

# **London Borough of Barnet**

## Sustainable Design and Construction SPD

### Consultation Report

October 2016

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## Summary of Consultation Activity

Consultation on the draft Sustainable Design and Construction SPD took place over a period of 6 weeks extending from 14th July until 25th August 2016. Consultation involved letters that were e-mailed to stakeholders on the Local Plan consultation database. A Public Notice was published in the Barnet Press to publicise the consultation and the draft SPD was published on the Council's website.

There were 8 responses received during the consultation. They were received from a mix of statutory stakeholders including the Historic England, Natural England, Mill Hill Neighbourhood Forum, developers, local residents and the Woodland Trust,.

Below is a summary of the issues raised, with a full set of comments, alongside the Council's response to each, and what action was taken to amend the draft Sustainable Design and Construction SPD to address the issue raised contained in appendix A.

## **Main issues raised**

### **Biodiversity**

- Add reference to and strengthen policy approach on ancient woodland and veteran trees
- Add updated references to guidance for trees in a hard landscape
- Consider making provision for Green Infrastructure
- Consider providing more detailed guidance on biodiversity measures, for example, levels of bat roost or bird box

### **Flood Risk**

- Bounds Green Brook is not identified as a main river
- Benefit trees can have in reducing surface water run-off and flood risk

### **Air quality**

- Should have maximum levels for air quality where sensitive uses may not be developed
- Add references to trees ability reduce air pollution

### **Space Standards**

- The amount of 'dirty storage' per dwelling unit should be greater
- Introduce policy to restrict development of one bedroom units only in exceptional circumstances
- Make amendments to text on space standards regarding ceiling heights going beyond national standards

### **Energy standards in new buildings**

- Concern over clarity of application of lean energy guidance

- Strengthen references to trees ability to mitigate urban heat island effect

### **Noise**

- Introduction of noise standards for outdoor amenity space does not clearly reflect British Standard
- Protecting existing noise creating business from impact of new development in particular cultural venues not considered

### **Other issues**

- Add cross reference on planning obligations and open space deficiency
- Introduce article 4 direction to remove permitted development right to convert office space to residential, and note ability to apply noise consideration
- Introduce further policy on basements
- Add references to updated Historic England guidance
- Add references to importance of landscape
- Consider application of Strategic Environmental Assessment

## Appendix A: Full list of Representations and Council Response

### Biodiversity

Respondent	Response	Council Reply	Action
Woodland Trust	<p>The Trust supports Barnet’s commitment to the protection of biodiversity, woodland, trees and Green Infrastructure, as indicated in Section 2.16 - Biodiversity and Habitat Quality.</p> <p>However, there isn’t an explicit reference to retaining the existing extent of woodland (especially ancient woodland), or veteran/ancient trees, or enhancing tree canopy cover, in the borough.</p> <p><b>I would therefore request that this section has an additional paragraph to reflect the wording of NPPF para 118 as updated by the Communities and Local Government Select Committee’s recommendations<sup>1</sup>, specifically for ancient woodland and veteran trees: ‘The Council will not permit any development proposal which would result in the loss or deterioration of irreplaceable habitat such as ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefit of, the development in that location is wholly exceptional’.</b></p> <p>Old individual trees are an important part of Barnet’s cultural and landscape heritage: ancient, veteran and notable trees resonate with the history of the landscape and form markers in the lives of individual people and communities. Ancient trees also have a special conservation value, supporting many species of epiphytes, invertebrates and fungi, whilst also providing a habitat for other animals including owls, woodpeckers, other hole nesting birds and bats. In addition, trees make a significant contribution to the urban environment both in visual terms and in helping to abate air pollution and create oxygen.</p> <p>It is important that there is no further avoidable loss of ancient trees through development pressure, mismanagement or poor practice. The Woodland Trust would like to see all such trees recognised as historical, cultural and wildlife monuments scheduled under TPOs and</p>	<p>LB Barnet has seven ancient woods identified on Defra mapping website. All seven sites are protected as Sites of Importance for Nature Conservation. Some of these nature conservation sites also have group TPO applied to them.</p> <p>Reference to veteran trees and individual trees would be better set out in the Local Plan Development Management Policies which is due for review. Also note that further detail on biodiversity and habitat quality will be set out in the Green Infrastructure SPD.</p>	<p>Add cross reference to link to NPPF ancient woodland in section 2.16.</p>

