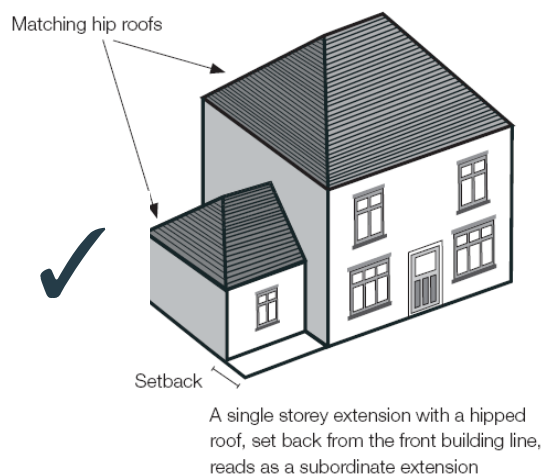


Figure 4: An inappropriate side extension on a semi-detached house

14.15 Side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene. First floor side extensions should normally be set back 1 metre from the front main wall of the existing house. Figure 5 shows a subordinate side extension.



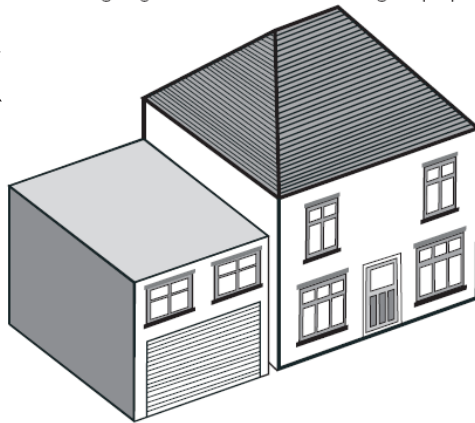
A single storey extension with a hipped roof, set back from the front building line, reads as a subordinate extension

Figure 5: A subordinate single storey extension

- 14.16 Pitched roofs help extensions fit in with the street and may be required for single storey extensions. Pitched roofs, following the same pitch as the existing roof, will normally be needed for two storey extensions and be set down at least 0.5 metre from the ridge of the main roof. Side windows or other detailing can help improve the appearance of a flank wall. Figure 6 shows an inappropriate side extension to a detached house. With a flat roof and lack of setback it is too dominant.
- 14.17 In order to reduce the visual impact of two storey or first floor side extensions, there should normally be a minimum gap of 2 metres between the flank walls of properties at first floor level (i.e. a minimum gap of 1m between the boundary and the extension at first floor level for most two storey extensions).
- 14.18 A larger gap may be required if the adjoining property would in any way be demonstrably harmed. Where possible, an existing direct access to a rear garden should be retained.

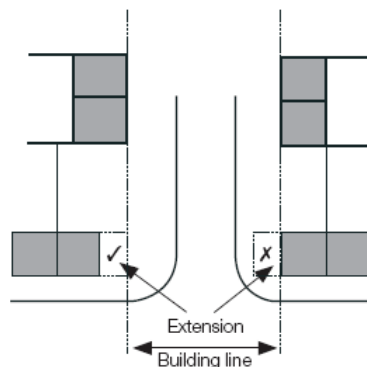
.....
The flat roof is unacceptable, and the extension has not been set back from the front building line and is too dominant. The windows and garage door detract from the original property.

X



.....
Figure 6: An inappropriate side extension on a detached house

- 14.19 Extensions on corner sites will be particularly open to public view. First floor extensions on corner sites should not project beyond the building line of the adjoining road (see Figure 7).



.....
Figure 7: Do not protrude past prominent corners

14.20 Side extensions should ensure that the visual and residential amenities of neighbouring properties are not significantly affected.

Rear extensions

14.21 The depth of a single storey rear extension, normally considered acceptable for terraced properties is 3 metres, for semi-detached properties it is 3.5 metres, and detached property is 4 metres.

14.22 Single storey rear extensions to the original house, need to ensure that:

- the depth and/or height of the extension does not cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties
- they do not look too bulky and prominent compared to the size of the main building and garden to which they relate
- if the garden space is in breach of amenity standards then application will normally be refused
- in addition, if the adjoining house is at a lower level or has a rear building line set back from your rear building line, the depth of the proposed extension may need to be reduced in order to protect amenity of your neighbour.

14.23 However, where there is significant harm to neighbours or residential amenities, deeper extensions than that of neighbour's house would be inappropriate. In such cases each proposal will be considered on its own individual merits. Figure 8 shows an over-sized two storey rear extension. Two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant, and have a detrimental effect on the amenities of neighbours.

14.24 Two storey rear extensions need to ensure they do not lead to:

- loss of light to, and outlook from, windows and glazed doors positioned close to the extension
- unacceptable sense of enclosure to house and garden
- overbearing impact
- harm to the character or appearance of the property and area.

Two storey rear extensions should not create an unacceptable sense of enclosure or have an overbearing impact on the adjoining house or garden

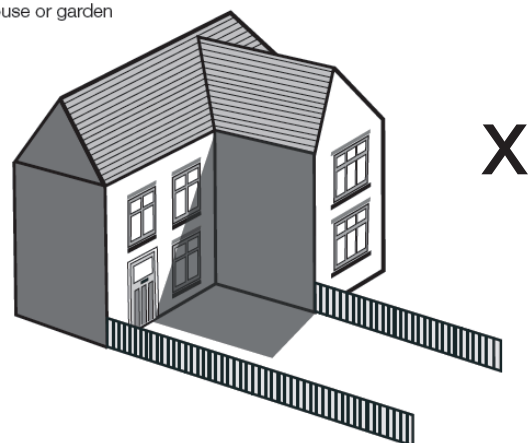


Figure 8: An over-sized two storey rear extension

14.25 On widely spaced semi-detached or detached houses, there may be more scope for larger rear extensions. However, the principles of good design set out in Table 3 of this SPD still apply.

14.26 Flat roofs should not normally be used as balconies as loss of privacy to immediate neighbours almost always results. This applies to side as well as rear extensions. Flat

roofs on two storey rear extensions are not normally acceptable because they do not relate sympathetically to the house. Refer to overlooking issues and conditions listed in para 14.11.

- 14.27 Proposed extensions on properties located within a designated conservation area will need to ensure that they preserve or enhance the character and appearance of the conservation area.

Front extensions

- 14.28 Large, front extensions will not normally be permitted because of their effect on the street scene and character of the area in general.
- 14.29 Where it is considered that a building may reasonably be extended forward (for example, on occasion detached houses in low density areas or in roads with irregular building lines), the following principles should be observed:
- the new roof should normally reflect the roof form of the existing house (e.g. pitched with tiles to match)
 - front extensions should fit in with the architectural style of the house
 - care should be taken to ensure that front extensions have regard to, and do not conflict with, existing architectural features such as bay windows
 - windows should be positioned where they do not have a harmful effect on the amenities of neighbouring properties.
 - porches should be designed in accordance with the requirements listed in section 14.51-55 of this SPD.

Dormer roof extensions

- 14.30 Additional, usable space can sometimes be created by converting roof space, providing this is carried out sympathetically. This often involves the formation of dormer windows or the insertion of roof lights. Many houses in Barnet have roofs that are too small for conversion, or in some cases, dormer windows or roof lights may be out of keeping with the character of the area.
- 14.31 A dormer roof extension is a vertical window or opening in a sloping roof, having its own roof, either flat, pitched or curved. Such extensions can have a significant effect on the appearance of a house and their design needs careful consideration.
- 14.32 Dormers on the front of semi-detached or terraced houses will not generally be acceptable, due to their unbalancing effect on adjoining houses and the general street scene. Any exceptions are extremely limited and usually only where original front dormer extensions exist.
- 14.33 The following points should be considered for dormer roof extensions:
- *Design* - should reflect style and proportion of windows on the existing house. Dormers may have flat, gabled, hipped or curved roofs and subject to the criteria on position, should normally align with the windows below.

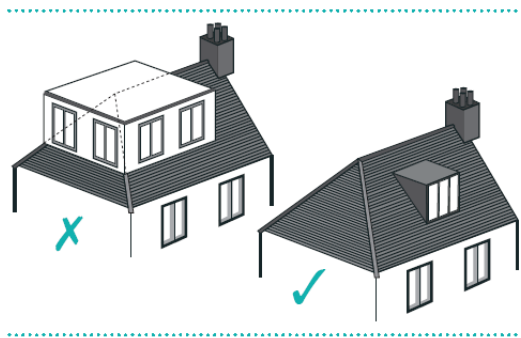


Figure 9: Size and scale of dormer windows. Dormers should be of an appropriate size and position

- *Position* - Dormer roof extensions should not overlap or wrap around the hips (see Figure 9) or rise above the ridge. Adequate roof slope above and below the dormer is required on semi-detached and terraced properties, the dormer extension should be set in at least 1 metre from the party wall, flank wall or chimney stack. In smaller terraced houses where due to internal physical constraints dormers that are set in less than 1 metre will be taken into account providing such constraints and any minimum Building Regulation or fire regulation requirements are clearly and robustly demonstrated.
- *Scale* - Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope. Dormers which wrap around the hips will not normally be considered acceptable (see Figure 9).
- *Proportion* - To retain the balance of the house, the dormer roof extension should not normally be wider than the window below it and the dormer cheeks kept as narrow as possible (see Figure 10). For smaller enclosed houses, such as terraces consideration and allowance will be given to internal workable space and Building Regulation requirements for wider roof extensions. On side dormer extensions, where there is a requirement to provide adequate headroom for stairs, the extension should still be set away from the ridge and clear of the hips (see Figure 10).
- *Overlooking* - Care should be taken in the design and location of new dormers, including side dormers to minimize overlooking
- *Materials* - The window materials and design should be in keeping with those on the rest of the house. The dormer cheeks should be finished with lead, tiles, slates or other traditional materials, and the top of flat roofed dormers should be finished with lead or zinc. The use of roofing felt for the roof, cheeks or face of the dormer should be avoided.

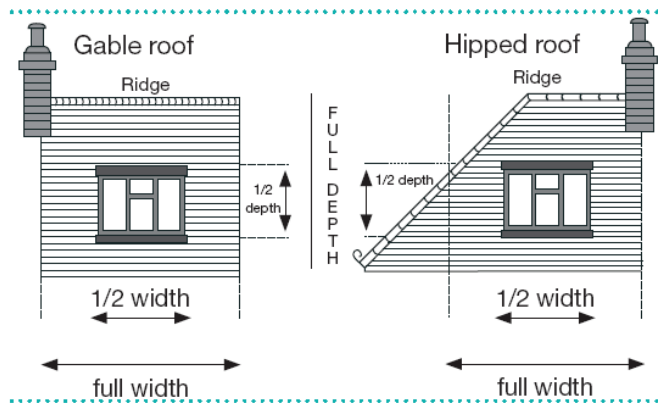


Figure 10: Rear dormer windows of an appropriate scale

- Roofs - Dormer roofs should be sympathetic to the main roof of the house. For example, pitched roofs to dormers should be hipped at the same angle as the main roof (see Figure 11).

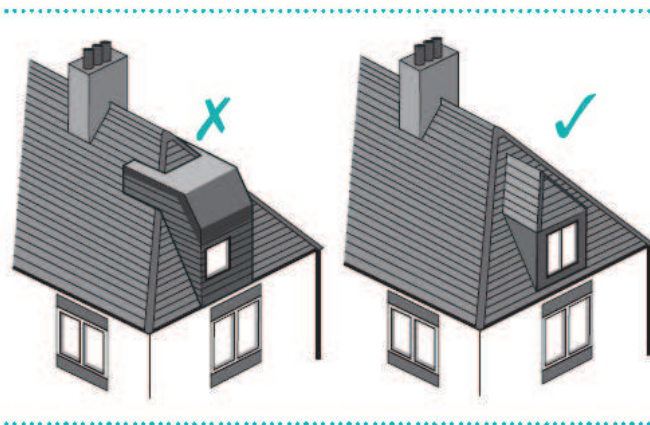


Figure 11: Relationship to existing roof design and bulk is important

Large roof extensions

14.34 Consideration will be given to whether or not gable end extensions are a characteristic feature of the street and wider area.

14.35 Proposed hip to gable roof extensions need to take into account the following criteria:

- The gable should not unbalance a pair of semi-detached houses or a short terrace
- The gable should not reduce the degree of visual separation between houses or glimpsed views from the street
- The gable should not form an overbearing wall facing a street, neighbouring garden or other public place
- The gable should not appear out of character within the streetscape

Roof lights

- 14.36 Roof lights should be carefully positioned in order not to impact detrimentally or disfigure the appearance of a building, particularly where they are not a characteristic feature in the street. On front roof slopes roof lights should be of the ‘conservation type’ i.e. fitting flush with the roof slope and they should not dominate the roof in terms of their number. It is preferable to position them on rear roof slopes (see Figure 12)

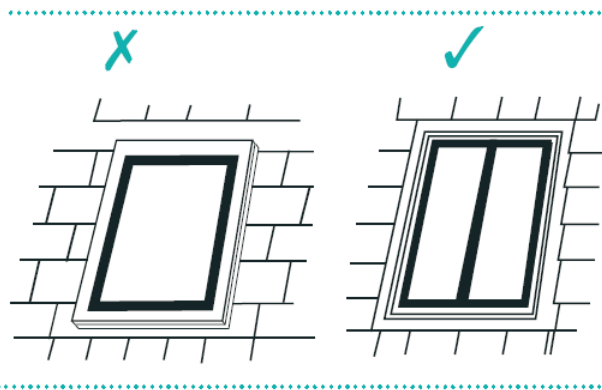


Figure 12: Flush fitting ‘conservation’ style rooflights sit more comfortably within roof slopes

Detached ancillary buildings in front and back gardens

- 14.37 All developments should protect and enhance the gardens at residential properties. The natural features and spaciousness of gardens make an important contribution to Barnet’s distinctiveness as well as climate change mitigation in terms of urban cooling and management of surface water. Detached buildings in gardens can therefore have a significant impact on local character, amenity and flood risk in gardens as well as its surrounding areas.

Front garden buildings

- 14.38 Front gardens walls, fencing and railings should be sympathetic to the character of the building and garden and normally no higher than 1 metre. Original railings should be retained where possible.
- 14.39 Detached buildings are not normally acceptable at the front of terraced or semi-detached houses because of their dominant impact on the street scene. On detached houses, they will only be considered acceptable where detached buildings in front gardens form part of the existing character of the street. For instance, where detached buildings were built as part of the original form and layout of an estate.

Back garden buildings

- 14.40 In general, rear garden walls and fences should not exceed 2 metres to protect views and daylight. The same principles apply to the design of back garden buildings as to rear extensions:
- they should not unduly over-shadow neighbouring properties
 - they should not be too large or significantly reduce the size of a garden to become out of character with the area
 - they should not unduly affect outlook from an adjoining property’s habitable rooms or principal garden areas
 - their design and materials should be in harmony with the surrounding area.
- 14.41 Proposals should consider location of garden buildings such as sheds and greenhouses so that they minimise the impact on neighbouring properties. Garden buildings should be located to the rear of properties. The building materials used should respect the existing buildings and the overall character of the area. Garden buildings should minimise any impact on trees.

Basement extensions

- 14.42 The council seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties.
- 14.43 Often with basement development, the only visual manifestations are light wells and skylights, with the bulk of the development concealed wholly underground and away from any public view.
- 14.44 The council will normally allow single floor basement extensions which do not project further than 3 metres from the rear wall of a house or more than half its width beyond each side elevation. If you intend to carry out work to an existing wall or structure which is shared with another property, build a free-standing wall or a wall up to or astride the boundary with a neighbouring property, or excavate near a neighbouring building, then the neighbours should be notified under the provisions of the Party Wall Act 1996. It should be noted that issues that relate to boundary disputes and land ownership are not planning matters. Similarly, issues related to foundations and movements are not planning but Building Control matters, therefore relevant departments should be contacted for any further guidance.
- 14.45 The following points should be considered for basement extensions:
- Nearby trees roots on or adjoining the site should not be damaged.
 - Not more than 50% of the amenity space (garden or front court yard) should be removed.
 - Neighbouring ground water conditions should not be adversely affected.
 - Any exposed area of basement should be subordinate to the property being extended and respect its original design and proportions. The length of any visible basement wall should not dominate a property nor extend its full width. In number, form, scale and panel size, basement windows should relate to the façade above.

Windows should be aligned to any openings at the higher level and be of a size that is clearly subordinate to these so as to respect the character of the original building.

- Light-wells at the front need to appear as discreet interventions that do not harm the character or appearance of the building and its frontage. In situations where light-wells are not part of the established street scene, the nature of the front garden will help to determine their suitability. Where the depth of a front garden is sufficient, basement light-wells are more easily concealed by landscaping and boundary treatments providing a visual buffer from the street. In such circumstances light-wells that are sensitively designed may be acceptable, subject to other design requirements.
- Railings, grilles and other light-well treatments should avoid creating visual clutter and detracting from an existing front boundary wall, or obscuring front windows. This is particularly important in shallow gardens where front light-wells should be secured by a grille which sits flush with the natural ground level, rather than with the use of railings. Railings will be considered acceptable where they form part of the established street scene, or would not cause harm to the appearance of the property and neighbouring area.
- All rooms within a basement should be able to function properly for the purpose intended. They should be of an adequate size and shape and receive natural lighting and ventilation. All habitable rooms within basement accommodation should have minimum headroom of 2.5 metres.
- Forecourt parking arrangements should be considered carefully as light to basement windows can be severely restricted.

Annexes to dwellings

- 14.46 Proposals to build an annex will be considered on the individual merits of the scheme but as with any other extension they should comply with the relevant design parameters outlined in this SPD.
- 14.47 An annex must not have a separate entrance or staircase and should be internally connected to the rest of the house and should not include a separate kitchen. It must remain ancillary to the main house at all times and this may be conditioned. The development of self-contained or similar accommodation will not be permitted.

Extent of extensions in Green Belt/ Metropolitan Open Land

- 14.48 Within Barnet's Green Belt /MOL, extensions should not result in disproportionate additions over and above the size of the original house. An "original dwelling" as referred to in the policy is that as existed on the 1st July 1948, or as originally built if constructed after that date. As a guiding principle the volume of the original dwelling should not be increased by more than 25% by external measurement in order to protect openness. The cumulative effects of previous extensions will be taken into account. Proposed demolitions can be deducted in calculations if they are an integral part of the dwelling.
- 14.49 There may be cases where more than a 25% increase is justified to produce a better design solution but there may also be cases where less than 25% is appropriate, to avoid a disproportionate extension to a dwelling or where the site is especially prominent.

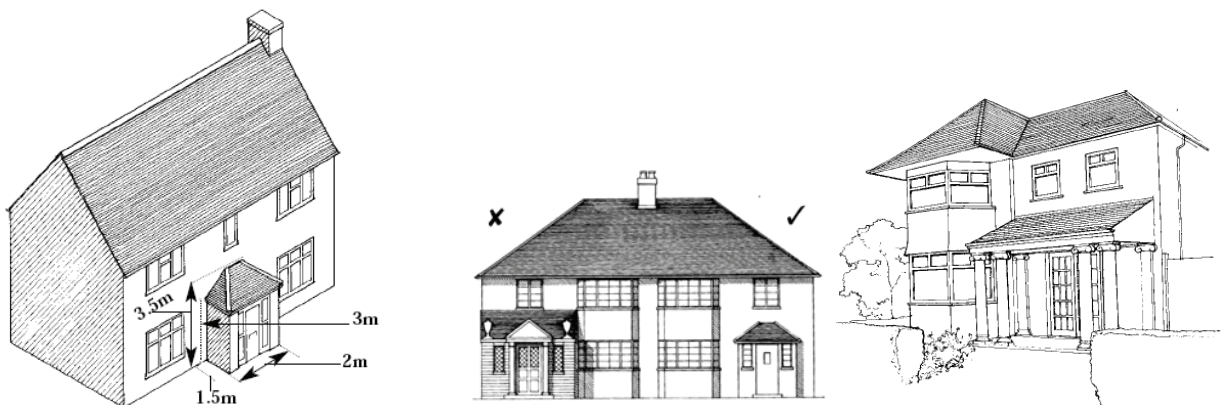
14.50 The calculations will include unused permitted development rights and any extant consents to build accordingly. The exception to this will be when the applicant agrees to the extinguishment of unimplemented permissions or parts thereof. In all cases the council will require a detailed survey which shows all buildings within the curtilage of a site and the details of its planning history. The use of excessive extensions to create additional units may indicate an overdevelopment of the site and will be unacceptable. Extensions to houses adjacent to Green Belt/MOL should respect the character of their surroundings and the visual amenity of these areas.

Porches and canopies

14.51 This section replaces Barnet’s Design Guidance Note 11 on Porches. Further information is also available on the Planning Portal website.

14.52 As shown below a porch is built around an external door giving access to the building. A porch is not necessarily the same as a front or side extension. A front porch on a house is “permitted development” provided that:

- it is not added to a flat, apartment or boarding house;
- the ground area (measured externally) does not exceed 3 square metres;
- the height does not exceed 3 metres above ground level;
- no part of the porch is closer than 2 metres to any highway;
- there is no condition on a previous planning permission for the property which takes away your permitted development rights. This is most common on new houses;
- No part of the porch (including the foundations) will encroach on or over the adjacent neighbour’s property;
- the house is not a listed building or within a conservation area. In these cases special considerations apply.



Picture: please note that in some cases these maximum sizes may be too large to achieve visual balance with your house.

14.53 It is natural for owners to want to improve and extend their properties, but the extensions need to be carefully designed. A properly designed porch can have a

positive effect on the area. In some cases depending upon the location, size, type, either larger or smaller porches may be appropriate. The porch roof should reflect the roof style of the existing house. As shown below the material, shape and style of existing doors and windows should be matched to create an overall balance to the design.



Picture: Examples of angled porches which blend in with the bay windows.

14.54 Where a porch is on the front elevation, special care should be taken that it does not spoil the appearance of the property and street as well as the outlook of neighbouring houses. Adding undue canopies can be unsightly as it is likely to protrude too far and dominate the front of the house. As houses differ in size and style, sometimes it is not possible to add a porch to a house.

14.55 In case a carport is being constructed, make sure it is well designed as it can often detract from the design of the property and the whole of the street. It is important that the materials used are sympathetic to the original house. In addition, as with garages, it is important there is adequate distance to park a car outside the carport and still remain clear of the highway or footpath.

Conversion of garages to habitable accommodation

14.56 The conversion of a garage to habitable accommodation (used for living/sleeping) may require planning permission. Depending on when the garage was originally granted consent, a condition on the consent may restrict its usage i.e. for car parking. In such cases planning permission is required to convert the space. The council will take into account the off-street parking available and the appropriateness of any external alterations i.e. changing the appearance of the garage elevation to a wall and a window.

14.57 Planning permission is also required for any proposal that involves extending the garage wall to create a bay window or extending beyond the front most part of the house. Design principles listed in Table 3 will still apply.

Principles and Further Guidance

Ensure:

- extensions reflect the design of the original building, whilst having regard to the character and appearance of the area
- the design of the extensions/ houses result in subordinate additions to the building they relate to and respect its existing architectural features, materials, settings, local character and wider context

- **proposed extensions, outdoor buildings and porches do not cause undue harm to the street, are not overbearing, intrusive, cause overshadowing or undue harm to the amenity of neighbouring occupiers and users**
- **all development proposals should protect and enhance residential gardens (side, front and back). Garden walls, fences, railings should be sympathetic to its local character and within required standards**
- **basement extension do not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees and that no adverse impact is caused to the amenity of occupiers, users and neighbouring properties**
- **extensions to houses adjacent to / within the Green Belt and MOL's should respect the character of its surroundings and the visual amenity of those areas.**

15. Conversions

‘The conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries’. (Barnet Development Management Policies, para 2.8.1)

- 15.1 This section revises and updates Barnet’s Design Guidance Note 7 on conversions. The council’s approach as set out in the Local Plan is that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. Therefore, this section of the SPD sets out how the council considers applications for the conversion of single family homes into two or more self-contained units including Housing in Multiple Occupation (HMOs).
- 15.2 The residential suburbs of Barnet have strong local character and streetscapes. Much of that character is derived from housing developed in the 1920s and 1930s with coherence and uniformity giving a sense of place to the suburbs. Therefore, for example when conversions seek new exterior alterations, such as replacement windows, doors or porches, these should reflect the prevailing local character and enhance, not disrupt the streetscape. Conversions in appropriate locations should not have any detrimental effect; they should not raise privacy issues, parking problems or have adverse effects on residential amenity.
- 15.3 Barnet’s approach to conversions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of both new and existing units enjoy a high standard of amenity. Whether or not a conversion is acceptable in principle will depend on the character of both the house and the street.
- 15.4 The conversion of existing dwellings into flats can have a cumulative impact on environmental quality and the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.
- 15.5 Conversions generate extra movement of people and vehicles and the alterations required to accommodate such a use can impact upon the character and appearance of a locality. Conversion proposals are therefore likely to be resisted in areas of low density housing where predominantly there are single family occupation houses and where the external alterations would impact on the appearance of the local area (e.g. hardstanding for a parking space and refuse storage areas).
- 15.6 The property should be large enough to be converted without the need for substantial additional extensions. There should normally be access to the rear garden for all flats, and enough room to provide the necessary off street parking and refuse storage. Unit sizes should conform with the London Plan’s minimum space standards set out in Appendix 2 (Table 1.3) of this SPD.

- 15.7 Conversions should aim to meet the outdoor amenity space standards set out in the SD&C SPD. The majority of converted dwellings have access to a garden, most likely in the form of a single or subdivision of an existing garden into private garden areas. This is usually split so that the garden area nearest the house is allocated for the sole use of the ground floor flat and the sub division furthest away from the house allocated for the sole use of the upstairs flat(s).
- 15.8 Front gardens are not considered to be appropriate as amenity space due to lack of privacy. Ground floor dwellings in flatted schemes can provide direct access to a private garden space leading to a private communal space beyond.
- 15.9 In circumstances where the building has no original or traditional features of merit, the design of any conversion to reflect the vernacular character and appearance of other buildings in the locality should be taken into account. Proposals should therefore have regard to the design and layout principles set out in Table 3 of this SPD.

Houses in Multiple Occupation

- 15.10 A House in Multiple Occupation (HMO) is a dwelling in which more than two people (separate householders; unrelated to each other) share communal facilities such as bathrooms, kitchens and living rooms. Policy DM09 of the Local Plan explains Barnet’s policy on Houses in Multiple Occupation. HMO’s may require licensing under the Housing Act and Environmental Health Act. Advice on this should be sought from Barnet’s Environment and Licensing services.

Principles of Good Design

- 15.11 If the principle of conversion is considered acceptable for a particular property, then the following detailed design principles should be taken into account:

1. External appearance

- 15.12 A good conversion should result in the minimum alteration to the external appearance of the house. Particular attention should be paid to the following points:

Front doors: The insertion of an additional front door tends to unbalance the appearance of the house.

As shown in Figure 13, avoid replacing the existing front door of the property with two doors adjacent to one another. If possible, additional letterboxes should be sited internally. On especially large properties or those on corner plots, it may be possible for each unit to have its own front door on different sides of the house without detracting from the appearance of the property. Each new residential unit should be self-contained, with its own lockable door.

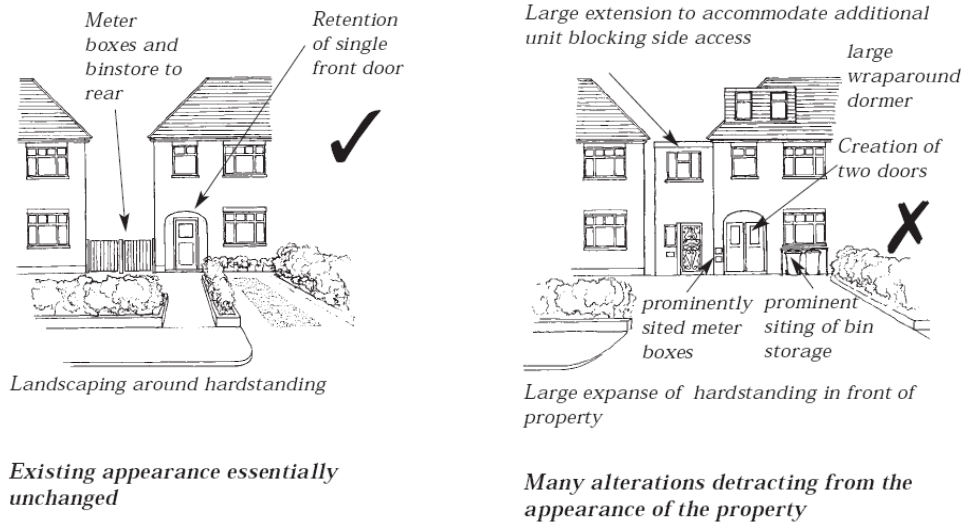


Figure 13 – Respecting Existing Appearance of Front of Properties

Extensions and roof alterations: Large extensions or alterations to the roof are unlikely to be acceptable. A rooflight may be a much less obtrusive way of making a loft space usable than a dormer window. More guidance is provided at para 14.29.

2. Internal layout

15.13 Subdivision requires careful consideration of the layout of each unit and the size and features of the rooms, so that the proximity of the new units to each other does not cause their occupants or neighbours undue disturbance.

Minimum size of unit: Appendix 2 (Table 1.3) sets down a minimum floor area of 37m² for any new dwelling created through a residential conversion, including studio flats.

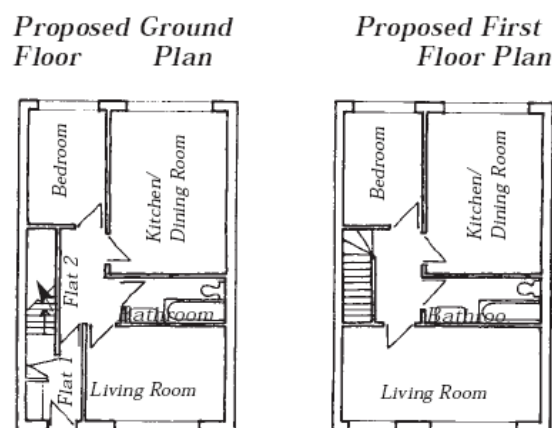


Figure 14 – Appropriate Room Layouts for Flat Conversions

Room arrangement: As shown in Figure 14 rooms should generally lead off a hall or corridor, so that each can be accessed independently. Rooms should be located in accordance with the stacking principles highlighted in para 15.13 above in order to avoid additional noise and disturbance to neighbours.

The upper flat should be accessed from an internal set of stairs. The design of the flats must allow easy and unrestricted movement within the property, which means for example the avoidance of steep or narrow stairs and passageways, or difficult changes in level.

The design of flats in converted properties must make allowance for:

Sound-insulation: In order that the occupants of a conversion do not experience a noise nuisance, walls and floors separating dwellings should be adequately insulated so as to comply with the standards set down in the Building Regulations.

Fire regulations: Building Regulations approval is required for structural alterations and fire precautions, including the need for fire proofing of the floors and the wall between the two flats. If the conversion involves more than two storeys, then adequate provision must be made for a secondary means of escape from fire.

Plumbing and drainage: Building Regulation approval will be required for facilities such as the new bathroom.

Thermal SAP requirements: Building Regulation approval will also be required for the provision of adequate thermal insulation.

3. Access to a garden

- 15.14 The amenity space standards Table 1.2 in Appendix 2 should normally be applied to conversion properties. For flats, this standard is 5m² per habitable room. Refer to section 8 and the SD&C SPD for detailed standards and how they are applied.
- 15.15 Adequate access to the garden area should normally be available and maintained for the occupiers of each unit. Access to the garden for the upper flat in detached or semi-detached houses is usually best provided by means of a side access. However, in the case of a terraced house, this may necessitate an alternative means of access such as an external staircase. This will only be acceptable where the addition of such a staircase does not unduly detract from the appearance of the property and does not cause demonstrable harm to residential amenity and neighbouring resident's amenities. Any proposal for an external staircase would be considered on its own particular merits.

4. Car parking

- 15.16 Adequate provision should be made for off street car parking and it should be provided in accordance with Barnet's residential parking standards (Policy DM17).
- 15.17 Where, houses in a particular locality are characterised by planted front gardens, hardsurfacing to provide car parking is likely to be detrimental to this character and will be resisted. More information on hardstandings is set out in section 16 of this SPD.

5. Bin storage

15.18 As paras 11.10 and 11.11 above explain in detail, waste and recycling storage areas should normally be integrated within the building or provided on site but out of sight (and screened within an enclosure or by landscaping as shown in figure 15) avoiding landscaped garden areas in front of dwellings. Sensitive use of landscaping can soften the impact of bin storage areas when it is necessary for them to be sited to the front of a property.

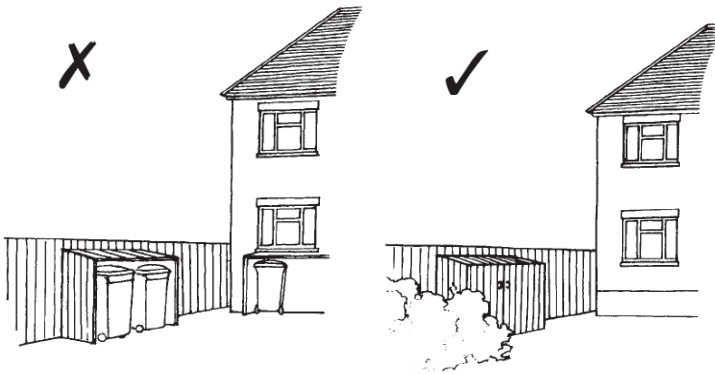


Figure 15: examples of an integration of waste and recycling storage areas

6. Gas & electricity meter boxes

15.19 More than one meter box on the front of a house can look unsightly. Where possible and safe, meter boxes should be located partially buried at the foot of the house wall to the front, or on the side of the property.

7. Security & crime prevention

15.20 For design solutions for improving security and preventing crime please refer to paras 7.7 – 7.9 in section 7 above for further information.

Principles

- conversions of houses into flats or HMOs, in roads characterised by houses will not normally be appropriate
- consideration should be given to local character and surroundings and conversions that harm this, (due to cumulative impacts of such conversions) will be refused
- the unit size should normally comply with Barnet's space standards highlighted in Appendix 2
- usable amenity space should normally be provided for the occupiers of all units
- consideration should be given to the necessary provision and associated activities such as car and cycle parking spaces, storage, hardsurfacing and refuse store at the earliest stage of design
- where conversion take place, any impact on the amenity of future residents and neighbouring properties should be minimised.

16. Hardstandings and vehicular crossovers

“Barnet’s Characterisation Study identified the severe impact of off-street car parking and consequent loss of front gardens on the dominating street typologies”. (Barnet Core Strategy para 10.7.1)

- 16.1 This section revises and updates Barnet’s Design Guidance Note 3 on Hardstandings and Vehicular Crossovers. This section deals with the design of hardstandings for parking vehicles outside domestic properties and the provision of access to the hardstanding.
- 16.2 Front gardens contribute positively to the aesthetic charms and character of streetscapes and the setting of individual groups of properties throughout the Borough.. Increased car ownership and demand for parking spaces has put pressure on the use of off-street car parking, leading to loss of on-street parking provision as there will not be general use of the new private space (s).
- 16.3 Front gardens provide an important physical boundary between houses and the public realm. They can enhance privacy as well as filtering out noise and air pollution. Front gardens with perimeter walls, hedges or fences can offer safer spaces in which children can play as well as contribute to biodiversity.

Hardstandings

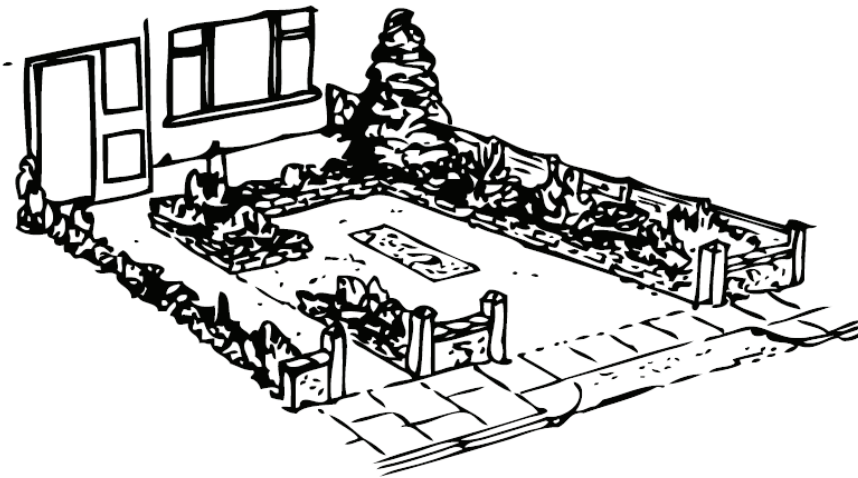
- 16.4 Gardens help to reduce the risk of flash flooding by soaking up an average of 10 litres of rainwater per minute (Royal Horticultural Society). Soft landscaping prevents water running away from gardens onto the highway. The Sustainable Design and Construction SPD (section 2.15.3) advises that new developments should normally utilise environmentally friendly methods of design and construction to help mitigate the impacts of climate change which causes increased rainfall, potential flooding and water course pollution. Permeable materials and sustainable urban drainage systems (SUDS) can be applied to hardstandings easily and relatively cheaply.
- 16.5 The following issues need to be considered when designing the layout and choosing the right materials for a hardstanding:

a. Preserving local character and retaining existing planting

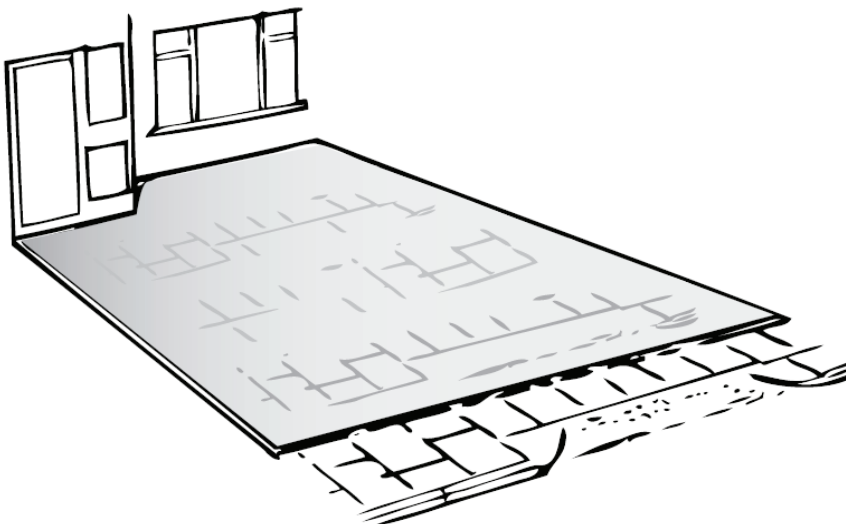
- 16.6 As shown in Figure 16 the hardstanding should maintain a balance between hard and soft landscaping and should contribute positively to the streetscene.
 - the area intended for the hardstanding should be the minimum space necessary to allow a vehicle to be parked
 - a hardstanding impact can be lessened by retaining mature trees and shrubs or creating areas of new planting

Figure 16 Design of Appropriate Hardstanding

Good design: Using permeable gravel for the hardstanding whilst retaining vegetation creates a colourful and pleasant street environment.



Bad design: Completely paving over your garden reduces the surface area that can absorb rain and detracts from the attractiveness of the streetscape.



- a planted strip or hedge between the vehicular and pedestrian access or around the fringe can help to break-up the appearance of the hardstanding and may be used to help screen the vehicle
- pedestrian gates should be retained and any new or existing walls, fences or other boundary features should reflect the style, features, sympathetic materials of the existing area and may require planning permission.

b. Providing level access, ensuring safety and crime reduction

16.7 Consideration should be given to movement of people and vehicles entering and leaving the hardstanding as well as protecting the wellbeing and security of occupants and the property. The following advice should be considered:

- allow good visibility for cars leaving the hardstanding. Vegetation or other features such as gates and walls should not be over 1m high within 2m on either side of the entrance to the hardstanding
- cars should not overhang the pavement, nor block the entrance to building and a clear pathway should be provided at the entrance to a building
- landscaping, including shrubs, should not impede natural surveillance and the building front should be open to view. Shrubs that have a mature growth height of no more than 1.5m and trees that have no foliage below 2m are an ideal choice for maintaining an eye level field of vision.

Vehicular crossovers

- 16.8 For a new vehicular access, households require a crossover to be constructed (dropping the kerb) to allow vehicles to access the hardstanding across the pavement. An application for a crossover on a classified road must first be made for an approval by the council's Crossovers team in the Highways department.
- 16.9 In some circumstances constructing a hardstanding is considered to be permitted development and does not require full planning permission. Planning permission is likely to be required if the hardsurfacing also requires significant level changes. Planning permission will be required for any type of new hard standing (e.g. patios, driveways or decking) which is 5m² or larger; or repair an area of 5m² or more of existing hard standing and if the area is between the principle elevation and the highway; and any rainwater runoff would end up going down the drains.
- 16.10 The area needed to park a car should be a minimum of 2.4m in width to allow parking at right angles to the footway. It is advised to leave a clear space of approximately 500mm between any vehicle and the public highway and at least 1m between the hardstanding and the front of the property.
- 16.11 For an amendment to an existing access the area needed to park should be sufficient to ensure that the vehicle can be parked at right angles to the footway and does not overhang the public highway. It would be preferable to leave a clear space between any vehicle and the public highway, and a gap between the hardstanding and the front of the property

Principles

- **Although planning approval can be given for a hardstanding, a separate crossover application will need to be submitted to and approved by the Highway Authority for the access off the public highway. Therefore please ensure that the crossover team has approved a crossover before converting the front garden into hardstanding for car parking.**
- **hardstandings should relate to the property they form part of and minimise flooding.**
- **planning applications for hardstanding would be refused if considered to be harmful to the local character and unsafe for pedestrians crossing.**

17. Planning permission and other issues

Planning permission

- 17.1 It's always advisable to check with the council before proceeding with works or submitting an application for a Certificate of Lawful Development (see below). Householders should take into considerations the good practice and advice contained in this SPD. Consent may also be required separately under the Building Regulations.
- 17.2 Information on permitted development, types of planning permissions and the legal background to planning can be accessed free of charge at the “planning portal” website on <http://www.planningportal.gov.uk>. Formalised written pre-application advice is also available on major, complex or medium-scale development proposals, and certain planning and development briefs. The council's duty planner (check Barnet's website for their availability and timings) can advise on relevant procedures and fees. Application forms may also be downloaded from <http://www.barnet.gov.uk>.
- 17.3 When a planning application is registered, the council normally consults neighbours, erects a site notice and sometimes advertises the proposal in the local press. The planning application file held by the authority is a public document and any member of the public can view all the information placed on it.

Design process and planning submission requirements

- 17.4 The design process should be analysis-based, context-driven and creative, to produce the highest quality residential design. At the outset, the developer/designer should consider:
- the policy framework (national/London Plan/local)
 - existing area-based policies and guidance if applicable (e.g. Area Action Plans, Conservation Area Character Appraisals, Planning Briefs and relevant SPDs)
 - best practice guidance and examples (e.g. By Design, Building for Life, The Design Wayfinder)
- 17.5 Design and Access Statements provide opportunities to demonstrate that proposals are based on a thorough design process. A key part of the statement is an explanation of how local context including building styles, scale, massing, height, materials, layout, access, trees, landscape features, open spaces, landmarks, views and heritage assets have influenced the final design.
- 17.6 As part of the Design Statement for planning applications for major schemes (10 or more dwellings), the council will expect applicants to submit a response to the Building for Life questions. The council also encourages applicants to respond to these criteria on smaller applications.
- 17.7 Further information on the requirements for Design and Access Statements is contained in Appendix 3. Additionally, CABI guidance can be downloaded from the CABI website: <http://www.cabi.org.uk/publications/design-and-access-statements> . Barnet's Design and Access Statement Guidance Note to assist those making planning

applications can be downloaded from <http://www.barnet.gov.uk/design-access-guidance-oct07.pdf>

- 17.8 It is recommended that applicants contact the council at an early stage to discuss submission requirements and initiate the design process. A pre-application meeting is advisable on larger sites. A current list of fees for pre-application advice is available on the Barnet's website (www.barnet.gov.uk/) or the Duty Planning Officer on 0208 359 3000.

