

London Borough of Barnet

Residential Design Guidance SPD Consultation Report

October 2016

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Summary of Consultation Activity

Consultation on the draft Residential Design Guidance 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

Housing Design Issues

- Strengthen the policy on conversion of garages to residential accommodation
- More flexibility for extensions to provide more personal space for working at home
- Strengthen policy protection for single family houses
- Strengthen policy and guidance on basements

Back Gardens

- Text is not clear

Parking

- Flexibility for meeting parking standards for conversions and support for extending CPZ to enable more 'car free' development
- Permitted development right for hardstandings on front gardens not made clear

Trees

- Support for inclusion of more detail on benefits of trees

Open space / outdoor amenity space deficiency

- Barnet standards should be brought in line with Mayors Housing SPG standards
- Development should not be required to meet existing open space deficiency

Other issues

- Include references to Historic England guidance on archaeology

Appendix A: Full list of Representations and Council Response

Back Gardens

Respondent	Response	Council Reply	Action
Mill Hill Neighbourhood Forum	<p>“8.3 LP Policy 3.5 supports a presumption against garden development where this can be locally justified. This is in recognition of the wider roles gardens play in London”</p> <p>Referring to the above text, we are unsure of the true meaning. It would be clearer if the words “where this can be locally justified” were removed.</p>	The text quoted is contained in the London Plan and cannot be amended.	No change

Parking

Respondent	Response	Council Reply	Action
Nick Cockburn	<p>15.6 – the provision of policy DM17 compliant off-street parking in instances where an existing building is being converted to provide additional residential units is, in practice, unlikely to be possible in the majority of cases. Some innate flexibility should be considered in the application of this policy. This developer would welcome the introduction of additional and widespread controlled parking zones within the borough to allow the Council more flexibility in regulating on-street parking through S106 obligations requiring “car-free” development, which ultimately produce more environmentally sustainable development, subject to application of such a policy in areas with a ‘good’ PTAL rating.</p>	<p>Parking is key planning consideration and the approach in the Local Plan Development Management policies to parking provision accepts the need for restraint, but intends to apply it with sensitivity to local circumstances. The parking standards are clearly set in policy DM17 and the supporting text makes clear that some developments may have difficulty meeting parking requirements, particularly in town centres. In these situations the council will show flexibility in the assessment of parking requirements where evidence can show on-street capacity is available either within or outside a CPZ. In these situations the development may be acceptable with limited or no parking.</p> <p>Regarding CPZ, the Councils Parking Policy including for CPZ is set out online. https://www.barnet.gov.uk/citizen-home/parking-roads-and-pavements/Parking.html</p> <p>Controlled Parking Zones are set up to ensure suitable parking</p>	No change

		<p>is available to local residents at restricted periods as well as ease congestion by deterring inconsiderate and inappropriate parking while dissuading commuting motorists from driving into these areas.</p> <p>CPZs have typically been introduced in residential areas around shopping centres and major transport hubs such as underground stations where commuter parking has developed. The timing of CPZs varies, often limited to an hour a day around transport hubs, but operating for most of the working day close to shopping areas although all-day (24 hours) controlled parking zones can be considered if appropriate.</p> <p>To ensure that parking controls continue to reflect current priorities, it is proposed that each CPZ is reviewed every four years as part of a rolling programme. In addition we will ensure that residents can park near their homes by monitoring the demand within a CPZ against the capacity for each CPZ.</p> <p>Regarding new CPZ the parking policy states that “given that areas surrounding the majority of town centres and transport hubs are already controlled, the Council has become more reactive than proactive in seeking to introduce CPZs, extend CPZs or remove CPZs from roads to address particular parking demand issues, and will in the main act, subject to there being available funding, if there is a significant indication from an area (e.g. through letters received, or via submission of petitions) that investigations into CPZ/CPZ extensions/CPZ removals are requested and supported by the local community.... Moving forward, it is considered that the methodology of establishing the requirement of CPZs/CPZ extensions or otherwise be regularised in order to ensure clarity and transparency for the Council and the public alike.” It</p>	
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Mill Hill Neighbourhood Forum	It is unclear in the guidance as to whether planning permission is required for new “hard standings” in front gardens. In view of the “ <i>identified severe impact of off-street car parking and consequent loss of front gardens on the dominating street typologies</i> ” perhaps planning permission should always be required to ensure conformance with guidelines.	Regarding crossovers the SPD provides further detail on when permitted development rights will apply and when planning permission will be required.	Add further detail on permitted development rights for hard standings and front gardens.
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Trees

Respondent	Response	Council Reply	Action
Woodland Trust	I suggest a new paragraph should be added before paragraph 17.22: “There is now a wealth of evidence on the many benefits of accessible woodland and high canopy cover, including improving: physical and mental health; air quality; water quality; water management (reducing flooding); shading; cooling through evapotranspiration; as well as the more obvious benefit of improving biodiversity. Guidance on the retention and planting of trees in new development can be found in the report <i>Residential Development and Trees</i> published by the Woodland Trust” Paragraph 17.22 itself needs to be much stronger in retaining existing trees. Reference should be made to BS 5837: 2012 <i>Trees in relation to design, demolition and construction</i> . http://shop.bsigroup.com/ProductDetail/?pid=000000000030213642 Furthermore, for the planting of new trees you should reference BS 8545:2014 <i>Trees: from nursery to independence in the landscape</i> http://shop.bsigroup.com/ProductDetail/?pid=000000000030219672	The benefits of trees can be added. Further detail on biodiversity and habitat quality including detail on trees will be set out in the Green Infrastructure SPD.	Add ref to benefit of trees