	<p>highlighted in plans so they are properly valued in planning decision-making. There is also a need for policies ensuring good management of ancient trees, the development of a succession of future ancient trees through new street tree planting and new wood pasture creation, and to raise awareness and understanding of the value and importance of ancient trees.</p> <p><b>Therefore please include the above points in Section 2.16, and Paragraph 14.6 should include reference to London Plan Policy 7.21 <i>Trees and woodlands</i>.</b></p>		
Woodland Trust	<p><b>Practical guidance and potential SPD</b></p> <p>The Woodland Trust is a member of the <b>Trees and Design Action Group</b> (TDAG), and I note you have referenced <i>Trees in the Townscape</i> (TDAG, June 2012). TDAG have also recently published a practical guide for the retention and planting of trees in urban situations, including new development - <i>Trees in the Hard Landscape</i> (TDAG, September 2014). (<a href="http://www.tdag.org.uk/trees-in-hard-landscapes.html">http://www.tdag.org.uk/trees-in-hard-landscapes.html</a> )</p> <p>Therefore, <b>I recommend that Barnet Council references <i>Trees in the Hard Landscape</i>, and the Woodland Trust's <i>Residential Development and Trees</i> report in the SPD.</b></p>	Noted	Add reference
Natural England	<p>Green Infrastructure</p> <p>This SPD could consider making provision for Green Infrastructure (GI) within development. This should be in line with any GI strategy covering your area.</p> <p>The National Planning Policy Framework states that local planning authorities should plan '<i>positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure</i>'. The Planning Practice Guidance on Green Infrastructure provides more detail on this.</p> <p>Urban green space provides multi-functional benefits. It contributes to</p>	<p>Further detail on biodiversity and habitat quality will be set out in the Green Infrastructure SPD.</p> <p>Section 2.16 includes reference to Green roofs, trees and green façades and rainwater gardens with aim to maintain and improve biodiversity and harness the benefits of healthy local habitats.</p>	No change

	<p>coherent and resilient ecological networks, allowing species to move around within, and between, towns and the countryside with even small patches of habitat benefitting movement. Urban GI is also recognised as one of the most effective tools available to us in managing environmental risks such as flooding and heat waves. Greener neighbourhoods and improved access to nature can also improve public health and quality of life and reduce environmental inequalities.</p> <p>There may be significant opportunities to retrofit green infrastructure in urban environments. These can be realised through:</p> <ul style="list-style-type: none"> <li>☒ green roof systems and roof gardens;</li> <li>☒ green walls to provide insulation or shading and cooling;</li> <li>☒ new tree planting or altering the management of land (e.g. management of verges to enhance biodiversity).</li> </ul> <p>You could also consider issues relating to the protection of natural resources, including air quality, ground and surface water and soils within urban design plans.</p> <p>Further information on GI is include within The Town and Country Planning Association’s "Design Guide for Sustainable Communities" and their more recent "Good Practice Guidance for Green Infrastructure and Biodiversity".</p>		
Natural England	<p>This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraph 118 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit.</p>	<p>Generally level of such provision would respond to a particular site specific situation where for example there was development impact on biodiversity which was judged to require some mitigation ie through bat or bird boxes.</p>	No change