Other issues to consider

Conservation areas

- 17.9 A Conservation Area is an area identified and designated by the local authority as being of special architectural or historic interest or particularly high environmental quality. Within conservation areas different 'permitted development' rules apply, and because of their particular character, the council will require a higher standard of design and materials than elsewhere.
- 17.10 When assessing proposals in these areas, the council will have special regard to the desirability of preserving or enhancing their character or appearance. Conversions in such areas therefore should be of a standard and type of design compatible with the character of the particular area. Some conservation areas are subject to what is known as 'Article 4 Directions'. These directions require that planning permission is obtained for development that would otherwise constitute 'permitted development'. Further information and advice including Conservation Area Appraisals, where appropriate, are available from the Planning Service.
- 17.11 For residents of the *Hampstead Garden Suburb* any external change to a property, including restoration of original work is likely to require the formal consent of the Hampstead Garden Suburb Trust as well as planning permission. The council and the Trust have produced a design guidance leaflet for the Suburb which is available on Barnet council's website.
- 17.12 Within The Bishop's Avenue, proposals for new development will be expected to: take the form of detached houses within substantial plots and be of a scale and design compatible with the established character of The Bishop's Avenue; utilise existing access points, avoiding the formation of additional or widened vehicle access points; retain existing plot widths, avoiding sub-division of existing sites; retain existing landscaping, established trees and shrubs; avoid the use of high security walls, gates and fencing; preserve a significant degree of separation between buildings; and take into account the council's character appraisal statement on The Bishop's Avenue. Flatted development on sites occupied by single family homes will be strongly resisted.

Listed and Locally Listed Buildings

- 17.13 In Barnet there are over 2,200 Listed Buildings and 1,600 buildings of local importance. The council's Conservation team can provide guidance on properties that are included in the National Statutory List, the Local List or the Buildings at Risk Register.
- 17.14 Internal and external alterations or extensions (including any demolition) which affects the character of a Listed Building will require Listed Building Consent, in addition to any

planning permission which may be necessary. The fact that a proposed extension may itself be ‘permitted development’ does not negate the need to obtain Listed Building Consent. Proposals for the conversion of a listed building are likely to be considered appropriate only if the internal layout and external appearance of the building lends itself to this use. Failure to obtain Listed Building Consent is a criminal offence punishable by a fine or even imprisonment.

17.15 With regard to Locally Listed Buildings the council will apply a presumption in favour of retention.

Green Belt, Metropolitan Open Land and Flood Defence Consents

17.16 Barnet contains extensive areas of high quality Green Belt comprising of predominantly open land but also covering existing settlements such as Totteridge, Mill Hill and Monken Hadley.

17.17 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and preserving the special character of existing townscapes. The council has consistently protected the Green Belt and adjoining land by resisting inappropriate development including poorly designed and large extensions to dwellings, in accordance with the national policies.

17.18 Metropolitan Open Land (MOL) is a designation which covers areas of major open spaces in Barnet and it is appropriate to apply the principles of development management in the Green Belt to MOL as well.

17.19 Before proceeding with any development work, it is advisable to check if the property is located in or adjacent to the Green Belt or MOL by looking at the borough’s Local Plan. In these circumstances it is particularly important to ensure that any proposals for altering your property are well designed and do not detract from the visual amenity of the surrounding area. Details on the extent of extensions in the Green Belt are highlighted in section 14.51.

17.20 In addition to planning permission (or permitted development), under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws 1981, prior written consent is required from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of any watercourse designated by the Environment Agency as a ‘main river’. A main river does not necessarily relate to the size of the watercourse, and can include smaller streams and culverted channels. The location of main rivers in Barnet can be found on the ‘What’s in your backyard?’ section of the Environment Agency website:
<http://www.environment-agency.gov.uk/homeandleisure/37793.aspx>.

17.21 It is recommended that developers/applicants seek the advice of the Environment Agency prior to submitting for planning permission or permitted development, as their consent may not be granted for the intended works.

Considering existing trees

17.22 Trees and grass verges are an important feature of many streets and can provide an important habitat for birds. Try not to disturb the ground near a tree or large shrub. If intending to undertake excavation or building works, always contact the council’s Tree

and Landscaping section (within the Planning Department) to see if your proposal affects any tree (or its roots) and if any trees are protected by a Tree Preservation Order or by virtue of being locally listed within a conservation area. During building operations the council will expect that adequate precautions are taken to ensure that existing trees and their root systems and other landscape features are protected. Consent will probably be required for any work affecting trees, including the cutting of roots.

Avoiding disputes with neighbours

- 17.23 The concerns of neighbours and adjoining occupiers are important factors in decision making. The council recommends early discussions about the design of development in particular how it will look and how it will impact on your neighbour’s daylight/sunlight, outlook and gardens.
- 17.24 If you intend to carry out work to an existing wall or structure which is shared with another property, build a free-standing wall or a wall up to or astride the boundary with a neighbouring property, or excavate near a neighbouring building, neighbours should be notified under the provisions of the Party Wall Act 1996. It should be noted that issues that relate to boundary disputes and land ownership are not planning matters.
- 17.25 It is also important to consider how any building works might affect your neighbours. Some inconvenience may be inevitable, however keeping noise and disturbance to a minimum having regard to matters such as working hours and construction related parking will greatly assist relations. For more information please look at our “Site Construction guidance for Householders and Developers” on the council’s website www.barnet.gov.uk.

Certificate of lawful development

- 17.26 If you are in any doubt as to whether planning permission is required, you can apply to the council for a certificate of lawful development. The certificate confirms whether or not planning permission would be required for the proposal. The appropriate forms and an explanatory leaflet are available from the council and should be submitted with the appropriate fee.

Making a decision

- 17.27 When the council comes to making a decision on a case there are two different ways this can happen. Most planning applications are approved or refused by officers acting on authority delegated to them by the council. Where this is the case the council will try to make a decision within an 8 week period starting from the date the application is validated. However, where several objections are received, approval is not given without full consideration by the relevant Planning Committee of councillors.
- 17.28 If an application is refused then the applicant will have a right of appeal against the decision to the Planning Inspector. An appeal against any planning conditions imposed can also be made. The Planning Inspectorate details and guidance in relation to lodging an appeal are normally enclosed with the decision notice.

Enforcement

- 17.29 If works subject to planning control are carried out without the written consent of the council, the council has the power to ensure that the breach of planning legislation is remedied. Failure to obtain planning permission or to reflect the planning permission (i.e. that it accurately represents what is shown on the approved planning drawings) can lead to enforcement action. Enforcement action may compel a building to be returned to its original form or rebuilding in accordance with the planning permission.
- 17.30 In addition to any planning requirements, if a hardstanding is used for parking vehicles without there being a properly constructed crossover, under Section 184 of the Highways Act (1980) the local highways authority can require a crossover to be constructed and recover any costs from the property occupier.
- 17.31 In the case of a listed building, any person who carried out or caused the works to be carried without or not in accordance with listed building consent is liable to prosecution in addition to enforcement proceedings.

PART 4

Appendices

Appendix 1: Building for Life¹²

BfL12 comprises of 12 questions, with four further questions under each main heading that reflect BfL12's vision of what new housing developments should be: attractive, functional and sustainable places. Further details are available at:

http://www.hbf.co.uk/fileadmin/documents/briefings/BfL_A4_booklet_singlepages_.pdf

Integrating into the neighbourhood

1. Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?

1a Where should vehicles come in and out of the development?

1b Should there be pedestrian and cycle only routes into and through the development? If so where should they go?

1c Where should new streets be placed and could they be used to cross the development site and help create linkages across the scheme and into the existing neighbourhood?

1d How should the new development relate to existing development? What should happen at the edges of the development site?

2. Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

2a Are there enough facilities and services in the local area to support the development? If not, what is needed?

Where new facilities are proposed:

2b Are these facilities what the area needs?

2c Are these new facilities located in the right place? If not, where should they go?

3. Public transport

Does the scheme have good access to public transport to help reduce car dependency?

3a What can the development do to encourage more people (both existing and new residents) to use public transport more often?

3b Where should new public transport stops be located?

4. Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

4a What types of homes, tenure and price range are needed in the area (for example, starter homes, family homes or homes for those downsizing)?

4b Is there a need for different types of home ownership (such as part buy and part rent) or rented properties to help people on lower incomes?

Creating a place

5. Character

Does the scheme create a place with a locally inspired or otherwise distinctive character?

5a How can the development be designed to have a local or distinctive identity?

5b Are there any distinctive characteristics within the area, such as building shapes, styles, colours and materials or the character of streets and spaces that the development should draw inspiration from?

6. Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including water courses), wildlife habitats, existing buildings, site orientation and microclimates?

6a Are there any views into or from the site that need to be carefully considered?

6b Are there any existing trees, hedgerows or other features, such as streams that need to be carefully designed into the development?

6c Should the development keep any existing building(s) on the site? If so, how could they be used?

7. Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

7a Good streets and spaces are created by enclosing them with buildings and a strong landscaping scheme. Are buildings used to create enclosed streets and spaces?

7b Good buildings 'turn' corners. Do buildings turn corners well?

7c Do all fronts of buildings, including front doors face the street?

8. Easy to find your way around

Is the scheme designed to make it easy to find your way around?

8a Will the development be easy to find your way around? If not, what could be done to make it easier to find your way around?

Street and home

9. Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

9a Are streets pedestrian friendly and are they designed to encourage cars to drive slower and more carefully?

9b Are streets designed in a way that they can be used as social spaces, such as places for children to play safely?

10. Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

10a Is there enough parking for residents and visitors?

10b Is parking positioned close to people's homes?

10c Are any parking courtyards small in size (generally no more than five properties should use a parking courtyard) and are they well overlooked by neighbouring properties?

10d Are garages well positioned so that they do not dominate the street scene?

11. Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

11a What types of open space should be provided within this development?

11b Is there a need for play facilities for children and teenagers? If so, is this the right place or should the developer contribute towards an existing facility in the area that could be made better?

12. External storage and amenity space

Is there adequate external storage space for bins and recycling, as well as vehicles and cycles?

12a Is there enough storage space for bins and recycling, as well as vehicles?

BfL 12 is also designed to help local planning authorities assess the quality of proposed and completed developments. Schemes that are considered to have achieved 12 'greens', will be eligible for 'Building for Life Diamond' status, as exemplars giving developers and local authorities the opportunity to acknowledge and promote good design. Diamond status will be available prior to build completion, offering developers the opportunity to market their developments using Building for Life.

Appendix 2: Tables

Table 1.1: London Plan Sustainable Residential Quality Density Matrix			
Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban¹	150-200 hr/ha	150-250 hr/ha	200-350 hr/ha
3.8-4.6 hr/unit	35-55 u/ha	35-65 u/ha	45-90 u/ha
3.1-3.7 hr/unit	40-65 u/ha	40-80 u/ha	55-115 u/ha
2.7-3.0 hr/unit	50-75 u/ha	50-95 u/ha	70-130 u/ha
Urban²	150-250 hr/ha	200-450 hr/ha	200-700 hr/ha
3.8-4.6 hr/unit	35-65 u/ha	45-120 u/ha	45-185 u/ha
3.1-3.7 hr/unit	40-80 u/ha	55-145 u/ha	55-225 u/ha
2.7-3.0 hr/unit	50-95 u/ha	70-170 u/ha	70-260 u/ha
Central³	150-300 hr/ha	300-650 hr/ha	650-1100 hr/ha
3.8-4.6 hr/unit	35-80 u/ha	65-170 u/ha	140-290 u/ha
3.1-3.7 hr/unit	40-100 u/ha	80-210 u/ha	175-355 u/ha
2.7-3.0 hr/unit	50-110 u/ha	100-240 u/ha	215-405 u/ha

Setting is defined as:

¹Suburban – areas with predominantly lower density development such as detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys.

²Urban – areas with predominantly dense development such as terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or along main arterial routes.

³Central – areas with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre

Source: London Plan 2011.

Table 1.2: Outdoor Amenity Space Requirements for Barnet	
Outdoor Amenity Space Requirements for Barnet	Development Scale
For Flats: <ul style="list-style-type: none"> • 5 m² of space per habitable room. 	Minor, Major and Large scale
For Houses: <ul style="list-style-type: none"> • 40 m² of space for up to four habitable rooms • 55 m² of space for up to five habitable rooms • 70 m² of space for up to six habitable rooms • 85 m² of space for up to seven or more habitable rooms 	Minor, Major and Large scale
Development will not be permitted if it compromises the minimum outdoor amenity space standards.	Householder
In calculating outdoor amenity space the following will not be counted: shared surfaces, driveways, vehicle parking areas or hard standings, cycle storage areas ('dirty' storage) footpaths, servicing areas and refuse storage areas. In addition outdoor amenity space which does not have a reasonable level of privacy will not be considered to be usable.	
Source: Sustainable Design and Construction SPD 2012, Table 2.3 and section 2.3.2	

Table 1.3: Minimum residential space standard requirements

The following standards apply to all new residential development including conversions.

	Dwelling type (bedroom (b)/persons- bedspaces (p))	Gross Internal Area (m²)
Flats	1p	37
	1b2p	50
	2b3p	61
	2b4p	70
	3b4p	74
	3b5p	86
	3b6p	95
	4b5p	90
	4b6p	99
	2 storey houses	2b4p
3b4p		87
3b5p		96
4b5p		100
4b6p		107
3 storey houses	3b5p	102
	4b5p	106
	4b6p	113

Major developments are required to demonstrate on the dwelling plans accompanying a planning application the furniture and circulation space to help demonstrate compliance with the space standards. The furniture and circulation space should meet the dimensions set out in Appendix 2 of the London Housing Design Guide (interim edition).

When designing homes for more than six persons/ bedspaces, developers should allow approximately 10 m² per extra bedspace/ person. Single person dwellings of less than 37 m² may be permitted if the development proposal is demonstrated to be of exemplary design and contributes.

Source: Table 3.3 Minimum space standards for new development: London Plan July 2011

Glossary

Active Frontage A frontage which adds interest, life and vitality to the public realm. It has frequent doors and windows with few blank walls.

Amenity Element of a location or neighbourhood that helps to make it attractive or enjoyable to residents and visitors

Biodiversity The variety of plants and animals and other living things in a particular area or region. It encompasses habitat diversity and genetic diversity.

Building line The line formed by the frontages of buildings along a street. The building line can be shown on a plan or section.

Context (or site and area) appraisal A detailed analysis of the features of a site or area (including land uses, built and natural environment, and social and physical characteristics) which serves as the basis for an urban design framework, development brief, design guide or other policy or guidance.

Context The setting of a site or area, including factors such as traffic, activities and land uses as well as landscape and built form.

Curtilages The land immediately surrounding a building and directly related to it.

Design principle An expression of one of the basic design ideas at the heart of an urban design framework, design guide, development brief or a development.

Desire line An imaginary line linking facilities or places which people would find it convenient to travel between easily.

Door Canopies A roof over the front door, possibly supported by posts.

Eaves Where the roof overhangs the house wall.

Elevation The facade of a building, or the drawing of a facade.

Enclosure The use of buildings to create a sense of defined space.

Form The layout (structure and urban grain), density, scale (height and massing), appearance (materials and details) and landscape of development.

Green Belt A national policy designation that helps to contain development, protect the countryside and promote brownfield development. Development is strictly controlled in the Green Belt.

Habitable room A room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m² (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m² will be counted as two.

Height The height of a building can be expressed in terms of a maximum number of floors; a maximum height of parapet or ridge; a maximum overall height; any of these maximum heights in combination with a maximum number of floors; a ratio of building height to street or space width; height relative to particular landmarks or background buildings; or strategic views.

Hipped roof A roof formed by several adjacent inclining planes, each rising from a different wall of building, and forming hips at their adjacent sloping sides.

Human scale The use within development of elements which relate well in size to an individual human being and their assembly in a way which makes people feel comfortable rather than overwhelmed.

In-curtilage parking Parking within a building's site boundary, rather than on a public street or space.

Landmark A building or structure that stands out from its background by virtue of height, size or some other aspect of design.

Landscape The character and appearance of land, including its shape, form, ecology, natural features, colours and elements and the way these components combine. Landscape character can be expressed through landscape appraisal, and maps or plans. In towns 'townscape' describes the same concept.

Layout structure The framework or hierarchy of routes that connect in the local area and at wider scales.

Layout The way buildings, routes and open spaces are placed in relation to each other.

Legibility The degree to which a place can be easily understood and traversed (to travel or pass across)

Liveability Refers to the environmental and social quality of an area as perceived by residents, employees and visitors.

Local distinctiveness The positive features of a place and its communities which contribute to its special character and sense of place.

Massing The combined effect of the height, bulk and silhouette of a building or group of buildings.

Means of enclosures Is the separation and appropriation of land by means of a fence or a wall.

Metropolitan Open Land (MOL) MOL covers areas of major open spaces within urban area that have more than borough-wide significance for their contribution to recreation, leisure and visual amenity and which receive same presumption against development as Green belt.

Movement People and vehicles going to and passing through buildings, places and spaces. The movement network can be shown on plans, by space syntax analysis, by highway designations, by figure and ground diagrams, through data on origins and destinations or pedestrian flows, by desire lines, by details of public transport services, by walk bands or by details of cycle routes.

Natural surveillance (or supervision) The discouragement to wrong-doing by the presence of passers-by or the ability of people to be seen out of surrounding windows. Also known as passive surveillance (or supervision).

Node A place where activity and routes are concentrated often used as a synonym for junction.

Permeability The degree to which an area has a variety of pleasant, convenient and safe routes through it.

Pitched Roof A roof in the shape of an upside down 'V'.

Public Transport Accessibility Level (PTAL) A detailed and accurate measure of the accessibility of a point to the public transport network, taking into account walk access time and service availability. PTALs reflect :

- walking time from the point of interest to the public transport access points;
- the reliability of the service modes available;
- the number of services available within the catchment; and
- the level of service at the public transport access points – ie average waiting time.

Recessed Doorways Where the front door sits further back than the rest of the house's front wall, normally with a roof or a protruding first floor room above.

Scale The impression of a building when seen in relation to its surroundings, or the size of parts of a building or its details, particularly as experienced in relation to the size of a person. Sometimes it is the total dimensions of a building which give it its sense of scale: at other times it is the size of the elements and the way they are combined. The concept is a difficult and ambiguous one: often the word is used simply as a synonym for 'size'. See 'Human scale'.

Street furniture Structures in and adjacent to the highway which contribute to the street scene, such as bus shelters, litter bins, seating, lighting, railings and signs.

Topography A description or representation of artificial or natural features on or of the ground.

Urban design The art of making places. Urban design involves the design of buildings, groups of buildings, spaces and landscapes, in villages, towns and cities, and the establishment of frameworks and processes which facilitate successful development.

Urban grain The pattern of the arrangement and size of buildings and their plots in a settlement; and the degree to which an area's pattern of street-blocks and street junctions is respectively small and frequent, or large and infrequent.

Further guidance

Building for Life12, Sept 2012

http://www.hbf.co.uk/fileadmin/documents/briefings/BfL_A4_booklet_singlepages_.pdf

CABE: By Design: Urban Design in the Planning system towards better Practice, 2000

<http://www.cabe.org.uk/publications/by-design>

CLG: National Planning Policy Framework, Mar 2012

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

CLG: Supplementary Report Basement Extension – Householder Development Consents Review – Implementation of Recommendations, Nov 2008

<http://www.communities.gov.uk/publications/planningandbuilding/basementextensions>

Department for Transport: Local Transport Note 1/12 - Shared Use Routes for Pedestrians and Cyclists, Sept 2012

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/9179/shared-use-routes-for-pedestrians-and-cyclists.pdf

Design Council CABE: The Design Wayfinder, Jun 2012

<http://www.designcouncil.org.uk/our-work/cabe/localism-and-planning/design-wayfinder/>

GLA: All London Green Grid Supplementary Planning Guidance, Mar 2012

http://www.london.gov.uk/sites/default/files/ALGG_SPG_Mar2012.rtf

Environment Agency: Flood Risk Standing Advice 2012

<http://www.environment-agency.gov.uk/research/planning/82584.aspx>

Environment Agency: Planning Advice Section Dec 2012

<http://www.environment-agency.gov.uk/research/planning/default.aspx>

GLA: Connecting with Nature - the London Biodiversity Strategy, 2005

http://legacy.london.gov.uk/mayor/strategies/biodiversity/biodiversity_strategy.jsp

GLA: SPG on Housing, Nov 2012

http://www.london.gov.uk/sites/default/files/Housing%20SPG%20FINAL%20High%20Res_0.pdf

GLA: Guidance for Residential Travel Planning in London, May 2008

<http://theihe.org/knowledge-network/uploads/Guidance-residential-travel-planning-2008.pdf>

GLA: SPG on Shaping Neighbourhoods: Play and Informal Recreation SPG, Sept 2012

<http://www.london.gov.uk/publication/shaping-neighbourhoods-play-and-informal-recreation-spg>

GLA: The London Plan, July 2011

http://www.london.gov.uk/sites/default/files/The%20London%20Plan%202011_0.pdf

LBB: Barnet's Characterisation Study, May 2010

http://www.barnet.gov.uk/downloads/download/350/characterisation_study

LBB: Barnet's Conservation Areas webpage

<http://www.barnet.gov.uk/info/200023/conservation/975/conservation>

LBB: Barnet's Local Plan Core Strategy, Sept 2012

http://www.barnet.gov.uk/info/940354/adopted_local_plan-core_strategy_dpd/1004/adopted_local_plan-core_strategy_dpd

LBB: Barnet's Local Plan Development Management Policies, Sept 2012

http://www.barnet.gov.uk/info/940355/adopted_local_plan-development_management_policies_dpd

LBB: Barnet's Priority Estates and Regeneration Projects webpage

http://www.barnet.gov.uk/info/823/regeneration_projects/840/regeneration_projects

LBB: Brent Cross Cricklewood Regeneration Framework webpage

http://www.barnet.gov.uk/info/940028/cricklewood_brent_cross/530/cricklewood_brent_cross

LBB: Building Control webpage

http://www.barnet.gov.uk/info/200011/building_control/974/building_control

LBB: Colindale Area Action Plan, Mar 2010

http://www.barnet.gov.uk/info/940272/colindale_aap/744/colindale_aap

LBB: Mill Hill East Area Action Plan, Jan 2009

http://www.barnet.gov.uk/info/940168/mill_hill_east_aap/586/mill_hill_east_aap

LBB: Open Space, Sport and Recreational Facilities, Dec 2009

http://www.barnet.gov.uk/downloads/download/348/open_space_assessment

LBB: Sustainable Design and Construction SPD, 2012

http://www.barnet.gov.uk/downloads/download/518/sustainable_design_and_construction_spd_documents

Lifetime Homes, Nov 2011

<http://www.brebookshop.com/details.jsp?id=326813>

ODPM: Safer Places: The Planning System and Crime Prevention, 2004

http://www.securedbydesign.com/pdfs/safer_places.pdf

Police initiative: Secured by Design, Website Model

<http://www.securedbydesign.com/>

TfL: Advice note: Travel Planning for Residential Developments - New Way to Plan, 2011

<http://www.lscp.org.uk/newwaytoplan/travelplan.html>

Other useful publications and websites

List of Design Guidance Notes

- DGN 1: Advertising and Signs (1993)
- DGN 2: The Selection and Siting of Satellite Antenna (1993)
- ~~DGN 3: The Construction of Hard-standings (driveways) and Vehicle Crossovers (dropped kerbs) (2011)~~ **replaced by a section 15 of this SPD.**
- DGN 4: The Removal or Alteration of Chimney Stacks (1993)
- ~~DGN 5: Extensions to Houses (2010)~~ **replaced by section 13 of this SPD.**
- DGN 6: The Replacement of Windows and Doors (1993)
- ~~DGN 7: Residential Conversions (1994)~~ **replaced by a section 14 of this SPD.**
- DGN 8: Materials and Colour (1995)
- DGN 9: Walls, Fences and Gates (1994)
- DGN 10: Shopfronts (2011)
- ~~DGN 11: Porches (1995)~~ **replaced by section 13.61- 65 of this SPD.**
- DGN 12: Designing to Reduce Crime (2000)

All DGN notes are available to download from the council's website:
http://www.barnet.gov.uk/downloads/download/721/design_guidance

List of Conservation Area Character Appraisal Statements

1. College Farm (Map - Jan1989)
2. Cricklewood, Railway Terraces (March1998)
3. Finchley Church End (August 2011)
4. Finchley Garden Village (appraisal underway)
5. Glenhill Close (Sept 2002)
6. Golders Green Town Centre (July 2011)
7. Hampstead Garden Suburb (Oct 2010)
8. Hampstead Garden Suburb, Bishop's Avenue (Feb 1999)
9. Heath Passage (Map - Dec 2009)
10. Hendon Church End (2012)
11. Hendon The Borroughs (2012)
12. Mill Hill (April 2008)
13. Monken Hadley (Jan 2007)
14. Moss Hall Crescent (Map - Feb 2003)
15. Totteridge (May 2008)
16. Watling Estate (July 2007)
17. Wood Street (July 2007)

All Conservation Area Character Appraisal Statements are available to download from the council's website:
http://www.barnet.gov.uk/downloads/511/conservation_areas

Useful contacts

For further information and any specific queries, please contact:

The Planning Service duty planner at:

Planning Reception
Barnet House, 2nd Floor
1255 High Road, Whetstone N20 0EJ

Tel: 020 8359 4561
Fax: 0870 889 6818
Email: planning.enquiry@barnet.gov.uk

The Planning Duty Officer is available on Monday, Wednesday & Friday mornings from 9am to 1pm

Listed Building and Conservation Area enquiries:

Conservation and Heritage Team
Tel: 020 8359 3000
Fax: 0870 889 6818
Email: planning.enquiry@barnet.gov.uk

Building Regulation enquiries:

Building Regulation Service
Tel: 020 8359 4500
Fax: 0870 889 7462
Email: building.control@barnet.gov.uk

For a comprehensive source of information concerning planning and building control matters please visit the council's planning pages online www.barnet.gov.uk or Government's planning portal website at www.planningportal.gov.uk

Copies of this document can be viewed at any Barnet library and at the planning reception which is located at

Barnet House 2nd floor
1255 High Road, Whetstone
London N20 0EJ

The reception is open Monday to Friday:
9.00am to 5.00pm

Contact details

Strategic Planning (Planning and Housing), Building 4, North London Business Park,
Oakleigh Road South, London N11 1NP

Or email: forward.planning@barnet.gov.uk

Or contact us on: 0208-359-4990

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APPENDIX B – Schedule of Consultation Responses

Ref. No.	Name / Organisation	Section / Page / Para	Comments or Changes Proposed	Council's Response
1	Crime Prevention Design Advisor, Barnet Borough Police,	7.9 – 7.11	<p>“Safety & Security” section give reference to the importance Crime Prevention Through Environmental Design (CPTED), indeed Para 7.11 states “The Police initiative ‘Secured By Design’ focuses on crime prevention at the design, layout and construction stages of development by seeking to design out crime. It is important to also account for local conditions regarding safety and security during the building design stage”.</p> <p>In support of Para 7.11 Barnet Borough Police would wish to add “ACPO Secured By Design (SBD) Pre-Planning advice is available via the local Police Crime Prevention Design Advisor (CPDA). Information and advice on crime risk and site specific crime prevention design criteria are available free of charge to planning applicants compiling a Design & Access Statement. The Code for Sustainable Homes (DCLG 2007) also awards points to developments that have met the requirements of SBD Design Guide - New Homes Section 2. Further information on SBD can be found via www.securedbydesign.com</p> <p>Incorporating the principles of SBD should improve community safety and security within the built environment. Once a development has been completed, the main opportunity to incorporate crime prevention measures has gone. Careful design needn't cost more if considered from the outset.</p>	Reference to Secured By Design (SBD) details and website is provided at Table 3 / number 6 of the SPD. Para 7.11 makes cross reference to Table 3.
2	Bestsafe Ltd	General Comment	Barnet Planning Policies should be more relaxed, less draconian and aimed at accommodating the needs of growing population who require smaller / flexible dwellings than in the past. The sizes / dimensions should be much more flexible and smaller size rooms should be allowed. In Japan, people are sleeping effectively in “sliding horizontal draws”, planning must be much less restrictive and more freedom should be given to homeowners.	Barnet has one of the most up to date Local Plans in the country. In June 2012 our Core Strategy and Development Management Policies documents were found sound and consistent with the National Planning Policy Framework by an Inspector appointed by the Secretary

				of State. The Mayor of London regards the size of all new homes to be a key strategic issue and the London Plan sets out minimum space standards for dwellings of different types. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures.
3	Finchley Society and the Hendon and District Archaeological Society (HADAS) N12.	General Comment	The Societies are in general supportive of this draft.	This support is welcomed.
4	-	1.3 and 1.5	These paras are strongly supported	This support is welcomed.
6	-	1.6	The fourth and fifth sentences are weasel words, and should be redrafted for clarity and honesty. If they mean that core strategy objectives, viability and the need for housing may override the provisions of the SPD, this should be admitted, and an indication given of the circumstances in which and reasons for which this might happen.	Planning needs to demonstrate flexibility and be able to respond to change. The focus of this SPD as set out in para 3.2 is on the residential suburb. We cannot afford to not consider viability but the overriding objective of this SPD in terms of delivering high quality design that responds to Barnet's suburban character is clear.
7	-	1.9	This para should signpost the sections on conservation areas and listed buildings found at 17.13 and following. Otherwise a user may not realise there are special rules governing these, which are not mentioned elsewhere except in 14.51 on porches	Agreed. Para 1.8 has been amended to signpost reflect sections on conservation areas and listed buildings.
8	-	1.13	Add "Any changes will be subject to consultation."	Agreed. Any future revisions to the design categories will be subject to

				consultation.
9	-	3.3	When will the town centre strategies appear?	Progress is being made with the first round of town centre strategies. New Barnet and Finchley Church End have been adopted. Strategies for Edgware and Chipping Barnet should be adopted in Summer 2013. Progress with North Finchley should become clearer in 2013. The next round of town centre strategies should include Golders Green and Whetstone.
10	-	3.4	Should there be an expressed determination to keep these CACAs up-to-date?	As highlighted at para 7.2.3 of the Development Management Policies document there is a rolling programme of CACA renewal. Appendix 2 of the Development Management Policies document highlights as a monitoring indicator for DM06 that no CACA is more than 5 years old.
11	-	4.1	Admirable, provided the Council are determined to hold to it, and to defend decisions on appeal.	This support is welcomed.
12	-	Table 3. 8	Why 'normally' in the penultimate sentence? When need they not comply?	Reference to 'normally' has been removed and this section has been updated to reflect new TfL guidance on travel planning for new development.
13	-	5.1	In too many decisions the principles here seem to be ignored (and by the GLA in their decisions). The word 'drive' in the first sentence of 5.1 is an obfuscation; it seems to mean that one should not build just in order to achieve a density target, but it probably really means that applications will not be refused solely because they exceed the maximum densities in the Matrix. The Section should indicate the circumstances where the other factors listed in 5.1 outweigh the parameters of the Matrix. It is good, however, to see 'within' in the second sentence of 5.4. 5.5 is also good.	There was a detailed discussion about housing densities and the application of the Matrix at the Core Strategy Examination in Public in December 2011. The Inspector's Report of June 2012 supported Barnet's approach of optimising densities rather than maximising them. Para 5.4 makes cross reference to the

				<p>Mayor's Housing SPG on sites outside the density ranges of the Matrix.</p> <p>The support on paras 5.4 and 5.5 is welcomed.</p>
14	-	6.18	<p>Section 6 is generally supported. A para should be added, or 6.18 should be expanded, to deal with gated developments (as distinct from single houses enclosed by high barriers), which are undesirable in that they detach whole groups of dwellings from the community, and give the impression that there is some sort of a jungle outside the protected area.</p>	<p>In para 6.18 it is already made clear that the fronts of the houses should generally remain open to view. High railings and gates are not encouraged as they can have a negative impact on the streetscene. Therefore we do not consider that para 6.18 requires any further amendment.</p>
15	-	6.18	<p>'is not encouraged' in the second sentence, and 'is encouraged' in 6.17, are odd words. If Barnet has powers to require something to be (or not be) done, it should be expressed here (as in the first sentence of 6.20); if not the sentences should be redrafted to use a word like 'should'.</p>	<p>Agreed. Paras 6.17 and 6.18 have been amended to remove 'is not encouraged' and 'is encouraged'</p>
16	-	7.4	<p>Give some guidance on how to achieve the balance between privacy and security.</p>	<p>Table 3 number 5 on Safer Places as well as number 8 on Secured by Design provides guidance on this balance. SPD provides a number of signposts on this.</p>
17	--	7.10	<p>'overlooking areas for car-parks' is an obscure phrase. What does it mean; why are car-parks different, and what is an overlooking area like?</p>	<p>A critical element in designing out crime is providing for adequate natural surveillance, via easy overlooking. For example, schemes should provide for overlooking onto and from front gardens, commercial frontages, pathways, streets, communal amenity areas and car parking spaces; especially from windows in front elevations. Such overlooking enables surveillance which discourages the types of crime which rely on secluded</p>

				areas.
18	-	7.14	What power does the Council have to restrict permitted development?	<p>The council restricts permitted development rights by the following two methods.</p> <p>1. Whenever we grant planning permission for new development we can restrict permitted development rights through the imposition of a planning condition. EG. When we grant planning permission for new houses it is standard practice to restrict permitted development rights.</p> <p>2. Imposing Article 4 Directions.</p>
19	-	8.2	This is strongly supported, but the Council must enforce it by refusing permission for developments without proper amenity space, and defending the refusal on appeal. The retreat in 8.6 is a disappointment, unless it is made clear that the Council decides what is 'imaginative and innovative' and this is not a let out for over-development.	<p>This support is welcomed.</p> <p>Para 8.6 clearly states that creative, innovative and imaginative designs are only encouraged where layout of residential development on very small site is restrictive; whereas all other sites are expected to comply with council's minimum outdoor space standards.</p>
20	-	8.5	second bullet point. There must be a balance here; blocking out views can be a detriment to public amenity space.	<p>This bullet point has been amended to ensure that reasonable views are still provided.</p>
21	-	8.10 and 11	should be complemented by a para about the loss of real front gardens, and what the Council can do about it.	<p>A cross reference to para 2.10.7 of the Development Management Policies document which considers the cumulative impact of loss of front garden's on local character and explains where planning permission is required.</p>
22	-	9.1 and 9.3	These paras are strongly supported.	<p>This support is welcomed.</p>
2/22	-	9.4	'normally' is a let-out; explain what exceptions there might be and	<p>Exceptions are widely noted in the</p>

			why.	London Plan and the Mayor's SPG on Housing (section 2.3.15) therefore we do not consider that we need to reiterate them in para 9.4.
23	-	9.7 and 9.8	These paras are strongly supported.	This support is welcomed.
24	-	10.4	It would be useful to have in the last sentence some examples.	A cross-reference to Department for Transport's Local Transport Note 1/12 - Shared Use Routes for Pedestrians and Cyclists (September 2012) has been added to para 10.4 providing advice on detailed design for shared uses.
25	-	10.7	It would be useful to have in the last sentence some examples.	Cross reference is made to "Safer Places: the planning system and crime prevention" which provides examples.
26	-	11.2	This encouragement of outdoor lighting should include a discussion of the ways in which light pollution can be mitigated.	This para has been updated with the cross reference to para 7.12 on lighting schemes.
27	-	11.10 and 11.11	These paras are strongly supported.	This support is welcomed.
28	-	13.2	There is a conflict between let-outs in the last sentence and the firm 13.6 (which is preferable)	This is not a let out. All town centre residential developments are considered on a case by case basis and are expected to comply with the requirements of Barnet's Local Plan
29	-	14	Some of this may have, regrettably, to be toned down in view of the government's planning relaxations	We await the government's publication of these changes to permitted development rights for extensions following consultation late last year. We consider that this SPD guidance will help homeowners who decide to take advantage of the relaxation of permitted development rights to build extensions that are appropriate to local context.
30	-	14.6	Admirable though this is, it is subverted by the Government's	This support is welcomed. As stated

			proposals on permitted development	above we await the government's publication of these changes to permitted development rights for extensions
31	--	14.20	Admirable though this is, it is subverted by the Government's proposals on permitted development.	This support is welcomed. See response above.
32	-	14.22	'deeper' than what?	Text has been amended to clarify that extensions that are deeper than the neighbours are inappropriate.
33	-	14.29	There are so many dormer extensions in Barnet now that it may be difficult to defend a refusal on appeal unless in a special streetscape.	Our approach to dormers is clearly stated in this SPD.
34	-	15.5	The last sentence should be clarified - are the conditions alternative or cumulative?	It is unclear what this representation relates to. The first sentence of para 15.4 highlights that conversions can have a cumulative impact on environmental quality and character.
35	-	15.7	The first sentence seems to be a statement of fact, and it would clarify to put 'converted' before 'dwellings'. Or is it a policy, and should read 'If a house to be converted has a garden, then on conversion that garden should be split into private garden areas.'?	Agreed. This is a statement and para 15.7 has been amended accordingly.
36	-	15.10	This para appears suddenly in the middle of paras about conversions; it should be somewhere else or in another document, and should add as necessary to DM09 to explain Barnet's policy towards HMOs.	Many residents get confused between conversions and HMOs when contacting the council or applying for planning permission, so this is for their benefit as well as to signpost any queries related to HMOs to Barnet's Environment and Licensing Services.
37	-	15.12	Extensions and roof alterations' should refer back to 14.29 and following.	Agreed. Para 15.12 has been amended accordingly.
38	-	15.14	But these are conversions, not purpose-built, and the para should relate to them.	Agreed. Para 15.14 has been amended accordingly.
39	-	15.15	Would refusal of permission to an external staircase at the rear stand up on appeal?	Any proposal for an external staircase would be considered on its own

				particular merits. The refusal of permission could “stand up” at appeal if the reason(s) for refusal related to harm to the appearance of the property and / or harm to neighbouring residents amenity and the reason(s) can be substantiated.
40	-	15.17	But, regrettably, many front gardens have gone anyway.	We are working to mitigate the loss of front gardens and its impact on local character.
41	-	16.6	These are admirable sentiments, but how can the Council enforce them?	As mentioned above, the council will continue to preserve Barnet's local character.
42	-	16.9	The SPD should assist its users by describing, briefly, the circumstances in which planning permission for a hardstanding is not required. In what circumstances other than level changes is it required? Principles. The third is a bit problematic. If most hardstandings do not require planning permission, whether or not they are harmful to local character, how can one justify refusal in cases where they do? and surely it is the crossing, not the hardstanding, that may be unsafe for pedestrians. Remove the apostrophe from "pedestrian's"	In most circumstances you will not need to apply for planning permission, but if you intend to create any type of new hard standing (e.g. patios, driveways, decking, etc.) which is 5m ² or larger; or repair an area of 5m ² or more of existing hard standing and if the area is between the principle elevation and the highway; and any rainwater runoff would end up going down the drains; then you need to apply for planning permission. For clarification para 16.9 has been amended.
43	-	17.14	This needs rewriting. Locally listed buildings should not be lumped together with those on the statutory list, since they have no special <u>legal</u> protection, but only that which is secured by the NPPF and the Local Plan. A listed building does not have to be historic in the usual sense of that word, though the great majority are; delete therefore 'historic' at the beginning.	Agreed. Para 17.4 has been amended accordingly
44	-	17.22	This para needs rewriting for sense and literacy. "Most planning applications are approved or refused by officers acting on authority	We consider that this section will help people who do not understand the

			delegated to them by the Council. But where several objections are received approval is not given without full consideration by a committee of councillors." It is unnecessary to bring in the technical subject of 'validation', which would require definition. Reference to the eight-week period is out of place here, and would anyway require something about appeals for non-determination.	planning process. Para 17.24 has been amended to cover non determination.
45	-	17.24	This para is badly drafted. 'it' in the i.e. parenthesis is totally unclear; read 'the development as built'. Delete the otiose 'being taken'. For the last sentence "Enforcement may compel a building to be returned to its original form or rebuilt in accordance with the planning permission."	Agreed. Para 17.25 has been amended accordingly.
46	Herts and Middlesex Wildlife Trusts, Herts. AL3.	General comment	HMWT is pleased that the council has addressed biodiversity in the draft document. The layout, design and landscaping of new development determines the impact that development will have on local ecology, both negative and positive. It is important to have in place a clear policy framework to ensure that development makes a positive contribution to biodiversity, reflecting goals set out by government in the NPPF.	We welcome this support
47	-	6.21	It is positive that the council has set out that ecological surveys and mitigation will normally be required for development in gardens, and for major schemes where buildings are to be demolished. However, we would welcome a slight amendment to the text to reflect the fact that any scheme within a site that may contain wildlife habitat should be subject to ecological survey. This includes but is not limited to 'green field' sites, gardens, previously developed land/'waste land' etc. Furthermore, the council should consider whether a trigger list should be produced (possibly as part of a separate SPD) indicating when applicants should be required to submit ecological survey information. Although the opportunities to improve ecological network are greater in major and large-scale development schemes, all development should seek to protect and, where possible, enhance biodiversity, including householder and minor development. Developers should seek to achieve biodiversity enhancement	Para 6.21 highlights that in relation to all developments. where protected species are encountered mitigation measures and ecological surveys will normally be required. However we consider that the scale of the requirement should be commensurate with the scale of the development. Cross reference has also been made to section 2.16 of the SD&C SPD which sets out that an Ecological Statement is required for all major and large scale schemes. Reference has been added to ensure that where the established ecology justifies it a survey/mitigation

			alongside other goals, such as through provision of multi-functional green infrastructure, as well as responding to particular ecological restoration opportunities within the site.	measure may also be necessary Further details on improving ecological networks will be set out in the Green Infrastructure SPD.
48	-	6.23	<p>Developers should consider and respond in their design to the habitat types and habitat features within and around the site; the existing ecological network; and opportunities to strengthen the ecological network through habitat management, enhancement, restoration and creation. Applicants should give consideration to how landscape management can contribute to improving site biodiversity</p> <p><i>The council should encourage adoption where possible of landscape maintenance regimes that do not reduce or restrict the biodiversity potential of a site (eg. over-frequent mowing).</i></p> <p>Soft landscaping should aim to protect existing trees and other features of wildlife value (eg. hedgerows), integrate them into new layouts and landscaping, and enhancement through positive management.</p> <p>Locally native species of local provenance and suited to the site's environment should be used where possible in planting schemes.</p>	Further details on improving ecological networks will be set out in the Green Infrastructure SPD.
49	-	8.4/8.5	Consideration should be given to the multiple roles played by amenity space and green space, and its importance in providing ecosystem services. Landscape and habitat management regimes should look where possible to overlap and combine functions and deliver as many benefits to communities as possible.	Para 8.1 highlights the contribution of outdoor amenity space to overall quality of life. Further consideration of its contribution to ecology will be highlighted in the Green Infrastructure SPD.
50	Pete Crockford (Barnet Resident) N2	16.2	There is another aspect and down-side to hardstandings and vehicular crossovers that ought to be reflected and suggest adding "But it is important to recognise the loss of on-street parking caused by the provision of a cross-over and allied safe visibility strips either side. This can mean that there is often a net overall	Para 16.2 has been revised to highlight that increased car ownership and demand for parking spaces has put pressure on the use of off-street car parking, leading to loss of on-street

			loss in real terms, and always in practical terms, since there will not be "general use" of the new "private space (s)".	parking provision as there will not be general use of the new private spaces (Para 16.7 makes reference to visibility splays.
52	London Wildlife Trust – Barnet Group, N12	6.21	<p>Para States the following: <i>"In relation to all developments ... , the implications of the presence or proximity of protected species <u>and animals should be considered.</u></i></p> <p>To be lawfully correct, the underlined words <u>above</u> should be deleted</p> <p>The underlined words <u>below</u> should be inserted: <i>"In relation to all developments ... the implications of or the presence or proximity of Protected species <u>must be taken into account to comply with the requirements of The Wildlife and Countryside (as amended) Act 1981.</u></i></p>	Reference to the Wildlife and Countryside Act(as amended) Act 1981 has been added to para 6.21.
53	-	6.21	<p><i>"In relation to all developments ..., the implications of the presence or proximity of protected species ...<u>Ecological surveys and suitable mitigation measures will normally be necessary, e.g. the use of bat boxes in the (re) builds of extensions and auxiliary buildings in back gardens.</u></i></p> <p>All <u>underlined words in the above</u> are to be deleted</p> <p>All <u>underlined words in the sentences below</u> are to be added This should state: <i>"In relation to all developments ..., the implications of the presence or proximity of protected species ...<u>Ecological surveys as well as mitigation measures are essential and will be required. This information must be presented to the Council's Planning Committee prior to the determination of the application.</u></i></p>	<p>Reference to bat boxes has been deleted from para 6.21.</p> <p>Para 6.21 has been revised to state that requirements for surveys and mitigation measures should be commensurate with the scale of development</p>

54	-	6.21	<p>Para 6.21 also then continues: <i>"... Major residential development should normally utilise opportunities for ecological preservation and / or restoration as part of scheme design and layout, informed by surveys where existing buildings are to be demolished. Refer to Section 2.16 of the SD&C SPD"</i></p> <p>the underlined words <u>above</u> should be deleted</p> <p>The underlined words <u>below</u> should be inserted This should state (in order to accord with Section 2.16 of the SD&C SPD): <u>All sizes of any development must protect and enhance the natural ecological environment, maintain and improve biodiversity and harness the benefits of healthy local habitats.</u></p>	<p>As stated above para 6.21 has been revised to state that requirements for surveys and mitigation measures should be commensurate with the scale of development</p>
55	SPACES Organisation, Barnet, Herts, EN5	16.10	<p>We are unhappy with the wording of both the present and the proposed guidance concerning crossovers because they are too vague and open to abuse. In particular, we would like to see a change to section 16.10 which states:</p> <p><i>"The area needed to park a car should be a minimum of 2.4m in width to allow parking at right angles to the footway. It is advised to leave a clear space of approximately 500mm between any vehicle and the public highway and at least 1m between the hardstanding and the front of the property."</i></p> <p>We would like to see a return to the situation of some years ago when a minimum depth was specified as well as a minimum width. The current situation, and also the one that would continue with the proposed guidance, is that the Council makes a judgment as to whether a crossover is to be granted on the basis of the applicant declaring what car they have. The Council then decides whether</p>	<p>Para 16.10 highlights minimum standards for a crossover application as required by Highways.</p> <p>A new para (16.11) has been added to this section highlighting that for an amendment to an existing access the area needed to park should be sufficient to ensure that the vehicle can be parked at right angles to the footway and does not overhang the public highway. It would be preferable to leave a clear space between any vehicle and the public highway, and a gap between the hardstanding and the front of the property".</p>

			<p>or not their car can be parked at right angles to the footway. There have been at least three cases in our roads where the owner of a property has bought a SMART car (or similar), applied for a crossover, and subsequently sold it. Their new larger car is then parked in front of the crossover (technically an offence, but never enforced in areas outside controlled parking zones). They have achieved their own place for road parking while losing a front garden resulting in the various detrimental effects outlined in the guidance document. During the period that the three crossovers referred were granted, I can only think of one in our area that has been granted and will probably be used for its intended purpose (ie parking on it).</p> <p>I believe that one of the reasons that the minimum depth requirement was removed was because of the advent of electric cars and the need to charge them. So far, very few have been sold and there is zero ownership in our area. The most common make in London (G-Wiz) is very small car and would meet crossover requirements, whatever wording were to be adopted. On the whole electric cars are likely to be for use in and around cities and will tend to be quite small.</p>	
56	SPACES Organisation, Barnet, Herts, EN5		<p>Our group would also like to propose that some acknowledgement is made of the increasing use of live/work arrangements. We are not suggesting that an extra section be added, but we believe that it would be appropriate that, where a property is used for live/work occupation, similar guidance should apply as to sole residential occupation. Arguably the guidance is even more important than for pure residential use because the implication of live/work is that the occupants will be present in the property for longer periods. At the moment, live/work usage seems to be covered by few if any guidelines, thus creating a loophole.</p>	We refer to the Mayor's Housing SPG November 2012 (paras 1.2.36 and 4.4.8) for guidance on Live Work
57	Robert Newton (Barnet Resident) N12	Introduction	<p>After the first para that reads "Housing developments....." add a new para to read:</p>	The principles of good design at Section 4 make clear that design that is inappropriate to context is not

			“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”. (National Planning Policy Framework (March 2012) Para 64).	acceptable. Para 4.1 incorporates the wording from the NPPF.
58	-	3.5	In the second sentence on the second line of para 3.5 insert the words “single family” between the words “by” and “houses”.	The Local Plan Core Strategy sets out the approach to housing in policy CS4: Providing quality homes and housing choice in Barnet. The policy sets out that a range of dwellings sizes and types of housing including family and lifetime homes will be sought that meet our identified housing priorities and does not undermine suburban character or local distinctiveness. The need for conversions to consider the dwelling size priorities is referenced in paragraph 2.8.2 in the Local Plan Development Management Policies.
59	-	6.1	In the first line of the first sentence of para 6.1 insert the words “characterisation by the type of housing (e.g. single family houses),” between the words “including” and “built form”.	See response at 58 with regard to single family homes
60	-	6.15	In the third sentence of para 6.15 delete the words “where possible” between the words “used” and “for”.	Agreed. Text has been amended accordingly.
61	-	6.22	In the second line of the second sentence of para 6.22 insert the words “, absorbing rainfall” between the words “overheating” and “and”. At the end of para 6.22, insert an additional bullet point that reads: make provision for Sustainable Urban Drainage Systems (SUDs) whenever appropriate.	Agreed. Text has been amended accordingly.
62	-	8.7	At the end of para 8.7 insert a new sentence to read: “These contributions are separate from and in addition to any contribution that is required where a development is located in an area of open space deficiency”.	Agreed. Text has been amended accordingly.