Open space deficiency and outdoor amenity space

Respondent	Response	Council Reply	Action
Hill	Paragraph 8.10 of the Residential Design SPD recognises that rigid application of standards can restrict creative design. The	The Mayors standards set out in Standard 26 of the Housing SPG 2016 are set out as minimum standards. The Outdoor Amenity Space standards for Barnet have not been amended in	No change

	<p>SPD then goes on to apply such standards, as set out in Table 1.2. Those Outdoor Amenity Space requirements for flats are considerably more onerous than those set out by the Mayor of London. The Mayor’s housing guide, Standard 26, requires 5 sq.m. for 1-2 person dwellings and an extra 1 sq.m. for each additional occupant. Both SPDs should be amended to accord with the minimum standards set out in the Mayor’s Housing SPG, March 2016.</p>	<p>this revision to the SPD. Revision to them will be considered further as part of the Local Plan Review.</p> <p>One of the key qualities of Barnet’s suburban character is its significant amount of garden space. This justifies Barnet’s more generous standard. In town centres and for some higher density schemes including tall buildings it may not be feasible for development to provide individual private garden space. In these instances the development should make a financial contribution to the nearest appropriate green space to compensate for the lack of private garden space.</p>	
Hill	<p>The Residential Design SPD introduces a new paragraph 8.4. This paragraph suggest that there are circumstances in which the Council will seek development sites to address existing deficiencies in open space. Whilst we accept that developments should mitigate their impact by either providing new open space on site or by making contributions under CIL or S106 towards off-site provision, we do not consider it appropriate for a development to be expected to address existing deficiencies. We consider it inappropriate for Council’s to seek measures to address deficiency in open space in an area as that that does not relate directly to the impact of development. The sentence should be amended by deleting all of the text after “open space strategies”.</p>	<p>The detail on open space provision is clearly set out in the Local Plan, both Core Strategy and Development Management Policies and supported by guidance in Planning Obligations SPD. The policy is supported by an evidence base. The additional text in paragraph 8.4 introduces text from the Mayors Housing SPG which supports the Councils approach.</p> <p>Development Management Policy DM15: Green Belt and Open Spaces states that “where the development site is appropriate or the opportunity arises the Council will expect on site provision...” The standards set out are supported by the evidence contained in the Barnet ‘Open Space, Sport and Recreational Facilities Needs Assessment’. It is clearly referenced that only development of a sufficient scale or on an appropriate site may be able to provide new open space. It is also recognised that where a proposal addresses public open space deficiency then the value of the land transferred will be offset against the CIL contribution required.</p>	

Housing design issues

Respondent	Response	Council Reply	Action
Mill Hill Neighbourhood Forum	<p>Section 14 & 16. We are surprised that the Guidance does not make more comment about the problems that result from the conversion of Garages into Habitable Spaces. As such this action probably pushes a vehicle (or more In the case of two-three car garages) out onto a private driveway or worse still onto the public highway, increasing the dominance of cars in the residential area. While many garages are not used for cars today they are used for vital “dirty” storage, or refuse storage. If made into habitable rooms cycles, and bins etc are then typically left in front gardens impacting the street-scene adversely.</p> <p>We would like to see you strengthen the guidance, to ensure that the action of converting garages to habitable rooms always requires planning permission and that due consideration must be given to the impact on parking on the public highway, the resulting dominance of cars on driveways, and that proper separate provision is made within the application for adequate bin/cycle storage. A “Crossover” has presumably been provided for access to the existing garage, but this might not be appropriately placed following the conversion and any new provision should be part of the planning application. This new “Crossover” may impact on-street parking adversely.</p>	<p>To remove permitted developments rights requires an evidence base which would have to justify the harm being caused to the proper planning of an area. In terms of garage conversion, anything that will require external works will generally require planning whilst internal works only will not.</p>	No change
Celia Campbell	<p>Re. planning permission for extensions to flats, or an extra garden building. Please consider the extension needs of flat-dwellers for whom their property is a live-work space, e.g. work at home supports a profession carried out away from home. Lack of space/rooms in the existing flat can lead to one room having a triple function: living room, office at home with files and office storage, and spare room for guest. So, please be lenient in allowing extension requests as such a situation described can adversely affect quality of life and work-life balance.</p>	<p>Extensions to houses are subject to temporary increases to the size limits for single-storey rear extensions that must be completed by 30 May 2019. These have been introduced by the Government to stimulate the economy and provide flexibility for homeowners. Proposals for an extension are subject to a prior notification scheme which notifies neighbours of a proposal.</p>	No change