## Flood Risk

Respondent	Response	Council Reply	Action
Chris Faulkner	<p>You will note that your policy ignores the Bounds Green Brook, which is a main river, and it's catchment. It is also included in Barnet's SWMP as a Critical Drainage Area. The identified flood risk area includes the A406 for which you have maintenance responsibilities and any development in the Barnet section of the Bounds Green Brook Catchment will impact on Enfield and further downstream in the River Lea catchment.</p> <p>I would refer you to Sections 100, 101 &amp; 102 of the NPPF</p>	<p>The Strategic Flood Risk Assessment 2008 identifies the Dollis Brook and Silk Stream as the two dominant watercourses within the borough, draining the majority of Barnet towards the south where the River Brent begins at their confluence. Mutton Brook, Deans Brook and Folly Brook are significant tributaries to these watercourses. East Barnet is drained by the Victoria Watercourse, Bounds Green Brook and to a lesser extent the Monkenmead Brook, all of which are tributaries of the Pymmes Brook which is part of the River Lee catchment. The SPD references the dominant watercourses for simplicity. The Bounds Green Brook is a main river.</p>	<p>Add reference to tributaries in section 2.15</p>
Chris Faulkner	<p>The quoted SFRA was out of date 5 years ago and is not consistent with the NPPF.</p> <p>If you have prepared your SA, DMP's and SPD's based on NLWP SFRA then they are unsound and you have not prepared them in accordance with Sec 33A "Duty to Cooperate" requirements. All plans are required to be "Updated" to be consistent with NPPF Para 157</p>	<p>The Local Plan was prepared and considered sound by a Planning Inspector in 2012. The Inspector was also satisfied that the Local Plan was in line with the NPPF. As part of this process the Environment Agency were consulted who had no objection to use of the NLWP SFRA.</p> <p>The Local Plan review which is due to commence shortly will consider updating the evidence including the Strategic Flood Risk Assessment.</p>	<p>No change</p>
Woodland Trust	<p><b>Flood risk</b> Trees can reduce the likelihood of surface water flooding in urban situations, when rain water overwhelms the local drainage system, by regulating the rate at which rainfall reaches the ground and</p>	<p>Guidance already recognises the benefit that retaining biodiversity can have in reducing surface water run-off although does not reference trees.</p>	<p>Add reference to particular</p>

	<p>contributes to run off. There is a positive role here for the use of trees with SUDS initiatives. Slowing the flow increases the possibility of infiltration and the ability of engineered drains to take away any excess water. This is particularly the case with large crowned trees. Research by the University of Manchester has shown that increasing tree cover in urban areas by 10 % reduces surface water run-off by almost 6%. (<i>Using green infrastructure to alleviate flood risk, Sustainable Cities - www.sustainablecities.org.uk/water/surface-water/using-gi/</i>). The Woodland Trust has also produced a policy paper illustrating the benefits of trees for urban flooding – <i>Trees in Our Towns – the role of trees and woods in managing urban water quality and quantity</i> (<a href="https://www.woodlandtrust.org.uk/mediafile/100083915/Trees-in-our-towns.pdf">https://www.woodlandtrust.org.uk/mediafile/100083915/Trees-in-our-towns.pdf</a>).</p> <p>The Woodland Trust believes that trees and woodlands can also deliver a major contribution to resolving a range of water management issues, particularly those resulting from climate change like flooding and the water quality implications caused by extreme weather events. They offer opportunities to make positive water use change whilst also contributing to other objectives, such as biodiversity, timber &amp; green infrastructure - see the Woodland Trust publications <i>Stemming the flow – the role of trees and woods in flood protection</i> - <a href="https://www.woodlandtrust.org.uk/publications/2014/05/stemming-the-flow/">https://www.woodlandtrust.org.uk/publications/2014/05/stemming-the-flow/</a> and <i>Woodland actions for biodiversity and their role in water management</i> - <a href="https://www.woodlandtrust.org.uk/mediafile/100263208/rr-wt-71014-woodland-actions-for-biodiversity-and-their-role-in-water-management.pdf?cb=001108c3a78944299140a996b2cd7ee8">https://www.woodlandtrust.org.uk/mediafile/100263208/rr-wt-71014-woodland-actions-for-biodiversity-and-their-role-in-water-management.pdf?cb=001108c3a78944299140a996b2cd7ee8</a>.</p> <p>In addition, a joint Environment Agency/Forestry Commission publication <i>Woodland for Water: Woodland measures for meeting Water Framework objectives</i> states clearly that: ‘<i>There is strong evidence to support woodland creation in appropriate locations to achieve water management and water quality objectives</i>’ (Environment Agency, July 2011-<a href="http://www.forestry.gov.uk/fr/woodlandforwater">http://www.forestry.gov.uk/fr/woodlandforwater</a>).</p>	<p>Barnet was one of two winners of the Street Tree 2008-2015 Award for planting work along the A5 Edgware Road. The award scheme is run by the Mayor of London the award is given for tree planting projects between 2008 and 2015 that improve the street scene and are valued by local residents and businesses. The project provides evidence of the difficulties in planting in the urban environment with Barnet CAT scanning both sides of the road for 6.5km each way from West Hendon Broadway to Brockley Hill and identified only 120 potential planting pits (voids without cables or pipes) out of a potential 13,000.</p> <p><a href="http://www.forestry.gov.uk/pdf/Awards_2015-case_study-Edware_Road_LB_Barnet.pdf/\$FILE/Awards_2015-case_study-Edware_Road_LB_Barnet.pdf">http://www.forestry.gov.uk/pdf/Awards_2015-case_study-Edware_Road_LB_Barnet.pdf</a></p>	<p>benefit of trees in reducing run-off in section 2.15 and 2.16.</p>
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	<p>Therefore, the Woodland Trust would like to see trees and woodland, which have been proven to have a significant effect on flood amelioration, more explicitly acknowledged (along with the references above) in Section 2.15 – Flood Risk, Sustainable Urban Drainage Systems and Water Quality.</p>		
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## Air quality