63	-	Section 6 – Principles – First bullet point	Insert within the first sentence in the first bullet point the words “such as by providing single family houses in an area characterised by single family houses, and” between the words “area” and “through”.	See response at 58 with regard to single family homes
64	-	8.10	At the end of first sentence in para 8.10 add the words”, where it is not detrimental to the street scene and local character”.	Agreed. Text has been amended accordingly.
65	-	10.3	At the end of the first sentence of para 10.3 after the words “Enclaves of development” insert the words “that are out of character in the locality”.	Agreed. Text has been amended accordingly.
66	-	11.9	In the first line of the first sentence of para 11.9 delete the word “normally” after the word “should”.	‘Normally’ provides some flexibility where the layout of residential property does not allow making such satisfactory arrangements.
67	-	11.10	At the end of the third sentence of para 11.10 after the words “or by landscaping” insert the words “avoiding garden areas in front of dwellings”.	Agreed. Text has been amended accordingly.
68	-	14.11	After the last sentence of para 14.11 add two new sentences that read: “Flat roofs should not normally be used as balconies and should only be accessed for maintenance purposes as nuisance and loss of privacy to immediate neighbours almost always results. This will normally be conditioned”.	Agreed. Text has been amended accordingly.
69	-	14.25	Replace the first sentence of para 14.25 with the following two sentences: “Flat roofs should not normally be used as balconies and should only be accessed for maintenance purposes as nuisance and loss of privacy to immediate neighbours almost always results. This will normally be conditioned”.	A cross reference to para 14.11 has been added.
70	-	14.44	Replace the figure “2.3” in the last sentence of the penultimate bullet point with the figure “2.5” so that it is consistent with the minimum ceiling height figure given in Table 2.2 of the draft Sustainable Design and Construction SPD (November 2012).	Agreed. Text has been amended accordingly.
71	-	15.2	Replace the first sentence of para 15.2 with the following sentence:	See response at 58 with regard to single family homes.

			"The residential suburbs of Barnet are characterised by houses in single family occupation and also have strong architectural character and streetscapes".	
72	-	15.3	In the second line of the first sentence of para 15.3, between the words "the local environment" and the word "and" insert the words "and areas characterised by single family houses".	See response at 58 with regard to single family homes.
73	-	15.4	Replace the third sentence of para 15.4 with: "However, even in such locations they can harm the character of areas characterised by single family houses and also by changing external appearance and increased noise and activity".	See response at 58 with regard to single family homes.
74	-	15.5	Replace the second sentence of para 15.5 with: "Conversion proposals are therefore resisted in areas of low density housing where there are single family houses and also where the external alterations needed including hardstanding as a parking space and refuse storage areas which would impact the appearance of the local area".	Para 15.5 has been amended to include the reference to refuse storage areas. See response at 58 with regard to single family homes.
75	-	15.6	After the first sentence in para 15.6, add a new sentence that reads: "Additionally, proposals to convert houses with less than five habitable rooms or with a Gross Internal Floor Area of less than 120 sq. Metres will normally be resisted".	Our approach to conversions is clearly set out at Policy DM01 (h)
76	-	15.6	After the second sentence of para 15.6, add a new sentence that reads: "Family sized flats of two bedrooms or more should normally be located on the ground floor and first floors of a property". After the last sentence of para 15.6 add a new sentence that reads: "Applications should demonstrate conformity with these standards by identifying on the submitted drawings and/or the Design and Access Statement the size of each flat, the bedroom sizes and the number of persons to be accommodated. Where a conversion includes accommodation in the roof space, appropriate section drawings should be submitted."	We do not consider that para 15.6 needs to change. This might not always be possible or practical in all circumstances and is dependent on the layout of the residential property (height, size, width).

77	-	15.7	Replace the last sentence of para 15.7 with a new sentence that reads: "Conversions should meet the outdoor amenity space standards set out in the SD&C SPD and will normally only be acceptable in properties that have useable rear gardens of more than 50 sq.metres".	Our approach to conversions is clearly set out at Policy DM01 (h). We consider that the flexibility provided by para 15.7 helps to implement our policy objectives with regards to conversions.
78	-	Figure 13	Figure 13 should be redrawn so that it does not depict typical suburban houses as these would not normally be considered - appropriate for conversion to flats under the Local Plan policies.	Figure 13 focuses on respecting the existing appearance of front of properties and is generally applicable across the residential suburb. New drawings for all suburban house types are therefore not merited.
79	-	15.13	Delete the reference to "(Table 1.1) in the second para of para 15.13 and replace with "(Table 1.3)". After the end of the second para headed "Minimum size of units" Insert a new paragraphs, that reads: "The Local Plan "Policy DM08 - Ensuring a variety of sizes of new homes to meet housing need" addresses the oversupply of small units since 2004. We will require developers to provide new homes that meet the housing needs of the Borough as is appropriate to the location of the proposed development and we will resist: Developments that include one person units except in exceptional circumstances, and b) Developments that provide second and third bedrooms with a floor area that is only marginally below the Appendix 2 (Table 1.3) standard for double/twin bedrooms but do not otherwise meet the London Plan Residential Space Standards for units with double/twin bedrooms."	Agreed. Text has been amended accordingly. Our approach to ensuring a variety of new homes sizes is clearly set out at Policy DM08 and this is consistent with the NPPF(para 50). Appendix 2, Table 1.3 already explains all bedroom types and sizes that are taken into account whilst considering planning applications for conversions.
80	-	15.18	Replace para 15.18 so that it reads: "As paras 11.10 and 11.11 above explains in detail, waste and recycling storage areas should normally be integrated within the building or provided out of sight avoiding garden areas in front of dwellings. When it will not detract from the existing street scene	First sentence agreed. Text has been amended accordingly.

			<p>and it is exceptionally necessary for them to be sited to the front of a property, they should be screened within an enclosure as depicted in Figure 15 or by landscaping.”</p> <p>Figure 15 should be redrawn so that it does not depict typical suburban houses as these would not normally be considered appropriate for conversion to flats under the Local Plan policies.</p> <p>The description underneath Figure 15 should be deleted and replaced by the words: “Sensitive use of landscaping can soften the impact of bin storage areas when it is exceptionally necessary for them to be sited to the front of a property.”</p>	<p>See response at 78</p> <p>Suggested text has been revised with removal of ‘exceptionally’.</p>
81	-	Glossary	Add the corrected definition of Habitable Room and the definition of PTAL included in the Glossary to the draft Sustainable Design and Construction SPD (November 2012) at Appendix 2.	Agreed. Text has been amended accordingly.
82	Environment Agency, North East Thames Area – Hatfield Team, Hatfield, AL10.	6.2	The end of the first sentence should be re-written to state “...adding to the positive aspects of the built <i>and natural</i> environment.”	Agreed. Text has been amended accordingly.
83	-	6.17	We support the use of native plant species for boundary planting.	We welcome this support
84	-	6.19 – 6.21	We suggest that another para is added to recommend the use of water butts to collect rainwater for watering gardens. Barnet residents have water use above the national average, and any techniques to reduce water use should be actively encouraged. A reference could then be made to section 2.11 (Water Efficiency) of the Sustainable Design and Construction SPD.	Para 6.21 incorporates a reference to water butts and a cross reference is made to the SD&C SPD.
85	-	6.21	We support the messages in this para.	We welcome this support
86	-	6.22 – 6.23	We suggest that another para is added to explain that	A new para 6.24 has been added with

			development should always aim to reduce any impacts on the surrounding natural environment by providing adequate - naturalised buffer zones, free of all development, adjacent to sensitive areas (e.g. rivers). There could also be more detail in this para about Green Infrastructure (GI) more generally: how it will provide green corridors for wildlife and amenity, connect green spaces in the urban landscape and help Barnet adapt to the impacts of climate change. Developers should ensure that GI is planned from the offset and that adequate space is allocated on site for GI.	regard to maximising the benefits of open spaces and the emerging Green Infrastructure SPD
87	-	6.22 -last bullet	This implies that landscaping can help to reduce flood risk, but does not make it clear how this is done. We would suggest that the bullet is expanded to read "...and reduce flooding <i>through the use of Sustainable Drainage Systems (SuDS)</i> . <i>SuDS are an approach to managing surface water runoff that seeks to mimic natural drainage systems and retain water on or near the site.</i> "	A cross reference to para 2.15.2, Table 2.15.1 (on SuDS) of the SD&C SPD has been added to the last bullet.
88	-	Principles (page 25)	We would suggest that a bullet point is added to reflect our buffer zone comment above, and a further bullet point to clarify the requirement for use of SuDS (as part of landscaping, e.g. making space for ponds, swales etc.).	We have added a new bullet point to Principles in Section 6 which highlights new development should aim to reduce any impacts on the surrounding natural environment by providing adequate - naturalised buffer zones, free of all development, adjacent to sensitive areas (e.g. rivers) and reduce flooding through the use of Sustainable Drainage Systems (SuDS).
89	-	7.12	We strongly support this para. Excessive lighting can have detrimental impacts on river corridors, buffer zones and the associated ecology (e.g. bats and fish), and these corridors should remain 'intrinsically dark' (0-2 lux). We therefore support any requirement to minimise impacts from lighting.	We welcome this support
90	-	Section 12 (Design of basements;	An additional para should be added to state that habitable basements/basement dwellings are considered 'highly vulnerable' in the flood risk vulnerability classification (see page 6 of the	Agreed a new para 12.3 has been added with regard to flood risk

		page 38)	Technical Guidance to the National Planning Policy Framework (NPPF)), and as such should not be permitted in Flood Zone 3, and should only be permitted in Flood Zone 2 following the application of the Sequential Test and Exception Test. This detail has not been included in your Core Strategy DPD or Development Management Policies DPD, so we feel it is important to make developers aware within this document.	
91	-	Section 14 (Extensions to houses; page 42)	We feel that an additional para should be added (preferably after para 14.4) to highlight that the Environment Agency has 'flood risk standing advice' available on our website for householder and other extensions in Flood Zones 2 and 3; this advice should not be applied if an additional dwelling is being created (e.g. a self-contained annex). The webpage for this information is: http://www.environment-agency.gov.uk/research/planning/82584.aspx .	Agreed a new para 14.5 has been added with regard to the Environment Agency's advice on flood risk.
92	-	14.36	The last sentence implies that building in gardens can have an impact on flood risk <i>in gardens</i> . However, the impacts of such development are likely to extend further than just garden flooding and could affect adjacent properties. Furthermore, the cumulative impacts of such developments in an area can exacerbate localised flooding issues. The sentence should be amended to reflect this.	The last sentence in para 14.36 has been amended to "Detached buildings in gardens can therefore have a significant impact on local character, amenity and flood risk in gardens as well as its surrounding areas".
93	-	14.44 (third bullet)	We are pleased to see that groundwater conditions have been mentioned as a point of consideration. We feel that this bullet should be expanded to explain what the impacts of basements can be on groundwater. Basements in sensitive locations can interrupt groundwater flow, which in turn can interrupt the baseflow to nearby rivers, and can also have a detrimental impact on local groundwater abstraction points.	We consider that this document is not the right platform to expand on the technicalities of ground water conditions and basements but the SD&C SPD is. This is already highlighted in section 2.15 of the SPD.
94	-	Para 16.4	We support this para. We are pleased that you are recommending the use of SuDS, permeable paving and soft landscaping to reduce surface water runoff from the creation of parking spaces in	We welcome this support

			front gardens.	
95	-	Other issues to consider (pages 66-68):	<p>We request that details of our requirements for a Flood Defence Consent are listed in this section. The para should be worded as follows:</p> <p>“In addition to planning permission (or permitted development), under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws 1981, prior written consent is required from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of any watercourse designated by the Environment Agency as a ‘main river’.</p> <p>A main river does not necessarily relate to the size of the watercourse, and can include smaller streams and culverted channels. The location of main rivers in Barnet can be found on the ‘What’s in your backyard?’ section of the Environment Agency website: http://www.environment-agency.gov.uk/homeandleisure/37793.aspx.</p> <p>It is recommended that developers/applicants seek the advice of the Environment Agency prior to submitting for planning permission or permitted development, as their consent may not be granted for the intended works.”</p>	Agreed a new para 17.17 has been added.
96	-	Further guidance (pages 76 – 77)	<p>We would appreciate a link to the planning section of our website in this list. The following link is to the planning section of our website and was last updated in December 2012:</p> <p>http://www.environment-agency.gov.uk/research/planning/default.aspx.</p>	Agreed. Further Guidance has been amended accordingly.
97	Hertsmere Council	General Comment	<p>With regards to the RDG SPD, officers consider that the document provides relevant and up to date guidance on best practice design principles and therefore have no specific comments to make.</p>	We welcome this support
98	Highways	General	<p>The Highways Agency will be concerned with proposals that have</p>	We welcome this acknowledgement

	Agency	Comment	the potential to impact the safe and efficient operation of England's Strategic Road Network (SRN). We have reviewed the consultation document and do not have any comments at this time.	
101	Tibbalds Planning and Urban Design Ltd, Agents on behalf of Middlesex University	3.3	Perhaps the clarity of where this design guidance is applicable could be improved. Many, if not most of the general design principles are universally applicable, yet the document states that it is aimed at those areas not covered by specific designations such as conservation areas and regeneration areas covered by Area Action Plans. These areas may well have their own design requirements, but they do not necessarily cover all of the design principles set out in the SPD. It may be helpful to clarify that the principles apply throughout the Borough, but that in the event of a conflict between the SPD and a more detailed set of guidance in an Area Action Plan or Conservation Area Management Plan, then the latter shall prevail.	Para 3.3 now clarifies that the design principles in the SPD apply throughout Barnet.
102	-	General Comments and Section 3	The general design principles at the end of each section are useful summaries and are supported. We note that the guidance draws on and refers to the Barnet Characterisation Study and the typologies identified therein. The University supports the stated caveat that the design guidance is not intended to stifle sensitive and imaginative design, particularly as there are instances where none of the typologies is directly relevant. Thus while the Campus Typology is relevant to the Hendon Campus and further development of academic and support facilities there, it is not relevant to residential development elsewhere. There is no typology that covers the proposed Student Village on the Peel Centre site, though the most relevant one is probably the Residential Estates one, with "variable building scales set in landscape and/or parking, with residential land use and a fine grain network of routes." We presume that the reference to a "distinct lack of clear structure, hierarchy and legibility" is merely descriptive of an existing characteristic on some estates that this should be avoided in the design of new development. This	<p>The focus of this SPD is on the residential streets primary typology.</p> <p>Barnet's Characterisation Study provides the background for the identification of the five primary typologies.</p> <p>We do not intend to produce similar boroughwide guidance for the other four primary typologies. Therefore each proposal will be treated on its merits.</p>

			intention could be made clearer.	
103	-	Table 3	We support the explicit reference to seminal national design guidance documents such as "By Design", "Safer Places" and "Secured by Design" .	We welcome this support
104	-	Section 5	In Section 5, " Achieving Appropriate Density", we strongly support the principle of optimising density to make the most effective use of land as a finite resource. We agree that density per se should not drive development, but is an important factor. Density guidelines, standards or limits should be regarded as one of the starting points in the design process, rather than a strict requirement to be followed, particularly in major redevelopment areas where urban scale development is being created and higher densities represent a consequence of good, sustainable urban design.	We welcome this support
105	-	6.1	While agreeing with the principles for "Enhancing Local Character", the University strongly welcomes the acknowledgement in Section 6.1, that there will be instances where the design of new development will establish a distinctive new local identity – the site of the proposed student village is a good example of this, particularly as it is in part severed from its surroundings by railway lines, major roads, and an industrial area.	As highlighted above at 102 proposals will be considered on their own merits.
106	-		We agree with the positive advantages cited of perimeter block urban structure, although there are clearly circumstances where other forms of development will be more or equally appropriate.	See response at 105
107	--	Section 6 principle	In the concluding set of principles at the end of Section 6 (p25) the meaning of the 4th bullet point (" . In gardens...") is not at all clear.	'in gardens' has been deleted from 4th bullet point.
108	-	7.5	We support the principles set out in Section 7 for safeguarding residential amenity. The acknowledgement in 7.5 is very helpful, that in regeneration schemes with higher densities (such as in Colindale) less than the proposed minimum of 21 metres between properties with facing windows may be acceptable and that innovative design solutions can avoid overlooking.	We welcome this support
			Car and cycle parking for university-related uses, including student	The text has been amended at paras

			<p>accommodation, is not adequately or accurately covered in the standards set out in the London Plan on which this SPD partly relies. It has been agreed with the Council that university-related needs should be adequately provided for, and that these need not relate to existing published standards but should be reflected in a travel plan. This is explicitly acknowledged in section 18.8 of the recently adopted Development Management Policies DPD, and should also be reflected in the wording in this SPD.</p>	<p>11.4 and 11.6 to cross –refer to section 18.8 in the Development Management Policies DPD.</p>
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Meeting	Cabinet
Date	18 April 2013
Subject	Barnet's Local Plan – Planning Obligations Supplementary Planning Document - Adoption
Report of	Cabinet Member for Planning and Regulatory Services
Summary	<p>The Local Plan is one of the most important statutory plans in Barnet. The Planning Obligations Supplementary Planning Document (SPD) implements the policies contained in the Local Plan Core Strategy and Development Management Policies documents.</p> <p>The Planning Obligations SPD has been revised to consolidate existing guidance documents, focus on when Planning Obligations will be required, and explain how they will be agreed in relation to Barnet's Community Infrastructure Levy (CIL). The SPD sets the requirements for different scales of development as well as the procedures and processes for delivering the appropriate legal agreements and supplements policies in the Local Plan Core Strategy and Development Management Policies documents.</p>
Officer Contributors	<p>Assistant Director – Strategic Planning & Regeneration</p> <p>Planning Policy Officer</p>
Status (public or exempt)	Public
Wards Affected	All
Key Decision	Yes
Reason for urgency / exemption from call-in	Not applicable
Function of	

Enclosures

Appendix A: Planning Obligations SPD
Appendix B: Schedule of consultation responses

Contact for Further
Information:

Mike Carless – Principal Planner (Policy) - 0208 359
4657

1. RECOMMENDATION

- 1.1 That Cabinet approve the Planning Obligations Supplementary Planning Document (attached at Appendix A) for adoption.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 On 27 February 2006 Cabinet (Decision item 7) approved the Supplementary Planning Document on Planning Obligations Framework (Section 106) for adoption.
- 2.2 On 21 February 2008 Cabinet (Decision item 8) approved the Supplementary Planning Documents on Education and Contributions to Library Services for adoption.
- 2.3 On 6 July 2009 Cabinet (Decision item 4.1) approved the Supplementary Planning Document on Contributions to Health Facilities from Development for adoption.
- 2.4 On 28 February 2012 Cabinet Resources Committee (Decision item 16) approved that Council progress towards adopting a Community Infrastructure Levy.
- 2.5 On 11 September 2012 the Council (Decision item 4.1) approved the Local Plan Core Strategy and Development Management Policies for adoption.
- 2.6 On 28 November 2012 the Cabinet Member for Planning approved a Delegated Powers Report (Report number 1863) authorising seven weeks consultation on the draft Planning Obligations SPD.
- 2.7 On 25 February 2013 Cabinet (Decision item 9) approved the Community Infrastructure Levy for referral to the next meeting of the Council for adoption.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 All three priorities in the Corporate Plan 2012 -2013 are embedded within the Planning Obligations SPD.
- In providing better services with less money it ensures that :-
 - clear, concise and up to date guidance on Planning Obligations is provided reflecting Barnet's priorities.
 - In sharing opportunities and sharing responsibilities it ensures that :-
 - development contributes towards meeting its wider infrastructure impact through for example providing contributions for education and health or a new school.
 - residents lead healthy and independent lives through ensuring development provides play facilities on site if appropriate or contributes to improving open space facilities locally.
 - In enabling Barnet to continue to be a Successful London Suburb it ensures that:-

- Barnet is kept moving through ensuring the transport impacts of new development are mitigated by necessary travel planning arrangements and junction improvements
- the environment is protected through ensuring new development is located and constructed in a sustainable way, does not adversely impact on air quality and neighbouring amenity nor is affected by noise and air pollution.

4. RISK MANAGEMENT ISSUES

- 4.1 The proposed changes to the 2006 Planning Obligations SPD are necessary updates to reflect the changes made at a national level and the introduction of the Community Infrastructure Levy. The changes proposed in the revised SPD are designed to clarify the relationship between CIL and Planning Obligations to reduce the planning risk of 'double charging' major developments and the Council's regeneration schemes.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Planning Obligations SPD implements policy contained in the Core Strategy which has been subject to an Equalities Impact Assessment (EqIA). The Core Strategy is the overarching planning policy document for Barnet. The Planning Obligations SPD implements the approach set out in the higher level Core Strategy and has therefore not been subject to an EqIA. It will draw from the EqIA supporting the Core Strategy which was based on the seven corporate equalities questions set out in the Corporate Plan.
- 5.2 The SPD has been subject to seven weeks public consultation and the responses have been considered and changes made to the final document.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 The cost of preparing the Local Plan is included in the Strategic Planning Service approved budget for 2012/13 of £1.063m. The Planning Obligations SPD is one part of the Local Plan and the cost of preparing the SPD is incorporated within the approved budget. Officer time amounted to 169 hours at a cost in staff time of £4,628.
- 6.2 The revision of this SPD follows the adoption of the Local Plan Core Strategy and Development Management Policies in September 2012 and the proposed adoption of the Community Infrastructure Levy in Barnet. The adoption of this Planning Obligations SPD does not add any additional resource implications to the existing resources in the approved budget.

7. LEGAL ISSUES

- 7.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 provide guidance on

the preparation and adoption of the Local Plan. Upon adoption the Planning Contributions guidance becomes a statutory Supplementary Planning Document that provides part of Barnet's formal planning policy.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Constitution, Part 3 (Responsibility for Functions), Section 3 (Responsibilities of the Executive) – details that the adoption of Supplementary Planning Documents (SPD) are the responsibility of the Cabinet.

9. BACKGROUND INFORMATION

- 9.1 The original Planning Obligations SPD, published in 2006 set out the framework for the two SPDs on contributions towards Education and Libraries published in 2008 and contributions towards Health Facilities SPD published in 2009. The 2006 Planning Obligations SPD was supplemented by an Interim Guidance Note published in September 2009 in order to respond to the recession by setting out clear processes for assessing development viability, as well as providing measures to allow deferment of contributions if developers chose to kick start building works sooner than they were required. The main purpose of the Planning Obligations SPD was to provide guidance on when, where, and how the council will seek to use Planning Obligations and the procedural process for doing so. The revised SPD updates the guidance on current processes and the matters which will be considered in relation to planning applications.

- 9.2 Since the original SPD was written, the legislative, national and local planning framework within which planning obligations are considered has changed, with the following effects:

(a) The Planning Act 2008 enabled the introduction of Community Infrastructure Levy (CIL) Regulations 2010 which have fundamentally changed the role of Planning Obligations by limiting their use once an adopted (CIL) is in place.

(b) In March 2012 the Government published the National Planning Policy Framework (NPPF) as the replacement for 44 planning documents which previously formed Government policy towards planning. The NPPF duplicates the three tests for Planning Obligations contained in the CIL Regulations giving a stronger legal footing to their application. (The three tests were previously contained in Circular 05/05 guidance which has now been replaced by the NPPF)

(c) The London Plan published in July 2011 has also been subject to a full review which has recognised the move from a system in which planning obligations operate alone, to one in which they sit alongside the operation of both a mayoral and a local CIL.

(d) In 2007 work commenced on replacing the UDP with the Core Strategy and Development Management Policies documents. In September 2012 these documents were adopted and the UDP was replaced. The Local Plan Core Strategy recognises the NPPF and CIL Regulations and the need for a

suitable local policy framework to be put in place to manage the interrelationship between Planning Obligations and CIL.

- 9.3 As referred to in 9.1, the original SPD has been revised to focus on when Planning Obligations will be required, and how they will be managed in relation to the CIL applying in Barnet. The SPD sets the requirements for different scales of development as well as the procedures and processes for delivering the appropriate legal agreements.
- 9.4 This revised SPD has been timetabled to be adopted alongside the CIL Charging Schedule in April 2013. It will replace the existing 'tariff' SPD's for Education, Libraries and Health and it will set out the approach towards Planning Obligations for open spaces, transport, community facilities and environmental requirements.
- 9.5 This revision continues and enhances the framework for enabling the viability of a development to be considered during the application process to ensure the combined weight of planning requirements and conditions, CIL, planning obligations and affordable housing on a scheme can be assessed and reviewed in an appropriate way. To date in response to the economic downturn, where viability concerns over an individual development have been shared with the Local Planning Authority then significant flexibility in the negotiation of planning obligations has been provided. The Council intends this approach to continue in the future to ensure that sustainable development continues to be delivered despite the current challenges for the development industry.
- 9.6 This revised Planning Obligations SPD was made available for public consultation for a period of seven weeks. All the comments received within that period were reviewed, assessed and as necessary, revisions have been made to the document. The consultation generated 60 responses from respondents including residents, community and amenity groups, landowners and developers.
- 9.7 The following sub-headings reflect the main issues raised by representations received during the consultation and the Councils action follows in *italics*. The full schedule of responses and the Councils response are set out in Appendix A2.

Double charging – A number of developers consider that the SPD is not clear enough on what would be covered by CIL and what would be delivered through Planning Obligations with some noting that the Regulation 123 list has not been published and therefore double charging could occur.

The Council considers that the purpose of the SPD - to clarify when CIL will apply and when planning obligations will apply is clearly set out in the document. The Regulation 123 list will be published on 1 May 2013 alongside the charging schedule. The supporting text in relation to play space has been amended to make it clear when a planning condition would be used and the circumstances when a planning obligation would be used. The supporting text in relation to educational facilities has also been amended to clarify the average cost per pupil place for new schools / expanded schools in the borough.

Economic Viability – Various responses from residents and developers which on the one hand wanted to exempt the delivery of community infrastructure from viability considerations to whether the assessment of the CIL charging schedule had considered the wider impact on development viability of 'local' planning obligations and were in line with national policy.

The SPD sets out in figure 1 that the combined impact of CIL, Planning Obligations, Planning Conditions, Affordable Housing, 'in kind contributions' of land and any other costs upon development will all be considered when reviewing a developments viability. As part of the examination of CIL, viability was adequately considered. The Affordable Housing and Community Infrastructure Levy: Viability Study included a residual level of Planning Obligations for localised requirements and this was considered alongside varying levels of affordable housing and levels of CIL including the Mayoral CIL

Travel Planning – In consultation with Transport for London, Transport colleagues have made suggestions on additional incentive measures for residential Travel Plans which could be included.

The suggestions have been incorporated

Decentralised energy – A developer requested that the requirements in relation to decentralised energy are revised to remove the legal requirement via a planning obligation to provide a future connection to a proposed decentralised heat network.

The requirements have been amended to remove the requirement that a developer will be required to enter into a planning obligation, although developers will still need to demonstrate a commitment to future connection.

New education facilities – Various developers made representations stating that the approach where land is to be transferred to the council for a school is too prescriptive and should be considered on a site by site basis and that double charging may occur.

The text has been amended. It is made clear that only large scale developments where provision is on-site would provide a school through a section 106 agreement. Further detail on the costs per place of a pupil have also been included.

Flood Risk – The Environment Agency requested that further detail is added on delivering flood defences and reducing flood risk beyond a developments site boundary. Reference to the Water Framework Directive was also required.

A further paragraph has been added to help clarify when this would be acceptable.

10. LIST OF BACKGROUND PAPERS

10.1 Planning Obligations SPD, 2006

10.2 Education Contributions, 2008

10.3 Contributions to Library Services, 2008

10.4 Contributions to Health Facilities from Development, 2009

10.5 Anyone wanting to inspect these papers should contact Mike Carless on 0208 359 4657.

Cleared by Finance (Officer's initials)	JH
Cleared by Legal (Officer's initials)	CH

Local Plan

Supplementary Planning Document:

Planning Obligations



April 2013

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Executive Summary

The Planning Obligations Supplementary Planning Document (SPD) was first published in 2006. It provided the framework for two SPDs on Education and Libraries published in 2008, and a Health Facilities SPD published in 2009. The 2006 SPD was supplemented by an Interim Guidance Note published in September 2009 on responding to the recession. The main purpose of the Planning Obligations SPD was to provide guidance on when, where, and how the Council will seek to use Planning Obligations and the procedural process for doing so.

Since 2006 we have produced the Local Plan Core Strategy and Development Management policies documents as the planning policy framework to manage change, and to shape the future of Barnet. The Planning Act 2008 introduced new regulations which have fundamentally changed the role of Planning Obligations. The London Plan has also undergone a full review and the National Planning Policy Framework has also been published.

It is therefore now timely to publish this revision. The SPD has been revised to focus on when Planning Obligations will be required, and its relationship with the Community Infrastructure Levy (CIL). The SPD sets the requirements for different scales of development as well as the procedures and processes for delivering the appropriate legal agreements. This revised SPD has been timetabled to be adopted alongside the CIL Charging Schedule in May 2013. It replaces the existing 'tariff' SPD's for Education, Libraries and Health and sets out the approach towards Planning Obligations for open spaces, transport, community facilities and environmental requirements.

1 Introduction and economic context

1.1 Introduction

- 1.1.1 Section 106 of the Town and Country Planning Act 1990 (as amended) forms the basis for Planning Obligations. A Planning Obligation (also known as ‘Section 106’) is a legally binding agreement made between the developer and the Council which is drafted where necessary to make an application acceptable in planning terms.
- 1.1.2 The Planning Act 2008 and subsequent Community Infrastructure Levy Regulations 2010 (as amended) introduced the Community Infrastructure Levy (CIL) as a new method of raising money for infrastructure from development. CIL is considered to be fairer, more certain and transparent.
- 1.1.3 The Barnet CIL is a flat rate charge for all development as specified in the CIL Charging Schedule. CIL is backed by viability evidence and set in consultation with local communities and developers. The charge applies from April 2013 and is expected to become the primary source of infrastructure funding in Barnet. CIL captures financial contributions that can support a wider range of local infrastructure than applied under the previous Planning Obligation Tariffs.

1.2 Purpose of the document

- 1.2.1 This SPD will focus on when Planning Obligations will be required and the relationship with CIL. It will set the requirements for different scales of development as well as the procedural process for delivering a legal agreement.
- 1.2.2 This SPD replaces the Planning Obligations SPD which was first published in 2006 and the Interim Guidance Note Responding to the Recession: Bringing Flexibility to S106 Planning Obligations published in September 2009. It also replaces the following SPDs – Contributions to Education, Contributions to Health Facilities and Contributions to Libraries.

1.3 Economic Context

- 1.3.1 At the time of writing this document, the continuing economic downturn is having a significant impact on the viability of development in general, posing a risk to the delivery of commercial floor space and new housing. The Council will continue to enable development to be brought forward during the economic downturn by providing flexibility in the operation of its s106 planning obligations process, whilst continuing to ensure the sustainability of schemes through delivery of supporting infrastructure.

2 Planning obligations

The Core Strategy, Development Management Policies (DMP), the saved suite of Unitary Development Plan policies for Brent Cross Cricklewood and the London Plan provide the development plan for Barnet. The SPD supports these documents providing more detailed information about how policies should be applied alongside Barnet's CIL Charging Schedule.

2.1 Legislation

- 2.1.1 The CIL provisions of the Planning Act 2008 came into force in April 2010 through the introduction of CIL Regulations. These allow local authorities to raise funds from developers undertaking new building projects in their area. One of the main visions of CIL is to introduce transparency and certainty for developers. The money can be used to fund various infrastructure projects such as new or safer road schemes, schools, health and social care facilities, park improvements and leisure centres.
- 2.1.2 The Charging Schedule provides certainty for developers as it clearly sets out the amount the Council will require developers to pay on eligible new development ie a rate of £135 per m².
- 2.1.3 Barnet's Infrastructure Delivery Plan (IDP) published in November 2011 provides a snapshot of the scale and nature of the infrastructure required to support development. The IDP is a living document as it provides an ongoing assessment of local infrastructure needs. Appendix 1 of the IDP details all critical and necessary infrastructure projects that are key to supporting population and economic growth in Barnet.
- 2.1.4 The government has introduced new statutory restrictions upon the use of Planning Obligations to clarify their purpose and ensure that Obligations and CIL can work effectively together. The Planning Act and the CIL Regulations (as amended) 2010 change the use of Planning Obligations by:

(a) Placing into law the policy tests on the use of Planning Obligations set out in the NPPF (para 204).

CIL Regulation 122 makes it unlawful for a Planning Obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation is not:

- (i) **Necessary** to make the development acceptable in planning terms
- (ii) **Directly** related to the development, and
- (iii) **Fairly and reasonably** related **in scale and kind** to the development

(b) Ensuring the local use of CIL and Planning Obligations does not overlap

- 2.1.5 Under Regulation 123 (2), on the adoption of CIL the Regulations restrict local use of Planning Obligations to ensure that individual developments are not charged for the same items through both Planning Obligations and CIL. Where a charging authority sets out that it intends to fund an item of infrastructure via CIL then a planning authority may not constitute funding or provision of relevant infrastructure via a planning obligation as a reason for

granting planning permission. Furthermore, a charging authority should publish on its website a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL, and consequently the authority would be prohibited from seeking a Planning Obligation contribution towards the same item of infrastructure.

(c) Limiting pooled contributions from Planning Obligations towards infrastructure which may be funded by CIL

- 2.1.6 CIL Regulation 123 (3) has the effect that from 6 April 2014, or the date that a charging authority's first charging schedule takes effect (whichever is earlier) local planning authorities will only be able to pool up to five individual Planning Obligation contributions towards infrastructure that is capable of being funded by CIL.
- 2.1.7 Pooled contributions may be sought from up to five separate Planning Obligations for an item of infrastructure that is not locally intended to be funded by CIL. The limit of five applies as well to types of general infrastructure contributions, such as education and transport. In assessing whether five separate Planning Obligations have already been entered into for a specific infrastructure project or a type of infrastructure, local planning authorities must look over agreements that have been entered into since 6 April 2010.

2.2 Policy Context

National Planning Policy Framework

- 2.2.1 National Planning Policy sets out the use of planning conditions and Planning Obligations in paragraphs 203 to 206 of the National Planning Policy Framework (NPPF). Paragraph 203 sets out that "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition." It goes onto to repeat the three tests set out in the CIL regulations. The NPPF replaced Circular 05/2005.
- 2.2.2 The NPPF also highlights that the local planning authority should take account of changes in market conditions over time and be sufficiently flexible to prevent planned development from being stalled (see paragraphs 173 to 177). In delivering sustainable development viability and costs are important factors in plan-making and decision taking. We do not consider that the impact of these Planning Obligations as set out in this SPD puts Local Plan implementation at risk; rather they facilitate sustainable development throughout the economic cycle.

The London Plan

- 2.2.3 On 1 April 2012, the Mayor of London started charging CIL ("Mayoral CIL") on most development in London to help provide £300m towards the cost of delivering the Crossrail project. In Barnet the Mayoral CIL will be charged at the rate of £35 per m² of net additional gross internal floor area where new dwellings are proposed; and also for other types of development where the net additional floorspace is at least 100 m² (net). Barnet collects the Mayoral CIL on behalf of the Mayor.
- 2.2.4 The London Plan Policy 8.2: Planning Obligations sets out the Mayor's strategic priorities for Planning Obligations. These are
- 'affordable housing;
 - supporting the funding of Crossrail where appropriate (see Policy 6.5); and
 - other public transport improvements should be given the highest importance'

- Importance should also be given to tackling climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.’

Local Plan – Core Strategy

2.2.5 The Core Strategy sets out the strategic vision, objectives and policies to guide development in the borough over the next 15 years. It sets out the Three Strands Approach which provides the spatial vision that underpins the Core Strategy and Barnet’s Local Plan. The three strands are:

- **Strand 1.** Absolute protection of the Green Belt, Metropolitan Open Land and other valued open space from inappropriate development
- **Strand 2.** Enhancement and protection of Barnet’s suburbs, town centres and historic areas
- **Strand 3.** Consolidated growth in areas in need of renewal and investment

2.2.6 Consolidated growth concentrates new development in the most accessible locations around public transport nodes and town centres where community and physical infrastructure is to be improved. This broad approach can meet the sustainable design principles for a compact city. It can also help adapt to and mitigate the effects of climate change. Most importantly, the Green Belt and the one-third of the borough that comprises green open spaces, is protected from future urbanisation and development to ensure a high quality suburb.

2.2.7 In relation to this SPD the implementation of the following policies is important.

Core Strategy (CS) Policies:

- **CS 9 – Providing safe, effective and efficient travel**
- **CS 10 – Enabling inclusive and integrated community facilities and uses**
- **CS11 - Improving Health and Wellbeing**
- **CS 15 – Delivering the Core Strategy**

2.2.8 Subject to restrictions in Regs 122 and 123 of the CIL Regulations and to government guidance paragraph 20.8.3 in the Core Strategy sets out the following considerations that may require S106 including :

- | | |
|---|---|
| <ul style="list-style-type: none"> • improvements to public transport infrastructure, systems and services • education provision • affordable or special needs housing • health facilities • small business accommodation and training programmes to promote local employment and economic prosperity • town centre regeneration, promotion, management and physical environmental improvements including heritage and conservation | <ul style="list-style-type: none"> • provision of public open space and improving access to public open space • other community facilities including policing • other benefits sought as appropriate improvements to highways and sustainable forms of transport • environmental improvements |
|---|---|

Local Plan – Development Management Policies

2.2.9 The Core Strategy is supported by policy in the Development Management Policies (DMP) DPD. There are a number of policies with specific relevance to this guidance:

- **DM04 – Environmental Considerations**
- **DM10 – Affordable Housing Contributions**
- **DM13 – Community and Education Uses**
- **DM14 – New and existing employment space**
- **DM15 – Green belt and open spaces**
- **DM16 - Biodiversity**
- **DM17 – Travel Impact and Parking Standards**

2.2.10 The DMP sets out the borough-wide planning policies beneath the Core Strategy to be used for day to day decision making by the Planning Service and planning committees.

Barnet's CIL

2.2.11 The purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough. The definition of infrastructure is set out in section 216(2) of the Act and in Barnet's Infrastructure Delivery Plan. Barnet will publish its formal list of infrastructure to be funded from CIL through the Council's Annual Budget-setting process.

2.2.12 The Council's strategic aims to ensure the introduction of CIL are to:

- (a) simplify contributions for smaller development schemes, and
- (b) aid the process of economic growth and delivery of development.

2.2.13 Barnet's Draft CIL charging rate has been set at: £135/ m². It applies to the 'net additional floorspace' of new development which is delivering 100 m² or more of gross internal floorspace or the creation of one additional dwelling. This low rate will apply to residential (Use Classes C1-C4 including sui generis Houses in Multiple Occupation) and retail (Use Classes A1-A5) floorspace only.

2.2.14 Car parking space within new development, including ancillary car parking, will not be subject to the charge.

Other guidance related to Planning Obligations

2.2.13 Two further SPD on Affordable Housing and Enterprise, Employment and Training will explain how developers are expected to comply with policy in these areas.

Affordable Housing SPD

2.2.14 In February 2007 we adopted a SPD on Affordable Housing. The purpose of the SPD is to clearly set out the Council's approach to affordable housing provision. The Affordable Housing SPD is now subject to revision to reflect the Local Plan and changes at a national and London Plan level, however the calculation method used in the SPD will be valid until replaced.

2.2.15 The Local Plan sets a 40% borough-wide target of 40% of all new homes to be affordable. The threshold for requiring affordable housing is set at 10 or more housing units or a site larger than 0.4 hectares. Development viability will continue to be considered on a site by

site basis and the maximum reasonable amount of affordable housing will be required. Affordable housing is normally required on-site. In exceptional circumstances it may be provided off-site or through a commuted payment.

- 2.2.16 The existing SPD sets out further detail on viability considerations in particular what will constitute exceptional circumstances. It also sets out further detail on where payments in lieu will be accepted and the methodology for these.

Enterprise, Employment and Training SPD

- 2.2.17 The purpose of the SPD is to provide advice and information to developers about the level of Planning Obligations required for the provision of affordable workspace, training and enterprise.
- 2.2.18 At present the February 2007 SPD on Affordable Housing encourages developers to engage with the Notting Hill Housing Trust - Construction Training Initiative. Until the new SPD is introduced, developers of sites which trigger Barnet's affordable housing requirements will be encouraged to assist unemployed people into the construction industry. The purpose of the provisions is to ensure new development supports provision of local apprenticeships. The requirement is for a charge of 1% of build costs to be applied to support the operation of the scheme, equipment and wages for the apprentices.
- 2.2.19 The Enterprise, Employment and Training SPD is expected to introduce mechanisms for assessing and quantifying enterprise and training requirements upon different types of development. For now, any development that either leads to the loss of existing employment floorspace, even if such floorspace is vacant, or includes the development of over 10 residential units will be reviewed to assess if there are appropriate measures to support local enterprise and/or training that is required to make the development acceptable.