Robert Newton	Section 3 – Barnet’s residential character Paragraph 3.6, in the second sentence on the second line of the paragraph 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.	No change
Robert Newton	Section 4 – Principles of good design. Before Paragraph 4.1, add a new introductory paragraph to read: 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) Paragraph 64).	Agreed	Add below para 4.1
Robert Newton	Section 5 – Housing density and building form. Replace existing Paragraph 5.1 with: Barnet’s Local Plan Policy CS3 after describing the areas of “focus of growth” states: Our strategic approach on further development opportunity sites will be set within the context of the density matrix in the London Plan. We will seek to optimise rather than simply maximise housing density to reflect local context, public transport accessibility and provision of social infrastructure.	Text amplifies strategic approach set out in CS3, cross reference has been added to this paragraph.	Add link to policy CS3
Robert Newton	Section 6 – Enhancing local character. Paragraph 6.1 In the first line of the first sentence of paragraph 6.1 insert the words characterisation by the type of housing (e.g. single family houses), between the words “including” and “built form”.	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.	
Robert Newton	<p>Section 8 – Balconies and roof gardens. At the end of paragraph 8.17 insert a new sentence to read:</p> <p>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.</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 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.</p>	No change
Robert Newton	<p>Section 12 and Section 14 (Paragraphs 14.42 to 14.45) – Basements</p> <p>These sections on basements should be reviewed and expanded so as to provide more detailed policy and practical guidance. Basement development has presented serious challenges, especially in Inner and Central London, and the Council should now be pro-actively preparing for more basement planning applications in the Borough. In particular, policy development by the Royal Borough of Kensington and Chelsea and Westminster City Council may be of assistance.</p>	<p>Noted. 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.</p>	No change
Robert Newton	<p>Section 15 – Conversions. Paragraph 15.2 Replace the first sentence of paragraph 15.2 with the following sentence:</p>	<p>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</p>	

	<p>The residential suburbs of Barnet are characterized by houses in single family occupation and also have strong architectural character and streetscapes.</p>	<p>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.</p>	
Robert Newton	<p>Section 15 – Conversions. Paragraph 15.3</p> <p>In the second line of the first sentence of paragraph 15.3, between the words “the local environment” and the word “and” insert the words and areas characterised by single family houses.</p>	<p>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.</p>	
Robert Newton	<p>Section 15 – Conversions. Paragraph 15.4</p> <p>Replace the third sentence of paragraph 15.4 with:</p> <p>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.</p>	<p>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</p>	

		Development Management Policies.	
Robert Newton	<p>Section 15 – Conversions. Paragraph 15.6. Add new bullet points to Paragraph 15.6 that read:</p> <p>Proposals to convert houses with less than five habitable rooms or with a Gross Internal Floor Area of less than 120 sq. Metres will be resisted.</p> <p>Family sized flats of two bedrooms or more should be located on the ground floor and first floors of a property.</p> <p>Drawings accompanying a planning application for conversion should show the size of each dwelling, the number of persons to be accommodated and the habitable floor space of individual rooms.</p> <p>Where a conversion includes accommodation in the roof space, appropriate section drawings are required.</p>	Our approach to conversions is clearly set out at Policy DM01 (h). Changes to policy of this nature should be appropriately evidenced as part of the Local Plan review process.	
Robert Newton	<p>Section 15 – Conversions. Paragraph 15.7</p> <p>In the first sentence of Paragraph 15.7, delete the words “aim to”.</p> <p>After the last sentence, add a new sentence to read:</p> <p>Conversions will normally only be acceptable in properties that have useable rear gardens of more than 50 sq.metres.</p>	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.	
Robert Newton	Section 15 – Principles of Good Design Paragraph 15.13	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>After the end of the second paragraph headed “Minimum size of units” insert a new paragraph to read:</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 Appendix 2 (Table 1.3) standard for double/twin bedrooms but do not otherwise meet Residential Space Standards for units with double/twin bedrooms.</p>		
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Other Issues

Respondent	Response	Council Reply	Action
Nick Cockburn	8.9 c – the requirements of this element are unclear and therefore might result in uncertainty	Please see relevant response to Sustainable Design and Construction SPD	No change
Historic England	Section 12 - Design of basements – It would be appropriate in this section to refer to the need to seek advice regarding any archaeological interest that may be affected by the excavation of basements. The Greater London Archaeological Advisory Service (GLAAS) can provide information and should be consulted on this matter, particularly within Archaeological Priority Areas. Details of the service offered by GLAAS are available at: https://historicengland.org.uk/services-skills/our-planning-services/greater-london-	Noted. Reference to be added to Sustainable Design and Construction SPD	Make change

	archaeology-advisory-service/		
Historic England	Section 17 – Planning permission and other issues – The advice relating to conservation areas could be usefully linked to the Council’s Conservation Area Appraisals so that more specific information relating to significance and sensitivity is readily accessible. It would also be useful to make a link to the Council’s Characterisation study as a further source of information.	Agreed	Make change
Mill Hill Neighbourhood Forum	2.3 We believe you refer to the London Plan as updated in March 2016 not 2015 Again at Section 5 the year should be 2016	Noted	Update references throughout