Respondent	Response	Council Reply	Action
<p>Mill Hill Neighbourhood Forum</p>	<p><b>Air quality</b> (section 2.13) There are no pollution standards shown in a quantified form. It would be good to see something more definite about maximums beyond which homes, schools etc would not be built. A chart similar to the one provided at 2.14.1 for Noise Quality as “Stage 1 Initial Site Risk Assessment” could be provided for Air Quality measurement.</p>	<p>The whole borough is considered an Air Quality Management Area with continuous monitoring taking place at sites around the borough. The variable nature of air pollution due principally weather factors means there needs to be long term measurement or accurate future predictions to assess the impact of development on air quality. Air quality is considered where sensitive receptors eg housing may be exposed to more serious air pollution through air quality assessment and appropriate design solutions to mitigate any air quality impacts, alongside measures to encourage sustainable transport.</p> <p>With older vehicles leaving the vehicle fleet and being replaced by newer less polluting vehicles and initiatives like the GLA Low Emission Zones, this will mean that air quality will gradually improve which is evidenced by the monitoring trends since measurements began in Barnet in the early 1990’s and the invention of catalytic converters to reduce exhaust emissions.</p> <p>Air quality neutral assessments are designed to compare the current air quality levels with the</p>	<p>No change</p>

		<p>predicted future air quality levels with the National Air quality Objectives and if there are predicted future exceedances above National Objectives and the future local levels are higher than the current levels then if no acceptable mitigation is provided this may lead to potential refusal of development on air quality grounds. Emission benchmarks for Buildings and Transport are also set out in appendix 5 and appendix 6 of the Mayor of London's Sustainable Design and Construction SPG and referenced in the Barnet Sustainable Design and Construction SPD.</p>	
Woodland Trust	<p><b>Air quality, urban heat islands, climate change and health</b>  Trees and woodland improve air quality by adsorbing pollutants such as sulphur dioxide and ozone, intercepting harmful particulates from vehicle emission, smoke, pollen and dust and of course release oxygen through photosynthesis. This helps to reduce the occurrence of the problems caused by chronic respiratory disease. The British Lung Foundation suggests that one in every five people in the UK is affected by lung disease, more than 12 million people.  Research on the impact of installing a kerbside line of young birch trees demonstrated more than 50% reductions in measured Particulate Matter (PM) levels inside those houses screened by the temporary tree line. Electron microscopy analyses showed that leaf-captured PM is concentrated in agglomerations around leaf hairs and within the leaf microtopography. Furthermore, iron-rich, ultrafine, spherical particles, probably combustion-derived, were abundant on the leaf, noted these as a particular hazard to health. The researchers concluded that “the efficacy of roadside trees for mitigation of PM health hazard might be seriously underestimated in some current atmospheric models.”  This underlines that trees will have a proportionately</p>	<p>Agreed. The Council has had some success in reducing air pollution at a local school with boundary planting to form a hedge.</p>	<p>Add reference</p>

	<p>greater effect in urban areas, where they are close to sources of pollution and nearer to people who might be affected. The Woodland Trust has published a report on the importance of trees in urban green space in improving air quality, and considers species choice for new planting – see <i>Urban Air Quality</i></p> <p><a href="https://www.woodlandtrust.org.uk/mediafile/100083924/Urban-air-quality-report-v4-single-pages.pdf">https://www.woodlandtrust.org.uk/mediafile/100083924/Urban-air-quality-report-v4-single-pages.pdf</a></p> <p><b>Therefore I suggest additional comment is made in Section 2.13 Air Quality to the benefits of trees and woodland in improving air quality, and <i>Urban Air Quality</i> added as a reference</b></p>		