2.3 When Planning Obligations will apply

- 2.3.1 In accordance with the guidance in paragraph 203 of the NPPF Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. This SPD reflects Barnet's priorities for delivering development in a successful London suburb. The SPD helps clarify the site specific or local circumstances when Planning Obligations are to be used in Barnet. The following planning issues are covered:

1. Physical Infrastructure: Transport impact mitigation and travel plans
2. Social Infrastructure: Public open space, outdoor amenity space and children's play space requirements
3. Social Infrastructure: Community, health and educational facilities
4. Green Infrastructure: Environmental requirements in relation to air quality, noise pollution and biodiversity

- 2.3.2 The SPD sets out details for development in Barnet where the regulation of development and on site mitigation will be required to be met through a Planning Obligation; where appropriate the scale or type of development where a Planning Obligation will be required has been detailed. However there will be some situations involving Planning Obligations which this SPD has not considered. Such exceptional situations will be addressed on a case by case basis.

- 2.3.3 There are three forms of Planning Obligation that can apply to development: prescribe, mitigate and compensate:
- i) ‘Prescribe’ obligations apply to restrictions or expectations on the form of development that would be acceptable. This includes some measures designed to address sustainable design and construction, as well as matters such as affordable housing, and employment / enterprise / training that will both be set out in separate SPDs.
 - ii) ‘Mitigation’ obligations include site specific situations where a development creates an impact upon or would be impacted by an on site or external matter that specifically needs to be rectified or minimised. But they also extend to wider contributions towards infrastructure that is necessary to make a development acceptable. Mitigation can therefore be delivered both on site and off site in relation to a development.
 - iii) ‘Compensation’ obligations relate to situations where the form of development or its location involves the loss of a particular land or building use that is deemed to have an impact on the local area or wider community. Alternative provision is the preferred means of addressing such issues, but in some cases a financial sum can be accepted by the Local Authority provided that suitable options for compensation measures exist.
- 2.3.4 The introduction of CIL in Barnet effectively will replace the role for wider mitigation contributions towards infrastructure; except in specific cases where applications involve a change of use. Section 2.4 considers how potential negative impacts from CIL can be managed.
- 2.3.5 The Council has identified four key stages in the planning application process which are relevant to the creation of a planning agreement. These are Pre-application, Planning Assessment, Resolution to Grant Permission and Implementation. The process is managed and administered by the S106/CIL team who should be the first point of contact for any legal agreement. Further detail is set out in Section 3: Process and Procedures to Implement Legal Obligations.

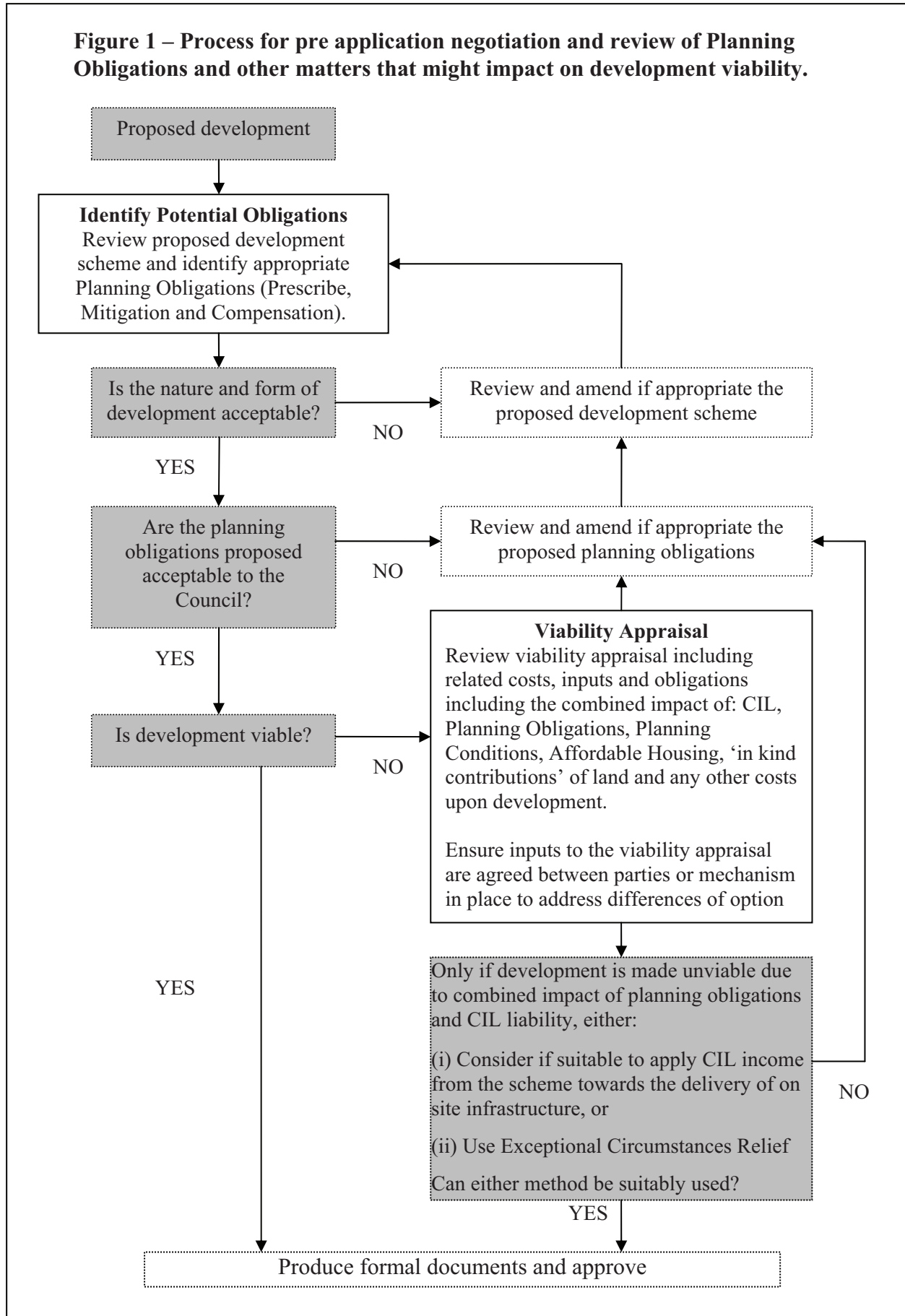
2.4 Striking the balance between Planning Obligations and CIL

- 2.4.1 This document will provide the framework to ensure the financial context of a development is recognised during the application process to ensure the appropriate unburdening of planning obligations where these negatively impact upon the deliverability of a development scheme. Historically, in response to the economic downturn where viability concerns over individual developments have been shared with the Local Planning Authority, significant flexibility in the operation of negotiated planning obligations has been provided. This flexibility has been provided on a case by case basis and the Council will continue to do this where appropriate.
- 2.4.2 As identified in paragraph 2.3.4, CIL broadly contributes towards cumulative off site impacts caused by development, whilst Planning Obligations are used to address the prescriptive, compensatory and site specific mitigation impacts of a development. However specific developments may require more comprehensive off site mitigation measures to be addressed through Planning Obligations. In these cases the relationship to CIL will be considered carefully to avoid double charging.
- 2.4.3 Complexity will mainly arise where a development is required to deliver on site mitigation measures that will deliver wider benefits, such as when a new school, park or strategic road improvement is required. There is a risk that schemes required to provide such

infrastructure on site could be unfairly disadvantaged compared to those whose impacts are mitigated off site through CIL.

- 2.4.4 Transitional arrangements have been introduced to amend the Regulations in order to clarify how CIL relates to further planning permissions granted through section 73 permissions or applications for extensions to existing permissions. The transitional arrangements apply to planning permissions permitted before the Council's Charging Schedule is adopted. They ensure that existing schemes considered from a viability perspective under a different planning regime, are not double charged both Planning Obligations and CIL. The transitional arrangements also clarify that schemes which have started contributing towards a Planning Obligation can off set these existing payments against their CIL liability.
- 2.4.5 The Council will also produce a Regulation 123 list (list of projects to be CIL funded) and publish this to its website. Any item of infrastructure included on the Regulation 123 list cannot also be used as a reason to grant a planning permission via a Planning Obligation. General contributions to infrastructure will therefore be funded through CIL to ensure that the local use of CIL and Planning Obligations do not overlap. The Council's Regulation 123 list will mostly consist of items where CIL funds are available to Barnet Council; the list will be updated regularly.
- 2.4.6 We will use any opportunities through the processes for agreeing and modifying Planning Obligations as well as any mechanisms compliant with CIL Regulations to agree the boundaries between CIL, Planning Obligations and Planning Conditions to secure appropriate solutions. The Council will take into account government guidance to ensure there is no "double charging" or "double dipping" in respect of a development through the use of Planning Obligations, other statutory agreements, planning conditions and CIL payments.
- 2.4.7 Planning Obligations are agreed by negotiation with the Council at the time of the planning application, or when revisions are required, and therefore the procedure detailed in figure 1 (overleaf) is proposed to ensure developments are not double-charged through Planning Obligations and other mechanisms, whilst ensuring any agreed expenditure of CIL or other contributions would be compliant with the appropriate Statutes and Regulations.
- 2.4.8 Where on site infrastructure delivery is required to make a development scheme acceptable, but is agreed between parties to be appropriately funded or part funded through CIL collected by the Council, such infrastructure will still be required to be formally committed to through a suitably worded Planning Condition or if that is not possible a Planning Obligation in order to ensure that appropriate mitigation is delivered at the right time in relation to the development scheme. Separately, however, it can also be identified through an appropriate agreement or wording of the planning obligation that the Council will commit to using accrued CIL funds towards delivery of the infrastructure. In such circumstances the Council will also identify mechanisms to ensure that any obligations or conditions relating to such infrastructure are deliverable.
- 2.4.9 Concerns relating to double charging are mostly expected to arise in relation to larger development schemes where substantial on site infrastructure is expected to be delivered. In particular this includes the Regeneration and Development Areas, Priority Estates and Priority Town Centres as identified in Paragraphs 7.2.3, 7.2.12. and 7.2.14 of the Local Plan Core Strategy. These areas are identified priority areas for growth, for which the Council is committed to support development to ensure Barnet remains a Successful London Suburb.

Figure 1 – Process for pre application negotiation and review of Planning Obligations and other matters that might impact on development viability.



3 Barnet's Planning Obligations Framework

3.1 Physical Infrastructure: Transport Impact Mitigation and Travel Plans

- 3.1.1 Core Strategy Policy CS9: Providing Safe, Effective and Efficient Travel aims to relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will and facilitating planned growth. Policy CS15: Delivering the Core Strategy sets out the range of physical infrastructure that may be expected as part of a development.
- 3.1.2 Policy DM17: Travel Impact and Parking Standards sets out when Transport Assessments and Travel Plans are required.
- 3.1.3 The generation of additional traffic, especially at peak times, by new development should be minimised. In many cases, some additional traffic cannot be avoided, but good location, design and management can reduce its amount and effect. In planning new development, its full impact on the whole transport system will need to be considered and where necessary, mitigation measures can ensure that the additional travel generated by the proposed development can be accommodated.

Travel Impact Mitigation

- 3.1.5 Most developments generate new travel movements and they should provide any necessary additional transport infrastructure to cope with these movements or mitigate impacts. Any necessary alterations to the transport network within or in the vicinity of new development will be expected to be provided.
- 3.1.6 The wider cumulative transport impacts arising from development which increase the demands on a transport network will be dealt with through CIL. Wider transport impacts for example including borough wide congestion, traffic intrusion (e.g. additional traffic on quiet lanes), road safety, air quality and the impact of additional traffic on other, especially vulnerable, highway users. Development also increases the need to improve transport alternatives such as walking cycling and public transport; which requires further investment and incentivisation for new occupants of developments to make these modes more appealing and attractive.
- 3.1.7 In order to address localised impacts specific transport related infrastructure may be required through Planning Obligations. This will be particularly relevant to developments that are larger in scale or are associated with intensive patterns of traffic and parking demand. Examples may include relevant junction improvements, new or amended bus services or traffic signals improvements. Necessary infrastructure such as junction improvements and their timescales for delivery will need to be defined and agreed with Barnet's highways officers for inclusion either within a Section 106 or a Section 278 agreement.
- 3.1.8 Where development involves alterations to the local highway network, this may be required through Section 278 of the Highways Act 1980 which allows developers to either pay for or carry out off site works to the public highway. For example there may be specific occasions when a development results in a traffic impact further along the network. Minor works such as provision of pedestrian crossing facilities, changes to waiting and loading restrictions, school keep clear markings and other amendments to road markings may be required as part of a development. Any such works may be subject statutory and public consultation under the Road Traffic Regulations Act.

- 3.1.9 As described in paragraph 2.4.3 there may be circumstances where provision secured through a planning obligation may serve an area wider than the development. In these circumstances the Council may consider the application of CIL to help deliver such works, in line with the process set out in Figure 1.
- 3.1.10 Policy DM17: Travel Impact and Parking Standards sets in part g: Parking Management that where the proposed parking for development is going to be limited in a Controlled Parking Zone to levels below the required provision for residential development it will be necessary to restrict the potential future occupiers from obtaining car parking permits through a legal agreement. Where this occurs a one off payment will be required to make the necessary amendments to the relevant Traffic Order.

Thresholds for Travel Plans

- 3.1.11 A Travel Plan is a long term management strategy for an occupier or site that seeks to deliver sustainable transport objectives. The Travel Plan encourages a more efficient and more sustainable use of the transport system for both people and goods.
- 3.1.12 In line with DM17: Travel Impact and Parking Standards Travel Plans will be required for significant trip generating developments. A significant trip generating development is defined by Transport for London (TfL) thresholds. These thresholds are set out in Table 3.1 below. The requirement for a Travel Plan applies to both new developments and extensions or redevelopments of existing sites.
- 3.1.13 There may be a requirement for a Local-level Travel Plan where the predicted or perceived impact of the development on travel and transport in the area is significant. This may be for development which falls below the thresholds set out in Table 3.1 and will be assessed on a case by case basis. For example this may be for a mixed use development where each individual land use of a development may not exceed a threshold in Table 3.1 but cumulatively they may generate a significant number of trips. Further examples are set out in paragraph 3.5 of TfL's guidance¹.
- 3.1.14 Equally there may be situations where a development is close to the Strategic Travel Plan threshold and it may be considered to have such a significant impact as to require a strategic level travel plan instead of a local one.
- 3.1.15 There are parts of the borough which are relatively remote and rural with low public transport accessibility. This leads to greater dependence on the car and certain land uses in these locations may need more careful consideration of the transport impacts.
- 3.1.16 Developers may choose to submit a Local-level Travel Plan despite the development falling below the thresholds given in Table 3.1 in order to demonstrate a commitment to minimising the impact of the development on the local environment and the community.
- 3.1.17 Section 4 of the TfL guidance provides further detail on the content of a Travel Plan. The Travel Plan requirements should be agreed in advance with Council officers at the scoping/pre-application stage of a planning application.

¹ Travel planning for new development in London including deliveries and servicing. Transport for London 2011

Table 3.1: Barnet Travel Plan thresholds

	Local- level TP	Strategic-level TP
Shopping centre	More than 20 staff but less than 2500m ²	Equal or more than 2,500 m ²
A1 food/non-food retail	More than 20 staff but less than 1000m ²	Equal or more than 1000 m ²
Garden Centres	More than 20 staff but less than 2500m ²	Equal or more than 2,500 m ²
A3/A4/A5 food and drink	More than 20 staff but less than 750m ²	Equal or more than 750 m ²
B1 including offices	More than 20 staff but less than 2500m ²	Equal or more than 2,500 m ²
B2 industrial	More than 20 staff but less than 2500m ²	Equal or more than 2,500 m ²
B8 warehouse and distribution	More than 20 staff but less than 2500m ²	Equal or more than 2,500 m ²
C1 hotels	More than 20 staff but less than 50 beds	Equal or more than 50 beds
C3 residential (including sui generis HMO/student accommodation)	Between 50 and 80 units	Equal and more than 80 units
D1 hospitals/ medical centres	Between 20 and 50 staff	Equal or more than 50 staff
D1 schools / nurseries	All developments to have a School Travel Plan	All developments to have a School Travel Plan
D1 higher and further education	More than 20 staff but less than 2500m ²	Equal or more than 2,500 m ²
D1 museum	More than 20 staff but less than 100,000 visitors annually	Equal or more than 100,000 visitors annually
D1 place of public worship or community centre	More than 20 staff but less than 200 members/ regular attendees	Equal or more than 200 members/regular attendees
D2 assembly and leisure (other than stadia)	More than 20 staff but less than 1000m ²	Equal or more than 1000m ²
D2 stadia	More than 20 staff but less than 1500 seats	Equal or more than 1500 seats

Source: Travel planning for new development in London including deliveries and servicing. Transport for London. Table 3.1

3.1.18 Developments with a residential element that require a Residential Travel plan at local or strategic level will be required through a planning obligation to include the provision of funding for a Travel Plan Incentive fund within their TP. The fund will be used to offer to the first households of each unit the choice of travel incentives, as shown in Table 3.2.

Table 3.2: Incentive measures for Residential Travel Plan

Measure	Requirements for local level travel plan	Requirement for strategic level travel plan
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Travel Plan Incentives fund	Each 1st household to be offered to select 1 of the following 3 incentives to the value of £150: <ul style="list-style-type: none"> • Oyster card with £150 credit • Cycle shop voucher to the values of £150 • Car club credit/membership to the value of £150 (At least 1 car club space must be provided on the development with a commitment to monitor use and to add additional spaces should demand be demonstrated)	Each 1st household to be offered to select 2 of the 3 following incentives to the value of £300: <ul style="list-style-type: none"> • Oyster card with £150 credit • Cycle shop voucher to the values of £150 • Car club credit/membership to the value of £150 (At least 2 car club spaces must be provided on the development with a commitment to monitor use and to add additional spaces should demand be demonstrated)
*Figures to be index-linked to the date of the agreement with the value rounded to the nearest £10.		

3.1.19 In order for the Council to monitor the progress of Travel Plans in meeting their objectives and targets throughout the life of the plan, funding will be secured through a Planning Obligation. The level of this funding will depend on the type and number of travel plans required, the lifespan of the travel plan/s and the predicted or perceived transport impact of the development. The required amount will be decided on a case by case basis using the following as a basis (per Travel Plan required):

Local-level Travel Plan	-	minimum £5,000	-	indicative maximum	£15,000
Strategic-level Travel Plan	-	minimum £15,000	-	indicative maximum	£50,000
School/ Nursery Travel Plan	-	minimum £5,000	-	indicative maximum	£15,000
(new / re-build/change of use)					

3.1.20 Therefore, for a mixed use development that requires a number of individual Travel Plans, the contribution level will be calculated based on the combination of the amounts for the different Travel Plans, and will vary by size of scheme, nature of the development and number of years over which the development is expected to take to fully roll-out. Whereas it could be less than £50,000 for a small mixed use development, with local level plans for retail and food & drink and a strategic level plan for the residential, for major regeneration schemes the contributions would be much higher.

3.2 Social Infrastructure: Public Open space, Outdoor Amenity Space and Children’s Play Space Requirements

Additional Public Open Space in Areas of Deficiency

- 3.2.1 Core Strategy Policy CS7: Enhancing and Protecting Barnet’s Open Spaces aims to protect and improve the provision of open space and protect and enhance biodiversity. In particular it aims to improve access to open space particularly in areas of public open space deficiency. This is supported by Policy DM15: Green Belt and Open Spaces which states that “where the development site is appropriate or the opportunity arises the Council will expect on site provision...”
- 3.2.2 The Development Management Policies document (para 16.3.6) sets out standards for open space which will be applied where a development is in an area of deficiency for publicly accessible open space. The standards were created by the ‘Open Space, Sport and Recreational Facilities Needs Assessment’ which applied three factors; quantity, quality and accessibility of open space to the existing open space in the borough to create a standard for Barnet. New open space should be provided in line with these standards:
- Parks (1.63 hectares per 1,000 residents)
 - Children’s play (0.09 hectares per 1,000 residents)
 - Sports pitches (0.75 hectares per 1,000 residents)
 - Natural green spaces (2.05 hectares per 1,000 residents).
- 3.2.3 These standards are set out and supported by evidence in the Barnet ‘Open Space, Sport and Recreational Facilities Needs Assessment’. The areas of deficiency for public open space are set out in Map 1. Development of a sufficient scale or on an appropriate site may be able to provide new open space. An appropriate site may be one where development is permitted on existing private open space providing it meets other aspects of DM15: Green Belt and Open Spaces. Policy DM15 states that in exceptional circumstances loss of open space will be permitted where either replacement of the open space being lost or equivalent or better quality of provision is provided. Where a proposal addresses public open space deficiency then the value of the land transferred will be offset against the CIL contribution required.

Compensation for Lack of Outdoor Amenity Space

- 3.2.4 Policy DM02: Development Standards set out that the provision of outdoor amenity space is an important consideration for residential development. The standards for outdoor amenity space are set out in the Sustainable Design and Construction SPD and design guidance is set out in the Residential Design Guide SPD. The Core Strategy sets out a robust approach to proposals which involve the loss of gardens and are detrimental to suburban character.
- 3.2.5 In town centres and for some higher density schemes including tall buildings it may not be feasible for development to provide adequate private or communal outdoor amenity space. In these circumstances the development should make a financial contribution to the nearest appropriate public open space to compensate for the lack of outdoor amenity space. Contributions will be used for both improving access to and the quality of existing open spaces as appropriate. Contributions towards public realm improvements will also be considered where these may improve public amenity and can contribute towards improving the vitality and viability of town centres. In these situations the contribution will

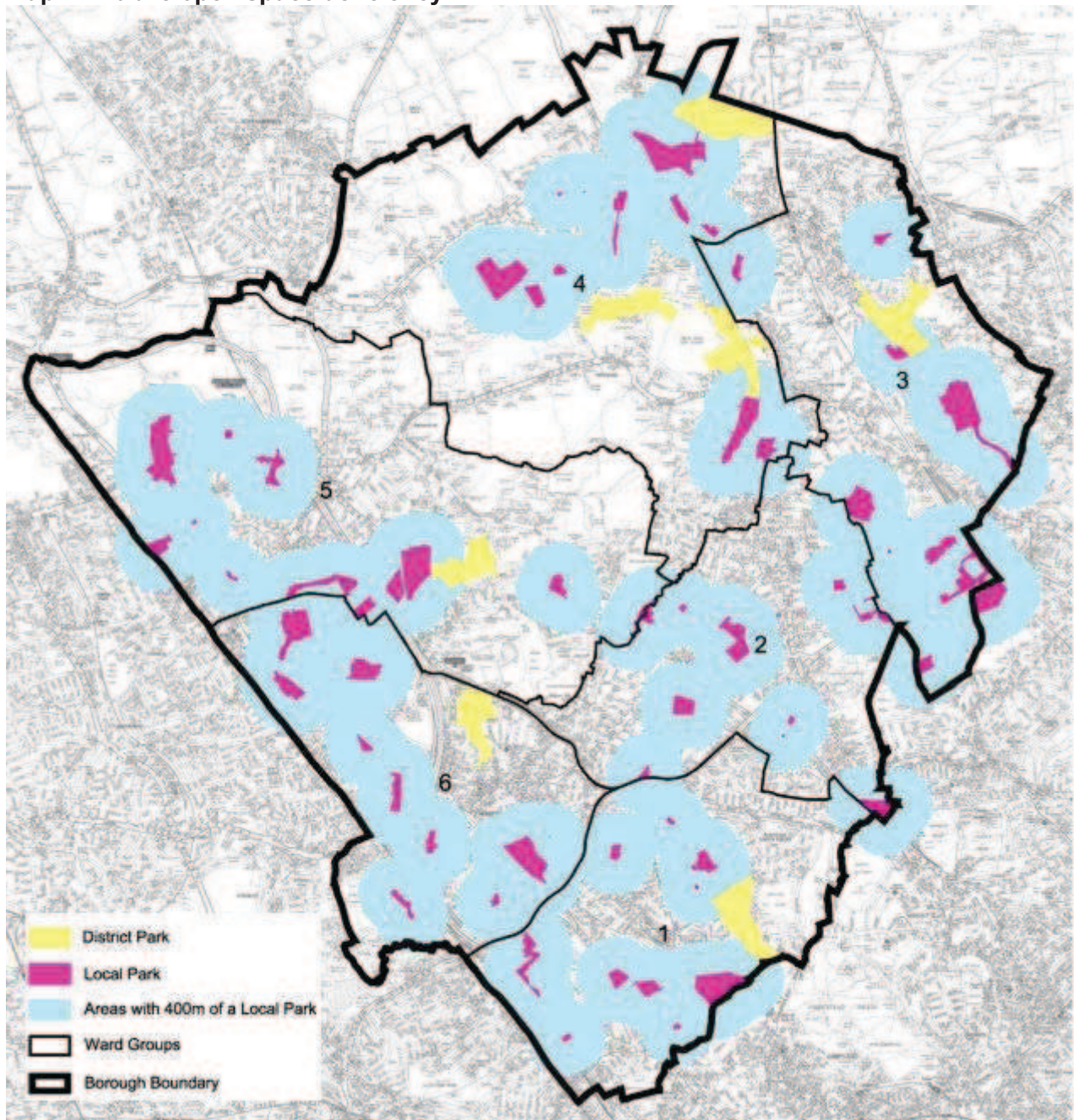
be in addition to CIL as the development will be causing a localised requirement for additional use of public open space/public realm.

3.2.6 The amount of compensation required for a lack of outdoor amenity space in town centres and for some higher density schemes including tall buildings will be determined on a site by site basis taking into account the following factors:

- how much outdoor amenity space is required and how much is provided [if any],
- the size of the development,
- the amount of communal amenity space provided and its quality [if any],
- distance to and accessibility of the existing local public open space
- the existing quality of the public realm in the town centre
- other factors including the mix of uses on site

3.2.7 If there is a specific public open space measure close to the development already identified on the Regulation 123 list (for further detail see paragraph 2.4.6) then compensation via a Planning Obligation may not be required.

Map 1: Public open space deficiency



Children’s Play Space

- 3.2.8 Policy DM02: Development Standards sets out that Play Space should be delivered in line with the London Plan. London Plan Policy 3.6: Children and Young People’s Play and Informal Recreation Facilities states that “Development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.” This is supported by the Mayor of London’s Supplementary Planning Guidance (SPG): Providing for Children and Young People’s Play and Informal Recreation (2012).
- 3.2.9 The Mayor’s SPG expects new housing development which creates a child yield (see Appendix 1) of 10 children or more to provide on-site 10 m² of safe and well designed play and recreation space for every child.
- 3.2.10 Development proposals should make communal play provision for under fives on-site where suitable provision does not already exist within walking distance of 100 metres. Development proposals which include units with private outdoor amenity space (gardens) may have the yield for under fives discounted. Where communal outdoor amenity space is provided it may be appropriate to count it towards a play space requirement where it is genuinely playable². The Council will expect on-site provision to be delivered via a planning condition. In exceptional circumstances it may not be possible to provide play space for the under fives on site. In these situations a planning obligation will be required and where on site provision is not possible the maximum walking distance for under fives should be within 100 metres.
- 3.2.11 Map 2 shows the play areas in the borough with formal play provision. Nearly 50% of Barnet’s residents live within 600m of a formal equipped play area and less than half of Barnet’s parks have play areas. Table 3.3 details the type of play provision and the type of park it is located in.
- 3.2.12 It may be more appropriate to meet the need for older children off site to ensure that a suitably sized facility is provided either as new provision or through a pooled contribution towards expanding existing provision depending on the proximity and scale/quality of existing play space provision. Off site provision will usually be provided via a Planning Obligation. Accessible facilities for older children should be within 400 metres for 5-11 year olds or within 800 metres for the 12 plus age group. Ease of access is a consideration as barriers such as major roads and railways can reduce potential use of a playground. The Mayors (SPG): Providing for Children and Young People’s Play and Informal Recreation sets a range of sizes of play space in Section 4 with further detail on design.
- 3.2.13 Where an off-site contribution is provided via a planning obligation it should be sufficient to cover the costs associated with developing the same facility on-site. Where appropriate the planning obligation could identify the delivery of a specific piece of equipment or feature in a specific location. The document Design for Play: A Guide to Creating Successful Play Spaces (Department for Culture Media and Sport 2008) sets out a range of case studies with associated capital costs which will provide a reference point for negotiation for off site contributions. On-going maintenance costs should be agreed with the Council and provided as part of the Planning Obligation for both on and

² Genuinely playable space is described in paragraph 3.23 of the Mayor’s SPG as space where children’s active play is a legitimate use of the space with design elements that have a ‘play value’ which act as a sign or signal to children or young people that the space is intended for their play. A key requirement for the creation of play value is through fixed equipment, informal recreation activities or engaging landscape features.

off-site provision. A commitment as part of the Planning Obligation to meeting maintenance costs in perpetuity to an agreed standard for both on and off site playspace provision is expected. This should also cover where the playspace is to be transferred to the Council.

**Map 2:
Barnet's Green Spaces and Play Areas**

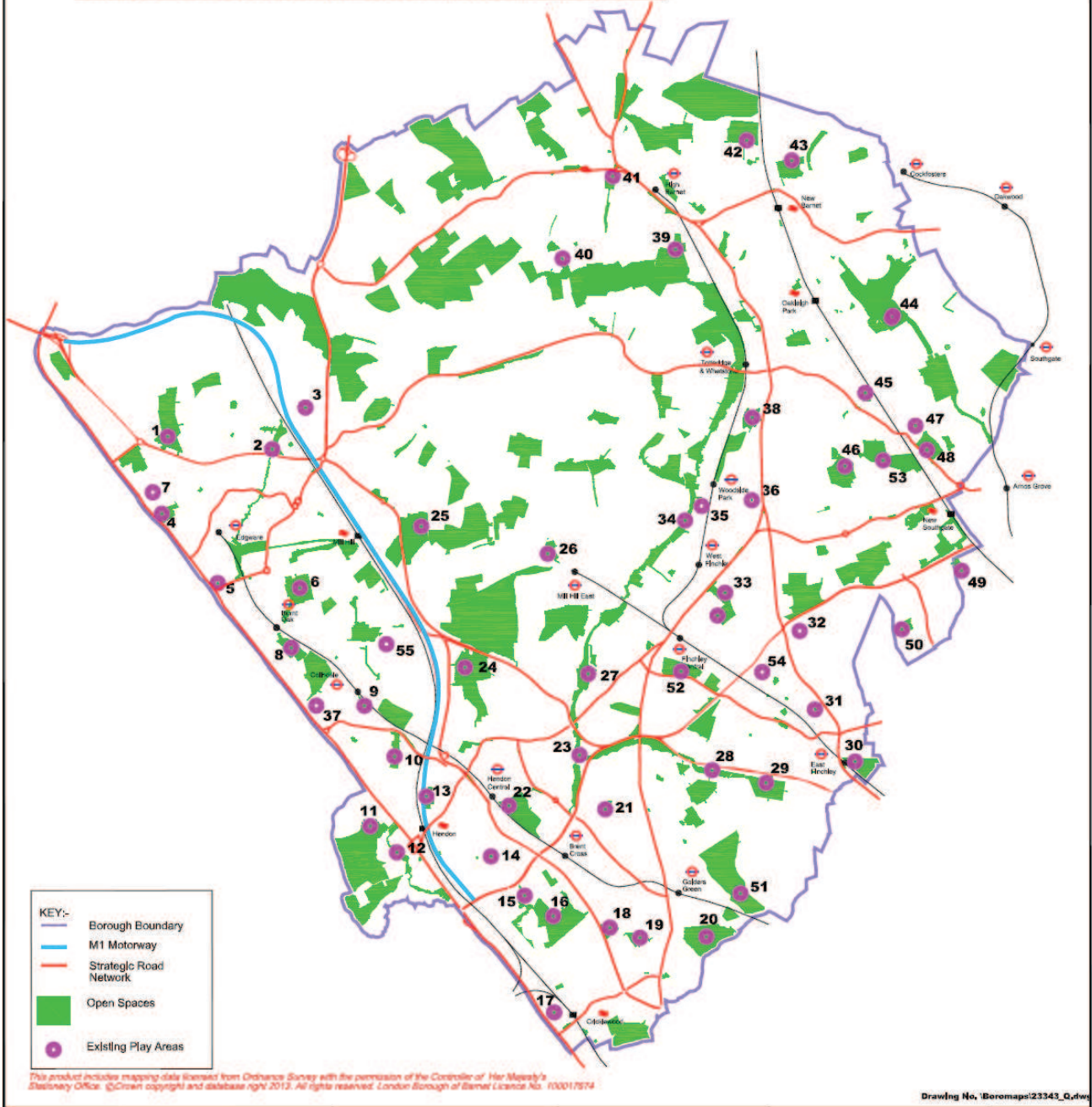


Table 3.3: Key to playspaces identified in Map 2: Barnet's Green spaces and Play Areas

Key number	Name of park	Type of park	Under fives provision	Over fives provision	Over twelves provision
1	Edwarebury Park	local	yes	yes	yes
2	Stoneyfields Park	local	yes	yes	yes
3	Fairway children's playground	playground	yes	yes	yes
4	Stonegrove Park	local	yes	yes	yes

5	Deansbrook play area	playground	yes	yes	yes
6	Watling Park	local	yes	yes	yes
7	Stamford Court Playground	playground	yes	yes	no
8	Silkstream Park	local	yes	yes	no
9	Colindale Park	local	yes	yes	yes
10	Rushgrove Park	local	yes	yes	yes
11	West Hendon Playing Fields	outdoor sport	yes	yes	yes
12	York Park	local	yes	yes	yes
13	Malcolm Park	local	yes	yes	yes
14	Sturgess Park	local	yes	yes	yes
15	Clarefield Park	local	yes	yes	yes
16	Clitterhouse Playing Field	outdoor sport	yes	yes	yes
17	Cricklewood Playground	playground	yes	yes	yes
18	Childs Hill Park	local	yes	yes	yes
19	Basing Hill Park	local	no	yes	yes
20	Golders Hill Park	local	yes	yes	yes
21	Princess Park	local	yes	yes	yes
22	Hendon Park	local	yes	yes	yes
23	Brookside Walk	local	yes	yes	yes
24	Sunny Hill Park	district	yes	yes	yes
25	Mill Hill Park	local	yes	yes	yes
26	Bittacy Hill Park	local	yes	yes	yes
27	Windsor Open Space	local	yes	yes	yes
28	Northway Gardens extension	local	yes	yes	no
29	Lyttleton Playing Fields	local	yes	yes	yes
30	Cherry Tree Wood	local	yes	yes	yes
31	Market Place Playground	local	yes	yes	yes
32	Old Farm Road Playground	local	yes	yes	yes
33	Victoria Park	local	yes	yes	yes
34	Riverside Walk (woodside park)	local	yes	yes	yes
35	Springfield Close	playground	yes	yes	no
36	Percy Road Playground	local	yes	yes	yes
37	Mannock Close	playground	yes	yes	no
38	Swan Lane Open Space	local	yes	yes	yes
39	Barnet Playing Field	local	yes	yes	yes
40	Riverside Walk (ducks island)	local	yes	yes	yes
41	Old Courthouse Recreation Ground	local	yes	yes	yes
42	Tudor Sports Ground	local	yes	yes	yes
43	Victoria Recreation Ground	local	yes	yes	yes
44	Oak Hill Park	district	yes	yes	yes
45	Barfield Avenue Playground	local	yes	yes	yes
46	Friary Park	local	yes	yes	yes
47	Brunswick Crescent Playground	local	no	yes	yes
48	New Southgate Recreation	local	yes	yes	yes
49	Hollickwood Park	local	yes	yes	yes
50	Halliwick Recreation Ground	local	yes	yes	yes
51	Hampstead Heath Extension	District	yes	yes	yes
52	Avenue House Grounds	local	yes	yes	yes
53	Bethune Recreation Ground	local	no	yes	yes
54	Brownswell Road	playground	no	yes	yes
55	Merlin Playground	playground	no	yes	yes

3.3 Social Infrastructure: Community, Health and Educational Facilities

- 3.3.1 The Core Strategy sets out in CS10: Enabling Inclusive and Integrated Community Facilities and Uses that the Council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and swimming pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities. This is a key part of managing Barnet's future growth. Policy CS11: Improving Health and Wellbeing sets out that the Council will support the plans of NHS Barnet and its successor bodies to deliver modern primary and community care services in the borough.
- 3.3.2 The approach in Policy DM13: Community and Education uses sets out that where there is still a need for, and there is going to be a loss of a community facility, health facility or educational use, then a replacement facility of equivalent quantity or quality needs to be provided on site or at a suitable alternative location. Generally the intensification of the site which incorporates the existing use would be the preferred approach. However in some circumstances it may be more appropriate to re-locate a community or educational use to a more accessible location, such as a town centre.

Community Facilities

- 3.3.3 The meaning of community facilities is set out in the Development Management Policies (DMP) and encompasses a range of infrastructure that provides for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. A non-exclusive list of this type of infrastructure is set out in paragraph 14.1.2 of the DMP and includes health centres, dentists, schools & further education, space for the arts, museums, libraries, community halls and other public meeting venues, theatres, cinemas, indoor and outdoor sports facilities, places of worship and some policing facilities.
- 3.3.4 Where the principle of replacement with an alternative use is accepted in policy terms and a suitable alternative site for the community facility is identified because there is still a need for the community facility then a Planning Obligation will be required. The Obligation will ensure that replacement space provided is suitable and it may specify the size, level of fit out, limit the uses and depending on what the replacement space will be used for it may specify a limit on the rental level.
- 3.3.5 Where the principle of replacement with an alternative use is accepted in policy terms and there is still a need for the community facility but a suitable alternative site for the community facility has not been identified then a Planning Obligation will be required to ensure re-provision. Our preferred approach is that the developer commits to re-build the community facility elsewhere however in exceptional circumstances a payment to the Council will be considered. Factors to be considered when re-providing community facilities are:
- Improvements in access to public transport, walking and cycling and other local facilities and services such as shops
 - How the design of the facility can strengthen the future demand for its use
 - Can the facility be designed to meet the needs of a variety of users to provide a multi-functional space

Like for like replacement may not be necessary where improvements in line with these factors can be delivered. Actual costs for suitable replacement floor space and fit out will be the means of quantifying off site contributions, based on deliverable alternative provision.

- 3.3.5 In the case of some larger developments (circa 200 dwelling and above), accessibility to community facilities will need to be demonstrated as part of the planning proposal. Provisions for new facilities on site will be secured where a proposal directly increases the need for local access to a community facility, and where no spare capacity exists in the nearby vicinity – nor is reasonably expected to be provided in the near future. Provision in this manner will be secured through a Planning Obligation. On-site provision cannot forgo the need for developments to contribute to CIL - although such provision of community facilities may be eligible for a CIL contribution to help support its delivery.
- 3.3.6 The need created for certain new community facilities may be better met if they are provided in more accessible locations such as town centres, in these cases an off site Planning Obligation will be secured.

Educational Facilities

- 3.3.7 Barnet is experiencing unprecedented pressure on primary school places, which is projected to increase in the coming years as existing pupils progress through primary school and the number of births in the borough continues to rise. Significant capital investment is required in additional school places. The Core Strategy sets out in CS10: Enabling Inclusive and Integrated Community Facilities and Uses that our programmes for capital investment in schools and services for young people address the needs of a growing, more diverse and increasingly younger population.
- 3.3.8 On larger scale sites³ it may be necessary to provide schools directly on site to meet the needs of the development. This will be particularly relevant where there is already an existing local need and a suitable site for development comes forward. A suitable site would be determined in line with the policy requirements set out in DM13: Community and Educational Uses; principally that it is located in an accessible location and doesn't affect the free flow of traffic.
- 3.3.9 On-site provision will be secured through Planning Obligations and will be agreed on a case by case basis. The approach towards determining the scale of educational provision will take into account the following considerations:
- The local demand and supply of school places. In Barnet there is currently a significant shortfall of permanent primary school places across the borough which is starting to impact on the secondary sector.
 - The latest available data. For example local, national and regional data on child yield and population projections.

³ Larger scale sites are those of a scale which generate need for a one form entry school or above and can accommodate provision on-site. The generation of such need may be considered in relation to a single site or across multiple development sites which are in close enough proximity to create a new primary school catchment. The Council would prefer the delivery of a three form entry school on-site where it is possible and the wider demand and supply of school places justifies it as this is a more cost effective option. than a two form entry school. It is unviable for the Council to deliver less than a two form entry school.

- The wider need for educational provision. Statutory educational provision is broader than primary and secondary schools. It is currently required for children from the ages of 3 to 16 and in line with legislation this is due to increase to the ages of 2 to 18 by 2015. Young people with learning difficulties and disabilities require access to educational provision up to the age of 25.

3.3.10 When a developer is required to construct a new school or transfer land for a school to the Council to mitigate the impacts of its development, it will be obliged to make such transfers at no charge to the Council and free from financial ties. The land should have planning permission for educational or unrestricted D1 use, must be fully serviced, and have access provided to the boundary (to a standard specified by the Council). The need for a new school will be considered on a site by site basis having regard to individual site circumstances. (See also paragraph 2.4.9)

3.3.11 Applications for change of use are not normally CIL liable in that they do not usually create new build floorspace. Where a development is not liable for CIL or a disproportionately small charge is liable due to it being mainly or wholly a change of use application it will be liable for contributions towards social infrastructure such as healthcare facilities and education where it meets the three policy tests for planning obligations set out in the CIL Regulations. The financial contributions required will be calculated by the planning team based on the child yield figures set out in appendix 1, however the most up-to-date information will be used where available. In case of a residential to residential conversion the net child yield will be used.

School Capacity in Barnet

3.3.12 The Council has a statutory responsibility, under the 1996 Education Act, to ensure that there are sufficient school places in its area, taking into account the different ages, aptitudes and special educational needs of pupils of school age.

3.3.13 Educational institutions are not expected to operate at full capacity (i.e. with no unoccupied places) as:

- It is important to retain some margin of surplus capacity to enable parental preference and flexibility of provision to be exercised.
- There must be cover for unforeseen fluctuations in the numbers of local children requiring places due to house moving (albeit into pre-existing accommodation).
- In faith or single gender schools, places are not necessarily available to the wider community because pupils must meet their entry criteria.

3.3.14 Due to school capacity issues across the borough, linked to population growth, the council is required to deliver new school facilities. The cost per pupil place for new schools / expanded schools within the borough is an average of £21,400 per pupil place. This figure will be used as the basis for negotiations and is subject to change.

3.3.15 When calculating the financial contributions for education an adjustment is made to discount the contributions from the affordable housing element by 75 per cent because it is assumed that this proportion of children will already be attending Barnet Council schools. This is because with social rented housing the council usually has 'nomination rights' to any such housing built in the borough and therefore the tenants who will eventually occupy such affordable housing commonly already reside in Barnet and any children in such households are already on the council's school rolls. Therefore 25% of the child yield from affordable units - the social rented and/or affordable rented proportions will apply.

3.4 Environmental Requirements: Energy Efficiency, Air Quality, Noise Pollution and Biodiversity

Energy Efficiency

- 3.4.1 New development should provide the opportunity to meet the highest standards of energy efficiency and minimise carbon emissions through applying the energy hierarchy⁴ set out in the London Plan. The Sustainable Design and Construction SPD sets out further details on energy use and decentralised energy. Where the Council's aims cannot be achieved through a planning condition, a planning obligation may be required in relation to a decentralised heat network, for example a contribution towards a feasibility study.

Air Pollution

- 3.4.2 Air pollution is the result of emissions, such as carbon monoxide, nitrogen oxides and sulphur dioxide, being released into the atmosphere. The main sources of emissions are transport, combustion and industrial processes. Air pollution has been linked to health problems such as asthma and other respiratory diseases, and damage to the surrounding environment. Policy DM04: Environmental Considerations makes clear that new development should not reduce air quality and where there are any potential issues the Council will require an Air Quality Assessment.
- 3.4.3 Further detail on our air quality requirements in relation to air pollution are set out in the Sustainable Design and Construction SPD in section 2.13. Where an Air Quality Assessment is necessary it may set out means of mitigation which can only be set out in a Planning Obligation rather than a planning condition. The following Obligations may be sought to improve air quality:
- Use of low emission fuel technology and other measures to minimise emissions
 - Tree and other planting where directly relevant to mitigating the impact of emissions – certain species of tree are better at absorbing pollutants than others and can provide a barrier
 - Use of cleaner fuels for energy and heating
- 3.4.4 In some cases, air quality monitoring may be required to ensure that air quality standards can be met and maintained and contributions towards this may be required if necessary.

Noise

- 3.4.5 Levels of noise have a major bearing on the health and well being of all Barnet residents. Persistent and intermittent noises, such as those made by traffic, industry, building services plant, sound systems, construction activities or other people, can undermine quality of life. Management of noise is an issue which significantly increases in importance for higher densities of population and economic activity. Receptors which are particularly sensitive to noise include dwellings and social infrastructure.
- 3.4.6 The layout of buildings can be designed or modified to reduce the effects of noise disturbance through the use of measures such as screening with natural barriers or other buildings. Further mitigating measures are set out in the Sustainable Design and Construction SPD⁵. Planning conditions can be used to control the operating hours of a

⁴ The Energy Hierarchy is set out in London Plan Policy 5.2 Minimising Carbon Dioxide Emissions. Further detail is set out in 2.8.3

⁵ Sustainable Design and Construction SPD: Barnet. 2012

particular noise generating development, or to influence the layout and design of buildings, in order to reduce the effects on noise sensitive uses.