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## Space standards

Respondent	Response	Council Reply	Action
Mill Hill Neighbourhood Forum	<p>At 2.2.4 "In addition to internal storage there should be space for 'dirty' storage space for items such as bicycles and buggies."</p> <p>We consider the recommended space to be too low. For example a "flat (could be 1, 2, 3 bedrooms with 6 people living therein) without a garden should have 1sq metre". A single bicycle could be stored vertically within 1 Sq Metre but not if a buggy also needed to be stored by the occupants of the property.</p> <p>As currently drafted this guidance would be open to too much interpretation or ignored as impractical to achieve.</p>	<p>The intention is that this provision is made communally, with storage floorspace combined for a block of flats. The GLA standards for cycle parking are cross referenced which are 1 space for a studio/1 bedroom flat and 2 spaces for all units above this. In combination with the Barnet standards for dirty storage it is considered that the Mayor standards are sufficient.</p>	No change
Robert Newton	<p>Section 2 – Sustainable design and construction requirements and guidance. Add a new sub heading and paragraph before 2.1 to read: <b>"Ensuring a variety of sizes of new homes to meet housing need.</b></p> <p>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:</p> <p>a) Developments that include one person units except in exceptional circumstances, and</p> <p>b) Developments that provide second and third bedrooms with a floor area that is only marginally below the Table 2.1 standard for double/twin bedrooms but do not otherwise meet the London Plan Residential Space Standards for units with double/twin bedrooms."</p>	<p>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).</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>	No change
Robert Newton	<p>Table 2.1 Add a new sentence to line 5 of Note 3 to read:</p>	<p>The space standards have been amended to align with the Technical housing standards –</p>	No change

	However, in the London Borough of Barnet it is a requirement applicable to habitable floorspace in order to continue the enhanced standard appropriate to its outer London suburban character.	nationally described space standard therefore it is not possible to make amendments.	
Robert Newton	Paragraph 2.1.3 Amend the first six lines to read:  The Mayor regards the relative size of all new homes in London to be a key element of housing quality. Applicants will be expected to demonstrate how these standards are to be met by showing on the drawings accompanying a planning application, the size of each dwelling, the number of persons to be accommodated and the habitable floor space of individual rooms. Where a development proposal includes accommodation in the roof space, appropriate section drawings are required. 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.	Agreed	The text has been amended
Robert Newton	Paragraph 2.2.2 Add a new sentence to line 7 to read: However, in the London Borough of Barnet it is a requirement applicable to habitable floorspace in order to continue the enhanced standard appropriate to its outer London suburban character.	The space standards have been amended to align with the Technical housing standards – nationally described space standard therefore it is not possible to make amendments.	No change
Robert Newton	Table 2.2 Amend last section to read: Development proposals should avoid single aspect dwellings and in particular those that are north facing or exposed to noise exposure categories C & D or contain three or more bedrooms	The existing text is considered appropriate.	No change

## Energy Use in New Buildings

Respondent	Response	Council Reply	Action
Nick	2.8.2 (1) – the omission of the words “and	The design of the building envelope can have the	Remove word technically.

Cockburn	commercially feasible” is an unwelcome alteration. The draft document wording would suggest that developers are responsible for ensuring that proposed buildings were as energy efficient as “technically possible”. Depending on the attitude of individual planning officers, this may set the bar unattainably high and result in a commercially unviable scheme.	greatest influence on the energy demands of a building. Designing carbon dioxide saving measures into a development from the start is the most cost effective way to ensure developers can minimise these emissions. Responding to the Mayors Energy hierarchy is fundamental to reducing emissions and achieving maximum emission reductions from being lean is of utmost importance therefore achieving the highest reduction possible from lean measures is important, although it is acknowledged that there maybe instances where technically achievable gains may not be commercially achievable for certain specific schemes.	
Woodland Trust	Furthermore increasing tree cover in urban areas can help mitigate the ‘urban heat island effect’. This occurs in towns and cities as the buildings, concrete and other hard surfaces such as roads act as giant storage heaters, absorbing heat during the day and releasing it at night. The resultant effects can be dramatic; on some days there is a difference of as much as 10°C between London and its surrounding areas. Projections for our changing climate suggest this problem will get markedly worse. The problem is exacerbated by a lack of green space. Natural green space, and trees in particular, provide both direct cooling from shade (protection from radiant heat and UV radiation) and reduce the ambient temperature through the cooling effect of evaporation and transpiration from the soil and	Reference to trees already set out in section 8 under para 2.8.3, in line with London plan.	Reference added to trees in section 2.16

	<p>plant leaves.</p> <p>The impact on health of urban heat islands is two-fold; firstly higher temperatures increase ground level ozone production exacerbating the symptoms of chronic respiratory conditions. Secondly prolonged high temperature can precipitate cardiovascular or respiratory failure or dehydration, particularly amongst the elderly, very young or chronically ill. In the 2003 summer heat wave more than 2,000 people died in Britain alone and more than 35,000 died across Europe.</p> <p>Research at the University of Manchester using computer modelling has shown how increasing urban green space can mitigate urban heat island effect. Without any increase in green space, by 2050 the temperature in Manchester is projected to rise by 3°C. However if the amount of green space increases by just 10% then the temperature rise in the city could potentially eliminate the effects of climate change on increasing surface temperatures. However, reducing tree cover by the same percentage could lead to an increase of 8.2°C under some scenarios.</p> <p>Trees can therefore play an important role in urban climate change strategies, so:</p> <p><b>Trees and canopy cover should be explicitly acknowledged with Paragraph B of the Design Principles in Section 2.16 of the SPD as being able to help combat the urban heat island effect.</b></p>		
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## Noise