- 3.4.7 The Sustainable Design and Construction SPD requires that a Noise Impact Assessment for development which is likely to be exposed to significant noise or cause a noise impact. Where there is a Noise Impact Assessment then there may be a circumstance where it is necessary to require that on going monitoring is provided to ensure that the noise impact does not continue to have a negative effect on existing and new residents. Any continuing negative impact would require further mitigation.
- 3.4.8 Off site mitigation will need to be considered where it is appropriate such as measures to reduce a noise at source such as quieter vehicles or changing work practices, the construction of noise barriers and the sound insulation of residential properties. Acoustic screening may be appropriate for larger sites which are proximate to noise sources. A link to improvements in the quality of open spaces can also be made with many of Barnet's open spaces increasingly impacted by noise from transport, and major highways corridors.

Biodiversity

- 3.4.9 Policy DM16: Biodiversity sets out the principle that when considering development proposals the council will seek the retention and enhancement, or creation of biodiversity. The policy also addresses impact of development on a Site of Importance for Nature Conservation. Proposals should avoid adverse impact or if this is not possible minimise such impact and seek mitigation. Where the benefits of a scheme are judged to outweigh the harm made to a Site of Importance for Nature Conservation appropriate compensation may be required through mitigation such as alternative habitat creation off site in another location.
- 3.4.10 Policy DM16: Biodiversity also sets out that where appropriate, development which is adjacent to or within areas identified as part of the Mayor's Green Grid Framework (comprising green infrastructure⁶) will be required to make a contribution to the enhancement of the Green Grid. The 'Green Grid' are the green links and chains between open spaces. The Green Infrastructure SPD will provide further detail on Barnet's strategic approach for the creation, protection and management of networks of green infrastructure and identify the Green Grid in Barnet.
- 3.4.11 Larger developments may provide opportunities for planning obligations or CIL funding to provide programmes to reduce flood risk from and improve the biodiversity to, rivers in the borough. The Water Framework Directive rivers (Silk Stream and Edgware Brook, Dollis Brook, Pymmes Brook) in Barnet are all heavily modified and in need of improvement in their ecological status.

⁶ Barnet's Green Infrastructure includes: Green Belt and MOL, parks and gardens, natural and semi-natural green spaces, trees, hedgerows and green corridors, playing pitches and outdoor sports facilities, amenity green space, landscape, children's play facilities, allotments, community gardens and urban farms, cemeteries and churchyards, rivers, streams (including the Blue Ribbon Network) and open water areas as well as green roofs and walls.

4 Process and Procedures to Implement Legal Obligations

4.1 Process

4.1.1 Four key stages are identified in the process.

I. Pre-application Stage

4.1.2 Developers, prior to acquisition of land for development, should clarify the potential Planning Obligations and CIL required in order to anticipate the financial implications upon their development proposal. This understanding may be critically important to acquire the site for an appropriate value and make their proposal economically viable. Use of the Council's pre-application service is encouraged to help this understanding.

4.1.3 The Local Plan, the London Plan and the NPPF should be referred to and set the context for a dialogue with the Council helping developers obtain a general idea of the Planning Obligations expected from their proposals.

4.1.4 The Council's Planning Service will seek to establish a dialogue with developers as early as possible, to draw attention to the principal issues in relation to development proposals including the Planning Obligations expected from proposals. There is a charge for the pre-application service (details can be downloaded from the Council's website [here](#)).

4.1.5 The Council acknowledges that the introduction of CIL may change the way the Council has previously secured the delivery of infrastructure. As noted in paragraph 2.4.3 above there may be circumstances where there is a planning obligation to provide infrastructure on site but the Council might provide funding through CIL to deliver this. This is likely to only relate to larger developments in the borough and in these cases Planning Obligations or other legal agreements may be used to set out obligations on both the applicant and the Council to secure the funding and delivery of such infrastructure.

II. Planning Assessment Stage

4.1.6 With the submission of a formal planning application, the full extent of Planning Obligations can normally be determined. At the planning consideration stage, development proposals will need to follow a full consultation exercise which may include various Council services, local residents and community groups, the ward Councillors, other relevant agencies and partners. The GLA and TfL provide a pre-application advice service for applications of strategic importance which are referable to the Mayor. Following the consultation, the full extent of Planning Obligations related to the development proposal will be ascertained. The required planning obligation will normally be negotiated with the applicant, the "heads of terms" and payment triggers agreed as part of the evaluation of the planning application.

III. Resolution to grant permission

4.1.7 The relevant planning committee, composed of members of the council, may agree or disagree with the officers' recommendation. On occasions, the committee may resolve to grant planning permission subject to a legal agreement, but give delegated authority to the Head of Planning to refuse the scheme if the required agreement is not signed within a given timetable. Following a resolution to grant planning permission subject to a planning legal agreement, the Council's legal service (in liaison with the applicant's solicitors) will complete the legal agreement in the form of a deed. The agreement will be registered as a charge against the title at HM Land Registry and on the Council's planning register.

IV. Implementation

- 4.1.8 Details of the planning legal agreement (s.106 agreement), its clauses and its triggers will be recorded on a monitoring database. This monitoring database will be used for the purposes of identifying when developments become liable for planning obligations and to support an effective enforcement process.
- 4.1.9 Obligations upon a development will be subject to indexation from the date of the agreement (or an agreed alternative indexation date). The usual measure of indexation for payments will be the Retail Price Index (RPI) except in the case where a specific building or facility is required to be delivered, whereby any value associated with such a building is to be indexed according to the Building Cost Information Survey (BCIS) Index.
- 4.1.10 The trigger for most s.106 agreements will be the commencement of development. No action will take place in respect of the legal agreement until a specified trigger in the legal agreement has passed. Usually this will relate to when works of construction have implemented the planning permission, The definition of implementation will be set out in the legal agreement, but in most cases is defined in accordance with a material operation as defined in Section 56(4) of the Town and Country Planning Act 1990.
- 4.1.11 Upon the implementation of the development or the passing of the relevant triggers, the developer will honour the terms of agreement and make payment. Failure to make any due payment and comply with the terms of the agreement will incur a penalty rate of interest at 4% above the Bank of England Base Rate from the date any payment was due until the day it is received. Such a penalty rate will be above and beyond any indexation that is applicable upon the principle sum.

4.2 Management, Administration and Enforcement

Section 106 Project Management

- 4.2.1 Project management is coordinated by the Planning Service's Infrastructure Planning Team. A legal agreement normally requires any financial contributions to be paid to the Council on the commencement of development. However, in some cases the legal agreement may state that payments should be phased to coincide with site construction or occupation.
- 4.2.2 Some non-financial legal agreements, such as those involving a Travel Plan, can require the delivery of Obligations throughout the life of a project (depending on the nature or terms of the agreement). Such cases are closely monitored by the Planning Service and services/agencies involved, in order to ensure that the terms of the agreement have been complied with over the agreed period.
- 4.2.3 Travel Plans will be subject to monitoring and review for at least the first 5 years after occupation, with requirements beyond 5 years normally required for major developments or those deemed to have a significant travel and transport impact. For some major developments it may be deemed appropriate to agree a 15 year time frame, expect monitoring in perpetuity of the scheme or in an agreed time after the development is fully occupied or declared closed. This will be agreed on a site by site basis. For Residential Travel Plans the monitoring will be for the first 5 years following occupation of the final unit.
- 4.2.4 Legal agreements will be logged, monitored and accounted for, in order to ensure effective delivery of the obligations and to provide information for interested parties on the outcome of any agreement. This will help to ensure that the Section 106 process is open and transparent.

Enforcement

- 4.2.5 If it is evident that a legal agreement is not being complied with, the Infrastructure Planning Team will make a recommendation to legal services to instigate appropriate legal or planning enforcement action. Planning Obligations can be enforced through the use of an injunction, which is capable of stopping the development proceeding. The Council also has the power to enter land and carry out any works that have been required, and to recover costs for this action – however, the Council must give 21 days notice of its intention to do this.
- 4.2.6 To ensure compliance with the terms of a legal agreement, appropriate clauses will be included in the terms of the legal agreement requiring interest be paid for the late payment of financial contributions, at 4 per cent above the interest rate that obtained at the time that the relevant trigger in the agreement was activated. This condition is written into any Planning Obligation, so that developers are aware of the implications of late payment and agree to the terms.

4.3 Cost Recovery

- 4.3.1 The delivery of Planning Obligations, from negotiation to implementation, takes considerable time and resources. It often requires public consultation, committee resolutions, the involvement of lawyers, the production of legal documents, monitoring, cross-divisional working and partnership arrangements with other services and organisations. The Council will therefore seek the payment of contributions to cover the costs of its work relating to securing Planning Obligations.
- 4.3.2 As the Council is party to a large number of Planning Obligations, it takes a significant amount of resources to project manage and implement schemes funded by Planning Obligation agreements. The Council's legal representatives, in consultation with the relevant planning officer(s), undertake the drafting of legal agreements, and developers will be required to pay the legal and professional costs expended in their preparation. If issues of viability arise and there is a need for the Council to obtain independent valuation advice, property developers will be expected to meet the costs of this. All such legal and professional costs will be charged at an agreed and published flat rate and, where relevant, at the Council's current hourly rate.
- 4.3.3 The levying of any charges will be carried out in two stages:
1. **Execution Stage** – Covers the negotiation of Planning Obligations, legal fees and the costs of independent advice where there is dispute. This fee is collected at the time of signing of the legal agreement.
 2. **Implementation Stage** – This sum will be collected at the implementation, or other agreed 'trigger', of the planning permission. The Council will charge a standard fee for administering and monitoring Section 106 agreements. This will vary dependent on the value of the planning contribution and the number of obligations – each 'topic area' will require a distinct obligation to be drafted.
- 4.3.4 The basis for implementation costs is set out below, which are based on the total value of the contributions – this applies as at December 2012 and will be updated as and when necessary:
- Less than £1,000 = 0%
 - £1,000 - £24,999 = up to 5%
 - £25,000 - £49,999 = up to 4.5%
 - £50,000 - £74,999 = up to 4%
 - £75,000 – £99,999 = up to 3.5%
 - £100,000 - £149,999 = up to 3%
 - £150,000 - £199,999 = up to 2.5%
 - £200,000 - £249,999 = up to 2%
- 4.3.5 Should an agreement be required that only involves non-financial obligations, meaning that there is no contribution due under the terms of paragraph 4.3.4; then should such matters require ongoing monitoring or enforcement by the Council, then a 'monitoring contribution' of £500 per non-financial obligation will be applicable to the agreement.

Appendix 1: Child Yield

Market and intermediate flats

Age	Number of Bedrooms			
	Studio	1	2	3
0-4	0.00	0.00	0.07	0.17
5-10	0.00	0.00	0.02	0.11
11-15	0.00	0.00	0.01	0.03
16-18	0.01	0.01	0.01	0.02
Total	0.01	0.01	0.10	0.33

Market and intermediate houses

Age	Number of Bedrooms					
	Studio	1	2	3	4	5+
0-4	0.17	0.17	0.08	0.29	0.63	0.36
5-10	0.00	0.00	0.03	0.10	0.31	0.58
11-15	0.00	0.00	0.01	0.05	0.13	0.25
16-18	0.00	0.00	0.01	0.01	0.04	0.17
Total	0.017	0.017	0.12	0.45	1.10	1.36

Social rented/affordable flats

Age	Number of Bedrooms					
	Studio	1	2	3	4	5+
0-4	0.00	0.20	0.64	0.62	0.41	0.57
5-10	0.00	0.00	0.23	0.74	1.22	1.66
11-15	0.00	0.00	0.08	0.47	1.29	1.76
16-18	0.00	0.00	0.05	0.17	0.37	0.51
Total	0.00	0.20	1.00	2.00	3.29	4.50

Social rented/affordable houses

Age	Number of Bedrooms				
	1	2	3	4	5+
0-4	0.20	0.64	0.62	0.41	0.57
5-10	0.00	0.23	0.74	1.22	1.66
11-15	0.00	0.08	0.47	1.29	1.76
16-18	0.00	0.05	0.17	0.37	0.51
Total	0.20	1.00	2.00	3.29	4.50

Source: Greater London Authority Demography and Policy Analysis Group. The GLA have provided this data as guidance which is interim, awaiting the 2011 census figures and it will be applied on this basis in Barnet. The most up to date local data will be used in relation to child yield.

For further information and any specific queries, please contact:

The Planning Service duty planner at:

Planning Reception
Barnet House, 2nd Floor
1255 High Road, Whetstone N20 0EJ

Please note that the Duty Planner is available on Mondays, Wednesdays and Fridays from 9am to 1pm, except bank holidays and during the period between Christmas and New Year.

Tel: 020 8359 4561
Fax: 0870 889 6818
Email: planning.enquiry@barnet.gov.uk

Listed Building and Conservation Area enquiries:

Urban Design and Heritage Team
Tel: 020 8359 3000
Fax: 0870 889 6818
Email: planning.enquiry@barnet.gov.uk

Building Regulation enquiries:

Building Regulation Service
Tel: 020 8359 4500
Fax: 0870 889 7462
Email: building.control@barnet.gov.uk

For a comprehensive source of information concerning planning and building control matters please visit the council's planning pages online www.barnet.gov.uk or Government's planning portal website at www.planningportal.gov.uk

Copies of this document can be viewed at any Barnet library and at the planning reception which is located at

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The reception is open Monday to Friday: 9.00am to 5.00pm

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APPENDIX B – Schedule of Consultation Responses

Schedule of Consultation Response to Barnet's Planning Obligations SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
1	Natural England	General	In general terms our principal concern with regard to the development of the Planning Obligations Supplementary Planning Document (SPD) is that essential green infrastructure needs should be identified and played into the process. Since it is now widely accepted that the provision of a sustainable network of green infrastructure is an essential component of the infrastructure necessary to support growth.	The Council will be producing a Green Infrastructure Supplementary Planning Document.
2		2.25	Paragraph 2.2.5 in respect of Strand 1: "Absolute protection of Green Belt, Metropolitan Open Land and other valued Open Space from inappropriate development" is welcomed and to be encouraged. Also welcomed and to be encouraged is the reference under paragraph 2.2.8 – Consideration of Planning Obligation for "Provision of Public Open Space and improving access to Public Open Space", together with "Environmental Improvements".	We welcome this support
3		3.4	The retention, enhancement and creation of biodiversity opportunities and infrastructure (Section 3.4 – Environmental Requirements: Energy Efficiency, Air Quality, Noise pollution and Biodiversity) is also welcomed and to be encouraged.	We welcome this support
4	Middlesex University, Andy Karski	1.3.1	The University welcomes and is supportive of the Council's initiative in bringing its S106 SPD into line with the CIL SPD, on which the University has previously commented. We also welcome the introductory acknowledgement in para 1.3.1 of the need for the Council to provide flexibility in the operation of its S106 planning obligations process in the light of the viability of development projects in continuing difficult economic conditions.	We welcome this support
5		General	The SPD document very usefully provides an update of the new legislative context, whereby the use of planning obligations is for the first time restricted by law to complying to the tests of being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and	We welcome this support

Schedule of Consultation Response to Barnet's Planning Obligations SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
			reasonably related in scale and kind to the development. The University has stressed the importance of these in all its previous negotiations with the Council on S106 obligations, and this legislative change and the Council's recognition of it as underpinning the SPD will be very helpful in the future.	
6		2.4.5	The University also welcomes and supports the explicit recognition that CIL charges and Planning Obligations do not overlap, and that individual developments are not charged for the same item twice under CIL and S106. However, the University would like it acknowledged that, where community and social infrastructure providers are exempt from CIL by virtue of charitable status, or are 0 rated because their contribution has or will be already have been made in kind, they should not be charged under S106 for items that would have been covered by CIL. Could the Council confirm that this concern is adequately covered in section 2.4, and particularly para 2.4.5?	Developments must mitigate for the local impacts so whilst charitable institutions and social housing are exempt or eligible for relief from CIL they cannot be exempt from Planning Obligations.
7		3.4.1	The University has no comments to make on sections 3.1 to 3.3 of the proposed Planning Obligations Framework. We have one reservation, however, on the environmental requirements relating to energy efficiency. The wording of the third sentence in para 3.4.1 poses us some problems in stating: "Where relevant a planning obligation will be required in relation to a decentralised heat network where for example a contribution to a feasibility study is necessary or a commitment to connect to a future heat network is necessary." First, it would be helpful to state that a S106 obligation may only be used where a planning condition is inadequate. (For example future proofing a development in design to allow for future connection to an area network could be achieved by an appropriate condition). Secondly, the University objects to the example cited of a S106 commitment to connect to a future heat network. The University has previously objected to such an obligation in its response to the Sustainable Design & Construction SPD on the grounds that it (along with most developers) would not be able to enter into a legal agreement to a future action whose costs and implications are wholly unknown and could prove unviable and unreasonable. We	The supporting text has been amended.

Schedule of Consultation Response to Barnet's Planning Obligations SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
			suggest that the third sentence omits the examples and is re-drafted as: "Where relevant, and not achievable through a planning condition, a planning obligation may be required in relation to a decentralised heat network."	
8		4.1.6	The University notes that section 4, dealing with process and procedures has been shortened from that in the previous SPD. While there is no objection to the remaining content, some of the material omitted might have been helpful to include. At the end of para 4.1.6 it would be helpful to include the previously helpful, explanatory sentence, and to make reference in this to the appropriate payment triggers negotiated with the applicant. An additional sentence could read: "The required planning obligation will normally be negotiated with the applicant, the "heads of terms" and payment triggers agreed, and reported to a relevant planning committee as part of the evaluation of the planning application."	The supporting text has been amended.
9		4.1.7	It would be also helpful to include the former para 6.6 under the Resolution to Grant Permission heading as currently there is only reference to processes following the resolution to grant. This described the decision making process and made useful reference to the delegation of powers to the Head of Planning.	The supporting text has been amended.
10		4.3	Our final comments relate to section 4.3 Cost Recovery. The University supports the distinction made between charges at the Execution Stage and the Implementation Stage that has been carried forward from the previous SPD. It welcomes the flexibility in the wording for the collection of sums payable at the Implementation Stage, recognising that payment triggers can be agreed at other than the legal commencement of development/implementation. The University strongly supports the principle, agreed by the Council in its negotiations on University schemes, that payment triggers are related to the design and implementation of S106 schemes that are required as mitigation or compensation obligations (eg off-site traffic and highways measures, public realm improvements, public open space enhancement).	We welcome this support

Schedule of Consultation Response to Barnet's Planning Obligations SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
11		4.3.4	<p>The table in para 4.3.4 setting out cost recovery charges, suffers from a lack of flexibility, that the previous charging schedule had. Para 4.3.3 acknowledges that the appropriate fee for administering and monitoring S106 agreements "will vary dependent on the value of the contribution and the number of obligations - each 'topic area' will require a distinct obligation to be drafted." It should be noted that as well as value and number of obligations, the nature of the obligation will also be a variable that will influence how much officer time may be required in the future.</p> <p>The charging table should have in it the scope for variation and negotiation that the previous SPD provided. This can be achieved by stating that the percentage figures cited for each value band are "up to" the percentage stated (as was previously the case).</p>	The supporting text has been amended
12			<p>We note that there is an arithmetic anomaly in the table as cited that is probably unintended. Having a higher percentage charge for a value band that is less than the one that follows it could mean that an applicant with a higher aggregate contribution value pays less in cost recovery than one with a greater S106 contribution total. For example, applying the table inflexibly would mean that someone with a total of £27,500 in contributions pays less in cost recovery than someone with a total of £24,999 as the latter is in a lower value band but with a higher cost recovery percentage. We suggest that this is dealt with by the first three value thresholds each having a cost charge band of "up to" 4%.</p>	The supporting text has been amended
13	Robert Newton	1.3.1	<p>In the the third line of the second sentence of paragraph 1.3.1, insert the words "with regard to affordable housing provision," between the words "process" and ", whilst", so that the sentence now reads:</p> <p>The Council will continue to enable development to be brought forward during the economic downturn by providing flexibility in the operation of its s106 planning obligations process with regard to affordable housing provision, whilst continuing to ensure the sustainability of schemes through delivery of supporting infrastructure.</p>	The suggested change would be confusing as affordable housing is not the only planning obligation able to be required.

Schedule of Consultation Response to Barnet's Planning Obligations SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
14		New paragraph	<p>At the end of paragraph 1.3.1, add a new paragraph 1.3.2 that reads:</p> <p>However, it should be clear that, the only economic viability test will be in respect of any affordable housing element in the proposed development. Otherwise, so as to safeguard the position of future residents of the development and existing residents of the Borough, the provision of justifiable and appropriate social infrastructure will not be compromised because of viability issues. Equally, the Council will not compromise its Local Plan Policies by allowing overdevelopment of a site in order to help a developer achieve viability. In short, the community will not be called upon to subsidise the development by foregoing justified planning obligations or allowing overdevelopment.</p>	<p>The combined impact of CIL, Planning Obligations, Planning Conditions, Affordable Housing, 'in kind contributions' of land and any other costs upon development need to be considered when reviewing a developments viability. Part of this review process includes considering whether the scale and form of the development is acceptable in policy terms. It is not reasonable to identify affordable housing as the only 'flexible' cost in the process and remove the need to consider community uses or other requirements.</p>
15		2.1.3	<p>In third line of the second sentence in paragraph 2.1.3 insert the words "and employment" between the words "housing" and "growth" so that the sentence now reads:</p> <p>The IDP is a living document as it provides an ongoing assessment of local infrastructure needs. Appendix 1 of the IDP details all critical and necessary infrastructure projects that are key to supporting housing and employment growth in Barnet.</p>	<p>The supporting text has been amended.</p>
16		2.1.5	<p>The second sentence of paragraph 2.1.5 is unclear and should be re-written. What does "not constitute funding" mean? "Should it read ""as a reason for refusing planning permission" rather than "for granting planning permission" as presently written?</p>	<p>This is the form of words used in the regulations which means that the council cannot use the provision of funding from a section 106 agreement as a reason to grant planning permission.</p>
17		2.2.2	<p>At the end of paragraph 2.2.2, add a new sentence that reads:</p> <p>Our approach is set out in paragraphs 1.3.1 and 1.3.2.</p>	<p>Paragraph 1.3.1 sets the context and it is not necessary to cross refer.</p>

Schedule of Consultation Response to Barnet's Planning Obligations SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
18		2.2.17	<p>In the second line of paragraph 2.2.17, replace the words “training and enterprise” with the words “the provision of affordable workspace, training and enterprise” so that it now reads:</p> <p>The purpose of the SPD is to provide advice and information to developers about the level of Planning Obligations required for the provision of affordable workspace, training and enterprise.</p>	The supporting text has been amended.
19		New paragraph	<p>The Enterprise, Employment and Training SPD is expected to introduce a number of measures to utilise Planning Obligation contributions to facilitate the provision of affordable workspace, including the provision of land and construction costs for new workspace premises. As described more fully in the Adopted Local Plan Core Strategy paragraph 13.6.5, providing affordable and flexible workspace helps small to medium businesses, particularly home-workers in the knowledge economy and those engaged in creative industries, to continue their valuable contribution to Barnet's prosperity. There is presently a scarcity of small business premises in the Borough which start-up home working and other businesses can expand into. The construction of new units using Planning Obligation contributions can play an important part in filling the gap in provision that is not being met by the private sector. An added advantage is that investment of planning obligation contributions into land and buildings, over time, provides an income that could be used to fund future employment initiatives, whilst training contributions are one-off and may not always be spent productively.</p>	It would be premature for the sort of detail suggested to be included until a draft of the Enterprise, Employment and Training SPD is published.
20		2.3.6	<p>After paragraph 2.3.6, add a new paragraph 2.3.7 that reads:</p> <p>For the avoidance of doubt, when the size of an approved development is increased, the planning obligations due will be re-assessed to take account of the additional impact of the development. Examples are where the number of residential units is increased or where there is an increase in the number of habitable rooms contained in the existing approved residential units.</p>	Part of the review process when considering viability includes considering whether the scale and form of the development is acceptable.

Schedule of Consultation Response to Barnet's Planning Obligations SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
21		2.4.1	<p>Replace paragraph 2.4.1 with the following new paragraph:</p> <p>This Supplementary Planning Document provides the framework to address issues of financial viability. As described in Paragraph 1.3.1, the Council will continue to enable development to be brought forward and facilitate the deliverability of individual schemes on a case by case basis by means of an economic viability test in respect of any appropriate affordable housing element. However, so as to safeguard the position of existing and future residents, the required provision of justifiable and appropriate social infrastructure will not be compromised because of viability issues.</p> <p>Historically, there has been some flexibility in the operation of negotiated planning obligations where there have been viability concerns. Operationally, the system has not been open and transparent or, in practice, appeared to be the subject of democratic oversight. The result has been that the impact of such developments on social infrastructure has not been fully addressed (and in some cases not addressed at all) to the detriment of residents of the proposed development and existing residents of the Borough.</p>	The combined impact of CIL, Planning Obligations, Planning Conditions, Affordable Housing, 'in kind contributions' of land and any other costs upon development need to be considered when reviewing development viability. Part of this review process includes considering whether the scale and form of the development is acceptable in policy terms. It is not reasonable to identify affordable housing as the only 'flexible' cost in the process and remove the need to consider community uses or other requirements.
22		Figure 1	Amend boxes to reflect amendments to paragraphs 1.3.1 and 2.2.2 and 2.4.1 that limit viability testing to the affordable housing element only. The amendments should make it clear that, in particular, the Council is not in the business of subsidising developments by foregoing appropriate and justifiable planning obligations or allowing over-development so as to assist the financial viability of a proposed development.	These amendments are not necessary.
23		3.1.10	<p>In the last sentence of paragraph 3.1.10, delete the words "of £2,000" and add a new sentence at the end of the paragraph that reads:</p> <p>As at December 2012, the payment was £2.000 but is is subject to variation and/or</p>	The supporting text has been amended.

Schedule of Consultation Response to Barnet's Planning Obligations SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
			index linking.	
24		3.1.16	It is believed that the reference to "Table 2.1" in paragraph 3.1.16 should be to "Table 3.1 of the TfL's guidance".	The supporting text has been amended.
		3.2.1	It appears from paragraphs 3.2.1 to 3.2.3 (and paragraph 3.2.5) that areas of open space deficiency are being addressed via CIL contributions from all developments in the Borough whether located in areas of open space deficiency or not. However, it is not clear from paragraph 2.2.11 that this is the case as this list has yet to be published and may vary from year to year depending on budget priorities. Is this correct? If so, what is the mechanism for ensuring that the requirement for contributions to tackle areas of open space deficiency is not omitted during the budget setting process in any one year and funds re-allocated to other services?	Addressing areas of open space deficiency are only likely to come forward via section 106 from development of a sufficient scale to create the impact and/or on appropriate land. Funding for a new park is unlikely to forward via CIL contributions.
25		3.2.3	Paragraph 3.2.3 is confusing and not clearly expressed. What authority is there for the sentence that reads "An appropriate site may be one where development is permitted on existing private open space providing it meets other aspects of DM15: Green Belt and Open Spaces"? In particular, this does not accord with paragraphs 16.3.3 and 16.3.4 and Policies DM15 b) i and ii of the Adopted Local Plan Development Management Policies DPD. In any event, at the start of the sentence that begins "An appropriate site...." the words "In exceptional circumstances," should have been added to make it consistent with the Development Management Policies DPD wording and intention.	The supporting text has been amended.
26		4.3.4	In the first line of paragraph 4.3.4, between the words "this" and "will be updated..." insert the words "applies as at December 2012 and" so that the start of the paragraph now reads: The basis for implementation costs is set out below, which are based on the total	The supporting text has been amended.

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			value of the contributions – this applies as at December 2012 and will be updated as and when necessary:	
27	Brent Cross Development Partners, Philip Murphy	3.3.10	<p>Paragraph 3.3.10 relates to education facilities and specifically the delivery of new school facilities or the transfer of land. The paragraph is very prescriptive for an SPD and fails to acknowledge that such issues will need to be considered on a site by site basis, having regard to individual circumstances. As such, the BXC Development Partners request that the following amendments are made to the paragraph:</p> <p><i>“If a developer is required to construct a new school or transfer land for a school to the Council to mitigate the impacts of its development and where this meets the test set out in Regulation 122 of the CIL Regulations, it will <u>usually</u> be obliged to make such transfers at no charge to the Council and free from financial ties. The land should have planning permission for educational or unrestricted D1 use, must be fully serviced, and have access provided to the boundary (to a standard specified by the Council). <u>This will be considered on a site by site basis having regard to individual site circumstances, and any impact in the reduction in developable area and any other costs will be included as part of the viability assessment.</u>”</i></p>	The supporting text has been amended to reflect individual site circumstances.
28		2.2.8	Paragraph 2.2.8 - please amend the start of the paragraph to read "Subject to restrictions in Regs 122 and 123 of the CIL Regulations and to government guidance...";	The supporting text has been amended.
29		2.3.5	Paragraph 2.3.5 - this paragraph should be updated to reflect the fact that	The supporting text has been

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			permitted development will be liable for CIL from 7 April 2013;	amended.
30		2.4.4	Paragraph 2.4.4 – the paragraph needs to be updated as the permanent and transitional arrangements have now been introduced	The supporting text has been amended.
31		2.4.5	Paragraph 2.4.5 - this paragraph needs to be updated as applications for a change of use are liable for CIL where it creates an additional housing unit and where the occupation test is not met;	The supporting text has been amended.
32		2.4.7	Paragraph 2.4.7 – please add to the end of the paragraph "The Council will also take into account government guidance to ensure there is no "double charging" or "double dipping" in respect of a development through the use of Planning Obligations, other statutory agreements, planning conditions and CIL payments".	The supporting text has been amended.
33		3.3.11	Paragraph 3.3.11 - as commented above, the paragraph needs to be updated to accurately reflect the application of CIL in the context of residential change of use. Furthermore, a residential to residential conversion, as referred to in the last sentence of the paragraph, is not a change of use and therefore should not be liable.	The supporting text has been amended.
34	London Fire And Emergency Planning Authority, Dron and	2.2.8	We note under section 2.2.8 of the draft document, that fire fighting facilities are not listed, although reference is made to 'other community facilities including policing'. We request that the words 'and fire fighting facilities' be added to the above entry.	This text is taken from the Core Strategy and that would be the appropriate document to make such a change. We consider that fire fighting facilities are included under 'community facilities'.

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	Wright consultants			
35		3.3.3	Similarly, under section 3.3 of the draft document, and with particular reference to section 3.3.3, again the wording 'and fire fighting facilities' should be added.	The document is cross referencing the DM policies and we do not consider this necessary
36		General	<p>Please note that in relation to CIL, although the Council proposes a single flat rate levy of £135.00 per square metre across the borough, section 3.8 within the draft charging schedule states that 'the Council commits to provide a CIL grant equivalent to the total CIL charge levied where such a development is delivered for a public body'. Whilst we are generally supportive of this sentiment, we are concerned that it is dependant on such a development being identified within the Council's Infrastructure Delivery Plan as either 'necessary' or 'critical'. Fire stations are essential community safety facilities and any CIL costs for them are therefore inappropriate.</p> <p>As fire stations (as community safety facilities) are included within the definition of 'infrastructure' under the Planning Act 2008, we believe that they should automatically be excluded from any CIL payments. We note that the Examiner is currently preparing his recommendation report following the examination hearing held in December 2012.</p>	The Amendments to the Council's CIL charging schedule have meant that all forms of community facilities (including fire stations) are zero rated in relation to their CIL charge.
37		General	<p>In the same way that we have requested that consideration should be given to the use of CIL funding for any future LFEPA safety and community facilities within the borough (which the Council has recognised as a valid request), consideration should also be given to the following:-</p> <p>1.0 LFEPA should be exempt from contributing towards Section 106 payments;</p> <p>2.0 A proportion of the Section 106 payments collected in the borough should be provided to LFEPA for the provision of new fire fighting facilities, as and when required.</p>	The Council cannot preclude LFEPA facilities from having to enter into a planning obligation.

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38	Canal & River Trust, Claire McClean	3.2	With regard to the document, our only comment is with reference to the section at 3.2 Social Infrastructure: Public Open Space, Outdoor Amenity Space and Children's Play Space. This relates to the need for additional open space, and compensation for the lack of open space, but not the mitigation or improvements for the impact of development on existing open space. As an example, the West Hendon Estate redevelopment will bring significantly more visitors to the reservoir, which is likely to require more management in terms of wind-blown litter and vegetation, putting an additional burden on the Trust. The development should include measures to help mitigate this impact.	As set out in the Planning Obligations SPD contributions towards improvements will be required where a development does not meet the outdoor amenity space requirements otherwise contributions would be expected to be delivered from CIL funding.
39	Environment Agency, Clark Gordon		<p>We request that section 3.4 (Environmental Requirements: Energy Efficiency, Air Quality, Noise Pollution and Biodiversity) is updated to include a separate section on 'Flood Risk'.</p> <p>In terms of surface water flood risk, we expect that any mitigation would be provided by suitable Sustainable Drainage Systems (SuDS) on-site secured by planning conditions. However, there may be opportunities to secure planning obligations to carry out works on adjacent areas of land. This would be particularly relevant if it meant a better overall SuDS system could be provided such as utilising an area of land between a site and watercourse that may remove the need to discharge to local sewers. Additional land could also provide space for water attenuation in ponds etc. that would not fit on the site. We would encourage developers to speak to us early in the planning process to discuss issues around SuDS and drainage.</p> <p>There may be opportunities to use planning obligations on larger developments to provide programmes to reduce flood risk in the surrounding community. This is particularly relevant in Barnet given the scale of recent developments (e.g. Millbrook Park), upcoming developments (e.g. West Hendon), and large-scale sites that may be identified in the upcoming Strategic Housing Land Availability Assessment.</p>	The supporting text has been amended.

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			<p>In terms of fluvial flood risk we expect that any mitigation for loss of flood storage would be provided by flood compensation on- or off-site secured by planning conditions, although we would only permit this in exceptional circumstances. We would not support planning obligations to provide flood defences to <i>enable</i> development on a site. However, there may be circumstances where the improvement or creation of a flood defence structure as part of a site development could help to reduce flood risk to others off-site. We are currently in the process of identifying communities at risk and establishing how flood risk for these existing communities may be reduced most effectively through local policy, maintenance, flood defence schemes and individual flood proofing or resilience measures. As part of this, we may identify schemes or projects that could benefit from CIL funds, or potentially from planning obligations.</p> <p>We are at quite an early stage in the process of identifying communities at risk and associated projects to reduce these risks. We will liaise with you in the future, once we have more information about communities at risk in Barnet. However, in the meantime, we would like to establish the principle of using planning obligations for flood infrastructure in this SPD.</p>	
40		Biodiversity	<p>We are pleased that the protection, enhancement and creation of habitat, and in particular the Mayor's Green Grid Framework, has been identified in this SPD. We are keen to work closely with you on your emerging Green Infrastructure SPD to ensure that developers can be confident of when planning obligations may apply to their development.</p> <p>However, we would request that a further explanatory paragraph is added after 3.4.10 to provide some detail on the requirements for river restoration/Water Framework Directive (WFD) in Barnet. In particular, this should focus on improving water quality and the ecological potential of rivers in Barnet, as targeted in the WFD. The Thames River Basin Management Plan (RBMP) is the document underpinning the WFD targets in Barnet.</p> <p>The target of the WFD is for all notified rivers to achieve a good ecological potential (or status) by 2027. Rivers can be classified as <i>heavily modified</i>, and are</p>	<p>The supporting text has been amended. Further detail on the Water Framework directive has been added in the Sustainable Design and Construction SPD.</p>

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			<p>assessed for ecological <i>potential</i> (all of the WFD rivers in Barnet are heavily modified); or they can be classified as <i>non-heavily modified</i>, and are assessed for ecological <i>status</i>.</p> <p>There are three WFD rivers in Barnet:</p> <p>Silk Stream and Edgware Brook – heavily modified – <i>moderate</i> ecological potential.</p> <p>Dollis Brook – heavily modified – <i>poor</i> ecological potential.</p> <p>Pymmes Brook (upper channel with Muswell Stream & Bounds Green Brook) – heavily modified – <i>moderate</i> ecological potential.</p> <p>Two of the rivers need to gain one descriptive class from moderate to good, whilst Dollis Brook needs to gain two descriptive classes from poor to good.</p> <p>We have been carrying out investigations and assessments of the WFD watercourses in Barnet and will this year publish specific actions for each river to help them achieve good ecological status. We hope to liaise with you later this year, once we have more detailed information about the specific actions relating to Barnet's rivers. However, in the meantime, we would like to establish the principle of using planning obligations for river restoration/WFD actions in this SPD.</p>	
41	A2 Dominion, Barton Wilmore	General	<p>We are concerned that the draft SPD does not reflect intentions of national planning policy. Moreover given the complexities of the CiL Regulations, we suggest that there may be merit in the borough solicitor reviewing the document for legal robustness.</p> <p>Specifically we would raise the following:</p> <ul style="list-style-type: none"> • The collective introduction of the SPD and CiL does not appear to have been properly tested in relation to scheme viability and could introduce an unacceptable economic burden on development; • The SPD as drafted does not adequately ensure that double charging with the emerging CiL will not occur; 	<p>The SPD has been brought forward to clarify when CiL will apply and when planning obligations will apply. It replaces the three existing SPD and makes clear the situations when planning obligations will be required. The respondent does not clearly demonstrate which areas are causing concern.</p> <p>Furthermore the public examination into Barnet's CiL has</p>

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
			<ul style="list-style-type: none"> • There is a lack of clarity between the application of CiL and the Planning Obligations SPD resulting in uncertainty to developers; • The SPD seeks funding for matters either already considered in the preparation of the emerging CiL Charging Schedule or are more appropriately addressed through CiL due to need to 'pool' contributions; and <p>The SPD appears to introduce charges/obligations for matters that do not meet the tests of the CiL regulations, i.e. only matters that are essential for the grant of planning permission.</p>	<p>recommended adoption and the examiner explicitly states: <i>"In setting the CIL charging rate the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in Barnet Borough."</i></p>
42		Viability	<p>The purpose of CiL is to provide a fairer, faster and more certain and transparent means to address infrastructure needs and funding. The NPPF states that supplementary planning documents 'should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development' (paragraph 153).</p> <p>The Council's emerging CiL Charging Schedule has been subject to Examination; however the Inspector's Report is awaited. The Draft SPD is predicated on the Inspector finding that the Charging Schedule meets the tests of the Regulations. The Council rely on the BNP Paribas Affordable Housing and Community Infrastructure Levy: Viability Study September 2011 as demonstrating that their proposed CiL charge is viable and will not impose an unnecessary burden on development.</p> <p>It is unclear what assessment the Council has undertaken to ensure that the combination of local CiL, Mayoral CiL and the Planning Obligations SPD will have on viability. As drafted the SPD relies on a flexible application on a site by site</p>	<p>The Council considers that viability was adequately considered as part of the examination of the Barnet CIL. As part of the methodology of the Affordable Housing and Community Infrastructure Levy: Viability Study a residual level of Planning Obligations for localised requirements was considered alongside varying levels of affordable housing and levels of CIL including the Mayoral CIL.</p> <p>The Charging Schedule examiner stated that: <i>"Accepted information sources fed into the recognised valuation methodology which was informed</i></p>

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			<p>basis. Whilst Government guidance encourages a flexible approach to the application of policy, this is predicated on the policy being informed by a review of its implications on viability in the first instance. This does not appear to have been undertaken in this instance.</p>	<p><i>by reasonable assumptions... the evidence which has been used to inform the Charging Schedule is proportionate, appropriate and, in most instances, robust".</i></p>
43		Double charging	<p>To avoid double-charging, CIL Regulation 123(2) prevents local authorities from seeking planning obligations in relation to infrastructure included on the published list of infrastructure projects. If no such list is published the Regulations assume that CIL will apply to all infrastructure and planning obligations to infrastructure will not be sought. The Council intend to use both CiL and Planning Obligations to secure funding for 'infrastructure' therefore there is a need to ensure no double charging. In this respect the SPD's relationship with CIL is unclear and, in our view, the SPD does not provide the necessary comfort and safeguards to prevent overlap with CIL and the potential for double-charging.</p> <p>It appears that infrastructure that informed the emerging CiL charge (i.e. that identified and costed in the Infrastructure Development Plan) and has now been 'extrapolated' out of CiL through the draft SPD and is to be funded separately and therefore in addition to CiL. For example, the IDP identifies various sport, open space and recreational facilities/projects yet the draft SPD seeks monies towards off-site open space and playspace (i.e. the same projects). The cost of such provision has therefore already been considered when setting the CiL rate. To apply the CiL charge and seek a planning obligation in respect of the same matter is double charging in terms of cost to a scheme and viability considerations. As per our comments above this does not appear to have been tested.</p> <p>The draft SPD states that in addition to the Regulation 123 list, the procedure set out at Figure 1 'Process for pre application negotiation and review of Planning Obligations and other matters that might impact on development viability' will be</p>	<p>The Regulation 123 list will be published at Cabinet on 25th February 2013 in advance of the adoption of CIL on 1 May 2013.</p> <p>The supporting text is clear that open space requirements will apply where there is a loss of open space, where development fails to deliver sufficient private amenity open space / play space and in relation to large sites where public open space will be provided on-site and cannot be fully and appropriately secured through a condition alone.</p> <p>The process of repeated reviewing and appraising of the development proposals to secure the balance between development viability and appropriate mitigation of impacts is an iterative process. The mechanism is the iterative</p>

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			<p>used to ensure no double charging (para 2.4.8). However, it is unclear from Figure 1 what step or mechanism is relied upon in this respect.</p> <p>With regard to the on-site provision of facilities such as schools, the SPD advises that this will be secured through planning obligations. However, the SPD does not identify the mechanisms whereby the on-site provision would be off-set against the CIL charge to prevent double-charging. Again providing uncertainty to applicants.</p>	<p>nature of negotiation in relation to a planning application for a proposed development scheme</p> <p>With regards to on site provision of education facilities the supporting text makes clear that the tests in Regulation 122 need to be complied with.</p>
44		Pooling of Contributions	<p>The Government identify CIL as its preferred vehicle for the collection of pooled contributions (CIL: An Overview 2011; paragraph 67). The CIL Regulations 2010 provide a cut-off point of 6 April 2014 beyond which only five pooled contributions can be directed to an item of infrastructure. This provides a clear indication of the Government's intention that CIL should be the primary means of delivering infrastructure within an authority area.</p> <p>A number of the items identified within the SPD relate to potentially large projects that may not be able to be delivered without the pooling of in excess of five contributions. For example, children's play space, public realm improvements and public open space could all require in excess of five pooled contributions and could all reasonably be delivered through CIL. Indeed, many had been identified previously as to be delivered by CiL. Funding these matters through CiL and not an SPD would also assist in preventing double-charging and providing a more transparent system for applicants.</p>	<p>The SPD relates to items which will be delivered on-site but maybe transferred to Council management eg playspace.</p> <p>The appropriate balance between S.106 and CIL as the mechanism for securing prescription, mitigation and compensation in relation to large scale developments is site and context specific and therefore can only be viewed as a process for discussion at the policy level.</p>
45		2.2.17	<p>Paragraphs 2.2.17 to 2.2.19 relate to the proposed Enterprise, Employment and Training SPD. A draft of this SPD has not yet been published for consultation. In advance of its publication paragraph 2.2.19 of the draft SPD states that, in the interim, developments that result in a loss of employment floorspace or provide more than 10 dwellings, 'will be reviewed to assess whether there are appropriate</p>	<p>The paragraph sets out the detail in the existing Affordable Housing SPD.</p>

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			<p>measures to support local enterprise and/ or training'. No details of the type of measures are given. Therefore, it is not possible to ascertain the implications this may have on a development. Again this creates uncertainty for applicants. Moreover, the cross referencing to a proposed SPD that has not yet been published is confusing and creates a convoluted policy framework that places an unnecessary burden on applicants.</p> <p>There are instances within the draft SPD where a planning condition would be a more appropriate and flexible means of addressing an impact than a planning obligation. For example, Travel Plans (paragraphs 3.1.11 to 3.1.17) could reasonably be secured by condition. A planning condition would provide greater flexibility for the Travel Plan requirements to be modified and adapted to suit the circumstances at the time of implementation.</p>	<p>Given the long term monitoring nature of Travel Plans which go beyond the implementation of a development they should be secured through a planning obligation and not a planning condition.</p>
46		Statutory tests: purpose of a planning obligation	<p>As detailed above, the statutory tests in relation to planning obligations are set out in CIL Regulation 122(2). The aim of these tests is to limit the use of planning obligations to site-specific matters, with wider infrastructure requirements to be covered by CIL.</p> <p>The draft SPD correctly identifies the statutory tests in paragraph 2.1.4. However, in paragraph 2.3.3, the SPD sets out three forms of planning obligations: 'prescribe, mitigate and compensate'. These forms of obligation are taken from Circular 05/2005 which was predicated on Section 106 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991) which are no longer relevant. The CIL Regulations 2010 significantly scaled back the use of planning obligations thus the wide reaching definitions of 'prescribe, mitigate and compensate' are no longer appropriate. To provide clear and relevant guidance to assist applicants, the SPD should be based on current legislation and</p>	<p>We consider that the description of the three forms of planning obligations are still relevant and appropriate to describing the types of role planning obligations are still expected to perform.</p>