Respondent	Response	Council Reply	Action
Nick Cockburn	<p>2.3.2 – refers to outdoor amenity space requiring a “good acoustic environment”: see 2.14.6 F (below)</p> <p>2.14.6 F – The implication that outdoor amenity space (including communal) should comply with a maximum limit of 55dBA is both unwelcome and unduly inflexible in the manner in which it has been drafted, and does not reflect the guidance of BS8233:2014 which states: <i>For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development <u>should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.</u></i></p>	<p>The intention of introducing guidance on noise levels in external amenity areas is to ensure that use of outdoor amenity space is not significantly affected by noise, impacting residents quality of life. Providing outdoor amenity space through balconies facing a noisy main road for instance, may satisfy a policy requirement but may not provide high quality outdoor amenity space. In this instance developers should be challenged to consider alternatives. Existing guidance in both Residential Design SPD and Planning Obligations provides flexibility in design terms through references to creative design and off-site contributions. It is acknowledged that BS8233:2014 recognises the values are not achievable in all circumstances and the text will be amended to reflect this.</p>	<p>Amend text and add cross reference to Residential Design SPD and Planning Obligations SPD.</p>
Theatres Trust	<p><i>Regarding Section 2.14 – Noise</i></p>	<p>The issue is partly addressed in section 2.14 although more explicit reference to NPPF is</p>	<p>Make amendment</p>

	<p>A residential use in close proximity to a theatre or cultural facility inevitably creates issues for both the venue and the new residents. These types of venues are in regular operation at all hours of the day and are a source of potential noise and vibration from amplification, the loading and uploading of production equipment, special effects, and noise associated with audiences and attendees. They are also sensitive to outside noise sources. In order to safeguard your cultural venues, development proposals adjoining a cultural facility must be designed in a way to ensure that any new residents will not be disturbed to the extent that Council would be required to take action, e.g. issue a noise abatement order. Given the age and construction of many older cultural buildings, it is difficult to install noise mitigation measures to deal with these issues.</p> <p>A Planning Inspectorate decision of 26 March 2013 (Reference APP/ X5990/A/12). The Inspector - J.M. Trask - refused consent for conversion of offices to residential adjacent to the London Palladium (also in the City of Westminster) after reviewing specialist acoustic evidence from appellants and third parties on behalf of the owners of the London Palladium. The Inspector concluded (at paragraph 15) that ‘...the proposal would not provide satisfactory living conditions...and would have an adverse effect on the operation of the adjacent theatre’. At the hearing,</p>	<p>necessary.</p>	
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	<p>and in written evidence, a number of examples were cited where theatres have had to close, restrict their operation, or incur very substantial expenditure to overcome the problems of having residential development nearby. These included the Cambridge Theatre, the Theatre Royal Drury Lane, the Shaftesbury Theatre and the Lyric Theatre (all in London). The Inspector attached weight to evidence in relation to these theatres in the appeal decision referred to above. More recently, Planning Inspector S Glover (Reference APP/K5600/A/14/2222551, 15 October 2014) dismissed an appeal for the creation three residential units on the upper levels of the building containing the Finborough Theatre, London (Royal Borough of Kensington and Chelsea). The Inspector concluded (at paragraph 21) that ‘there would be harm to future residents living conditions in respect of ... disturbance from theatre activities’ and that ‘the long term operation of the theatre would not be safeguarded’.</p> <p>The importance of protecting cultural facilities is stressed in the National Planning Policy Framework (NPPF) as one of the Core Planning Principles (para.17) and is further addressed in para. 70, which states that in ‘promoting healthy communities’, planning decisions should ‘plan positively for cultural buildings’ and ‘guard against the loss of cultural facilities and services’.</p>		
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	<p>Further, Para 123 also refers to noise and states 'existing business should not have unreasonable restrictions placed on them because of changes in nearby land uses since they were established'</p> <p>Recommendation – We welcome the amendments to the noise section in this SPD, but recommend the guidance is strengthened to better reflect para. 123 of the NPPF and that the SPD should not just apply to noise sensitive uses, but also when development is proposed next to a noise sensitive use (eg cultural facilities such as theatres).</p> <p>The Trust also recommends Council consider an Article 4 Direction to remove permitted development rights for the conversion of offices to residential use in locations near your cultural facilities.</p>		
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### Other Issues