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			<p>guidance.</p> <p>To summarise, we do not consider that the draft Planning Obligations SPD accurately reflects the legislative and national planning policy background. Moreover, whilst the purpose of the SPD is stated as clarifying the relationship with CIL, we do not consider that this is satisfactorily achieved and sufficient comfort and safeguards provided to ensure double-charging does not occur. The result is a document that creates uncertainty for applicants; proposes obligations where planning conditions would be a more appropriate and flexible response; presents a significant risk of overlap with CIL and double-charging; and has the potential to place an unnecessary financial burden on applicants to the detriment of the delivery of development within Barnet.</p>	
47	Scottish Widows Investment Partnership Property Trust, Deloitte		<p>Overall, we support the updating of the SPD Planning Obligations 2006 to bring the Document up to date in light of changing market conditions and the emerging CIL Charging Schedule.</p> <p>The draft Planning Obligations SPD was submitted for consultation in advance of the CIL Examination and thus formed part of the Examination papers for review by the Examiner in considering the appropriateness of the levy. Therefore, the Examiners comments on the proposed CIL Draft Charging Schedule (DCS) and draft Planning Obligations SPD and their relationship should form part of the representations to this consultation. At present, the draft SPD is drafted in light of the flat rate charge of £135psm being the final agreed levy, dependant upon the Examiners report, modifications may be required to the CIL DCS which will in turn impact upon the draft Planning Obligations SPD.</p> <p>On review of the detail of the draft Planning Obligations SPD our main concern is related to the lack of clarity of financial liabilities for investors. One of the reasons behind the introduction of a CIL Charging Schedule is to provide greater clarity to</p>	<p>Changes to supporting text have been introduced to address the examiner's recommendations from the CIL examination and their impact on Planning Obligations.</p> <p>We consider that the SPD provides suitable clarity in section 2.3 and section 3 on the situations where development will be required to pay a planning obligation.</p>

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			investors on what financial obligations are likely to occur. In its current form the draft Planning Obligations SPD, provides no clarity as to what financial obligations an investor will be required to pay on top of the mandatory CIL payments.	
48		Need for the consolidation of guidance documents	<p>Since the original adoption of the 2006 SPD, there have been a number of updates, interim guidance and policy changes. The outcome is that the current policy does not provide investors in the Borough with clear, concise and simple policy basis to understand the potential s106 obligations on their developments.</p> <p>Whilst the draft SPD does seek to supersede a number of, currently, extant planning obligations guidance documents – not all are to be updated, such as affordable housing. In seeking to update the Planning Obligations SPD expediently and in advance of the CIL Examination, to provide for clarity on the inter-relationship, the resultant outcome will be to retain a tiered suite of documents which have a varied base date of evidence.</p> <p>Accordingly, we propose that the Planning Obligations SPD is not adopted until all elements of the s106 obligations have been reviewed with up to date evidence and can sit confidently in tune with the CIL Charging Schedule (when adopted).</p>	We consider it imperative that we adopt an up to date Planning Obligations SPD alongside the Charging Schedule to provide clarity on the relationship between CIL and planning obligations. We do not consider further evidence necessary to deliver the suite of SPDs related to Planning Obligations, Affordable Housing, Enterprise and Training, and Green Infrastructure.
49		The relationship between CIL and Planning Obligations	<p>It is positive that paragraph 1.3.1, reflects NPPF paragraph 173, and recognises that developments should not be over burdened by Planning Obligations and to continue to provide flexibility in the operation of s106 planning obligations. We also endorse the recognition that Edgware, as a priority town centre in Barnet, should be supported as a priority area for growth to ensure that Barnet remains a successful London suburb.</p> <p>As recognised in both the CIL Draft Charging Schedule and the draft Planning Obligations SPD, there may be instances where the financial liabilities will render a development unviable. In these instances the Council has proposed a 'recycling' mechanism whereby CIL monies can be paid back via the Regulation 123 list. As</p>	<p>The negotiation process identified in figure 1 provides the detail of what will be reviewed as part of the process of assessing viability.</p> <p>The Examiner's Report into the Charging Schedule and associated recommendations has addressed the key underlying concerns within this representation</p>

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			<p>discussed during the CIL Examination, this proposal and section 2.4 of the Document does not offer sufficient guarantees to investors that monies would be recycled back into the scheme. In addition, we question the need to pay monies under CIL to then have them re-paid to develop the same infrastructure projects.</p> <p>The exceptional circumstances relief is also proposed as a tool to ensure that developments are not over burdened by financial obligations of CIL and s106. Whilst the provision of this relief, in the Borough, is welcomed, the criteria of its use is not straight forward and would only be used in the most exceptional circumstances. The use of this relief only comes into play when the cost of complying with the S106 obligations is greater than the charge from CIL. Therefore, if the level of charge is already rendering a scheme unviable the relief by itself will not assist bringing forward the scheme.</p>	
50		Regulations 123 List of CIL liable infrastructure	<p>This 123 Regulation List will form a critical document to ensure that developments coming forward will not be liable to double counting of CIL and s106 obligations. It would have been helpful if the draft Regulation 123 list had been published alongside the draft SPD.</p> <p>Further, additional detail as to the proposed regularity of the Regulation 123 list updates and what process will endorse the updates within the LB Barnet would be helpful.</p>	The Regulation 123 list was published at Cabinet on 25 th February 2013 and will be adopted alongside Barnet's CIL when it is adopted on 1 May 2013.
51	St George, Matt Bostock	General	<p>SGCL is concerned that the draft SPD does not reflect intentions of the CIL Regulation. SGCL is specifically concerned that the draft SPD has been prepared without reference to the current legislation and guidance, may result in double-charging and could render development in the Borough unviable. These matters are discussed below.</p>	See Councils responses below
52		2.3.3	The SPD appears to introduce charges/obligations for matters that do not meet the	We consider that the description

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
			<p>tests of the CIL Regulations (i.e. only matters that are essential for the grant of planning permission). The draft SPD correctly identifies the statutory tests in paragraph 2.1.4. However, in paragraph 2.3.3, the SPD sets out three forms of planning obligations: 'prescribe, mitigate and compensate'. These forms of obligation are taken from Circular 05/2005 which was predicated on Section 106 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991) which are no longer relevant as this Circular has been replaced by the NPPF. To provide clear and relevant guidance to assist applicants, the SPD should be based on current legislation and guidance.</p>	<p>of the three forms of planning obligations are still relevant and appropriate to describing the types of role of planning obligations are still expected to perform.</p>
53		General	<p>The draft SPD may result in double charging with the Barnet's emerging CIL. For example:</p> <ul style="list-style-type: none"> • Paragraph 3.2.5 & 3.2.13 - Barnet's Infrastructure Development Plan (IDP) identifies in the Regulation 123 List various sport, open space and recreational facilities / projects to be funded through CIL. However, the draft SPD will seek financial contributions towards off-site open space and playspace provision. To apply the CIL charge and seek a separate planning obligation in respect of the facilities is double charging unless new open space provision is provided by Barnet Council or the existing provisions are not already listed in the Regulation 123 List; and • Paragraphs 3.3.8 to 3.3.11 - With regard to improvements to school facilities, the draft SPD advises that this will be secured through financial obligations. However, the SPD does not identify how an on-site provision or off-site contributions would be off-set against the CIL charge to prevent double-charging. 	<p>The supporting text is clear that open space requirements will apply where there is a loss of open space, where development fails to deliver sufficient private amenity open space / play space and in relation to large sites where public open space will be provided on-site and cannot be fully and appropriately secured through a condition alone.</p> <p>The CIL regulations allow for the value of land being transferred to the Council to be accepted in place of CIL payments, therefore all such contributions will be quantified through the process for securing payment of CIL income</p>
54		General	The financial implications of the draft SPD on development has not been robustly	The Council considers that

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			tested alongside the financial burden of the Mayor's CIL and Barnet's CIL. We are therefore concerned that development schemes within the Borough will no longer be viability. SGCL requests that the Council undertakes an assessment of the cumulative implications of the abovementioned financial burdens on the delivery of development in the Borough.	<p>viability was adequately considered as part of the examination of the Barnet CIL. As part of the methodology of the Affordable Housing and Community Infrastructure Levy: Viability Study a residual level of Planning Obligations for localised requirements was considered alongside varying levels of affordable housing and levels of CIL including the Mayoral CIL.</p> <p>The Charging Schedule examiner stated that: <i>"Accepted information sources fed into the recognised valuation methodology which was informed by reasonable assumptions... the evidence which has been used to inform the Charging Schedule is proportionate, appropriate and, in most instances, robust"</i>.</p>
55	Greater London Authority	General	The SPD appears comprehensive and should prove to be a useful tool for both planners and prospective developers. The inclusion of the "London Plan" section on page 7 is supported. The reference to the Mayor's CIL and London Plan policy 8.2 is particularly welcome. The document raises a few issues outlined below:	We welcome this support
56		3.4.3	Paragraph 3.4.3 sets out what obligations may be sought to improve air quality. The installation of electric charging points could usefully be added to this section.	The supporting text has been amended.

Schedule of Consultation Response to Barnet's Planning Obligations SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
57		2.4.6	Section 2.4.6: As a key stakeholder and delivery partner, TfL should be involved in the Council's preparation of its Regulation 123 list (list of projects to be CIL funded) prior to the Council publishing it in its website. This will ensure that decisions on transport accessibility and capacity improvements that may be required to support development at the local level and how these are funded are jointly undertaken by the borough and TfL.	Noted
58		4.1.2	Section 4.1.2 Pre application advice. It would be helpful for users of the document if it also made reference to the GLA and TfL pre application advice service for those applications of strategic importance that are referred to the Mayor.	The supporting text has been amended.
59		General	As you are aware all local development documents including Supplementary Planning Documents have to be in general conformity with the London Plan under section 24 (1) (b) of the Planning and Compulsory Purchase Act 2004. The SPD is in general conformity with the London Plan, however it could be enhanced if it was amended in line with the comments in this letter. I look forward to receiving a copy of the adoption statement and the final SPD in due course.	Noted
60	Theresa Villiers MP	General	<p>I note that the aim of the consultation is so that the Council can change its existing policy document to address legislative changes and to consolidate three related documents. I also note that this single guidance will be used by planning officers and developers to agree how to make new development acceptable to local communities.</p> <p>Over the years my constituents have made it very clear that there are four main issues of concern when new developments in my constituency are proposed. These are:</p> <ul style="list-style-type: none"> • Over-development; • Development that is not in keeping with the low rise suburban character of Barnet; • Protecting the Green Belt; • The need to ensure that developers contribute fairly to the infrastructure and services needed to support their projects. 	<p>We welcome this support. We note the issues most commonly raised by your constituents. The Council considers that Barnet's recently adopted Local Plan – Core Strategy and Development Management Policies will help to address these concerns.</p> <p>The forthcoming adoption of the Barnet Community Infrastructure Levy will help ensure that all developers contribute fairly to the infrastructure and services needed to support their projects.</p>

Schedule of Consultation Response to Barnet's Planning Obligations SPD

Ref	Respondent	SPD Section / paragraph	Comments	Councils Response
			<p>There have been many times during my time as MP when I have supported local residents in opposing plans to demolish family homes in my constituency where they are to be replaced by much denser development such as blocks of flats.</p> <p>Additionally, I have supported my constituents in opposing backlands development as I believe that the increasing threat of gardens being covered in concrete have a negative impact on the local environment and quality of life.</p>	

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Meeting	Cabinet
Date	18 April
Subject	Children and Young People Plan 2013-16
Report of	Cabinet Member for Education, Children and Families
Summary	<p>The Barnet Children and Young People Plan (CYPP) sets out priorities and objectives for all organisations working with children and young people in Barnet for the next three years.</p> <p>This report outlines the development of the Barnet CYPP and asks members to approve the plan.</p>
Officer Contributors	<p>James Mass, Family & Community Well-being Lead Commissioner</p> <p>Heather Storey, Strategy and Projects Officer</p>
Status (Public or Exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	N/A
Function of	Executive
Enclosures	Appendix – Barnet Children and Young People Plan 2013-16
Contact for Further Information:	<p>Heather Storey, Strategy and Projects Officer, Heather.Storey@Barnet.gov.uk</p>

1. RECOMMENDATIONS

- 1.1 That Cabinet approve the Barnet Children and Young People Plan 2013-16 for onward referral to Council.**
- 1.2 That the Director for People, in consultation with the Cabinet Member for Education, Children and Families be authorised to make any necessary amendments to the Children and Young People Plan prior to its approval by Council, as may be needed to reflect updated financial and performance information.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Children's Trust Board approval of the Barnet Children and Young People Plan 2013-16 on 14 March 2013.
- 2.2 Cabinet approval of the Governance of Strategic Partnerships on 20 February 2012.
- 2.3 Cabinet approval of the Barnet Children and Young People Plan 2010/11 – 2012/13 on 12 April 2010.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Positive outcomes for children and young people are a key part of the new Corporate Plan and priorities for 2013 – 16 include:
 - To create better life chances for children and young people across the borough.
 - To sustain a strong partnership with the local NHS, so that families and individuals can maintain and improve their physical and mental health.
 - To promote family and community well-being and encourage engaged, cohesive and safe communities.
- 3.2 The measures in the Children and Young People Plan are consistent with the Corporate Plan, which provides a statement of the Council's contribution towards the partnership's outcomes.
- 3.3 The Council is a major provider and commissioner of services for children and young people but also has a more significant local leadership role. Through chairing the Children's Trust Board the Council exerts strategic leadership, provides accountability to other agencies working in Barnet and is the driving agent of development in the system.
- 3.4 The new Children and Young People's Plan sets out the collective priorities of local partners and how the delivery of these will be measured. The Council, along with other partners, will now need to consider how mechanisms to improve joint working can deliver these outcomes and maximise value for money. For example, a community budget has been established for our high needs families.

4. RISK MANAGEMENT ISSUES

- 4.1 There is a risk that key initiatives within the plan will not be carried out, which could adversely impact on the council's reputation. In order to mitigate this risk, extensive consultation was carried out with partners, early in the planning process with attention paid to the financial implications of plans.
- 4.2 Reducing resources may have an impact on partners' ability to undertake actions they have committed to, however, we have sought to mitigate this by developing actions alongside partners' business and finance planning.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 In developing the Children and Young People Plan the council has consulted widely with partners and children and young people across the borough, including relevant forums of children and young people including the Youth Forum, Youth Parliament, the Bobby Panel and Youth Shield.
- 5.2 The Children and Young People Profile describes the demography of the current population of children and young people in Barnet on an annual basis helps us to ensure that actions accurately target the diverse needs of Barnet's children and young people. Equality and diversity issues were considered in the review of the Children and Young People Plan to ensure that such considerations are reflected in the design of policies and the delivery of services.
- 5.3 The Children and Young People plan contains the key principle of targeting resources to narrow the gap in achievement for those at risk of not achieving their potential. This principle aims to reduce the inequalities between groups of children and young people in the borough.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 The Children and Young People Plan sets out what all partners will do to improve outcomes for children and young people in Barnet. It has been developed in consultation with service managers and will inform service plans in the council and partner agencies.
- 6.2 Extensive Council budgets support key partnerships in Barnet to achieve the desired outcomes in the Children and Young People's Plan. Key partnerships include the Local Strategic Partnership, Barnet Children's Trust, Barnet Safeguarding Children Board and Multi-agency Executive Management Group which is supported by a wide variety of Council budgets including Schools, Youth, 14-19 and Looked after Children/Safeguarding budgets.
- 6.3 Any financial implications of the Children and Young People's Plan will be contained within the Children's Service budgets. Details of the main budgets for current and planned expenditure which support the delivery of the Children and Young People's Plan are set out below:

Children's Services Gross Budget - 2013/14	£
Dedicated Schools Grant (DSG)	224,693
Children's Services	70,906
Total Children's Services Gross Budgets	295,599

7. LEGAL ISSUES

- 7.1 The Children Act 2004 (CA 2004) provides the legislative framework for integrated planning, commissioning and delivery of children's services and for lines of accountability through the appointment of directors of all Children's Services. It created a statutory framework for local co-operation between local authorities, key partner agencies (health, police, schools, housing, early years, youth justice, probation etc) and other relevant bodies including the voluntary and community sector, in order to improve the wellbeing of children in the area. This provided for the framework for Children's Trusts within which agencies have been able to integrate commissioning and delivery of children's services with arrangements for pooled budgets. The Act also imposes a duty on the relevant agencies to carry out their functions having regard to the need to safeguard and promote the welfare of children and to guidance provided by the Secretary of State. The duty continues to apply where services are contracted out.

The Regulations requiring the Trust to prepare a Children and Young Persons Plan have been revoked, however, partnerships are free to publish their own strategic plan as they see fit.

The Children and Young People Plan provides a strategic framework from which to coordinate activities across the partnership and will assist the council in fulfilling its statutory duties.

- 7.2 There are a number of areas where the Council and its partners are undergoing significant change in terms of governance and practice in relation to economic challenge, and service improvement. This paper outlines the current arrangements to co-ordinate service provision to support children and young people to achieve good outcomes. Work is undertaken on an ongoing basis to ensure that functions and services across the partnership enable Statutory Duties to be upheld.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 The Council's Constitution in Part 3, Responsibility for Functions, paragraph 3.8 – reserves approval of the Children and Young People Plan to Council.

9. BACKGROUND INFORMATION

- 9.1 Barnet's Children and Young People Plan is a three year partnership plan setting out local priorities to improve outcomes for children and young people in the borough. The plan is owned by key partners including the council, NHS

Barnet, Barnet Borough Police, schools, Barnet College and the voluntary sector. The plan sets out the partners' ambition that:

All children and young people in Barnet should achieve the best possible outcomes, to enable them to become successful adults, especially our most vulnerable children. They should be supported by high quality, integrated and inclusive services that identify additional support needs early, are accessible, responsive and affordable for the individual child and their family.

9.2 It is structured around the journey of the child and our cross-cutting priorities:

- Early Years
- Primary
- Secondary
- Preparation for Adulthood

- Early Intervention and Prevention
- Targeting Resources to Narrow the Gap
- Keeping Children and Young People Safe

Under each of these priorities are objectives and key performance indicators. The action plan which underpins this will be updated each year, whilst the priorities and objectives should remain for the next three years.

9.3 Although there is no longer a legal requirement for the Children's Trust to prepare a Children and Young Persons Plan, it is seen as a valuable statement of intent that can be used by partners to hold each other to account.

9.4 The plan describes a set of principles as to how partners will work together to achieve these objectives:

- Working in partnership
We will work together to make sure that activity and resources are joined up and target those who most need them. We will collaborate with other service providers as required to meet the diverse needs of children and young people.

- Involving children and young people in our work
We will consistently engage actively with children, young people and their families in developing and implementing solutions to meet their needs.

- Keep safeguarding at the forefront of all we do
We will constantly keep the safeguarding of children in our thinking and working practices. We have a duty of care to all our residents in discharging the Council's functions

- Improving the customer experience
We will take steps to improve the way in which parents, carers and professionals can navigate and engage with the system on behalf of children and young people.

- Delivering better services with less money

We will seek to ensure the best value for money so that children and young people get the maximum benefit

- 9.5 The CYPP has been developed with input from a wide range of stakeholders including health, police, voluntary sector, schools and the council to ensure that there is joint ownership of the CYPP priorities. A multi-agency conference was held in October 2012 to help identify the key priorities for the next three years and define the actions and targets for 2013/16. Consultation has also taken place (as required by statutory guidance) with various groups including the Primary and Secondary Heads and the Schools Forum.
- 9.6 Children and young people have been actively engaged in the process through focus groups held by the Barnet Youth Board, and an online survey distributed through schools and youth networks. The plan has also been informed by the 'Profile of Children and Young People in Barnet' - which brings together partners' data on Barnet's children and young people.

10. LIST OF BACKGROUND PAPERS

10.1 Appendix 1: Children and Young People Plan

Cleared by Finance (Officer's initials)	MC
Cleared by Legal (Officer's initials)	HP

Barnet Children and Young People's Plan – 2013 - 2016

DRAFT

February 2013

Foreword

“My most important duty is to get things right for Barnet’s children and young people and to champion their interests. But helping them to achieve their best, and supporting children and families when they need extra help, can only be done by working in partnership, across organisations. Barnet’s Children and Young People Plan 2013/14 – 2015/16 is a real partnership plan, with a strong shared agenda, shaped by people from across our borough who know and work with children and young people, and also by the children and young people themselves.

Partners on Barnet’s Children’s Trust Board provide excellent opportunities and services to children and young people, and our aim is to continually improve our provision, by making services personal to each child’s needs. Particularly in this challenging time, when increasing pressures are being faced by all services, and resources are tight, it is vital to be clear about our common purpose. This plan sets out our aims to support the whole journey of children in Barnet, underpinned by our three key priorities of intervening early, narrowing the gap and keeping children and young people safe. It has children and young people at its heart and prioritises their participation across our services.

Together, we can make life even better for Barnet’s children and young people and make sure they have the opportunities they all deserve.”

Cllr Andrew Harper
Chairman of Barnet Children’s Trust Board
Cabinet Member for Education, Children and Families

Vision

‘All children and young people in Barnet should achieve the best possible outcomes, to enable them to become successful adults, especially our most vulnerable children. They should be supported by high quality, integrated and inclusive services that identify additional support needs early, are accessible, responsive and affordable for the individual child and their family.’

Compared with the rest of the country and statistical neighbours, Barnet’s children do well at school, have good health, benefit from low crime rates and access to high quality open spaces. The Children’s Partnership has the highest expectations for children in Barnet and we are committed to help them have happy and successful lives on their journey through childhood.

To achieve our vision will be challenging, especially given the increasingly tough environment in which children and young people live, trying to find work, accommodation and support. However, we remain committed to close partnership working between organisations, with a focus on early intervention and prevention, targeting resources to narrow the gap in achievement between those most at risk of not achieving their potential and those with greater advantages, and keeping children and young people safe.

Partners in Barnet are committed to working with children and young people to analyse need, design services and review how effectively we are performing.

About this plan

This plan explains what the organisations represented on Barnet's Children's Trust will do to support children, young people and their families to lead happy and successful lives. It is structured around the journey of the child and our cross-cutting priorities:

- Early Years
- Primary
- Secondary
- Preparation for Adulthood
- Early Intervention and Prevention
- Targeting Resources to Narrow the Gap
- Keeping Children and Young People Safe

We have worked hard to make sure that this partnership plan truly reflects the breadth of work with children and young people in Barnet as well as being responsive to the wishes and needs of families themselves. Children and young people were engaged in the process through focus groups held by the Barnet Youth Board, and an online survey distributed via schools and youth networks.

This plan outlines the Children's Partnership's priorities for the period 2013-16. An annual action plan will sit beneath this plan and will detail how services are delivering the plan against their targets. In addition, the plan will sit alongside the Health and Wellbeing Strategy and Safer Communities Strategy. Several sub-strategies support the Children and Young People Plan, detailing work in specific areas, these will cover:

- Education
- Inclusion
- Early Years
- Child Anti-Poverty
- Early Intervention and Prevention

Understanding Barnet's Children and Young People

Children and young people make up around a quarter of Barnet's total population and the borough's population of 90,464 children and young people is the second largest in London. Males account for a slightly higher proportion of the younger population than females. Since 2004 there has been a 23.4% increase in births in Barnet, compared with a 16.9% increase in London and a 19.2% increase in England.

Barnet's younger population is more diverse than Barnet's population overall; while the majority are White there are high proportions of children in many minority ethnic groups.

Despite the tough economic climate, households in Barnet remain relatively prosperous, with average household income 5.4 per cent above the London average. However, there are variations in different parts of the borough and household incomes have been increasing at a slower rate than the rest of London. There are pockets of deprivation, notably around the western boundary's 'A5 corridor' and in some of our local housing estates.

Some groups of children and young people in Barnet are more vulnerable than others: The Department for Education estimates that around 7% of children have a disability as defined by the Disability Discrimination Act (DDA). In Barnet, this would equate to around 4,400 – 6,100 children and young people between the ages of 0 and 19. The council is also responsible for maintaining a list of children in the area who are at risk of continuing significant harm, and for whom there is a child protection plan. At 31 March 2012 there were 211 children subject to a child protection plan in Barnet.

You can find more information about the demography of children and young people living in Barnet in the [Profile](#).

Performance management and governance

Barnet's Children's Trust brings together all services for children and young people in the borough, to focus on improving outcomes for all children and young people. Key members of the trust are:

- Barnet Council
- North Central London NHS, GPs, and health providers
- Barnet Borough Police
- CommUnity Barnet, representing the voluntary sector
- Primary, Secondary and Special Schools in Barnet
- Barnet and Southgate College
- Focus Groups of Children and Young people, representing specific issues

Representatives from all these organisations make up the Barnet Children's Trust Board which will keep a strategic oversight of the plan. Each organisation has agreed to be responsible for implementing the Children and Young People's Plan and the Executive Management Group of the Trust will monitor this.

The Children's Trust Board will monitor the this plan against a combination of the success measures detailed in each section of the plan and progress reports submitted to the Board.

Ways of working

Barnet Children's Trust Board and the Children's Partnership is committed to working in the following ways to achieve the strategic outcomes in this plan:

Working in partnership

We will work together to make sure that activity and resources are joined up and target those who most need them. We will collaborate with other service providers as required to meet the diverse needs of children and young people.

Involving children and young people in our work

We will consistently engage actively with children, young people and their families in developing and implementing solutions to meet their needs.

Keep safeguarding at the forefront of all we do

We will constantly keep the safeguarding of children in our thinking and working practices. We have a duty of care to all our residents, especially the vulnerable, to keep them safe.

Improving the customer experience

We will take steps to improve the way in which parents, carers and professionals can navigate and engage with the system on behalf of children and young people.

Delivering better services with less money

We will seek to ensure the best value for money so that children and young people get the maximum benefit.

Early years

Every child in Barnet has a great start in life, with the security and safety to grow in a nurturing environment.

The number of children aged between 0 and 5 years old in Barnet is growing every year and it is expected that by 2016 there will be 28,300 children in this age group. This represents an increase of 8% over the period of this plan. This presents the Children's Partnership with a significant challenge, especially as resources diminish.

Priority	What does this mean?	How will we judge success?
<p>1) Engage families early to ensure children have happy lives at home.</p>	<p>Recognising that families have the greatest influence over young children, we will engage with families pre-birth and in the early years of a child's life. We will work with those families on the cusp of need to help set positive habits for life and ensure that children are ready for school by the age of 5. <i>This could include parenting classes or ensuring the sufficiency of childcare places.</i></p>	<ul style="list-style-type: none"> ▪ An improvement in attainment of children against Early Years targets ▪ Growth in the prevalence of breastfeeding at 6 – 8 weeks from birth ▪ An increase in the numbers of resident children immunised by their second birthday (MMR) ▪ A decrease in the proportion of babies born under 2.5kg (5.5lbs) per 100 live births ▪ An increase in the early identification of children with special educational needs ▪ A declining number of children who are obese upon entering Reception
<p>2) Provide high quality health services for mothers and young children.</p>	<p>A growing body of evidence shows that good health for mothers and young children makes the biggest difference to life chances. This includes birth weight, development at age 2 and the mother's early relationship with the child. In order to give children the best possible start in life, the health of mother and child should be regularly monitored and maintained. <i>This could include health visitors who support and promote breastfeeding and immunisations and Family Nurse Partnerships.</i></p>	
<p>3) Ensure children in need of support are identified early and appropriately supported in their early years.</p>	<p>We will identify children with additional needs – whatever the cause – and work with families to reduce the impact of disadvantage later on. <i>This could include early years development checks across education, health and social care or the putting in place of a child protection plan.</i></p>	

Primary

Childhood in Barnet is safe and fun, with lots of opportunities to grow and develop through education, leisure and play.

There are currently over 28,000 children living in Barnet who are between the age of 5 and 11, and 25,700 children being educated in Barnet's primary schools. Children of this age group achieve well over all, with at least two thirds achieving at expected academic levels by the time they leave primary school. We recognise that there is more to childhood than school; children at primary level should be enjoying life, be safe in their environments and be making healthy lifestyle choices.

Priority	What does this mean?	How will we judge our success?
<p>1) Provide exciting and supportive learning experiences in welcoming schools</p>	<p>Barnet's primary schools do provide these learning experiences - the vast majority of are rated good or outstanding and standards are above the national average. A good range of choice is available to parents, and schools generally cater well for a spectrum of abilities and needs. The main challenge facing the partnership is maintaining these high standards and ensuring Barnet's schools keep up with emerging national requirements. <i>This could include schools supporting each other to improve standards through exchange of expertise or sharing good practice.</i></p>	<ul style="list-style-type: none"> ▪ A decline in the numbers of children judged to be obese in Year 6. ▪ A growth in the number of schools who feel confident in identifying additional needs among their pupils and referring on for support. ▪ An increase in the number of children achieving above the floor targets in Year 6. ▪ A decrease in the number of children who are persistently absent from school. ▪ Increase the % of children making 2 levels of progress in English between Key Stages 1 and 2
<p>2) Work with schools and families to join up education, health and safety services</p>	<p>Teachers in Barnet schools have the greatest amount of professional contact with Barnet's children and as such, are able to identify issues early and make contact with partners when additional support needs to be put in place. We will work to make services more joined up and easy to access, with service users at their heart. <i>This could include better communications to improve awareness of services available and making better use of school nurses.</i></p>	
<p>3) Encourage healthy lifestyles and choices to combat obesity in children and young people</p>	<p>In 2009/10, 12.7% of Barnet Reception children surveyed were found to be overweight and 10.6 were obese. By Year 6 15.1% of children were found to be overweight and 17.5% obese –above the national average. We will work with children and families to ensure they foster good habits early to stay healthy into adulthood. <i>This could include parenting programmes or health providing resources to schools to help promote healthy eating.</i></p>	

Secondary

Children and young people feel supported to achieve and engage, while developing their identities and resilience.

There are 24,550 children between the ages of 11 and 16 in Barnet, and around 21,800 children educated in Barnet secondary schools. The January school census 2011 recorded that 143 different languages apart from English were spoken by pupils in Barnet schools. By the time young people in Barnet reach the Secondary stage of their journey, they have a wide range of experiences and are forging their own individual identities.

Priority	What does this mean?	How will we judge our success?
<p>1) Offer opportunities for engagement and support, recognising the needs of the individual and supporting them to achieve</p>	<p>In the survey of children and young people in Barnet 90% of respondents were taking part in activities outside of school, within the borough. A range of activities is currently on offer across the borough, and we need to take action to mitigate the impact of the current economic climate on the equality, targeting, and longevity of these opportunities. <i>This could include ensuring the sustainability of mainstream youth services through some charging.</i></p>	<ul style="list-style-type: none"> ▪ A declining number of children who are persistently absent from school or are excluded. ▪ Improve school attendance among children identified as having 15% or more unauthorised absence or 3 fixed term exclusions ▪ An increase in the number of children achieving 5 A* - C grades including English and Maths at GCSE. ▪ An increase in professionals who feel supported by their local network.
<p>2) Work in partnership with schools to address the root causes of exclusion and poor attendance</p>	<p>Exclusion has a major impact on the young person's learning as well as contributing to issues of isolation, criminal activity and health. <i>This could include behaviour training or making better use of data to ensure that support can be provided early on.</i></p>	
<p>3) Build peer support networks among professionals to enable healthy mutual support and challenge that improves outcomes for young people</p>	<p>Many professionals in Barnet feel supported by numerous and diverse networks in which they can share best practice, resources and challenge one another. We want to help facilitate the development of these networks to ensure that all professionals feel supported. This should raise awareness of services available to young people, helping to join them up and drive improvement for children and young people. <i>This could include working with primary schools to identify the most appropriate model of working together or expanding network meetings to be more inclusive.</i></p>	

Preparation for Adulthood

Young people are ambitious for their futures and contribute positively to society.

There are around 12,000 17 -19 year olds in Barnet, and a growing number of young people continuing to receive services between the ages of 19 and 25. We want young people to feel ambitious about their futures and begin to prepare for independence, particularly economic independence.

Priority	What does this mean?	How will we judge our success?
<p>Enable young people to foster ambitious and realistic aspirations.</p>	<p>We will support young people to have confidence in their abilities, be ambitious about their futures, set realistic goals and achieve these ambitions. Job Centre Plus reports a general lack of understanding and awareness of the jobs market and some young people are ill-prepared for the world of work. We need to work together to improve this situation.</p> <p><i>This could include effective use of the pupil premium or providing personalised and relevant advice in schools to enable young people to make well-informed choices about their futures.</i></p>	<ul style="list-style-type: none"> ▪ An increase in the proportion of children with a statement of special educational needs moving towards independent living. ▪ A growth in the number of children achieving a level 2 qualification by the age of 19 ▪ A rise in the percentage of care leavers in employment, education or training ▪ An increase in the percentage of young offenders engaged in suitable education, employment or training
<p>Ensure services are integrated to support young people as they transition to adulthood</p>	<p>We want children and young people who are in care or have special educational needs to have a positive transition into adulthood. We will put the appropriate support in place to help them to achieve their potential and live lives that are as independent and fulfilling as possible. If young people need to transition to Adult Social Care in their journey to adulthood, we will make this as seamless and positive as possible.</p> <p><i>This could include a multi-agency programme for young people leaving care or better joint planning with young people with high levels of disability and complex needs.</i></p>	
<p>Offer relevant and tailored learning and employment opportunities.</p>	<p>We want all young people to be prepared for the world of work and will ensure there is a broad range of educational & training opportunities (incl. apprenticeships) that meet the needs of all Barnet residents. We know that the right skills and early experiences of training and employment help to foster economic independence for the rest of a young person's life but that more can be done to make sure some young people are able to participate and achieve.</p> <p><i>This could include building a residential unit as a step to supported living for young people with learning difficulties and / or disabilities or the creation of a studio school to provide a more business orientated learning experience.</i></p>	

Early intervention and prevention

Intervening early improves outcomes for children, young people and families, enabling them to thrive

A whole family approach to early intervention and prevention that joins up support from all partners not only gives children and young people the best life chances but is vital to our financial sustainability. Early identification, targeting and planning of interventions, working in partnership and sharing information at the appropriate level are at the heart of our approach.

Priority	What does this mean?	How will we judge our success?
<p>1) Take a whole family approach to improving outcomes for children and young people.</p>	<p>The partnership is committed to supporting communication, emotional, physical and social development in families and addressing risk factors early on. We will help parents to maximise their skills as we aim to give their children the best start, including supporting families affected by domestic abuse. <i>This could include supporting families with employment or housing issues.</i></p>	<ul style="list-style-type: none"> ▪ Decrease the number of households with children living in temporary accommodation ▪ Decrease the number of children in care per 10,000 of the under 18 population ▪ Reduce the number of 17 and 19 year olds who are not in education, employment or training. ▪ Reduce the number of young people offending.
<p>2) Strengthen early identification and intervene early to improve life chances for those living in the most difficult situations.</p>	<p>Children and young people who have chaotic lives at home need early support to help minimise the impact of these difficulties on their development and later lives. Identifying and addressing needs at an early stage can help to prevent the difficulties that they can experience from arising. We aim to ensure that children and young people receive the right support at the right time, so that problems are addressed well before reaching 'crisis point'. <i>This could include intensive support from a family focus worker, improving the identification of neglect or targeted youth and play opportunities.</i></p>	
<p>3) Reduce the involvement of children and young people in crime and anti-social behaviour.</p>	<p>Crime rates in Barnet are relatively low amongst children and young people, and we are committed to reducing them further, particularly through partnership working between the police and youth justice system as well as working intensively with families to alleviate the drivers of criminal and anti-social behaviour. <i>This could include supporting young people to cope with peer pressure or Kickz football schemes to engage young people in positive activities.</i></p>	

Keeping Children and Young People Safe

Children and young people are safe in their homes, schools and around the borough, with an ability to develop healthy relationships with others.

The partnership will work together to protect children from harm to ensure their safety and welfare, in particular through the work of the Barnet Safeguarding Children Board. The Children’s Partnership has recognised a need to develop its quality assurance to help keep our children and young people safe.

Priority	What does this mean?	How will we judge our success?
<p>Address unhealthy relationships based on exploitation and build aspirations for the future.</p>	<p>We will work to broaden awareness and support around bullying and vulnerability to exploitation to identify and support vulnerable children and young people. We want to identify exploitation early, ensure children and young people are safe and then reduce the impact of exploitation on their aspirations and plans for the future. <i>This could include a multi-agency approach to domestic violence and raising awareness of sexual exploitation and developing services for young people most at risk.</i></p>	<ul style="list-style-type: none"> ▪ Average time between a child entering care and moving in with its adoptive family, for children who have been adopted (days). ▪ Proportion of children and young people who have been victim of exploitation who feel ambitious for their futures and prepared to reach their ambitions.
<p>Educate children and young people on how to stay safe and provide support for those who are victims of crime. Taking action to prevent the impact of gang involvement developing in Barnet.</p>	<p>There is often significant peer pressure affecting children and young people, to enter into activities that may not keep them safe, in particular to use drugs and alcohol. We will educate young people on the effects and outcomes of these activities, and provide access to a range of services to get advice, socialise together and keep themselves positively engaged. We will work as a partnership to ensure early intervention with individuals identified as being at risk of progression towards prolific / violent offending as part of a group or gang and focus on an anti-drugs and anti-gangs message within primary and secondary education in Barnet. <i>This could include working with youth forums to gain a better understanding of the impact of bullying in Barnet and how the partnership could work to combat this, better use of intelligence products combining multi agency data sets, and the establishment of a Multi Agency Gang meeting.</i></p>	<ul style="list-style-type: none"> ▪ Reduce the number of young people admitted to hospital with alcohol specific conditions. ▪ Percentage of children at the virtual school meeting the targets in their Personal Education Plans. ▪ Children subject to a child protection plan, where neglect is the main characteristic. ▪ Reduction in number of individuals identified through the gang matrix approach. ▪ Reduced level of offending risk for those on the gang matrix list.
<p>Protect children at risk of harm and support them to</p>	<p>In cases where children are found to be at risk of significant harm as defined in the Children’s Act 1989, the Local Authority has a clear legal duty to take steps to protect them, taking children into Local Authority</p>	<p>13</p>

Targeting Resources to Narrow the Gap

Targeted, personalised support for those most at risk of not achieving their potential, helping to reduce inequalities. Narrowing the gap means improving the rate of progress and outcomes for children who are at risk of underachievement. They are those children and young people whose educational achievement may be affected by factors relating to their ethnicity, gender or their social, cognitive and linguistic development.

Priority	What does this mean?	How will we judge our success?
<p>1) Ensure that the families of children and young people at risk of underachievement, support their learning at home.</p>	<p>A significant body of research now points towards the importance of the home learning environment, from an early age and throughout the child's journey, to the life chances of children and young people. It will be important to work in partnership to ensure that children's lives outside their education, support their participation, learning and on-going development. <i>This could include outreach from children's centres or schools running homework sessions for the whole family.</i></p>	<ul style="list-style-type: none"> ▪ Reduce the achievement gap between pupils eligible for free school meals and their peers achieving the expected level at Key Stage 2 (Level 4+ in both English & maths). ▪ Increase the % of children with Special Education Needs (SEN) achieving 5 or more A*-C GCSE including English & Maths at Key Stage 4. ▪ Increase the % looked after children making the expected level of progress in English and Maths between Key Stages 2 and 4. ▪ Ensure waiting times for CAMHS services are as low as possible.
<p>2) Continue to support children and young people's mental health and emotional wellbeing.</p>	<p>We must ensure that we address health, including mental health, both as a cause and consequence of poverty. We will work to join up resources to support the commissioning of integrated services for children and young people with emotional and mental health difficulties. Poor emotional wellbeing can prevent children and young people from achieving and may mean that they disengage entirely, having a major impact on their educational and personal development. <i>This could include provision of therapies in schools.</i></p>	
<p>3) Enable those with Special Educational Needs, Learning Difficulties and Disabilities and complex needs to achieve their potential</p>	<p>Over the past five years there has been a general improvement in the attainment of pupils with SEN and those eligible for free school meals (FSM) at both Key Stage 2 and Key Stage 4. The attainment gap between pupils eligible for FSM and those not eligible is narrower at KS2 than at KS4 and at KS4 the gap is narrowing. Changes to the local authority capacity to support schools may impact on the pace of change. <i>This could include travel training or special schools providing additional support within mainstream schools.</i></p>	

Meeting	Cabinet
Date	18 April 2013
Subject	Social Care Funding Reform and the draft Care & Support Bill: Implications for the London Borough of Barnet
Report of Summary	Cabinet Member for Adults This report describes the main impact of the White Paper, Caring for our Future, and the draft Care & Support Bill, both published in July 2012; and of the policy statement on Care and Support Funding Reform, presented to Parliament on 11 February 2013. The report sets out the implications for Barnet based on empirical data and modelling where appropriate.

Officer Contributors	Rodney D’Costa, Head of Social Care Commissioning, Adults & Communities Katharine Purser, Senior Policy Analyst, Chief Executive’s Service Dawn Wakeling, Adults and Communities Director
Status (public or exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	N/A
Function of	N/A
Enclosures	N/A
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1. RECOMMENDATIONS

- 1.1 Cabinet is asked to note the forthcoming changes to the statutory framework within which Adult Social Care is delivered.
- 1.2 Cabinet is asked to note the new responsibilities and modelled implications of the social care reforms on the Council, as set out in this report.
- 1.3 Cabinet is asked to note the potential financial impact of the reforms along with the contribution of wider Council services and partner organisations in mitigating the impact.
- 1.4 Cabinet is asked to endorse the establishment of a working group led by the Cabinet member for Adults and comprising other key Cabinet members, which will lead the implementation of the reform programme in Barnet, taking a strategic overview and addressing risk mitigation. This will be established at the appropriate time in the new financial year.
- 1.5 Cabinet is asked to recommend that Safeguarding Scrutiny Committee considers the social care reforms as part of its forward work programme.
- 1.6 Cabinet is asked to note the benefits of closer integrated working with the local NHS in addressing future demands on social care and is asked to recommend that the Health and Wellbeing board considers how its work programme supports the social care reforms.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Special Safeguarding Overview and Scrutiny Committee on 24 September 2012 received a report on the three key adult social care policy documents published in July 2012: Caring for Our Future (White Paper); the draft Care and Support Bill; and the Government's interim statement on funding reform for Adult Social Care. Committee endorsed Officers undertaking further work to assess the potential impact of these policy changes on Barnet.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The 2013/14 Corporate Plan objectives: "Support families and individuals that need it – promoting independence, learning and wellbeing"; and "Promote a healthy, active, independent and informed over 55 population in the borough so that Barnet is a place that encourages and supports residents to age well" accord with the underpinning principles set out in the White Paper. The Council's future plans for adult social care will need to be within the policy and legal framework set out in the White Paper and draft Care and Support Bill.
- 3.2 The Health and Wellbeing Strategy 2012-15 echoes many themes of the new policy framework with its emphasis on promoting independence and wellbeing whilst ensuring care is provided when needed. The White Paper agenda links directly with three of the main planks of the strategy: Wellbeing in the community; How we live; and Care when needed. In particular 'Care when needed' identifies plans for developing increased independence for older

people, improving support for residents in care homes and improving support for carers.

4. RISK MANAGEMENT ISSUES

- 4.1 Whilst the overall direction set out in the White Paper is positive for users and carers, with an emphasis on choice, control, prevention and planning ahead, this report identifies some potential risks for the Council in implementing its requirements. These include the resource and financial implications of providing enhanced services to carers; also to people who fund their own care; the potential start up costs associated with the deferred payments scheme; and the demand implications of social care funding changes both in terms of direct care costs and social care staffing and infrastructure costs.
- 4.2 A number of new statutory requirements and duties are set out in the new policy and legislative framework and there would be risk for the council in failing to meet these new statutory requirements.
- 4.3 These changes need to be considered in the context of key financial and demand risk factors already known concerning social care. These are demographic growth, particularly among older people and younger adults with complex disabilities; and increasing complexity of need among adult social care service users. Additional new risks include the new duties to provide services to carers and to people who fund their own care.
- 4.4 The Council is already addressing identified risk demand factors though the development of strategies, some of which are likely to be statutory responsibilities in the future. These include close working with public health to deliver a strong focus on prevention and early intervention, such as improved information and advice, increased use of telecare and enablement; joint working between Barnet Homes and Adult Social Care to develop housing which supports independent living; and the development of integrated services between the NHS and social care.
- 4.5 However, even with an increased focus on demand management, the combined impact of demographic change and the new policy and statutory requirements present a significant challenge that will require a sustained and robust council wide response with continued engagement with key partners. This will need to involve developing suitable accommodation that ensures people remain independent; supporting carers to continue caring; encouraging people to plan in advance for their care needs; and promoting well-being and independence and community inclusion. Only such a strategic approach can mitigate the demand and financial pressures that will continue to be faced by adult social care.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The White Paper set out that age discrimination in health and social care became unlawful from October 2012. This is in line with the duties incumbent on all public bodies through the Equalities Act 2010. Adult Social Care works within the Council's policy framework for equalities and offers services to users within this framework. Relevant positive action is undertaken to ensure

social care is accessible to groups with different equalities characteristics; for example, producing easy-read information for people with learning disabilities and offering interpreters for service users.

- 5.2 Age discrimination should be considered broadly: younger people may perceive that older people receive more favourable treatment from services as well as older people perceiving that they are less favourably treated. The prohibition does not mean that all age groups should therefore be offered identical supports or services. However, it does require the Council to have a transparent and fair rationale for different approaches or supports offered to different age groups, just as it already does for current positive action in place, such as providing interpreters.
- 5.3 However, there is a general risk from this prohibition applicable to all councils, which may face an increased level of potential legal challenge from individual users or groups, using this prohibition as its basis. Nationally, there have been legal challenges based on equalities legislation: for example, the 2011 challenge to Birmingham City Council on its proposed change to adult social care eligibility criteria.
- 5.4 In order to ensure Barnet Council remains compliant with this requirement, new policies and strategies will need to give consideration to existing social care supports specific to different age groups, along with wider universal services, to ensure there is a transparent and fair approach to the offer to social care users based on age.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 The White Paper and draft Care and Support Bill set out a number of additional requirements for councils and has provided a high level impact assessment as to the resource required to meet them. The Policy Statement on Funding Reform estimates that the implementation of the cap on care costs and the changes to the means test threshold will cost an additional one billion pounds nationally per year. However, it is currently unclear how these additional requirements and costs will be funded at a national level and how funding will be given to councils. It is anticipated that more information will be issued by the Department of Health (DH) in the future.
- 6.2 This section of the report, section 9 and the appendices set out the various proposals alongside an assessment of the impact based on local empirical data and modelling work. It is clear that the reforms will have a significant impact on social care locally.

However, it should be noted that it is not possible at this stage to predict with precision the demand changes that these reforms will bring. However, where it is known that it is likely to be an impact, this has been indicated, along with scenarios illustrating potential costs and volumes. The potential impacts described in this report should be considered in this context and will be refined as more information becomes available. Further work is required to understand the full impact of these proposals and prepare for implementation through a dedicated programme of work.

- 6.3 Based on those elements of the proposed changes that were able to be modelled (carers' assessments and services; service users' care and support plans; and deferred payments) and based on scenarios set out in this report and the appendices, the headline potential additional costs could be £11.6m annually. This excludes any potential funding from Government to Councils for implementing the changes and is an estimate based on information currently available. Actual implementation costs could vary depending on any changes to the published reform proposals, actual take up of the schemes by residents and the pace of take up.
- 6.4 The White Paper states there will be an additional £300m funding for social care to local authorities via the national NHS commissioning board for integrated care in 2013/14 and 2014/15. From previous funding allocations, for Barnet, this can be assumed at a level of £1.8m over two years. However it is unclear as to whether this will be recurrent funding. This is welcome given the financial implications of the White Paper. However, Barnet adult social care continues to experience high levels of demand pressures arising from demographic change. Given this context, the Adults and Communities Delivery Unit is working to manage demand and cost and it will be important that it continues to do so. Nationally the King's Fund has calculated that a funding gap of £1.2bn could open up between 2011-15 due to the government's 28% real term cuts to council budgets reflecting Barnet Council's own analysis of the financial implications of growing needs for children's and adults social care. The additional responsibilities that the White Paper and Funding Reforms will confer and the funding levels required have been based on current budgets and not reduced future budgets. It will be important that this level of financial risk for the Council is quantified through the Finance and Business Planning process at the appropriate time.
- 6.5 The government estimates that the costs of its social care funding reforms, i.e. the cap on care costs and changes to capital limits, will cost £1 billion per annum. Based on this, it is assumed that funding is likely to be made available to local authorities to meet the additional costs of implementing the reforms. However, no announcements have been made about this and further details will be shared when known. Assuming that Barnet share of the total funding from government specific grants remains at 0.6% this equates to £6m.
- 6.6 The potential additional financial pressure on the authority as a result of these changes to social care are significant. The additional annual cost of implementing the proposals could be in excess of £10m per annum, and if government funding to support this falls short by, say, 25% this will result in a significant shortfall for the authority. Any shortfall in national funding would require the authority to re-prioritise resources from other areas, earmark additional business rate or Council Tax income or identify other measures to balance the budget.

7. LEGAL ISSUES

- 7.1 The current social care legislation has evolved over a number of decades and in a piecemeal manner. The current legislation is complex and sometimes confusing and the Courts have commented on these difficulties in several cases. As with the Equality Act 2010, the draft Care and Support Bill sets out to consolidate several pieces of legislation and will replace over a dozen

different pieces of legislation with one Act. The new legislation is designed to be less complex and easier to apply for practitioners within the council, their legal advisers and, in the case of legal challenges, the Courts.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Part 3 of The Council's Constitution, sets out the executive function.

9. BACKGROUND INFORMATION

- 9.1 The following paragraphs set out the background to the government's policy agenda. The appendix to this report contains an assessment of the impact of the proposals, based on local empirical data and modelling work undertaken by a small working group.

In July 2012, the government published the following key documents:

- *Caring for Our Future: Reforming Care and Support (White Paper)*.
- *The draft Care and Support Bill*.
- *Caring for Our Future: progress report on funding reform*.

This was followed by the publication in February 2013, of the government's *Policy Statement on Care and Support funding Reform and Legislative Requirements*.

- 9.2 The White Paper, *Caring for our Future*, describes a vision of a new role for local authority adult social care. In the new system, the local authority becomes a system leader, as opposed to a provider of care management and service provision, reflecting the direction of the Council as a Commissioning Council. In the new policy, local authorities are expected to concentrate on needs assessment, supporting social capital, promoting Direct Payments, ensuring good information and advice and developing the care market. The Care and Support Bill is in pre-legislative scrutiny and will be introduced to Parliament sometime in 2013.
- 9.3 The strategic and business plans of the Council for adult social care are in line with many of the White Paper themes. The Council's policies for adult social care and older people have for some time focused on prevention through schemes such as the Ageing Well programme and the neighbourhood model of older people's day support; new on-line information resources; promoting and increasing direct payments; enhancing support to carers; and building social capital through schemes like the Supporting Independence Fund and the development of the Barnet Centre for Independent Living (BCIL).
- 9.4 The focus on commissioning and system leadership for local authorities in national policy has strong synergy with the vision of the Commissioning Council and the creation of enhanced strategic capacity to develop cross-cutting approaches to issues that affect people with social care needs and population change.

9.5 **The key themes of the White Paper: Promotion of social capital and prevention**

This includes central and local government promotion of a range of initiatives to help reduce the need for formal care. It is proposed that there is the setting up of a national health and social care volunteering fund, national pilots of social impact bonds and promotion of time banks, enabling people to find ways of giving their time whilst they are able in exchange for care when needed. The White Paper established a £200M housing fund to be used to develop extra care schemes for older people and an aim to increase the use of telecare in social care.

9.6 **Better information and advice**

The Department of Health has established a national website containing information on social care providers, which will be added to over time. It also plans to establish national comparison and feedback sites for social care services. The White Paper requires local authorities to provide on line information about local services and how to access them. To assist councils to develop on line information, start-up funding of £32.5M will be made available.

9.7 **Dignity, standards and workforce**

There will be a new code of conduct and minimum training standards for care workers. The government will appoint a national chief social worker for adults (alongside a chief social worker for children's services) and recommends principal social workers in local adult social care. The Council has identified a designated post in the Adults and Communities Delivery Unit to act as principal adult's social worker. Work will start to develop a national social care evidence base, led by the National Institute for Clinical Excellence and a new system of national care audits will be implemented. There will be measures to improve the quality of personal assistants (carers directly employed by service users) and registered managers of care homes; and to increase entrants to social care as a career.

9.8 **New entitlements for service users and carers**

The Care and Support Bill draws together existing social care law into a single statute and replaces out-dated legal aspects. Both the draft Care and Support Bill and White Paper set out a range of new entitlements.

9.8.1 The right to a personal budget and direct payments will be enshrined in law for the first time. It should be noted that Barnet residents already have this legal right through the 'Right to Control', where Barnet is one of 7 local authorities piloting this approach to offering direct payments of specific social care, employment and housing funding to service users.

9.8.2 Access to statutory social care will be through nationally determined social care eligibility thresholds from April 2015, removing local authority discretion to set their own Fair Access to Care thresholds. At the moment, the vast majority of councils set their threshold at Substantial and Critical (from the four levels of Low, Moderate, Substantial and Critical). It is likely that the effect of this will be to prevent councils from moving thresholds to Critical only.

9.8.3 Service users will have a right to continuity of care after a move to a new area and care cannot be stopped pending a new assessment by the new host authority. Councils can still conduct their own assessment but will need to put in writing the reasons for a different outcome to the user. This will mean that

councils may pay for care longer after a user has moved; or that the receiving council has to take up the cost of care earlier than is the case in the current system. The aim of this change is to prevent disruption of care for users and should reduce debate between councils about residence requirements and care entitlements.

9.8.4 The documents set out significant changes to Carers' entitlements. They are to receive extended assessment rights and for the first time, a legal entitlement to support services and review. The entitlement in law to support is new and could have significant financial implications in terms of meeting these needs. However, it is possible that it could in some cases lead to reduced care costs for some service users, as carers should in theory be more supported to carry on their caring role. The impact of this new entitlement is significant. In 2011/12, the council carried out 2,424 carers' assessments but did not provide services to all of them. In addition, the new entitlements are likely to encourage more carers to come forward for support.

9.8.5 Carers' needs are to be considered as equal to the needs of the service user. For the first time, a national eligibility threshold for carers will be set. The threshold for this is not yet known.

9.8.6 The White Paper states that people who fund their own care will be entitled to assessment, support planning and care management from the local authority. Under current legislation, anyone can request a community care assessment but not care planning and management and in practice many people with financial resources make their own care arrangements. The combination of this new entitlement with the cap on care costs, which incentivises people to come forward for an assessment to start their record of care costs, is likely to create significantly increased demands for assessment and care planning. This is traditionally done by social workers within local authorities, although more recently independent and voluntary agencies now offer support planning services.

9.9 **New requirements on local authorities**

In addition to the care entitlements described above, there will be the following new requirements on local authorities:

9.9.1 There will be a legal duty to commission and provide preventative services and information and advice, although the level and nature of these services is not prescribed. Barnet adult social care currently provides a range of information and advice services: Social Care Connect (an on-line directory); a wide range of information leaflets; internet information; specially commissioned advocacy services; '*My Care My home*', a dedicated service for people funding their own care including access to independent financial advice; '*CarePlace*', a web based tool giving information on care provision across Barnet and other boroughs in the West London alliance. The Council has recently commissioned Healthwatch which will have a key role to play in supporting and signposting local residents who may wish to access local health and social care services.

9.9.2 There will be a duty in law for the first time to inform users about rights to direct payments (DPs) and what needs could be met by DPs. This, like the new right to a personal budget, is in effect an update of the legal framework to

reflect current best practice. Barnet adult social care already advises service users and carers about direct payments and actively promotes their use.

- 9.9.3 There will be a duty to open up council community buildings for local use, as part of the DH drive to promote social capital and prevention. This has synergy with work already being carried out by the Council to map community assets.
- 9.9.4 Local authorities will be required to take on the leadership role in situations of social care provider failure, such as the national situation with a care provider with significant financial problems, Southern Cross. More details of this will be published and council duties will be set out in legislation.
- 9.9.5 The White Paper states that “crude” commissioning of home care “by the minute” is to be banned. Barnet Council has three current home care contracts on a geographical basis with three home care providers, each worth around £3m per year, plus a specialist home care enablement service. Each home care service user has a plan of activities to be carried out with outcomes to be achieved, as part of their support plan. Contracts are monitored for quality on a regular basis. However, support is generally procured in time slots of 15 minutes. Barnet’s approach combines a focus on outcomes and quality with a time based approach. It is not clear from the White Paper if all contracting on a time basis is to be banned or if it applies to more rudimentary approaches that focus on time alone. However, adult social care will adjust its approach if needed to ensure adherence to the requirements whilst maintaining a value for money.
- 9.9.6 There will be a duty to ensure that adult social care and housing work together effectively in the area of adaptations and home repairs. Barnet already has a strong approach in this area. Capital funding is allocated to the Disabled Facilities Grant and there is close working between Barnet Homes, Environmental Health (EH) and Barnet adult social care on a single streamlined process for DFGs, with a dedicated Occupational Therapist working alongside EH staff.
- 9.9.7 The council has also identified priorities within the Housing Revenue Account Business Plan that will help adult social care to meet the support needs of residents; this is expected to deliver additional wheelchair adapted housing, dementia mixed extra care sheltered housing and homes suitable for older residents.
- 9.9.8 There will be a duty to promote diversity and quality in care and support provision. Currently this is already discharged in a variety of ways, for example: monitoring equalities data to ensure that services meet the needs of our diverse population; the personalisation agenda where all support plans are individualised to ensure peoples race, disability, and gender are taken in account. Equality Impact Analysis is also used to assess the impact of all proposed changes to policies, procedures and practices and monitor their implementation. Through our Market Position Statement we are engaging with the provider market to ensure that we plan services for our diverse populations.
- 9.9.9 There will be a duty to promote the integration of services. The Council already has integrated care with the NHS for mental health and learning disability services, community equipment and voluntary sector commissioning.

The Council, with partners, has established a formal health and social care integration programme, reporting to the Health and Wellbeing Board. This includes NHS Barnet CCG and the main NHS and social care providers working in Barnet. The programme will implement new integrated services, delivering improved outcomes for residents and financial benefits. The programme board has recently approved two projects. The first will deliver a community approach to frail elderly care; bringing together acute and community health, GPs and social care into multi-disciplinary care teams. These teams will work across 20 GP practices to support the frailest older people in the community, helping to prevent deterioration and promote wellbeing. This model has been trialled successfully in other London boroughs and evidence suggests it can prevent admissions to acute hospital or residential care, delivering cost savings. Preventing residential admissions will help manage the impact of the social care reforms as home based care is less costly than residential care. The intention is to extend the model across the borough, refining the model based on learning from the pilot phase. The second project will work with residential care homes in the borough to improve quality. This will assist with the mitigation of the social care reforms as it will assist all homes in meeting desired quality standards and support the Council's maximum usual price, as opposed to higher price rates, ensuring better value for money in care costs.

9.10 **Safeguarding**

The draft Care and Support Bill sets out a continued leadership role for councils in adult safeguarding. Adult Safeguarding Boards will become statutory bodies, in the same way as Children's boards, with a defined core membership of the Council, NHS and Police. Councils will be required to publish an annual strategic plan and an annual report, which Barnet Council already does. Councils will have a legal duty to make safeguarding enquiries or ask others to do so. Previously, the council role in adult safeguarding was set out in statutory guidance as opposed to primary legislation. This change strengthens the role of councils in adult safeguarding and gives councils a clearer footing on which to work.

9.10.1 The government has also consulted on a new power of entry for social workers to make safeguarding enquiries. This would only apply in a very limited number of situations where there is evidence that access to the adult at risk in order to make those enquiries is being prevented by a suspected abuser.

9.11 **Care and Support Funding reform**

The government has accepted the two principles of the Commission on the Funding of Care and Support (Dilnot Commission). The Policy Statement published on 11th February 2013 states the government's intention to introduce a cap on lifetime care costs for eligible social care needs, which has been set at £72,000. The costs of meeting all a user's eligible needs will count towards the cap, not just their financial contribution to their total support plan costs (under the current system). Users would be expected to pay additional costs if they chose more expensive services or services for other than eligible needs. Users would still be required to pay living costs in residential care of £12,000 per year ('board and lodging'). The second accepted principle will lead to a rise in the capital means test threshold to an £118,000 upper capital limit for residential and nursing care from 2017, changed from £23,250 currently, and a £17,500 lower capital limit, changed from £14,250 currently. The DH has indicated that, subject to legislation,

implementation is planned for 2016. There are also plans to introduce a care account system, which will give those purchasing social care regular statements of their spend against the cap threshold, enabling them to know when they have reached the cap level. The cap will be index linked and regulations will be introduced to allow the secretary of state to alter the levels of the cap and the capital limits.

9.12 **Deferred Payments**

The government has announced that it plans to legislate to introduce a national system for deferred payments for residential care from April 2015. Deferred payments mean that users or their spouses/partners do not need to sell their home in their lifetime to pay for care. The local authority will be required to fund the costs of the care and will later be refunded from the estate of the service user (after the death of the spouse if there is one). Details of how the scheme will work have not been published. The DH plans to work with the care sector in 2013/14 to finalise the scheme. Barnet has a large number of owner occupiers among its older population and this scheme will potentially be attractive to significant numbers of residents.

10. LIST OF BACKGROUND PAPERS

- 10.1 Caring for our future: reforming care and support (White Paper)
<http://www.dh.gov.uk/health/2012/07/careandsupportwhitepaper/>
- 10.2 Draft Care and Reform Bill
<http://www.dh.gov.uk/health/2012/07/care-and-support-bill-comment-online/>
- 10.3 Caring for our future: progress report on funding reform
<http://www.dh.gov.uk/health/2012/07/scfunding/>
- 10.4 Department of Health: [Policy Statement on Care and Support Funding and legislative requirements, 11 February 2013](#)

Cleared by Finance (Officer's initials)	JH
Cleared by Legal (Officer's initials)	HP

Appendix 1: Potential Financial and Resource Impact of the Social Care Reforms

- 1.1 The White Paper proposes to offer extended rights of assessment and a right to services for carers. The DH estimates the changes will cost councils on average £144m per year. In 2011/12, the Council assessed 2,400 carers, several of those at the same time as service users. The extended rights in the draft Bill remove the requirement that a carer must provide substantial care regularly in order to be entitled to an assessment, which means that many more carers would become entitled to an assessment. The 2011 census recorded 32,000 carers in Barnet, of which 2,000 were over 75 and 5,000 provided 50 hours or more of care per week. Whilst not all 32,000 carers are likely to request an assessment, based on the Census information above and those already assessed, approximately a further 5,000 could request an assessment which would incur £100,000 in **assessment** costs (at a unit cost of £20 per assessment). If all 5,000 assessments resulted in **carers' services** the projected spend for this element equates to £8.2m based on current unit costs for services to cares (Table 3a(ii) Appendix 2 refers).
- 1.2 The new duty to meet a carer's eligible needs also poses a potential financial risk, depending on the level at which national eligibility thresholds for carers are set. It should be noted that increased support costs for carers could be counterbalanced by reduced care costs for users but this is difficult to predict at this stage. It is likely that an increase in carers' assessments will lead to an increase in the number of carers receiving support services. In 2011/12, the council provided support services to 606 carers (in addition to universal carer support services such as the Barnet Carers Centre) at a cost of £1m. If the Council were to provide support at the current maximum level in Barnet's comparator boroughs i.e. 1,835 carers, this would equate to an increase of £24,580 for the costs of carers' assessments and £1m for the cost of services to carers based on current unit costs.
- 1.3 The White Paper proposals also include the requirement to offer assessment, support planning and review to people who fund their own care. This is not a service the council currently provides and it would involve additional resourcing costs in terms of front line assessment staff capacity. The Council currently spends approximately £9m on social work and occupational therapy services and supports 9,957 users and carers per year. It should also be noted that currently there are approximately 354 known self-funders using this support (300 community-based and 54 residential). Even taking into account the fact that many residents in local residential care homes are not Barnet residents, this is likely to be an underestimation of the true number of self funders based on national prevalence rates of an average of over 40% of residential and nursing home residents paying for their own care and an additional 23% of residents receiving a top-up from their Council. We can also expect this number to increase proportionate to wider demographic changes in Barnet.
- 1.4 The Policy Statement on Funding Reform amended in the Chancellor of the Exchequer budget speech 23 March 2013 proposes that there will be a cap on care costs of £72,000 from 2016. This excludes general living (board and lodging) costs for individuals in residential or nursing care, who will be required to pay £12,000 per annum for this. The cap is for eligible care and support needs only. This will be linked to the national eligibility threshold for

social care, to council's usual prices (e.g. a maximum usual price for a week's residential care) and personal budget systems. Individuals who choose to purchase services in addition to services for their eligible needs, will have to meet those costs themselves and these will not count towards the cap. The numbers of people likely to be affected by the cap in Barnet are currently unknown, although it is likely to affect only a proportion of all social care service users. The Commission on the Funding of Care and Support (the Dilnot commission, June 2011) indicated that 1 in 10 people aged 65 will face care costs in excess of £100,000, whilst a quarter may need to spend very little.

- 1.5 Adult social care users who have an eligible need at the time they reach 18 years will not be required to contribute towards their costs at all. Those who acquire an eligible need after 18, but whilst they are of working age, will be required to contribute a proportionate amount – this has yet to be determined by the DH.
- 1.6 The introduction of the cap on care costs of £72,000 creates an incentive for all people who currently fund their own care to come forward for a council assessment and support plan, as it is this mechanism that will track their expenditure against the cap and enable state funding to be implemented as soon as the cap is reached. This would create a significant infrastructure pressure on the adult social care service, including assessment and support planning costs, annual (or more frequent) reviews (as people may move in and out of adult social care) and management of the proposed 'Care Account' for all people with eligible social care needs. In 2011/12, Barnet adult social services carried out 11,227 assessment and review events, at a cost of £40 to £100 (higher cost includes creation or review of care and support plan) with the current 7,525 eligible users receiving social care from Barnet. However, the Barnet Joint Strategic Needs Analysis (JSNA) identifies that there are 67,500 people with health and/or care needs in the borough. Whilst it is difficult to predict how many more people will come forward to start their care account, it is estimated that if less than a third, i.e. an additional 22,000, came forward to start their care account, the Council would incur an additional £1m just in assessment/review costs per year. If 50,000 came forward, the Council would incur an additional £4m in assessment/review costs per year. Clearly there would also be additional infrastructure costs to support the care account itself.
- 1.7 In addition, the Council will need to develop the infrastructure to run the new proposed care account system. This will involve creating systems to measure the costs incurred of meeting every individual's eligible care needs, whether or not the Council is currently meeting those needs and whether or not this is what the individual paid for that care. This must also be done for people whom the Council is not providing support for and with whom therefore the Council may in practice have little contact. The system will also require Councils to: provide this group with their personal budget amount and regular statements of costs incurred and their progress towards the cap; to conduct additional financial assessments; to carry out annual reviews/re-assessments of all users, including those that are funding their own care and with whom the Council may therefore have little or even no contact. The care account information must be provided to all people who have had a personal budget at any time from the implementation of the legislation introducing the cap, whether or not they have current eligible needs or are currently in receipt of

services or not. Implementing the proposed care account system therefore carries significant use of resources implications in terms of staffing, ICT, record keeping and communication which are difficult to quantify at this stage.

- 1.8 The Policy Statement as amended by the 2013 budget also proposes a £118,000 upper capital limit for residential and nursing care from 2017, changed from £23,250 currently, and a £17,500 lower capital limit, changed from £14,250 currently. In simple terms, this will mean that the Council will receive lower levels of social care income from eligible users and will incur increased social care costs. In 2011/12, there were 788 older service users in residential and nursing homes in total. 255 new older person placements were made in the same year. The current average client contribution per week for residential homes is £145.51 (all clients) and £168.04 (clients aged over 65-years).
- 1.9 The Funding Reform statement also states that there will be a lower cap for adults of working age who develop eligible care needs but does not set out the amount. The Council currently provides residential/nursing care to 55 adults of working age with physical disabilities and community based services to 583 adults, costing £2.7m (2011/12 prices and net of client contributions and Health income). It is not possible to model the implication of the lower level cap at this stage but it is assumed that there will be some impact in terms of increased costs for the Council.
- 1.10 Those who reach the age of 18 with eligible care and support needs will have a cap of zero. This means in effect that the state will bear the costs of meeting all their eligible care and support needs. The Council currently has 77 service users with eligible needs who have transitioned from Children's Services to Adult Social Care (of which 24 since 1 April 2012 at an average weekly cost of £474). This group of service users can have complex needs requiring specialist services and therefore support plans can have high costs attached. However, this group is also less likely to have acquired assets and capital. The Council already meets the majority of the care costs of this group of people therefore the implications from this part of the Funding Reforms are considered to be low.
- 1.11 The White Paper proposes that there will be a national minimum eligibility threshold for care from 2015 with an estimated annual cost of to all councils of £18m in the DH impact assessment. Under the national Fair Access to Care Services criteria, there are 4 levels of social care needs: low, moderate, substantial and critical. Currently Councils can independently set their threshold for eligibility. From April 2015, this will be set on a national basis. Currently, the vast majority of Councils (approximately 80%) set their threshold at substantial and critical. The Barnet Council threshold for eligibility under Fair Access to Care Services is set at substantial or critical in line with the majority of councils. It is considered unlikely that the effect of national criteria will be to lower the threshold below this and therefore the impact for Barnet from this aspect of the reforms is considered to be minimal.
- 1.12 The government's response to funding reform sets out a requirement for councils to offer deferred payments for social care on a universal basis from 2015. Under this scheme, a council would fund the service user's social care costs, which would then be re-paid to the council after the demise of the user, from their estate. Barnet currently offers some deferred payments but usage is

very low. Whilst the details of the proposed national universal scheme are still to be published, there may be financial and resource implications from running such a scheme, including additional demands on social care financial assessment functions and treasury management implications. Central government has indicated that funds will be made available to assist in the up front funding required to establish a large scale scheme but that in the longer term, schemes are expected to be self-financing. It cannot be predicted how many people will come forward for the scheme. However, it is worth noting that there are 78,350 owner occupied houses in Barnet, 57.6% of all households. An analysis of social care financial assessments in 2011/12 indicated that of 3,378 users, 54 were fully funding their own residential care and 300 were fully funding their own home care. Potential usage of deferred payments has been modelled on the 54 users currently funding their own care. This shows that the costs of the scheme could be up to £14m in total and covering both care and “hotel” costs, with the Council not breaking even until year 6 of the scheme. This is based on no increase in take up year on year.

Appendix 2: Summary Assessment of the impact of the Draft Care and Support Bill for London Borough of Barnet

Background

1. In July 2012, the Department of Health (DH) published the White Paper 'Caring for our future: reforming care and support'; and accompanying Draft Care and Support Bill which sets out the vision for a reformed care and support system.
2. London Borough of Barnet (LBB) has recognised that the proposed reforms will have broad reaching financial and cultural impacts on the way we commission services and our relationship with customers. There are circa 65 commitments, policy ideas and provisions in the White Paper, Draft Care and Support Bill and Impact Assessment published by DH. Of those circa 30 are likely to have a direct impact on the work of local authorities.
3. Paragraph 5 (Table) sets out an assessment of the impact of 32 of these measures on the basis that they include:
 - New / revised duties for local authorities (there are 19 in all).
 - Other commitments, not drafted into legislation, where there is a requirement on local authorities to deliver.
4. There are a number (circa 35) of other commitments made in the White Paper which are to be delivered by others (for example the Department of Health) but may have an impact on the way we operate services locally – for example activities to strengthen and support the social care workforce and the introduction of quality standards. This Appendix does not consider the impact of these commitments.

Summary of impacts

5. The Table below set out the impact (financial and otherwise) of the Draft Care and Support Bill for LBB. The main theme is that Councils will not be required to do anything radically differently; however, it presents an opportunity to look afresh at how services are commissioned.

TABLE

Provision in the White Paper / Draft Bill	Current situation	Implications
<p>1. Establishment of a national minimum threshold for eligibility for care and support (Clause 13)</p> <p>2. New duty to carry out needs assessment for carers (Clause 10)</p>	<p>a) LBB eligibility threshold is currently set at substantial & critical.</p> <p>a) Currently there is a legal duty to inform carers about their right to an assessment. A carer can have an assessment irrespective of whether the cared-for person is in receipt of a service; however, the carer's right to a service is dependent on the cared-for person being FACS-eligible. An Authority has a duty to consider whether they will provide services to the carer and has power to provide services under the Carers and Disabled Children's Act 2000. In 2011/12, 2,432 carers were assessed at an estimated cost of £20 per assessment (calculation based on empirical sampling in ASCH Directorate). A number of individuals did approach the council for an assessment but this was refused on the grounds that they were not providing substantial / regular care (the cared for person needs to be at the FACS threshold, Substantial and Critical).</p>	<p>i) In the absence of information to the contrary, it is assumed that national levels are unlikely to be set below substantial. That being the case it is unlikely that this element alone will have an impact.</p> <p>ii) The main difference from the current rules is that carers do not have to be providing a substantial amount of care regularly to be entitled to an assessment. Based on the 2011 census, there are 32,000 carers in Barnet. It is estimated that 2,000 carers in Barnet are 75 years or older and 5,000 provide 50 hours or more of care per week (<i>source: Carers Strategy LBB 2012</i>).</p> <p>iii) It is unlikely that every carer in Barnet will request an assessment; however it is likely that the numbers requesting them will increase. As a proxy estimate, Barnet Carers Centre (BCC) hold a register of 5,209 carers (Dec 2012), so this may be an indication of the numbers of carers in Barnet currently likely to seek an assessment if the rights were extended this year. If 5,000 carers a year were to request an assessment this could potentially cost us in the region of £100,000 based on the £20 calculated cost.</p> <p>iv) Population changes in Barnet over the next decade are likely to have an impact on the total number of carers in Barnet, and therefore the numbers seeking assessment are also likely to increase for this reason.</p> <p>v) Importantly, the Draft Bill gives local authorities new powers to delegate some of their care and support functions to other organisations, for instance, the assessment process or care planning. It may be possible to outsource the assessment of carers to an external provider at a lower cost.</p>
<p>3. New duty to meet a carer's eligible needs for support (clause 19)</p>	<p>a) The carers' budget for 2012/13 is circa £1m. This includes support to carers delivered through a contract with Barnet Carers Centre as well as funding for services signposted and paid for by care workers. In</p>	<p>i) The provisional 2013/14 budget for Barnet based carers is £1.2m. Subject to any changes in the national eligibility threshold for carers i.e. if this is set below the levels at which LBB currently provides support, this poses a potential financial risk.</p>

Provision in the White Paper / Draft Bill	Current situation	Implications
<p>4. Enablement of everyone to request assistance from their local authority with the development of a care and support plan for their eligible needs</p>	<p>2011/12, 606 carers received a service (mainly respite care and carers direct payments). This cohort comprises carers who provide substantial and regular care. Currently right to support is dependent on the level of care needs of the person they are caring and not the level of need of the carer. It is not anticipated that this will change.</p> <p>a) In 2011/12, there were 11,227 assessment and review events. Each event results in the creation or review of an existing care and support plans with an estimated staff cost of between £40 and £100 per plan.</p> <p>b) The Joint Strategic Needs Analysis (JSNA) estimates that in 2012, there were approximately 67,500 adults living in Barnet with health and /or care needs. As stated above current estimates place the number of carers at around 30,000. This means the total pool of potential customers requiring an assessment could be as high as 97,500.</p>	<p>ii) An increase in the numbers of carers and / or complexity of need coming to us for an assessment will add to this risk. Based on current activity and budget the unit cost for carers' services is £1,650 (£1m/606 carer services). Projecting on the assumption of an additional 5,000 carers who all require services (see aforementioned figure in Table 2a(ii)) results in a projected spend of £8.2m.</p> <p>i) The Draft Bill includes a new single duty to assess users (clause 9) and provide a care and support plan for both users and carers – including a personal budget (clause 23 and 24). It also includes principles which frame how local authorities must carry out their care and support functions to include the “well-being” principle and power for the Secretary of State to make regulations as to how an assessment is carried out. Subject to legislation, the Government has proposed a £72k cap on care costs. This is likely to mean that more people will be incentivised to request a care and support plan in order to track their expenditure against the cap.</p> <p>ii) By way of illustration, using the baseline of £1m (11,000 assessment and review events at a cost of £100 each) the potential resource implications are:</p> <p>22,000 events – additional £1m 50,000 events – additional £4m 97,500 events – additional £9m</p> <p>iii) It is also possible that changes to the process of how an assessment is undertaken and how a care and support plan is developed may need to be made. For example the White Paper includes an ambition that individual's skills, talents and goals are properly taken into account as part of the assessment. Cost implications of this are not yet clear. As previously noted the additional costs may be mitigated through working with an external partner.</p>

Provision in the White Paper / Draft Bill	Current situation	Implications
<p>5. Offer deferred payment arrangements on a universal basis, and charge interest on these arrangements</p>	<p>a) Barnet does currently have a deferred payment scheme, although usage is not significant. There are 78,350 owner occupied houses in Barnet which is 57.6% of all households. For all Outer London boroughs the percentage is 58.9% and national is 63.5%.</p> <p>b) Based on all service users who have been financially assessed (3,378 in 2011/12), 10% (354) have been identified as self-funders (split 54 for residential and 300 for community-based services). Simple projections suggest that population will increase by 10% over the next 5 years with a pro rata increase in self-funders. The number of self-funders will also be affected by the “offer” from LBB and the wider local social care market place.</p> <p>c) Depleted funders – In 2011/12, 26 users in residential or nursing care presented to Panel with depleted funds, compared to 27 in 2010/11. This is half the number within our system who currently self-funding their residential or nursing care placement. However, these depleted funders will include those users who have previously been recorded on our system as a self-funder, as well as those who have previously been funding their own support privately without any social care involvement whatsoever. No data exists on the numbers of community-based social care users whose funds deplete each year.</p>	<p>i) Local authorities are still awaiting more details regarding the universal deferred payments scheme, implemented from April 2015 subject to legislation. LBB has assessed the likely impact of deferred payments based on residential placements; however it is possible that the scheme may apply to meeting the costs of care in the community as well.</p> <p>ii) If we use the number of current residential self-funders (54) as a proxy for the number of customers who may approach LBB for a deferred payment the scheme is estimated to cost up to £14m in total and assuming both care and “hotel” cost elements with the Council not breaking-even until year 6 (based on no increase in take up year on year).</p> <p>Notes:</p> <ul style="list-style-type: none"> This is based on local data available regarding average stay in residential placements, average client contribution and residential placements based on LBB’s maximum usual price (MUP) This is a prudent estimate and the impact can be compounded by increased take up, having to pay more than the MUP or not being able to fully recover costs from the estate. Central government has stated that there will be funding available to assist in the up-front cash flow required; however, in the long run the expectation is that the scheme is self-funded

Provision in the White Paper / Draft Bill	Current situation	Implications
6. Funding of care and support	a) Currently only those service users with declared assets of less than £23,250 and low income receive help from the state with their care costs. There is no cap on care costs.	<p>i) Subject to legislation and consultation on the fine details, the Government proposes the following key changes with implementation in 2017:</p> <ul style="list-style-type: none"> • A cap on care costs of £61k at 2010/11 prices (equivalent to £72k at the point of implementation). This is intended to provide everyone with reassurance that they will have a level of protection if they have high-cost needs • Extended means test – those with property value and savings of £100k or less at 2010/11 prices (equivalent to £118k at the point of implementation) will receive financial support with the Government paying a proportion of their residential care costs on a sliding scale. Note “hotel” costs are excluded • People of working age who develop care needs before retirement age will benefit from a cap that is lower than £72k. People who have care needs before they turn 18 will effectively have their cap set at zero.
7. Place a duty on local authorities to provide an equivalent package of care and support for users and their carers who move into their areas until they undertake a new assessment (clause 31)	<p>a) “Sending” authority will provide funding for 6 weeks to allow LBB to carry out assessment, after which LBB will take over funding for community-based service users.</p> <p>b) For residential placements, where a person already funded by the “sending” authority moves to a residential home in Barnet to be near family, they do not become an “ordinary resident” in Barnet and therefore not entitled to be funded by Barnet.</p>	<p>i) The new bill puts an obligation on “sending” councils, for the first time, to notify the “receiving” council if a person expresses intent to move; the receiving authority must then assess the individual. At present LBB assesses all known customers who move in to the borough, therefore the impact is cost neutral.</p>
8. A range of new duties to support transitions from children’s to adults services including power to assess a child’s and a carer’s needs as well as the needs of a young carer	<p>a) The power to assess a child’s needs is already in place. ASCH assess from 16 years onward (Learning / Physical Disabilities and behavioural problems).</p> <p>b) LBB only deals with Adult customers who meet substantial and critical FACS threshold. For initial or core assessment of the child /</p>	<p>i) By September 2014, as part of the Children and Families Bill, a single birth to 25 years assessment process will replace the current two-tier system of special educational needs assessment (currently there are SEN statements for children under 16/18 and a separate learning difficulty assessment for young adults, who meet the threshold requirements, aged up to 25). The new single assessment process, will cover education, health and care, ensuring that all of the different local agencies are working together to meet needs of the family. Education, Health and Care Plans will provide the same statutory</p>

Provision in the White Paper / Draft Bill	Current situation	Implications
<p>9. Improve access to independent Information Advice and Guidance (IAG) to help people who are eligible for support and plan to choose how their needs could be met. Make clearer the duty for local authorities to share information with individuals, carers and families</p>	<p>young person, the carers needs and capacity to care are addressed.</p> <p>a) LBB currently provides information, advice and advocacy services and Social Care Connect (Adult Social Care and Health online directory) which is available to all. The costs of these are currently met through ASCH base budget.</p> <p>b) As of 1 November 2012, two new projects were launched aimed at supporting self-funders and improving information for customers:</p> <ul style="list-style-type: none"> • Advice for self-funders – ASCH is working with “My Care My Home” to offer independent advice to self-funders. This advice service explains the options available to help people stay independently in their own home, but if they decide that a move to a care home is most suitable, they will support people with advice about how to choose a residential home and explaining the role of a local authority. <i>My Care My Home</i> can introduce people to pre-vetted independent financial advisors so they are aware of all of their options for financing their care, and know how to maximise their assets • CarePlace website (www.careplace.org.uk) – ASCH is part of the West London Alliance and participates in the website. The site contains information on our local residential care 	<p>protection to parents as the statement of SEN to up to 25-years-old in further education – instead of there being a 'cliff edge' when it is cut off at 16/18.</p> <p>i) Plans are being drawn up to invest approximately one-off £500k s256 monies into improving and increasing this capacity. In addition, ASCH will be implementing an Information, Advice, Advocacy and Brokerage (IAAB) Strategy comprising: IAAB £350k, Peer Support Brokerage £123k, Healthwatch £198k; and Independent Health Complaints Advocacy £85k.</p> <p>ii) Based on informal legal advice circulated nationally, the above is considered sufficient to meet the requirements set out in the Draft Bill.</p>

Provision in the White Paper / Draft Bill	Current situation	Implications
	homes, including bed vacancies and costs, which are updated by our providers. This is a useful tool for commissioning and supply management staff not only for locating vacancies, but also for monitoring placements and reporting on their cost. We are working on integrating this information into our social care connect website so that it is available to self-funders via the Barnet website	
10. Duty on local authorities to join up care and support with health and housing - where this delivers better care and promotes well being	<p>a) ASCH and its NHS and voluntary sector partners continue to work collaboratively, focusing on early intervention and enablement*, and reducing duplication of processes. (* Note: Enablement is about providing the means for people to do as much as they can for themselves and / or to be independent within their own homes for as long as possible.)</p> <p>b) Examples of joined up work involving ASCH Health and Housing includes the following:</p> <ul style="list-style-type: none"> • Frail Elderly work stream (for example Dementia and Stroke Pathway) • Move on Team including x2 social workers and x1 community nurse working on Out of Borough placements mainly relating to Norwood-Ravenswood in Berkshire • Disabled Facilities Grants (mandatory and discretionary) • Since April 2011, the Housing Revenue Account has been self-financing. This has generated the capacity for additional headroom borrowing of £39m. As a result, revenue savings of £3.5m have been assumed in Adult Social Care Budgets based on additional HRA Headroom expenditure of up to £21m to deliver supported housing, subject to the development of a full business case. Potential projects include: a retirement village concept comprising 100 units; a 50 unit dementia mixed model of housing; and wheelchair accessible independent accommodation • Right to Control – a partnership involving ASCH, JobCentre Plus and Housing; with a Housing officer currently embedded in ASCH to help move on people from Barbara Langstone House 	
11. Expectation on LAs to maximise potential for spaces and buildings in a community to act as meeting places or centres of activity	a) Commercial Services is currently looking at the council's property portfolio to assess how the community assets can be better utilised. This presents an opportunity for joint working to provide services from existing buildings, but further work is required to fully understand how best to make use of these buildings.	

Provision in the White Paper / Draft Bill	Current situation	Implications
<p>12. Help for LAs to write a Market Position Statement (MPS)</p>	<p>a) ASCH is currently on track to produce an MPS within 2012/13. Designed to be “outward facing” and hosted on a micro-site as part of the Council’s website, the MPS is essentially a local authority “statement” that sets out our market messages regarding future care and support i.e. initiatives to shape the local social care and support market . It makes available the evidential background and is expected to stimulate a vibrant and innovative variety of care and support options for the people of Barnet to make use of as and when the need arises.</p>	
<p>13. Rule out "contracting by the minute"</p>	<p>a) LBB currently contracts with three home and support providers at a cost of around £3m per provider per year. Current contractual arrangements are such that homecare for adults in need of care and support is generally procured in 15 minute slots. This is known as “contracting by the minute”. Concerns have been raised that this means providers focus on the time they are with a client, rather than a holistic view of the clients’ needs. Analysis shows that on average, providers spend 88% of the commissioned time with clients. Reasons for this include:</p> <ul style="list-style-type: none"> • Issues in the commissioning process e.g. calculation of need done with minimal information / time or risk aversion • Time and task driven support rather than delivering an outcome focused service, e.g. strict adherence to tasks as outlined within the support plan rather than taking a more holistic and enabling view • Rotas – Workers feeling under pressure, whether perceived or actual, to log out quickly and get to the next visit • Time lost due to activities performed prior to logging in. Providers report staff can often spend several minutes at each visit engaged with the service user before they 	<p>i) Moving from “commissioning by the minute” to commissioning for outcomes will mean a change in way we procure services and a culture change in service delivery. The financial impact is very hard to quantify.</p>

Provision in the White Paper / Draft Bill	Current situation	Implications
<p>14. Duty on local authorities to incorporate preventative practice and early intervention into care commissioning and planning (clause 7)</p>	<p>can log in/out, in an effort to provide a more person centred and caring service</p> <p>a) ASCH's Prevention Framework (2009) sets out the approach to preventative services. This includes the Royal Free Hospital NHS Trust's initiative, Post Acute Care Enablement (PACE). The partnership involving RFH and Barnet, Camden and Enfield councils aims to reduce hospital stays provide for a safe return home and ensures that patients get the medical support and assessment they need during recovery.</p> <p>b) LBB's current overall prevention budget for 2012/13 is £3.2m. This includes funding for enablement as well as equipment, adaptations, telecare and other services aimed at promoting independence of adults in need of care and support by keeping them at home, and/or delaying admissions into hospitals as well as expediting exit from hospital.</p>	<p>i) LBB's prevention budget has already been increased to £4.2m for 2013/14 but the new duty is not really about how much we spend on prevention, it is about how we spend it. Both the White Paper and the changes LBB is going through in order to become a "commissioning council" presents an opportunity for to reassess our approach to commissioning care services, to consider what we need to do differently in order to be better at commissioning for outcomes and further incorporate prevention practice and early intervention strategies into our commissioning approach.</p>
<p>15. Ban on age discrimination in health and social care services from October 2012</p>	<p>a) LBB undertakes equalities impact in its budget and forward planning cycles to ensure proposed policies take into account the potential impact on clients or residents. Estimated personal budgets (via a managed service or direct payment) are underpinned by the FACE overview assessment. There is nothing that considers the customer's age in determining either the points allocation or the price per point applied when estimating personal budgets. The only price differential is due to market conditions that place a</p>	<p>i) Cost neutral impact.</p>

Provision in the White Paper / Draft Bill	Current situation	Implications
	<p>premium on the average prices of services for customers with a learning disability.</p>	

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Meeting	Cabinet
Date	18 April 2013
Subject	Reference from Business Management Overview and Scrutiny Committee: Review of Effectiveness of Task and Finish Groups
Report of	Scrutiny Office
Summary	This report submits a reference from the Business Management Overview and Scrutiny Committee on the recommendations arising from a Review of the Effectiveness of Task and Finish Groups

Officer Contributors	Andrew Charlwood, Overview & Scrutiny Manager
Status (public or exempt)	Public
Wards Affected	N/A
Key Decision	No
Reason for urgency / exemption from call-in	N/A
Function of	Executive
Enclosures	Appendix 1 – Report to Business Management Overview & Scrutiny Committee (11 March 2013), including: Annex 1 – Review of the Effectiveness of Task and Finish Groups
Contact for Further Information:	Andrew Charlwood, Overview & Scrutiny Manager, 020 8359 2014, andrew.charlwood@barnet.gov.uk

1. RECOMMENDATIONS

- 1.1 That Cabinet considers and gives its instructions with respect to the recommendations (that relate to Cabinet only) made following a Review of the Effectiveness of Task and Finish Groups, as referred to Cabinet by the Business Management Overview and Scrutiny Committee.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 As set out in Appendix 1.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 As set out in Appendix 1.