Respondent	Response	Council Reply	Action
Robert Newton	<p>Paragraph 2.3.3 At the end of Line 5 add:</p> <p>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.</p>	<p>The intention of policy regarding open space deficiency is to ensure that sites which are in areas of open space deficiency and are of sufficient scale or on an appropriate site should provide new public open space on site. The suggested sentence implies that schemes which cannot make an on-site contribution in areas of open space deficiency should make a contribution of some form which is not the intention and would not meet the tests for</p>	No change

		Planning Obligations set out in the NPPF para 204 - in particular it would not be fairly and reasonably related in scale and kind to the development.	
Peter Pickering	<p>We understand, of course, that the recent increase in 'permitted development' laid down by the Government makes it hard for local planning authorities (including Barnet) to follow their own guidance. In particular it is not clear how residential standards can be enforced when offices are turned into residential as 'permitted development'. The only way, as we see it, is through Article 4 directions; we exhort the Council to prepare and consult on such directions with all possible speed.</p> <p>It is, however, now possible for local planning authorities to take account of noise when requiring prior approval for conversions from offices to residential (to avoid commercial and entertainment establishments being closed down by protestors living in converted offices); something about this should be included in the sections on noise (e.g. perhaps in 2.14.6)</p>	Further evidence is required to support an Article 4 Direction in order to remove permitted development rights.	No change
Peter Pickering	The Council has missed the opportunity to promulgate a policy on basements, as a number of London councils have done or are in the process of doing. Although hitherto basements and the problems their construction brings have been much more a feature of inner than of suburban London there are signs that they are spreading, and it would be wise of Barnet to consult on and adopt a policy in advance rather than having to react to events.	Minor amendments have been introduced in the draft Sustainable Design and Construction SPD on basements with regards geology, flood risk and land instability. Any further policy would have to be taken through the Local Plan review process with an appropriate evidence base.	No change
Peter Pickering	In 2.17.1 'English Heritage' should be replaced by 'Historic England'.	Noted	Make amendment

Historic England	<p>Section 2.6 - Accessible and Adaptable Dwellings - Historic England has published advice relevant to this topic entitled 'Easy Access to Historic Buildings', which is available at: <a href="https://historicengland.org.uk/images-books/publications/easy-access-to-historic-buildings/">https://historicengland.org.uk/images-books/publications/easy-access-to-historic-buildings/</a></p> <p>A reference could be included at the end of this section.</p>	Noted	Add reference
Historic England	<p>Section 2.10 - Retrofitting of Existing Buildings - We welcome the inclusion to English Heritage's Guidance on energy conservation in the references section. Please note that this has now been superseded by our publication '<i>Energy Efficiency in Historic Buildings</i>' which provides technical advice on how to avoid conflicts between energy efficiency requirements in Part L of the Building Regulations and the conservation of historic and traditionally constructed buildings. This is available on Historic England's website, together with other related advice on this topic, at : <a href="https://historicengland.org.uk/advice/technical-advice/energy-efficiency-and-historic-buildings/">https://historicengland.org.uk/advice/technical-advice/energy-efficiency-and-historic-buildings/</a></p>	Noted	Add reference
Natural England	<p><b>Landscape enhancement</b></p> <p>The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might make a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts.</p> <p>For example, it may be appropriate to seek that, where</p>	Further detail on landscape, biodiversity and habitat quality will be set out in the Green Infrastructure SPD. This will build on work undertaken by the Mayor and the All London Green Grid SPG.	No change

	viable, trees should be of a species capable of growth to exceed building height and managed so to do, and where mature trees are retained on site, provision is made for succession planting so that new trees will be well established by the time mature trees die.		
Natural England	Other design considerations The NPPF includes a number of design principles which could be considered, including the impacts of lighting on landscape and biodiversity (para 125).	Reference to impact of artificial lighting on biodiversity is relevant.	Add reference
Natural England	<b>Strategic Environmental Assessment/Habitats Regulations Assessment</b> A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.	In this instance the changes made are considered not to be significant as to warrant screening for Strategic Environmental Assessment.	No change