4. RISK MANAGEMENT ISSUES

- 4.1 As set out in Appendix 1.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 As set out in Appendix 1.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 As set out in Appendix 1.

7. LEGAL ISSUES

- 7.1 As set out in Appendix 1.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Council Constitution, Part 3, Responsibility for Functions, Section 3.8 provides that the following decision is reserved to the Cabinet meeting: "Considering recommendations made to them by overview and scrutiny committees."
- 8.2 Council Constitution, Executive Procedure Rules, Section 2.3 states that "At each meeting of the Executive the following business will be conducted: (vi) consideration of reports from overview and scrutiny committees."
- 8.3 Constitutional powers, as they relate to the Business Management Overview and Scrutiny Committee and Task and Finish Groups, are set out in the report attached at Appendix 1.

9. BACKGROUND INFORMATION

- 9.1 The Business Management Overview and Scrutiny Committee considered the report which considered a Review of Effectiveness of Task and Finish Groups (as set out at **Appendix 1**) at their meeting on 11 March 2013. At the meeting, the Committee agreed the recommendations contained therein.
- 9.2 The final report on the Review of Effectiveness of Task and Finish Groups is set out at **Annex 1**.
- 9.3 Cabinet are requested to provide a formal response to Recommendation 1 only.
- 9.4 In relation to Recommendation 2, the Business Management Overview and Scrutiny Committee agreed the actions and the Chairman and Scrutiny Office will develop appropriate responses to these.
- 9.5 Actions in relation to recommendation 3 have been substantially completed, as outlined below:

Media Engagement Project

The project is aimed at improving corporate and public understanding of the work of scrutiny and promoting the democratic decision making process. The following actions have been completed:

- New web pages outlining the work of scrutiny went live on the Barnet website in December 2012.
- Committee descriptions for scrutiny committees added to the committee papers section of the website.
- Promotion of scrutiny committees via social media (Twitter and Facebook) and strengthening of relationships with Corporate Communications.

Further engagement activity is planned in developing work programmes for scrutiny committees for the 2013/14 municipal year.

Scrutiny Member Development

During 2012/13, the following scrutiny specific member development activities have taken place which have been attended by non-Executive Members:

- Centre for Public Scrutiny (CfPS) London Scrutiny Member Development Seminar (17 October 2012).
- Implications of the Health and Social Care Act 2012 (11 December 2012) – CfPS facilitated Barnet specific session on the implications on the Health and Social Care Act 2012.
- Scrutiny Skills (8 January 2013) – CfPS facilitated session on scrutiny skills including topic selection and questioning skills.
- House of Commons Select Committee Training Programme (25 February 2013) – a bespoke session to look at Scrutiny in the Parliamentary Select Committees took place at the House of Commons. Members attended a Barnet-only talk with the Chairman and Clerk of the Communities and

Local Government Select Committee. Following this, Barnet Members attended a Select Committee session.

Further member development events are planned during 2013 including a CfPS London-wide event on 18 April 2013, a Barnet specific session on scrutiny in the commissioning council and training specifically for members of the Safeguarding Overview and Scrutiny Committee.

10. LIST OF BACKGROUND PAPERS

10.1 None

Cleared by Finance (Officer's initials)	MC/JH
Cleared by Legal (Officer's initials)	SS

Appendix 1

Meeting	Business Management Overview & Scrutiny Committee
Date	11 March 2013
Subject	Effectiveness of Task and Finish Groups
Report of Summary	Scrutiny Office This report presents the findings and recommendations of the scrutiny working group which has considered the Effectiveness of Task and Finish Groups
Officer Contributors	Andrew Charlwood, Overview and Scrutiny Manager
Status (public or exempt)	Public
Wards Affected	N/A
Key Decision	N/A
Reason for urgency / exemption from call-in	N/A
Function of	Business Management Overview & Scrutiny Committee
Enclosures	Annex 1 – Effectiveness of Task and Finish Groups Final Report
Contact for Further Information:	Andrew Charlwood, Overview and Scrutiny Manager, 020 8359 2014, andrew.charlwood@barnet.gov.uk

1. RECOMMENDATIONS

- 1.1 Members of the Committee consider the findings of the report into the Effectiveness of Task and Finish Groups, as set out in the report attached at Annex 1.**
- 1.2 Members of the Committee discuss and agree the recommendations of the Task and Finish Group.**
- 1.3 The agreed findings and recommendations are forwarded to the Executive for their consideration.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Business Management Overview and Scrutiny Sub-Committee, 18 April 2012, Decision Item 14 (Task and Finish Groups Appointments) – the Committee agreed to establish a group to consider the Effectiveness of Task and Finish Groups.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Overview and Scrutiny Committees, Panels and Task and Finish Groups must ensure that the work of Scrutiny is reflective of the council's priorities.
- 3.2 The three priority outcomes set out in the 2012/13 Corporate Plan are: –
 - Better services with less money
 - Sharing opportunities, sharing responsibilities
 - A successful London suburb

4. RISK MANAGEMENT ISSUES

- 4.1 None in the context of this report.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Under the Equality Act 2010 ("the Act"), the council and all other organisations exercising public functions on its behalf must have due regard to the need to:
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) advance equality of opportunity between those with a protected characteristic and those without; and
 - c) promote good relations between those with a protected characteristic and those without.The 'protected characteristics' referred to are: age; disability; gender reassignment; pregnancy; maternity; race; religion or belief; sex; and sexual orientation. The duty to eliminate discrimination also extends to marriage and civil partnership.
- 5.2 In addition to the Terms of Reference of the Committee, and in so far as relating to matters within its remit, the role of the Committee is to perform the Overview and Scrutiny role in relation to:

- The Council's leadership role in relation to diversity and inclusiveness; and
- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

5.3 Task and Finish Groups will need to take into account equalities considerations throughout the lifecycle of the review and through the ongoing monitoring, via the Scrutiny Office, by implementation of accepted recommendations.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 Task and Finish Group reviews must take into account value for money considerations when conducting their work, including the costs and benefits (both financial and non-financial) associated with any recommendations made by the Group.

6.2 Costs associated with administering Task and Finish Group and Scrutiny Panel reviews are primarily met from existing resources in the Governance Service. However, there is an expectation from Members that officers will allocate the resources necessary from their directorates to support reviews undertaken by scrutiny working groups.

7. LEGAL ISSUES

7.1 Any legal considerations as they relate to individual Task and Finish Group reviews are addressed at the commencement and throughout the review process.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

8.1 The scope of the Overview & Scrutiny Committees is contained within Part 2, Article 6 of the Council's Constitution.

8.2 The Terms of Reference of the Overview & Scrutiny Committees are set out in the Overview and Scrutiny Procedure Rules (Part 4 of the Constitution).

8.3 Item 7 and 8 of Business Management Overview & Scrutiny Committee Terms of Reference states that:

"The role of the Committee is to..

appoint scrutiny panels and Task and Finish Groups needed to facilitate the overview and scrutiny function" and to

coordinate and monitor the work of scrutiny panels and Task and Finish Groups, including considering reports and recommendations and referring to the relevant decision making body."

9. BACKGROUND INFORMATION

9.1 Following consideration of a feasibility study, the Business Management Overview and Scrutiny Committee appointed a working group to consider the Effectiveness of Task and Finish Groups. The review was conducted between June and September 2012. Findings and recommendations arising are set out in Annex 1.

10. LIST OF BACKGROUND PAPERS

10.1 As referred to in the report attached at Annex 1.

Cleared by Finance (Officer's initials)	MC/JH
Cleared by Legal (Officer's initials)	SS

Meeting	Review of Effectiveness of Task and Finish Group
Subject	Review of Effectiveness of Task and Finish Group – Feasibility Study
Report of Summary	Scrutiny Office This report outlines the findings of a feasibility assessment of the proposal to conduct a review of the effectiveness of overview and scrutiny task and finish groups

Officer Contributors	Andrew Charlwood, Overview and Scrutiny Manager
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1. RECOMMENDATION

- 1.1 That Members consider the findings of the feasibility assessment and, based on the information contained therein, decide whether to proceed with a review of the effectiveness of task and finish groups.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Annual Council, 19 May 2009, Agenda Item 13.2.1, Report of the Special (Constitution Review) Committee, Overview and Scrutiny: New Arrangements
- 2.2 Policy & Performance Overview & Scrutiny Committee, 2 June 2010, Agenda Item 7 (Overview & Scrutiny Appointments)
- 2.3 Business Management Overview & Scrutiny Committee, 8 March 2012, Agenda Item 10 (Any Other Items the Chairman Decides are Urgent) – the Committee outlined proposed review topics
- 2.4 Business Management Overview & Scrutiny Committee, 18 April 2012, Agenda Item 14 (Task and Finish Group Appointments)

3. INTRODUCTION & OVERVIEW

- 3.1 At the Business Management Overview and Scrutiny Committee meeting of the 18 April 2012 Members considered topics for the basis of future Task and Finish Group reviews. Included within the topics proposed for consideration was a review of the effectiveness of overview and scrutiny task and finish groups. In line with the protocols agreed with Members and following the best practice guidelines for good scrutiny, the Scrutiny Office have undertaken an initial feasibility study to assess whether review of the effectiveness of overview and scrutiny task and finish groups is an appropriate topic to take forward as TFG.
- 3.2 Following consideration of the information contained within this assessment, Members are requested to determine whether to proceed with a review or not.

4. KEY PRINCIPLES AND ASSESSMENT CRITERIA

- 4.1 In January 2012, the Council received support from the Centre for Public Scrutiny (CfPS) to develop a framework for scrutinising issues relating to the Ageing Well Programme. The Scrutiny Office has adapted this framework to be more generic for application with all overview and scrutiny topics, including task and finish group reviews. The framework identifies the following key considerations:
 1. Exceptionality;
 2. Clearly defined objective;
 3. A TFG as the most appropriate means of investigating the issue; and
 4. Appropriate levels of resources being available to ensure an effective review of the issue

- 4.2 Informing the Scrutiny Framework is the Scrutiny Best Practice Guidance provided by the CfPS which advises that Scrutiny should:
1. Provide a “critical friend” challenge to decision-makers as well as external authorities and agencies;
 2. Reflect the voice and concerns of the public and its communities;
 3. Take the lead and own the scrutiny process on behalf of the public; and
 4. Make an impact on the delivery of public services.
- 4.3 They go on to suggest that effective Scrutiny should engage the public as active citizens and secure the effective promotion of community well-being at the local level. A joint report from INLOGOV and the IDeA in April 2001 set out the following requirements for effective scrutiny:
1. Member leadership and engagement;
 2. A responsive executive;
 3. Genuine non-partisan working;
 4. Effective direct officer support and management of the scrutiny process;
 5. A supportive senior officer culture; and
 6. A high level of awareness and understanding of scrutiny work

5. OVERVIEW AND SCRUTINY WORKING GROUPS

- 5.1 Overview and scrutiny working groups (or task and finish groups) ordinarily comprise of a small group of between three and five of non-Executive Members which look at a particular issue in detail over a prescribed period of time. Currently, the suggested timeframe for a review is three months. However, in practice reviews often take longer due to a number of factors which include: officer support; Member availability; the complexity of the issue under consideration; scope creep; the report drafting process; and timescales for reporting to Business Management OSC and Cabinet.
- 5.2 The purpose of the groups can be twofold:
- (i) to investigate an issue of concern to elected Members or members of the public which does not form part of the council’s policy agenda (policy development); or
 - (ii) to review council policy (in development or during implementation) and make recommendations for improvements (policy review).
- 5.3 Overview and scrutiny working groups have been established in Barnet in a variety of formats since the introduction of executive arrangements. This feasibility study will focus on scrutiny reviews conducted over the last six years (2006 to 2012).
- 5.4 Between 2006 and 2009, overview and scrutiny committees commissioned working groups to consider issues in detail. Findings were initially reported to

the parent committee for review / approval and then to the Cabinet. Reviews considered during this period are as follows:

- Section 106 Review (Cabinet, 24 July 2006)
- CPZ Reviews – Consultation Process (Cabinet, 8 May 2007) (*majority and minority reports*)
- Waste Management Review (Cabinet, 26 July 2007)
- Effects of Domestic Violence on Children and Families in Barnet (Cabinet, 29 October 2007)
- Hate Crime Review (Cabinet, 21 February 2008)
- Review of Local Strategic Partnership (Cabinet, 6 October 2008)
- Children’s Centres and Extended Services (Cabinet, 3 December 2008)
- Young Carers in Barnet (Cabinet, 20 January 2009)
- Protection of Trees in the Borough (Cabinet, 22 April 2009)
- Anti-Social Behaviour (Cabinet, 22 April 2009)
- Parks in Barnet (Cabinet, 22 April 2009)
- Review of Signature Street Cleaning (Cabinet, 8 June 2009)
- Open Spaces in Barnet (Cabinet, 8 June 2009)

5.5 In late 2008, a Member Working Group was convened to consider overview and scrutiny arrangements. Committee structures were reformed and an emphasis was placed on the task and finish group work as this was recognised to be good practice nationally. In May 2009, the Council implemented the new overview and scrutiny arrangements.

5.6 Working arrangements for task and finish groups are not overly prescriptive. The Council’s Constitution contains the following:

“Task and Finish Groups, Project Groups, Research

Much of the work of Task and Finish Groups will be carried out informally both in gathering information and interviewing relevant personnel. Those sessions will not be expected to be held in public nor will they be subject to the Access to Information Rules.

However, where it is appropriate for more formal meetings to be held in public, the presumption is that they will be. The findings and recommendations of Task and Finish Groups will be presented for consideration by the appropriate Overview & Scrutiny body, operating under the Access to Information Rules.

HOWEVER, when these Groups are conducting their research there will be a general expectation that:

- (i) Members in carrying out these activities will, as appropriate, visit and meet with local communities, meet with the Council’s partners and others as necessary.
- (ii) Members will look at a variety of methods for inviting comments and views and publicising their work.
- (iii) Meetings and other activities may, on occasions, take place at locations away from the Town Hall or other Council offices. The Head of Governance will make the necessary arrangements in consultation with the relevant Chairman and Members.”

- 5.7 Task and Finish Groups have the ability to determine their own terms of reference and working arrangements. They can draw evidence from a wide range of sources including elected members, interest groups, academics, service users, residents, officers and any other interested / relevant parties. In addition, detailed research can also be undertaken to inform evidence-based recommendations.
- 5.8 In 2010, the Scrutiny Office introduced a mechanism for tracking the implementation of recommendations made by task and finish groups which had been accepted by Cabinet. In monitoring recommendation, the initial response of Cabinet is captured (i.e. accept or reject, plus any commentary). Each recommendation is assigned a responsible officer who is contacted at six-monthly intervals to provide updates. Updates are reported regularly to the Business Management Overview and Scrutiny Committee. Copies of the tracking document will be made available at the first meeting.
- 5.9 The Committee decide to proceed to review, the following key lines of enquiry could be considered:
- (i) Actions to capture the progress made in implementing recommendations made by scrutiny working groups conducted between 2006 and 2009;
 - (ii) Review of recommendations by task and finish groups / scrutiny panels between 2009 and 2012;
 - (iii) Topic selection; and
 - (iv) Review of working arrangements including: officer support; evidence received (verbal and written); quality of reports; political considerations; measuring outcomes; and public engagement.

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**REVIEW OF EFFECTIVENESS OF OVERVIEW AND
SCRUTINY TASK AND FINISH GROUPS**

FINAL REPORT

Recommendations

1. The Leader of the Council and Interim Chief Executive be requested to ensure that high level officer support from across the Council's Directorates is provided to Task and Finish Groups to assist Scrutiny Members in undertaking effective and timely reviews. It is requested that this recommendation be agreed and implemented with immediate effect.

Cabinet Members, Members of the Business Management Overview and Scrutiny Committee and Council Directors Group are requested to note the concerns of the Group that, in some instances, there has been a lack of support from Cabinet Members and Directorates for some Task and Finish Group reviews. The Group have concluded the level of senior officer support impacts directly on the timeliness of reviews, the strength of recommendations arising and the ultimate outcome of the review.

2. The Business Management Overview and Scrutiny Committee agree to make the following changes to the management of Task and Finish Group Reviews:
 - Develop arrangements for Scrutiny Members and members of the public to highlight topical and/or timely issues and for these to be prioritised in the Task and Finish Group work programme under the leadership of the Chairman of the Business Management Overview and Scrutiny Committee.
 - Reduce bureaucracy around convening and appointing Members to enable a more flexible approach to be taken.
 - Encourage Group Secretaries to appoint Members to Task and Finish Groups based on personal and professional skill sets.
 - For each suggested review, a Feasibility Study should be completed before the review progresses to ensure that the review is timely and will add value.
 - Ensure that Task and Finish Groups have an external focus

The Group have concluded that the management of Task and Finish Group reviews has become overly bureaucratic resulting in: timely and topical reviews not progressing quickly enough; reviews taking too long to be established; a lack of support from the political groups when appointing Members; a lack of public engagement with the review process; and reviews taking too long to complete. The Group emphasised the importance of the role of the Chairman of the Business Management Overview and Scrutiny Committee in prioritising reviews and ensuring an appropriate level of support to ensure that they are timely and achieve positive outcomes.

3. The Scrutiny Office be requested to deliver by the end of December 2012 the following initiatives to develop Scrutiny Members skills and increase public awareness and participation in Task and Finish Group reviews:

- Scrutiny Media Engagement Strategy; and
- Scrutiny Member Development Programme

1 Background Information

- 1.1 On 18th April 2012, the Business Management Overview and Scrutiny Committee established a five-Member task and finish group to consider the Effectiveness of Task and Finish Groups. The outline remit of the group was to consider the impact of reviews completed since May 2009 particularly:
- How effectively task and finish groups were at holding the Executive to account;
 - Their success in developing policy and / or driving service improvements; and
 - The impact of recommendations made (accepted by Cabinet).
- 1.2 The following members were appointed to the Task and Finish Group:
Councillor Brian Salinger (Chairman);
Councillor Sury Khatri;
Councillor Reuben Thompstone;
Councillor Alison Moore; and
Councillor Alan Schneiderman
- 1.3 To assist Members in making an informed decision regarding whether topics should proceed to a full review or not, the Scrutiny Office introduced feasibility studies for the reviews which commenced in April 2012. The purpose of these studies was to enable Members to undertake a more in-depth evaluation of the subject matter to ensure that resources were targeted on genuine issues and where value could be added.

2. Feasibility Study

- 2.1 The Task and Finish Group (TFG) initially met on 28 June 2012 where they considered the feasibility study prepared by the Scrutiny Office (**Annex**). Following consideration of the feasibility study, the TFG elected to proceed with the review.
- 2.2 At the 28 June 2012 meeting, the Group identified the following six points set out in the feasibility study as being the key elements in achieving positive outcomes from task and finish group work:
- (i) Member leadership and engagement;
 - (ii) A responsive executive;
 - (iii) Genuine non-partisan working;

- (iv) Effective direct officer support and management of the scrutiny process;
 - (v) A supportive senior officer culture; and
 - (vi) A high level of awareness and understanding of scrutiny work¹
- 2.3 The Group suggested that the following were particularly problematic in Barnet:
- A responsive Executive;
 - A supportive officer culture; and
 - High level awareness and understanding of scrutiny work.
- 2.4 At the conclusion of the meeting, the Group agreed the following actions:
- (i) Scrutiny to review previous TFG reports to indentify the role of public input in the forming of recommendations;
 - (ii) Chairmen of previous TFGs to meet with the group at the next meeting;
 - (iii) The Leader of the Council and the Chief Executive to be invited to attend a meeting to discuss whether there was a high level awareness and understanding of scrutiny work;
 - (iv) Review a document which detailed actions taken by the Executive and/or officers in relation to TFG recommendations;
 - (v) A representative from the Scrutiny Office to provide an officer perspective; and
 - (vi) A representative from the Centre for Public Scrutiny to be invited to give their view on delivering effective scrutiny

3. Evidence Sessions

- 3.1 In accordance with established best practice, the TFG undertook a series of evidence gathering sessions with key stakeholders.

Centre for Public Scrutiny

- 3.2 On 16th July 2012, the Group received evidence from the Research and Information Manager at the Centre for Public Scrutiny (CfPS). The CfPS is a charity whose principal focus is on scrutiny, accountability and good governance, both in the public sector and amongst those people and organisations who deliver publicly funded services. CfPS have identified the following as the core principles of good scrutiny:
- Constructive 'critical friend' challenge;
 - Amplifies the voices and concerns of the public;

¹ INLOGOV / IDeA (April 2001) *Principals of Good Scrutiny*

- Led by independent people who take responsibility for their role; and
- Drives improvement in public services

3.3 The following were identified as key constituents to achieving good scrutiny outcomes:

1. Comprehensive scoping and/or feasibility studies prior to undertaking a review are essential pre-requisites;
2. Reviews need to have a clear focus on outcomes;
3. Success is often amorphous (i.e. it can be based upon developing good working relationships with stakeholders, or emerging from the contingencies surrounding particular reviews);
4. Public engagement can be difficult and needs to be given appropriate consideration against the topic under review;
5. Although it may not be necessary for reviews to produce complex financial data regarding their recommendations, there should be at least an element of best value consideration;
6. Scrutiny reviews can potentially provide a platform for in-depth policy review that the Executive does not have the time for;
7. Resourcing Scrutiny –
 - there is a need to prioritise limited resources carefully
 - liaise closely with the Executive
 - have in place clear protocols with the Executive (e.g. recommendations to be either accepted or rejected with an explanation of why)
8. Recommendations and the monitoring of their implementation can be improved by:
 - treating recommendations as performance targets;
 - making sure recommendations are SMART (specific, measurable, achievable, realistic and timely);
 - agree a time for closing down recommendations as having been implemented;
 - link accepted recommendations to performance frameworks for ongoing monitoring, allowing the issue to be re-examined by scrutiny if necessary; and
 - process may be improved by the Chairman of reviews taking a proactive lead in monitoring implementation.
9. Duration – reviews should be tailored to specific circumstances, but based around a general understanding of how long reviews should take. Timing issues need to be addressed at initial scoping and feasibility stage;

10. Creating monitoring groups to track the implementation of recommendations should be approached with caution as historically this has led to working groups continuing indefinitely with little evidence of meaningful outcomes;
11. The best way to manage implementation and pass on knowledge and experience is to bring TFG learning back to the parent committee; and
12. In terms of scrutiny committees, there is a case to be made for individual members developing a knowledge base around particular subject areas. These members can then make positive contributions to reviews on related subject matter.

Task and Finish Group Chairman

- 3.4 The Group also received evidence from Councillor Braun who provided some reflections on her experiences as the Chairman of a recent review into Health and Social Care Integration. She highlighted the importance of:
 1. A sound evidence base;
 2. Benchmarking current performance;
 3. The non-partisan nature of TFGs; and
 4. Timetabling
- 3.5 Cllr Braun informed the Group that the members of the Health and Social Care Integration TFG had acquired detailed specialist knowledge during the review. She questioned how that acquired knowledge could be applied to scrutiny work on an ongoing basis.
- 3.6 Following the evidence session, the Group noted the following key points:
 - topic selection process needs to be clearly defined with amendments made to the current arrangement;
 - all non-executive members should be encouraged to participate;
 - there needs to be a balance between policy development and reviews of existing services while being able to take up matters arising of community importance;
 - there needs to be a clear understanding of the resources available for Scrutiny and how these can be divided between formal committees and TFGs;
 - Scrutiny work needs to be publicised. This should include:
 - Promoting positive outcomes secured from scrutiny work; and
 - Using new media to encourage public participation / identify issues of public concern.

Leader of the Council and Chief Executive

- 3.7 On the 18th July 2012, the Group met with the Leader of the Council and Chief Executive to question how the political and managerial leadership of the authority viewed TFGs.
- 3.8 In outlining the key issues, the Chairman and Group Members outlined the following:
- There was a requirement for greater flexibility in the way the TFGs were organised, especially with regard to appointment arrangements at the Business Management Overview and Scrutiny Committee and the flexibility within the current arrangements to respond to “burning issues.” It was agreed that the appointment process should be reconsidered by Business Management, with alternative options explored.
 - Aside from the operational issues outlined above, there were cultural issues within the organisation that inhibited successful outcomes from some TFG reviews.
 - Where recommendations which had been accepted by Cabinet had not been fully implemented, Cabinet Members and Officers should be presenting alternative options for dealing with the issue highlighted and this information should be presented in the recommendation tracking report to the Business Management Overview and Scrutiny Committee.
- 3.9 Responding to the issues raised by TFG Members, the Leader and Chief Executive outlined the following:
- TFGs should focus outwards towards key issues affecting the Borough and not just focus on internal council issues. Scrutiny had a wide ranging remit and had been missing the opportunity to address issues that affected the services provided by multiple public agencies. Currently, the work of scrutiny was too inwardly focused and improvements needed to be made in work programming arrangements.
 - Topics need to be of interest to the public in order to maintain an interest, regardless of engagement platform (i.e. social media or local newspapers). The work of the Secondary School Places Overview and Scrutiny Panel had provided an example of how scrutiny could respond to a genuine issue of local public concern and facilitate dialogue between the Council and interested parties.
 - As the Health and Social Care Integration TFG had demonstrated, there was a place for Officers to promote the uptake of topics for Member-led reviews. Such an arrangement had enabled there to be

a high-level buy-in for the review which had delivered a positive outcome for the participants and wider authority.

3.10 The Leader of the Council made the following additional points:

- Scrutiny should be engaging with issues that the Council would not otherwise consider in the policy cycle;
- Even when recommendations were not accepted by the Executive, reviews generated debate amongst Council's leadership;
- It was accepted the Cabinet Forward Plan (now superseded by new regulations around advanced notification of executive decisions) was an issue which prevented Scrutiny Members from having an oversight of the Executive's programme of work, thereby limiting their influence; and
- Scrutiny could improve their use of existing sources of intelligence (such as insight and performance data) to pick up on issues.

3.11 The Chief Executive identified the following:

- Scrutiny should focus on (external) cross-cutting issues to attract the interest of the public;
- Members have a democratic mandate and this should encompass other key public sector providers (such as the police and health);
- Flexibility needed to be built into the design to enable Scrutiny to be responsive; under the current structure, there is no elected Member leader for Scrutiny; and
- The budget and Medium Term Financial Strategy set out key decisions to be taken over an administrative year (rather than the Cabinet Forward Plan) and Scrutiny should be using this information to inform their work programme.

4. Recommendation Tracking

4.1 Since May 2009, a total of 16 task and finish groups and scrutiny panels have concluded their work on the following topics. Dates that the review reported their findings to the Council's Cabinet are set out in brackets:-

- Enterprise in the Borough (3rd February 2010)
- School Places Planning (3rd February 2010)
- Advice Provision in the Borough (22nd February 2010)
- Homelessness and Young People (12th April 2010)
- Road Resurfacing (12th April 2010)
- Recycling and Waste Minimisation (6th September 2010)
- Remodelling Older People's Housing with Support (20th October 2010)
- Council's Response to Cold Weather (20th October 2010)
- Housing Allocations Overview and Scrutiny Panel (10th January 2011)
- Domestic Violence (7th March 2011)
- Fostering Recruitment (14th September 2011)
- Secondary School Places Overview and Scrutiny Panel (9th January 2012)
- Health and Social Care Integration (4th April 2012)
- Early Intervention and Prevention Services (Children's Services) (4th April 2012)
- Contract Monitoring and Community Benefit (4th April 2012)
- Carbon Footprint (4th April 2012)

4.2 The Business Management Overview and Scrutiny Committee has within its terms of reference responsibility for coordinating and monitoring the work of scrutiny panels and task and finish groups. To assist the Committee in discharging this responsibility, a Recommendation Tracking report has been reported to the Committee since mid-2010. The information presented provides the Committee with updates received from services on the implementation of recommendations accepted by the Cabinet. Each submission is RAG rated to provide the Committee with an overview of progress made in relation to each recommendation.

4.3 Whilst the information has assisted Members to determine what outcomes there have been from reviews, there are a number of issues that have arisen as a result of the reporting of this information. Firstly,

due to other business on the agenda, there is often an insufficient amount of time for the Committee to consider the information in detail and provide a robust challenge where there has been little or no progress. Secondly, there is no defined end date for the Committee to stop receipt of updates meaning that information is being reported on review which completed their work up to two years ago.

4.4 In order to address these issues, the Group agreed that:

- (i) Following reporting of the 18 month update to the Committee, any recommendations with a 'Green' or 'Completed' RAG rating should no longer be reported;
- (ii) Where recommendations had a 'Red' or 'Amber' rating, these should continue to be reported to the Committee, with the Cabinet Member and/or Lead Officers called to give account to the Committee on why there has been a lack of progress;
- (iii) Recommendations made by Task and Finish Groups and Scrutiny Panels should be drafted in such a way that directorates can include them as service-based performance targets which will form part of the wider corporate performance framework.
- (iv) Recommendation Tracking updates should be sent to Members who participated in the work of the Task and Finish Group as and when they become available, enabling them to make comments, recommendations and representations to Member of the Business Management Overview and Scrutiny Committee if appropriate.

5. Structural and Cultural Issues

Overview

- 5.1 This section will consider the structural and cultural issues which affect overview and scrutiny and, consequently, the conduct and effectiveness of Task and Finish Groups and Overview and Scrutiny Panels.
- 5.2 Executive decision making was imposed on local authorities with the introduction of the Local Government Act 2000. Executive arrangements were intended to mirror the Westminster Cabinet and Select Committee model of decision making, where power is concentrated with ministers with distinct departments or portfolios which are held to account by cross party, independently resourced select committees.
- 5.3 Executive arrangements were introduced in local authorities due to perceived limitations of the committee system form of governance which included: the requirement to hold a large number of meetings for

decisions to be taken; the reinforcement of departmental silos; and a concentration of power in the hands of committee chairman and senior officers. Executive arrangements were perceived to have a number of advantages over the committee system, particularly the speed of decision-making and the creation of clear lines of accountability to individual Executive Members².

- 5.4 Just as local authority Executives were modelled on the Westminster Cabinet, it was intended that local authority scrutiny would operate in a similar way to select committees (where individual committees review the work of individual departments of state). However, when the legislation was enacted, local authority scrutiny was not given some of the powers afforded to select committees, particularly the power to require relevant people to attend. In addition to this, local authority scrutiny lacked the profile of select committees. Consequently, many local authorities struggled to make scrutiny work effectively in the early years.
- 5.5 The Centre for Public Scrutiny has been conducting annual surveys of local authority scrutiny since 2005. The surveys have been used to identify the most and least effective areas of overview and scrutiny work. Members and officers have consistently identified policy development, policy review and health scrutiny as the most effective aspects of scrutiny work, with pre-decision scrutiny and finance scrutiny being the least effective areas³. This suggests that short in-depth reviews and post-implementation policy analysis are the most effective elements of local authority scrutiny work.

Structural

- 5.6 Executive arrangements mean that most local authority decisions are taken by the Executive (or Cabinet) which has a maximum of 10 Members. As a consequence, there are a significant number of elected Members who are no longer directly involved in decision-making (except for quasi-judicial functions such as planning and licensing).
- 5.7 Organisational structures tend to align senior officers to Executive portfolios. As such, local authorities are structured to deliver the policy agenda of the Executive. The extent to which there is a political and corporate commitment to overview and scrutiny has a direct impact on the effectiveness of the function.
- 5.8 Overview and scrutiny is intended to enable non-Executive councillors to keep in touch with and influence the policy process. However, without a sufficiently forward look at the policy agenda and a political/corporate commitment to involve scrutiny at an early stage in

² Scrutiny: Theory and Practice in Local Governance, Coulson, 2010

³ CfPS Annual Surveys 2005 – 2011

the policy cycle, making a positive contribution to the policy agenda is problematic.

- 5.9 In theory, overview and scrutiny was intended to provide a non-partisan space for policy debate. Given the political nature of local authorities, this was perhaps an unrealistic expectation. In reality, local authorities have struggled to remove the politics from scrutiny. Effective scrutiny of politically contentious issues has been problematic.
- 5.10 The executive decision making structure has, therefore, given rise to a number of issues:
- Executive Members being unwilling (due to political considerations) or unable (due to timing issues) to share policy proposals with scrutiny until a late stage in the process. As a consequence, scrutiny Members are often frustrated due to a lack of awareness, a lack of involvement and inability to influence key decisions affecting the borough.
 - Scrutiny committees have become the space for political discourse which is contrary to the intended non-partisan nature of these bodies.
 - The focus of organisational resources on delivering the policy agenda of the Executive.

Cultural

- 5.11 Barnet, like many other authorities, has struggled to make scrutiny effective on a consistent basis. Whilst there are some examples of positive scrutiny work, the following issues have impacted on the focus and effectiveness of scrutiny across committees and working groups:

Call-in – when executive arrangements were introduced, call-in provisions were intended to be used in exceptional circumstances and as a matter of last resort⁴. In many local authorities, call-ins are used in exceptional circumstances and only where there are perceived to be serious concerns relating to an Executive decision. Since the implementation of the 2000 Act, there has been an overreliance in Barnet on the call-in mechanism as a way of holding the Executive to account. Call-ins have been used as the default mechanism for opposition Members to hold the Executive to account, evidenced in the fact that between 2002/02 and 2008/09, the number of call-ins per year has ranged between 40 and 71, compared with a national average of between 2 and 3. Between 2009/10 and 2011/12, there was a reduction in the number of call-ins (ranging between 11 and 24), primarily due to the introduction of more robust criteria for call-in decisions and the development of more systematic pre-decision scrutiny arrangements. Notwithstanding this, Barnet still has a significantly higher number of call-ins than many other boroughs.

⁴ Centre for Public Scrutiny, Research Report No. 1, Call-in Procedure

Call-ins, when used appropriately, should result in Executive Members giving serious consideration to the concerns raised by scrutiny and, in some circumstances, result in decisions being amended.

Structures – committee and working group structures have been through a number of iterations since the introduction of Executive arrangements. Barnet currently has a flat committee structure (with four full committees and no sub-committees) which means that work programme coordination is difficult. Multiple committees frequently request items that fall within the remit of other committees – without an elected Member lead for scrutiny, coordinating work programmes can be problematic. Additionally, the number of committee meetings means that limited officer support resources are being utilised to support committee rather than task and finish group / scrutiny panel work resulting in delays to these groups concluding their reviews.

Resourcing – Barnet has a dedicated scrutiny support team comprising three FTE. This is approximately in line with the average for London boroughs. However, budget reductions implemented in 2011 saw a significant reduction in the number of committee support staff. As a consequence, Scrutiny Officers are required to support the work of the council's decision-making bodies more generally, resulting in a reduced focus on scrutiny work. As there has been a focus on committees and other governance meetings, task and finish group and scrutiny panel work has lower priority, impacting on the timeliness and impact of reviews.

Member Commitment and Engagement – task and finish groups and scrutiny panels are reliant on non-Executive Members being available and committed to review work. Reviews often require Members to attend additional meetings in already congested schedules which include work, personal, committee meeting and other municipal commitments. Officers frequently encounter problems when trying to schedule task and finish groups and scrutiny panels. In addition to scheduling issues, there has been an unwillingness from Members of all parties to involve themselves in task and finish group and scrutiny panel work – often the same Members are participating in review work. Ideally, appointments to scrutiny working groups would be on the basis of the skills and experience that non-Executive Members could bring to a review topic. In practice, the political groups have struggled to find Members who are willing to participate in reviews which places a disproportionate burden on a small number of Members.

Topic Selection – identifying pertinent issues for scrutiny reviews has been an issue. On occasion, the Business Management Overview and Scrutiny Committee have not given full consideration to the relative merits of each review topic proposed. As a result, some reviews have been completed which have failed to add value – their findings are consequently not taken seriously by the Executive. This has been mitigated to a limited extent by the introduction of feasibility studies to

allow Members to make an informed decision about the relative merits of a review.

Outcomes – non-Executive Members have commented that once reviews had been completed, they were not aware of any outcomes that had been achieved. To address this, the Scrutiny Office introduced a mechanism to track the implementation of recommendations made by task and finish groups and scrutiny panels. These are reported at regular intervals to the Business Management Overview and Scrutiny Committee until the recommendations are fully implemented. Whilst this mechanism has enabled outcomes from reviews to be monitored, there have been instances where recommendations have not been fully implemented due to a number of factors. In these instances, there has been a lack of challenge from the task and finish groups / scrutiny panels participants and Business Management Overview and Scrutiny Committee regarding the lack of progress. Notwithstanding this, the tracking mechanism has placed an increased emphasis on Cabinet Members and services to deliver on recommendations made by non-Executive Members.

Conclusions

- 6.1 In considering the effectiveness of Task and Finish Group reviews, Members highlighted a number of issues that needed to be addressed to improve the process and, ultimately, outcomes. Members agreed that some of the reviews that had progressed were considering issues that were either not specific enough or not timely. It was noted that this could be mitigated by ensuring that elected Members and/or members of the public provided as much information as possible when proposing reviews so that comprehensive initial research could be undertaken for translation into a feasibility study. Elected Members could then make an informed decision about the relative merits of each review and prioritise reviews which could have the most impact.
- 6.2 The Group highlighted that frequently the same small group of Members participated in reviews. It was accepted that the political groups needed to do more to encourage all non-Executive Members to participate in reviews and, wherever possible, ensure that skills of Members were utilised in reviews. Issues with scheduling and finalising reports also had an adverse effect on the timeliness and impact of reviews.
- 6.3 Members accepted that reviews had been too internally focused and not expedited quickly enough in many circumstances. The Group agreed with the comments of the Leader and Chief Executive that scrutiny should be addressing issues of public concern which crossed public agencies.

Meeting **Review of Effectiveness of Task and Finish Groups**

Date

Subject **Review of Effectiveness of Task and Finish Groups – Feasibility Study**

Report of Scrutiny Office

Summary This report outlines the findings of a feasibility assessment of the proposal to conduct a review of the effectiveness of overview and scrutiny task and finish groups

Officer Contributors Andrew Charlwood, Overview and Scrutiny Manager

1. RECOMMENDATION

- 1.1 That Members consider the findings of the feasibility assessment and, based on the information contained therein, decide whether to proceed with a review of the effectiveness of task and finish groups.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Annual Council, 19 May 2009, Agenda Item 13.2.1, Report of the Special (Constitution Review) Committee, Overview and Scrutiny: New Arrangements
- 2.2 Policy & Performance Overview & Scrutiny Committee, 2 June 2010, Agenda Item 7 (Overview & Scrutiny Appointments)
- 2.3 Business Management Overview & Scrutiny Committee, 8 March 2012, Agenda Item 10 (Any Other Items the Chairman Decides are Urgent) – the Committee outlined proposed review topics
- 2.4 Business Management Overview & Scrutiny Committee, 18 April 2012, Agenda Item 14 (Task and Finish Group Appointments)

3. INTRODUCTION & OVERVIEW

- 3.1 At the Business Management Overview and Scrutiny Committee meeting of the 18 April 2012 Members considered topics for the basis of future Task and Finish Group reviews. Included within the topics proposed for consideration was a review of the effectiveness of overview and scrutiny task and finish groups. In line with the protocols agreed with Members and following the best practice guidelines for good scrutiny, the Scrutiny Office have undertaken an initial feasibility study to assess whether review of the effectiveness of overview and scrutiny task and finish groups is an appropriate topic to take forward as TFG.
- 3.2 Following consideration of the information contained within this assessment, Members are requested to determine whether to proceed with a review or not.

4. KEY PRINCIPALS AND ASSESSMENT CRITERIA

- 4.1 In January 2012, the Council received support from the Centre for Public Scrutiny (CfPS) to develop a framework for scrutinising issues relating to the Ageing Well Programme. The Scrutiny Office has adapted this framework to be more generic for application with all overview and scrutiny topics, including task and finish group reviews. The framework identifies the following key considerations:
 1. Exceptionality;
 2. Clearly defined objective;
 3. A TFG as the most appropriate means of investigating the issue; and
 4. Appropriate levels of resources being available to ensure an effective review of the issue

- 4.2 Informing the Scrutiny Framework is the Scrutiny Best Practice Guidance provided by the CfPS which advises that Scrutiny should:
1. Provide a “critical friend” challenge to decision-makers as well as external authorities and agencies;
 2. Reflect the voice and concerns of the public and its communities;
 3. Take the lead and own the scrutiny process on behalf of the public; and
 4. Make an impact on the delivery of public services.

- 4.3 They go on to suggest that effective Scrutiny should engage the public as active citizens and secure the effective promotion of community well-being at the local level. A joint report from INLOGOV and the IDeA in April 2001 set out the following requirements for effective scrutiny:

Member leadership and engagement;

A responsive executive;

Genuine non-partisan working;

Effective direct officer support and management of the scrutiny process;

A supportive senior officer culture; and

A high level of awareness and understanding of scrutiny work

5. Overview and Scrutiny Working Groups

- 5.1 Overview and scrutiny working groups (or task and finish groups) ordinarily comprise of a small group of between three and five of non-Executive Members which look at a particular issue in detail over a prescribed period of time. Currently, the suggested timeframe for a review is three months. However, in practice reviews often take longer due to a number of factors which include: officer support; Member availability; the complexity of the issue under consideration; scope creep; the report drafting process; and timescales for reporting to Business Management OSC and Cabinet.

- 5.2 The purpose of the groups can be twofold:

- (i) to investigate an issue of concern to elected Members or members of the public which does not form part of the council’s policy agenda (policy development); or
- (ii) to review council policy (in development or during implementation) and make recommendations for improvements (policy review).

- 5.3 Overview and scrutiny working groups have been established in Barnet in a variety of formats since the introduction of executive arrangements. This feasibility study will focus on scrutiny reviews conducted over the last six years (2006 to 2012).

5.4 Between 2006 and 2009, overview and scrutiny committees commissioned working groups to consider issues in detail. Findings were initially reported to the parent committee for review / approval and then to the Cabinet. Reviews considered during this period are as follows:

- Section 106 Review (Cabinet, 24 July 2006)
- CPZ Reviews – Consultation Process (Cabinet, 8 May 2007) (majority and minority reports)
- Waste Management Review (Cabinet, 26 July 2007)
- Effects of Domestic Violence on Children and Families in Barnet (Cabinet, 29 October 2007)
- Hate Crime Review (Cabinet, 21 February 2008)
- Review of Local Strategic Partnership (Cabinet, 6 October 2008)
- Children’s Centres and Extended Services (Cabinet, 3 December 2008)
- Young Carers in Barnet (Cabinet, 20 January 2009)
- Protection of Trees in the Borough (Cabinet, 22 April 2009)
- Anti-Social Behaviour (Cabinet, 22 April 2009)
- Parks in Barnet (Cabinet, 22 April 2009)
- Review of Signature Street Cleaning (Cabinet, 8 June 2009)
- Open Spaces in Barnet (Cabinet, 8 June 2009)

5.5 In late 2008, a Member Working Group was convened to consider overview and scrutiny arrangements. Committee structures were reformed and an emphasis was placed on the task and finish group work as this was recognised to be good practice nationally. In May 2009, the Council implemented the new overview and scrutiny arrangements.

5.6 Working arrangements for task and finish groups are not overly prescriptive. The Council’s Constitution contains the following:

“Task and Finish Groups, Project Groups, Research

Much of the work of Task and Finish Groups will be carried out informally both in gathering information and interviewing relevant personnel. Those sessions will not be expected to be held in public nor will they be subject to the Access to Information Rules.

However, where it is appropriate for more formal meetings to be held in public, the presumption is that they will be. The findings and recommendations of Task and Finish Groups will be presented for consideration by the appropriate Overview & Scrutiny body, operating under the Access to Information Rules.

HOWEVER, when these Groups are conducting their research there will be a general expectation that:

- (i) Members in carrying out these activities will, as appropriate, visit and meet with local communities, meet with the Council’s partners and others as necessary.
- (ii) Members will look at a variety of methods for inviting comments and views and publicising their work.
- (iii) Meetings and other activities may, on occasions, take place at locations away from the Town Hall or other Council offices. The Democratic Services Manager will make the necessary arrangements in consultation with the relevant Chairman and Members.”

- 5.7 Task and groups have the ability to determine their own terms of reference and working arrangements. They can draw evidence from a wide range of sources including elected members, interest groups, academics, service users, residents, officers and any other interested / relevant parties. In addition, detailed research can also be undertaken to inform evidence-based recommendations.
- 5.8 In 2010, the Scrutiny Office introduced a mechanism for tracking the implementation of recommendations made by task and finish groups which had been accepted by Cabinet. In monitoring recommendation, the initial response of Cabinet is captured (i.e. accept or reject, plus any commentary). Each recommendation is assigned a responsible officer who is contacted at six-monthly intervals to provide updates. Updates are reported regularly to the Business Management Overview and Scrutiny Committee. Copies of the tracking document will be made available at the first meeting.
- 5.9 If is Group elect to proceed to review, the following key lines of enquiry could be considered:
- (i) Actions to capture the progress made in implementing recommendations made by scrutiny working groups conducted between 2006 and 2009;
 - (ii) Review of recommendations by task and finish groups / scrutiny panels between 2009 and 2012;
 - (iii) Topic selection; and
 - (iv) Review of working arrangements including: officer support; evidence received (verbal and written); quality of reports; political considerations; measuring outcomes; and public engagement.